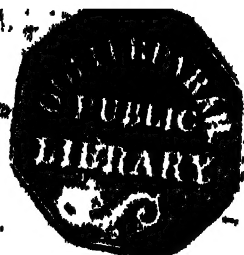
INDIA GAZ.
OCT TO DEC
1884





The Gazette of India.

PUBLISHED BY AUTHORITY.

No 40.] SIMLA, SATURDAY, OCTOBER 4, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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Supplement, No. 40.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 2nd October, 1884.

No 17.—The following Statute is published for general information:—

47 & 48 Vict., Chapter 38.

An Act to provide for the regulation of Her Majesty's Indian Marine Service. [28th July, 1884.]

Whereas a marine establishment, called Her Majesty's Indian Marine Service, is employed under the direction of the Governor General of India in Council for the transport of troops, the guarding of convict settlements, the suppression of piracy, the survey of coasts and harbours, the visiting of lighthouses, the relief of distressed or wrecked vessels, and other local objects, and is maintained out of the revenues of India:

And whereas the members of Her Majesty's Indian Marine Service are not subject either to the Naval Discipline Act, 1866, or to the Merchant Shipping Act, 1854, and Acts amending it, or to any corresponding law made, enacted, or in force under the authority of the Government of India, and it is expedient that the Governor General of India in Council should have power to make laws for the purpose of maintaining discipline in that service:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Indian Marine Service Act, 1884.

Power for Governor General in Council to make laws for Indian Marine Service.

2. The Governor General of India in Council shall have power, subject to the provisions contained in the Indian Councils Act, 1861, as amended by subsequent Acts, at meetings for the purpose of making laws and regulations, to make laws for all persons employed or serving in or belonging to Her Majesty's Indian Marine Service: Provided as follows,

(*a*) a law made under this section shall not apply to any offence, unless the vessel to which the offender belongs is at the time of the commission of the offence within the limits of Indian waters as defined by this Act:

(*b*) the punishments imposed by any such law for offences shall be similar in character to, and shall not be in excess of the punishments which may at the time of making

the law be imposed for similar offences under the Acts relating to Her Majesty's Navy, except that in the case of persons other than Europeans or Americans imprisonment for any term not exceeding fourteen years, or transportation for life or any less term, may be substituted for penal servitude.

Definition of Indian waters.

3. For the purposes of this Act the expression "Indian waters" includes the high seas between the Cape of Good Hope on the west and the Straits of Magellan on the east, and all territorial waters between those limits.

Effect and judicial notice of laws made under Act.

4. A law made under this Act shall, until the Governor General makes known that he has received a notification of the disallowance thereof by Her Majesty, or until the repeal thereof, be, subject to the provisions of this Act, of the same force and effect as an Act of Parliament, and shall be taken notice of by all courts of justice in the same manner as if it were a Public Act of Parliament.

Restriction on or power to make law imposing sentence of death.

5. Nothing in this Act shall authorise the Governor General in Council, without the previous approval of the Secretary of State for India in Council, to make any law whereby power is given to any court other than the High Courts established under the Act of the session held in the twenty-fourth and twenty-fifth years of Her Majesty, chapter one hundred and four, "for establishing High Courts of Judicature in India," to sentence to the punishment of death any of Her Majesty's natural-born subjects born in Europe, or any child of any such subject.

Placing of vessels, officers, and men of Indian Marine Service under Naval Discipline Acts in time of war.

6. In case a state of war exists between Her Majesty and any foreign power, it shall be lawful for Her Majesty by Proclamation or Order in Council to direct that any vessel belonging to Her Majesty's Indian Marine Service and the men and officers from time to time serving thereon shall be under the command of the senior naval officer of the station where for the time being such ship may be. And while any such vessel is under such command such vessel shall be deemed to all intents a vessel of war of the Royal Navy, and the men and officers from time to time serving in such vessel shall be under such Naval Discipline Act or Acts as may be in force for the time being and subject to such regulations as may be issued by the Lords Commissioners of the Admiralty, with the concurrence of the Secretary of State for India in Council.

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.—MEDICAL.

Simla, the 30th September 1884.

No. 415.—Brigade Surgeon J. H. Loch, M.D., who was appointed in Home Department Notification No. 424, dated the 27th November 1883, to officiate as Deputy Surgeon-General, Central Provinces, is confirmed in that appointment, with effect from the 1st January 1884.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—SURVEYS.

Simla, the 2nd October 1884.

No. 573—52-11S.—Lieutenant S. G. Burrard, R.E., is appointed an Assistant Superintendent of the 2nd Grade, Survey of India Department, with effect from the forenoon of the 2nd September 1884.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 2nd October, 1884.

No. 1878 G.—Major D. Adamson, Squadron Commander, 4th Bengal Cavalry, officiated as Assistant Cantonment Magistrate, Morar, in addition to his own duties, during the absence on privilege leave of Colonel M. M. Procter, from the 17th July to the 26th August, 1884, inclusive.

INTERNAL.

The 30th September, 1884.

No. 3858 I.—His Excellency the Viceroy and Governor-General is pleased to confer upon Datla Tirapati Raz, Deputy Tahsildar and Sub-Magistrate of the Gunupur Taluk in the Vizagapatam District, the title of "Rai Bahadur," as a personal distinction.

EXTERNAL.

No. 2704 E.—Mr. J. R. FitzGerald, Political Agent of the 3rd Class and First Assistant to the Governor-General's Agent in Biluchistan, is appointed to hold charge of the current duties of the Office of the Agent to the Governor-General in Biluchistan, in addition to his own duties, with effect from the date of assuming charge, during the absence of Lieutenant-Colonel Sir R. G. Sandeman, K.C.S.I., with the Zhob Expeditionary Force, or until further orders.

The 2nd October, 1884.

No. 2715 E.—Rai Bahadur Hittu Ram, C.I.E., Native Assistant to the Governor-General's Agent in Biluchistan at Sibi, has been placed on special duty in connection with the Afghan Boundary Commission, with effect from the 25th August, 1884.

Diwan Ganpat Rai, Native Assistant to the Governor-General's Agent at Quetta, is appointed Native Assistant to the Governor-General's Agent at Sibi, sub. *pro tem.*, from 25th August, 1884, during the absence on special duty of Rai Bahadur Hittu Ram, or until further orders.

C. GRANT,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Simla, the 3rd October, 1884.

APPOINTMENTS.

No. 527.—The following appointment is added to the list published in G. G. O. No. 432 of 1884, class III, after "Assistant Secretary to the Government of India in the Military Department":—

Military Secretary to the Resident at Hyderabad.

No. 528.—MEDICAL DEPARTMENT—

Deputy Surgeon-General W. H. Corbett, M.D., Army Medical Department, is brought on the Administrative Medical Staff of the Army, *vice* Deputy Surgeon-General H. B. Hassard, C.B., transferred to the Home Establishment. Dated 7th September, 1884.

No. 529.—The following extract paragraphs 1 and 2 of a letter from the Secretary of State for India are published for general information:—

Military, INDIA OFFICE;
No. 227. *London, 4th September, 1884.*

To His Excellency The Most Honourable The Governor General of India in Council.

MY LORD MARQUIS,—

Para. 1. The undermentioned probationers for the Indian Medical Service, having completed a course of instruction at the Army Medical School, and being reported qualified, have been appointed Surgeons on the Bengal Establishment, their commissions as such bearing date the 1st April, 1884, the day of their joining at the Army Medical School:—

John Henry Tull Walsh.
Harold Hendley.

2. They will be permitted to count as service for full pay pension the period of their residence at the Army Medical School from the 1st April, 1884, to the 4th August, 1884, inclusive.

* * * * * *

I have, &c.,
(Sd.) KIMBERLEY.

No. 530.—COMMISSARIAT DEPARTMENT—

Lieutenant H. James, Sub-Assistant Commissary General, 2nd class, on probation, is confirmed in his appointment, with effect from the 4th September, 1883.

No. 531.—VOLUNTEER CORPS—

Calcutta Volunteer Rifle Corps.

Color-Sergeant William Young O'Sullivan to be Lieutenant, *vice* Lieutenant McCrea, resigned.

FURLOUGH AND LEAVE.

No. 532.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel and Brevet Colonel A. FitzHugh, C.B., Bengal S. C., Commandant, 5th Goorkha Regiment, (p. a.) for 330 days, under rule IX of the regulations of 1868, embarking on or after the 25th October, 1884.

No. 533.—Brigade-Surgeon R. Rouse is granted furlough in and out of India (p. a.) for two years, under rule IX of the regulations of 1868.

LONDON GAZETTE.

No. 534.—The following extracts are published for general information:—

"London Gazette," dated the 2nd September, 1884, pages 3957 and 3958.

WAR OFFICE;
Pall Mall, 2nd September, 1884.

MEMORANDA.

The undermentioned Deputy Commissaries and Honorary Captains of the Bengal Establishment to have the honorary rank of Major:—

James Brown. Dated 20th May, 1884.
Richard Monks. Dated 12th June, 1884.

The honorary rank of Lieutenant conferred on Deputy Assistant Commissary P. J. Ryan is dated 10th January, 1883, and not 11th January, 1883, as stated in the Gazette of 13th July, 1883.

INDIA OFFICE;
2nd September, 1884.

The Queen has approved of the following Admissions to the Staff Corps made by the Governments in India:—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Edward Frederick Henry McSwiney, from the South Lancashire Regiment. Dated 6th July, 1882, but to rank from the 4th October, 1879.

Lieutenant Lestock Hamilton Reid, from the Manchester Regiment. Dated 28th February, 1883, but to rank from 4th December, 1879.

Lieutenant Thomas Hugh Smith, from the North Lancashire Regiment. Dated 22nd August, 1882, but to rank from 2nd February, 1881.

Lieutenant James Andrew Brown, from the Seaforth Highlanders. Dated 21st February, 1883, but to rank from 1st July, 1881.

Lieutenant Arthur Robertson Browning, from the Worcestershire Regiment. Dated 16th February, 1883, but to rank from 1st July, 1881.

Lieutenant Edward William Codrington, from the Manchester Regiment. Dated 23rd November, 1882, but to rank from 1st July, 1881.

Lieutenant Donatus James Thomond O'Brien, from the Manchester Regiment. Dated 20th November, 1882, but to rank from 1st July, 1881.

Lieutenant Percy Eglinton Dun, from the South Lancashire Regiment. Dated 26th March, 1882, but to rank from the 1st July, 1881.

Lieutenant James Outram Spens Fayrer, from the Suffolk Regiment. Dated 2nd August, 1882, but to rank from 1st July, 1881.

Lieutenant Francis Outram Anderson, from the Cheshire Regiment. Dated 8th September, 1882, but to rank from 1st July, 1881.

PROMOTIONS.

No. 535.—The names of the following officers of the Indian Staff Corps are moved up on the Indian Gradation List, under the provisions of the Royal Warrant of the 10th November, 1881:—

Placed on the list of Lieutenant-Generals.

Major-General T. Wright, C.B., Bengal;

Placed on the list of Major-Generals.

Colonel W. C. Parr, Bombay;

Placed on the list of Lieutenant-Colonels.

Major F. L. Haleman, Madras,—

in consequence of the transfer to the unemployed supernumerary list of the undermentioned officers on the 10th June, 1884:—

Lieutenant-General Sir J Forbes, K.C.B., Bombay Cavalry.

Major-General H. A. Browne, Bengal Infantry.

No. 536.—NATIVE ARMY—

9th Native Infantry.

Jemadar Byragee Singh to be Subadar;

Havildar Moteeram Jat to be Jemadar,—

with effect from 13th August, 1884, *vice* Subadar Gopal Pandey, deceased.

No. 537.—PUNJAB FRONTIER FORCE—

No. 2 Mountain Battery.

Jemadar Kishen Singh to be Subadar;

Havildar Kutb Din to be Jemadar,—

with effect from 25th June, 1884, *vice* Subadar Sheikh Himmutt, invalided.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 46.—The following sub. *pro tem.* promotions are made in the Marine Survey of India, with effect from the 10th July, 1884:—

Lieutenant E. C. H. Helby, R.N., Assistant Surveyor, 2nd class, to be Assistant Surveyor, 1st class.

First grade officer W. H. W. Searle, I.M., Assistant Surveyor, 3rd class, to be Assistant Surveyor, 2nd class.

First grade officer E. J. Beaumont, I.M., Assistant Surveyor, 4th class, to be Assistant Surveyor, 3rd class.

RESIGNATIONS.

No. 47.—Mr. Clement Fuller, Assistant Engineer, Indian Marine, is permitted to resign the service from the 31st October, 1884.

G. CHESNEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 29th September 1884.

No. 233.—Captain W. W. B. Whiteford, R.E., Executive Engineer, 3rd Grade, is appointed to act as Deputy Consulting Engineer for Railways, Bombay, from 15th September 1884, during the absence, on special leave, of Captain H. O. Selby, R.E., or until further orders.

The 30th September 1884.

No. 234.—Mr. M. P. Coode, Executive Engineer, 4th Grade, *temporary rank*, Hyderabad, reverted to his substantive rank of Assistant Engineer, 1st Grade, from the 16th August 1884.

The 2nd October 1884.

No. 236.—Mr. R. A. English, Officiating Examiner, Public Works Accounts, Central India, is, on the return of Mr. Hutchinson from privilege leave, transferred to the Office of the Auditor, Oudh and Rohilkund Railway.

The 3rd October 1884.

No. 237.—Mr. M. R. Lackersteen, Executive Engineer, 3rd Grade, British Burma, is transferred temporarily to Madras for employment on Railway extension surveys.

No. 238.—Mr. F. D. Fowler, Assistant Engineer, 1st Grade, sub. *pro tem.*, State Railways, is transferred from the establishment under the Agent to the Governor General for Central India to that under the Director General of Railways.

TELEGRAPH.

The 30th September 1884.

No. 235.—The Right Hon'ble the Secretary of State for India has been pleased to appoint the undermentioned passed students of the Royal Indian Engineering College to the Telegraph Department in India as Assistant Superintendents, 4th Grade:—

Mr. Oldbury Burne.

Mr. Frank Mercer.

W. S. TREVOR, *Colonel, R.E.,*

Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 4, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th September, 1884, and is hereby promulgated for general information :—

ACT No. XV OF 1884.

An Act for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864.

WHEREAS by section 4 of Act XXV of 1864 (*to provide further for the solemnization of Marriages in India of persons professing the Christian Religion*) it was enacted that, from and after the first day of July, 1864, certain Governments therein named should have authority to grant licenses to ministers of religion to solemnize marriages within the territories subject to such Governments respectively;

And whereas, in exercise of the authority so conferred, the Governments therein named granted licenses to certain ministers of religion to solemnize marriages;

And whereas Act XXV of 1864 was repealed by Act V of 1865 (*to provide for the solemnization of Marriages in India of persons professing the Christian Religion*);

And whereas by section 9 of the latter Act it was enacted that, from and after the commencement of that Act, all marriages which should be solemnized in India otherwise than in accordance with the provisions of the fifth and sixth sections of that Act should be null and void;

And whereas by section 6 of the same Act it was enacted that marriages might be solemnized in India by (among other persons) any minister of religion who, under the provisions of that Act, had obtained a license to solemnize marriages;

And whereas Act V of 1865 was repealed by the Indian Christian Marriage Act, 1872; [XV of 1872.]

And whereas by section 4 of the latter Act it is enacted that every marriage between persons, one or both of whom is a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and that any such marriage solemnized otherwise than in accordance with such provisions shall be null and void;

And whereas by the next following section of the same Act it is enacted that marriages may be solemnized in India by (among other persons) any minister of religion licensed under the same Act to solemnize marriages;

And whereas neither in Act V of 1865 nor in the Indian Christian Marriage Act, 1872, was there or is there any provision either saving licenses granted under Act XXV of 1864 or permitting a marriage to be solemnized by a minister of religion who had obtained a license to solemnize marriages under Act XXV of 1864 only; [XV of 1872.]

And whereas certain marriages have been solemnized both while Act V of 1865 was in force and since the passing of the Indian Christian Marriage Act, 1872, by ministers of religion who had obtained licenses to solemnize marriages under Act XXV of 1864, but had never obtained licenses to solemnize marriages under Act V of 1865 or the Indian Christian Marriage Act, 1872, as the case may be, and doubts have therefore arisen as to the validity of such marriages; [XV of 1872.] [XV of 1872.]

And whereas it is expedient to remove such doubts and to declare the continued validity of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864;

It is hereby enacted as follows:—

Validation of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864.

1. A license to solemnize marriages granted to a minister of religion under Act XXV of 1864 shall be deemed, if in force on the date on which Act V of 1865 came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the date on which the Indian Christian Marriage Act, 1872, came into force, to have been since that Act came into force, and to be, a license granted under that Act. [XV of 1872.]

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for general information:—

ACT No. XVI OF 1884.

An Act to provide more effectually for the suppression of certain forms of Gaming in British Burma.

WHEREAS it is expedient to provide more effectually for the suppression of certain forms of gaming in British Burma; It is hereby enacted as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Burma Gaming Act, 1884.

(2) It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force at once.

Application of Act III of 1867 to game of *ti* and like games.

2. *(1)* Taking part in the game of "*ti*," or in any other game or pretended game of a like nature, shall be deemed gaming and playing within the meaning of Act III of 1867.

(2) Every house, walled enclosure, room or place, whether public or private, where any such game or pretended game is carried on, shall, for the purposes of that Act, be deemed a common gaming-house, and all expressions referring to the use of any such house, enclosure, room or place as a common gaming-house shall include the use thereof for any such game or pretended game on a single occasion.

(3) All boxes, receptacles, lists, papers, tickets and forms used for the purpose of any such game or pretended game shall be deemed instruments of gaming within the meaning of the said Act.

Penalty on conducting game of *ti* and like games.

3. Whoever conducts or assists in conducting the game of "*ti*," or any other game or pretended game of a like nature, as manager, stakeholder or *daing*, or who is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes, after deducting the amount payable to the successful player or players, or who promotes the game or pretended game by soliciting or collecting stakes or otherwise, shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Power to extend local application of Act III of 1867 within British Burma.

4. *(1)* The Chief Commissioner may, from time to time, by notification published in the official Gazette, extend to the whole or any part of the territories for the time being under his administration any such of the provisions of Act III of 1867 as do not for the time being extend thereto.

(2) From the date of any such extension so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with or repugnant to any provision so extended shall cease to have effect in those territories.

Power to invest 2nd class Magistrate with powers under Act III of 1867, section 5.

5. The Local Government may authorize any Magistrate of the second class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the District.

Amendment of Act III of 1867, section 13.

6. In section 13 of Act III of 1867—

(*a*) for the words "public street, place or thoroughfare," where they first occur, the words "street or thoroughfare or place to which the public have access" shall be substituted; and

(*b*) in the last clause, for the words "such public place" the words "such place" shall be substituted.

Power to arrest without warrant.

7. A police-officer may arrest without warrant any person soliciting or collecting stakes for the game of *ti*, or any other game or pretended game of a like nature, in any street or thoroughfare or place to which the public have access.

Power to demand security.

8. Whenever a District Magistrate, Sub-divisional Magistrate or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti*, or any other game or pretended game of a like nature, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise.

X of 1882.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for General information :—

ACT NO. XVII OF 1884.

THE BURMA MUNICIPAL ACT, 1884.

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An Act to amend the law relating to Municipalities in British Burma.

WHEREAS it is expedient to amend the law relating to Municipalities in British Burma; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Burma Municipal Act, 1884.

(2) It extends to the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force on such date as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

"municipality" means a local area declared under Chapter II to be a municipality;

"inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act; and

"street" means any street, road, thoroughfare, passage or place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street.

Burma Municipal Act, 1884.
(Chapter II.—Constitution of Municipalities.—Sections 3-5.)
(Chapter III.—Organization of Municipal Committees.—Sections 6-9.)

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Proposal to create municipality.

3. *(1)* The Local Government may, by notification published in the official Gazette and in such other manner as the Local Government may determine, propose to declare any town, or any group of towns in the immediate neighbourhood of one another, a municipality under this Act.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

Creation of municipality.

4. *(1)* Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired and the Local Government has considered the objections (if any) which have been submittted under sub-section (*1*), the Local Government may, by a notification in the official Gazette, declare the local area to be a municipality under this Act.

Application of Act to existing municipalities.

5. *(1)* The Local Government may, by notification in the official Gazette, declare any local area which is a municipality established under the British Burma Municipal Act, 1874, to be a municipality under this Act, and shall, within three months from the date on which this Act comes into force, so declare every such local area, unless, before the expiration of that period,—

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(*a*) that local area is comprised in some local area declared to be a municipality under section 4; or

(*b*) the Local Government has declared, by a notification in the official Gazette, that the provisions of this Act are unsuited to that local area.

(2) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members and the president and vice-president of the committee for that local area appointed *ex officio*, by nomination and by election under the said British Burma Municipal Act, 1874, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have been appointed by virtue of an office and by name and elected under this Act as members, president and vice-president of a municipal committee for the local area, and shall hold office as such members, president and vice-president for such term as may be fixed by the notification.

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CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality, and consisting of—

(*a*) so many inhabitants of the municipality as may be determined by the Local Government elected in manner next hereinafter prescribed to represent wards of the municipality or particular classes of the inhabitants; and

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Local Government may appoint by name or by virtue of an office in this behalf:

Provided that—

(1) when the circumstances of the municipality are, in the opinion of the Local Government, such as to require it, the Local Government may appoint a larger proportion of, or all, the members of the committee; and

(2) when any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Power to Local Government to make rules regarding election.

7. *(1)* The Local Government shall, for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:—

(*a*) the division of the municipality into wards, or of the inhabitants into classes, or both;

(*b*) the number of representatives proper for each ward or class;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The Local Government may, after the municipal committee has come into existence as herein, after provided, amend, after consulting the committee, the rules made under this section; but any amendment made under this sub-section shall not take effect until six months after it has been published in the official Gazette.

(3) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of members.

8. *(1)* A member of a municipal committee, when appointed by virtue of an office, shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(2) The term of office of all other elected and appointed members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of member of committee.

9. A member of a municipal committee may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 10-18.)

Removal of member.

10. *(1)* The Local Government may remove any member of a municipal committee who ceases to be an inhabitant of the municipality, or refuses to act, or becomes in the opinion of the Local Government incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the committee.

(2) A person removed under this section on any ground except that first mentioned shall be disqualified for election until the Local Government otherwise directs.

Filling of casual vacancies.

11. *(1)* When the place of an elected member of a municipal committee becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected in manner prescribed under section 7 to fill the place.

(2) When the place of a member of a municipal committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be again elected or appointed.

Incorporation of municipal committee.

12. Every municipal committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name:

Provided that a committee shall not transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.

Time for committees coming into existence.

13. A municipal committee shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf:

Provided that a committee constituted under section 5, sub-section (2), shall come into existence on the day fixed under that sub-section.

Consequences of establishment of municipal committee where municipal committee under Act VII of 1874 exists.

14. When a municipal committee comes into existence under section 13 for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area which is a municipality under the British Burma Municipal Act, 1874, the following consequences shall ensue, namely:—

(a) the said Act shall cease to apply to the local area;

(b) the municipal committee (if any) constituted under that Act for the local area (hereinafter called the old committee) shall cease to exist;

(c) all property vested in the old committee shall for the purposes of this Act vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(d) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Act had not been passed;

(e) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee and shall not be dismissed from that employment without the sanction of the Local Government; and

(f) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

Member of municipal committee to be municipal commissioner.

15. Every member of a municipal committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

President and Vice-president.

Election of president and vice-president

16. A municipal committee shall, from time to time, at a special meeting, elect one of its members to be president, and may, from time to time, at a like meeting, elect another of its members to be vice-president:

Provided that in such municipalities, if any, as the Local Government may, by notification in the official Gazette, exempt from the operation of this section, the president shall, until the notification is rescinded by a like notification, be appointed by the Local Government from among the members of the committee.

Term of office of president and vice-president.

17. *(1)* The term of office of a president or vice-president shall be one year, and on the expiration of that period he may be again elected or appointed.

(2) Nothing in this section shall affect section 5, sub-section (2).

Casual vacancies in office of president or vice-president.

18. *(1)* If a president elected by a municipal committee or a vice-president dies, ceases to be a member of the committee or resigns his office, the committee shall, at a special meeting, elect another of its members to be president or vice-president.

(2) If a president appointed by the Local Government dies, ceases to be a member of the committee or resigns his office, the Local Government shall appoint another president.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 19-28.)

until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments and Removals.

Notification of appointments, &c.

19. All elections and appointments of presidents and vice-presidents, and all elections, appointments and removals of members, of municipal committees, shall be notified in the local official Gazette, and no such election or appointment shall take effect until it is so notified.

Conduct of Business.

Time for holding meetings.

20. *(1)* A municipal committee shall meet for the transaction of business at least once in every month, at such time as may, from time to time, be fixed by the rules made under section 27.

(2) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth or two of the members of the committee, convene an ordinary or a special meeting at any other time.

Ordinary and special meetings.

21. *(1)* A meeting of a municipal committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

Quorum.

22. *(1)* The quorum necessary for the transaction of business at a special meeting of a municipal committee shall be one-half of the whole committee:

Provided that, when the committee consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a municipal committee shall be such number, not less than three, as may, from time to time, be fixed by the rules made under section 27:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted by the adjourned meeting whether there is a quorum present thereat or not.

Chairman of meeting.

23. *(1)* At every meeting of a municipal committee the president, if present, shall preside as chairman.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting and the vice-president is present, he shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Vote of majority decisive.

24. *(1)* Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before any meeting of a municipal committee shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman at the meeting shall have a second or casting vote.

Resolutions to be recorded and published.

25. Every resolution passed by a municipal committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be open to inspection by the public at the municipal office at all reasonable times without charge, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may direct.

Language of committee.

26. The discussions and proceedings of a municipal committee shall be conducted and recorded either in English or in Burmese, as the committee at a special meeting may, from time to time, decide:

Provided that, if the discussions and proceedings are conducted and recorded in English, the committee shall provide for interpreting and translating them into Burmese for the benefit of members who do not understand English.

Power to make rules as to conduct of business.

27. *(1)* A municipal committee may, from time to time, at a special meeting, make rules consistent with this Act as to—

(a) the time and place of its meetings;

(b) the manner in which notice thereof is to be given;

(c) the quorum necessary for the transaction of business at ordinary meetings;

(d) the conduct of proceedings at meetings, and the adjournment of meetings;

(e) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by the vice-president, by sub-committees, by individual members and by officers or servants of the committee;

(f) the persons by whom receipts may be granted on behalf of the committee for money paid under this Act; and

(g) any other similar matters.

(2) A rule made under clause *(e)* shall not take effect until it has been confirmed by the Local Government, and no rule made under this section shall take effect until it has been published in such manner as the Local Government may direct.

Extraordinary powers of president and vice-president in case of emergency.

28. In cases of emergency the president, or in his absence the vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Provided that—

(a) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(b) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 29-38.)

Joint Committees.

29. A municipal committee may, from time to time, concur with any other municipal committee or cantonment authority, or with more than one such committee or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which it is appointed.

Joint committee of two or more committees or cantonment authorities.

Defects in Constitution and Irregularities.

30. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a municipal committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

Officers and Servants.

31. *(1)* A municipal committee shall, from time to time, at a special meeting, appoint one of its members or some other person to be its secretary, and may at a like meeting remove any person so appointed.

Appointment of secretary.

(2) If a secretary is a member of the committee, he shall receive no remuneration in respect of his services. If he is not a member of the committee, the committee may, with the previous sanction of the Commissioner, assign to him any such pay as it thinks fit.

32. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal committee may appoint and remove, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to those officers and servants such pay as it thinks fit.

Employment of other officers and servants.

33. If, in the opinion of the Commissioner, the number of persons employed by a municipal committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Power to prevent extravagance in establishments.

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

34. In the case of a Government official, a municipal committee may—

Pensions of Government officials serving the committee.

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

35. In the case of an officer or servant not being a Government official referred to in section 34, a municipal committee may—

Pensions of other officers and servants.

(1) grant him leave-allowances and, if he is employed under the committee appointed under the British Burma Municipal Act, 1874, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and

VII of 1874.

(2) if empowered in this behalf by the Local Government—

(a) subscribe in his behalf for pension or gratuity under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the servant would be entitled if the service had been service under Government.

Contracts and Transfers of Property.

36. *(1)* When a contract made by or on behalf of a municipal committee exceeds in value or amount one hundred rupees, it must be in writing, and must be signed by the president or vice-president and at least one other member of the committee.

Mode of executing contracts and transfers.

(2) A transfer of immoveable property belonging to the committee must be made by an instrument in writing, executed by the president or vice-president and by at least two other members of the committee.

(3) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the committee.

37. *(1)* If any member, officer or servant of a municipal committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Penalty on member, officer or servant of committee being interested in contract made with committee.

XLV of 1860.

(2) A person shall not, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Acquisition of land.

38. Where any land, whether within or without the limits of a municipality, is required by a municipal committee for the purposes of this Act or for any other object which it is em-

Acquisition of land under Act X of 1870.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 39-40.)
(Chapter IV.—Taxation.—Sections 41-43.)

powered to carry out under any other enactment for the time being in force, the Local Government may, at the request of the municipal committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

X of 1870.

Privileges and Liabilities.

Suits against committee and its officers.

39. No suit shall be instituted against a municipal committee or against an officer of any such committee in respect of an act purporting to be done by him in his official capacity until the expiration of one month next after notice in writing has been, in the case of a committee, delivered to or left at its office, and in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Liability for loss, waste or misapplication.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a municipal committee, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee, and a suit for compensation may be instituted against him by the committee or by the Secretary of State for India in Council.

CHAPTER IV.

TAXATION.

General Provisions.

Taxes which may be imposed for general purposes of Act.

41. *(1)* Subject to any general rules or special orders which the Governor General in Council may make in this behalf, a municipal committee may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 45, any of the following taxes, namely:—

(A) with the previous sanction of the Local Government—

(a) a tax on buildings and lands situate within the municipality or any part thereof, not exceeding five per centum of the annual value of the buildings and lands;

(b) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;

(c) a tax on houses situate as aforesaid, according to the number of posts in each, at rates not exceeding the following, namely:—

	Rs. A.	
For a house having not more than 2 posts	... 0 8	per annum.
For a house having 3 posts	... 1 8	"
For a house having 4 posts	... 2 8	"
For a house having 5 posts	... 4 0	"
For a house having 6 posts	... 7 0	"
For a house having 7 posts	... 10 0	"

and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven;

(d) a tax on vehicles, boats and animals used for driving, riding, draught or burden, and dogs, kept within the municipality or any part thereof;

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided as follows:—

(e) only one of the taxes mentioned in clauses (a), (b) and (c) shall be imposed in respect of the same property; and

(f) in assessing a house to the tax mentioned in clause (c), only posts facing a road or street shall be counted, except in the case of bázárs or large buildings extending through from street to street, in which case the posts contained in one row from street to street, instead of those facing streets, may, in the discretion of the assessing authority, be counted.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished;

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable.

Water-tax.

42. *(1)* Besides the taxes imposed under section 41, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of such works, impose in manner prescribed by section 45, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contracts or otherwise, should not exceed the amount required for the said purpose.

Lighting-tax.

43. Besides the taxes imposed under the foregoing sections, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of lighting the public streets throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for lighting those streets, impose, in manner prescribed by section 45, a tax, to be called the lighting-tax, upon buildings and lands situate

Burma Municipal Act, 1884.
(Chapter IV.—Taxation.—Sections 44-51.)

within the municipality or that part thereof, as the case may be:

Provided that in fixing the rate or amount of the tax regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

Scavenging-tax.

44. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, impose, in manner prescribed by section 45, upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Procedure in imposing such taxes.

45. *(1)* A municipal committee may resolve, at a special meeting, to propose the imposition of any tax under section 41, 42, 43 or 44.

(2) When a resolution has been passed under sub-section (1), the committee shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax and objecting to the same may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no objection is received within the said period of thirty days, or if the objections received, having been considered as aforesaid, are deemed insufficient, the committee may submit its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon.

(5) The Local Government, on receiving such proposals may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal committee in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

46. A municipal committee may, at a special meeting, with the sanction of the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to Local Government to suspend levy of tax.

47. *(1)* If it at any time appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the municipal committee to take, within a specified period, measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may, by notification, suspend the levy of the tax or of any part thereof until the objection has been removed.

(2) The Local Government may at any time by a like notification, rescind any such suspension.

Power to make rules for assessment, collection and remission of taxes.

48. *(1)* The Local Government may make rules for the assessment, collection and remission of taxes leviable under this Act and preventing evasion of the same:

Provided that every such rule shall be consistent with the provisions of this Act and with the proposals sanctioned in respect of the tax under section 45.

(2) In making any rule under this section the Local Government may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

Taxes not invalid for defect of form.

49. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of the tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes leviable under Act VII of 1874 to be deemed to be taxes under this Act.

50. All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal committee having authority over that local area comes into existence under this Act, shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act.

VII of 1874.

Taxes on Immoveable Property.

Preparation of assessment-list.

51. *(1)* The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

Burma Municipal Act, 1884.
(Chapter IV.—Taxation.—Sections 52-59.)
(Chapter V.—Funds and Property.—Section 60.)

(a) the name of the street or division in which the property is situate;
(b) the designation of the property, either by name or by number, sufficient for identification;
(c) the names of the owner and occupier, if known;
(d) the annual value, area or number of posts on which the property is assessed; and
(e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of the measurements or number of posts or of the rent or annual value.

Publication of notice of assessments.

52. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

53. (1) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of list.

54. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

55. (1) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently assessed through mistake, oversight or fraud, after giving notice to any person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

New list need not be prepared every year.

56. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the assessment for the year following, giving the same notice of the assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

57. When a tax payable under section 41, clause (a), (b) or (c), or under section 42, 43 or 44, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

Taxes under section 41, clauses (a), (b) and (c), from whom due.

58. Every tax payable under section 41, clause (a), (b) or (c), shall be due jointly and severally from all persons who have been in occupation of the building or land assessed at any time during the year of assessment, or, when the tax is payable by instalments, at any time during the period in respect of which the instalment is payable, and from all persons who have held under them as tenants, mortgagees or conditional vendees.

Tax under sections 42, 43 and 44 payable by occupier.

59. Every tax leviable under section 42, 43 or 44 shall be payable by the occupier of the building or land in respect of which it is payable.

CHAPTER V.

FUNDS AND PROPERTY.

Municipal fund constituted.

60. There shall be formed for each municipality a municipal fund, and there shall, except as by this Act provided, be credited thereto—

(a) all sums received by or on behalf of the committee under this Act or otherwise;
(b) all fines realized in cases in which prosecutions are instituted under this Act or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality;
(c) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 61-64.)

opinion a just and reasonable contribution towards the expenditure rendered necessary by the resort to the municipality of seamen from ships lying in the port; and

(*d*) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the funds of that municipality at the time when the municipal committee came into existence.

61. *(1)* The committee shall set apart and apply annually out of the municipal fund—

Application of fund.

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 34 and 35,

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(*a*) the construction, maintenance, improvement, cleansing and repair of streets, and of public bridges, embankments, drains, latrines, tanks and water-courses;

(*b*) the watering and lighting of the streets or any of them;

(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, zayáts, wharves, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;

(*e*) the training of teachers and the establishment of scholarships;

(*f*) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity:

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals;

(*h*) the planting and preservation of trees;

(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(*j*) the holding of fairs and industrial exhibitions; and

(*k*) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

62. *(1)* There shall be formed for each municipality a school fund. To this fund shall be credited—

School fund.

(*a*) the fees levied in schools maintained at the cost of the school fund;

(*b*) any assignment that may be made to the school fund from provincial funds or from any district or local fund;

(*c*) any other funds or income that may be entrusted to the municipality for the promotion of education; and

(*d*) any sums assigned for educational purposes from the municipal fund.

(2) The Local Government may fix for any municipality the minimum proportion of the municipal fund that shall be yearly assigned to the school fund under clause (*d*): Provided that the minimum so fixed shall not exceed 5 per cent. on the gross annual income of the municipality.

(3) No expenditure, except expenditure for the promotion of education, shall be charged against the school fund. In case of doubt the Commissioner shall decide whether any expenditure is or is not for the promotion of education.

63. *(1)* The balances standing to the credit of the municipal fund and school fund shall, if there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over situate within the municipality, be kept in that treasury, sub-treasury or bank. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury or bank as aforesaid, and such money as may be required for current expenditure shall be kept by the committee in a strong box in such place and under such precautions as the committee may, from time to time, direct.

Custody of, and disbursements from, funds.

(2) No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the committee.

64. *(1)* A municipal committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund or school fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of the like nature.

Investment of same.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund or school fund, as the case may be.

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 65-67.)
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 68-74.)

Property vested in municipality.

65. Subject to any special reservation made by the Local Government, all property in a municipality of the nature hereinafter specified shall be vested in and belong to the municipal committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

(a) all public townhalls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of municipal funds;

(b) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes and other waterworks, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and watercourses in, alongside or under any street, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal-matter or filth, or rubbish of any kind, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere;

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all land or other property transferred to the committee by the Government or by gift or otherwise for local public purposes; and

(g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Management of public institutions.

66. (1) The management, control and administration of every public institution maintained out of municipal funds shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(2) When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Crown of property vesting in committee.

67. The committee may, with the sanction of Local Government, transfer to Her Majesty any property vesting in the committee under section 65 or section 66, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

68. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

69. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to permit temporary occupation of streets, &c.

70. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

71. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

72. (1) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

73. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of bamboos, grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

74. (1) If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 75-80.)

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

75. *(1)* Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions or alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and obstructions.

76. *(1)* It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

Bathing and washing places.

77. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

78. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals.

79. *(1)* The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

Powers in respect of burial and burning places.

80. *(1)* The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 81-89.)

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

Removal of corpses.

81. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

82. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting bamboos, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

83. (1) The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings, &c.

84. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land.

85. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

(a) enter on and survey and take levels of any land;

(b) enter, inspect and measure any building for the purpose of valuation;

(c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation.

86. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act and which has not been so taxed.

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

87. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Power of entry for purpose of scavenging.

88. (1) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

(2) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

89. When any building, used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 90-101.)

her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

90. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Provision of privies, &c.

91. *(1)* The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair, alteration and closing of drains, privies and cesspools.

92. *(1)* The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool, belonging thereto.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

Unauthorised buildings over drains, &c.

93. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

94. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainage, &c., of unwholesome tanks, &c.

95. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

96. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

97. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in unsanitary Condition.

Power to require owner to clear away noxious vegetation.

98. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on streets, wells, &c.

99. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Cleansing of filthy buildings or land.

100. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to prohibit use for human habitation of buildings unfit for such use.

101. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 102-106.)

102. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

103. *(1)* The committee, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the municipality is injurious to the health of persons dwelling in the neighbourhood, may, with the previous sanction of the Local Government, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section *(1)*, he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

104. *(1)* The owner or occupier of every place within the municipality used for any of the following purposes, namely :—

Regulation of offensive and dangerous trades.

melting tallow;

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or,

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may impose such conditions in respect of such license as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

105. (1) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

106. A committee may, from time to time, at a special meeting, make rules—

Power to make rules.

(a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(b) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(c) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(d) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 107-112.)

(e) for the inspection and proper regulation of encamping-grounds, pounds, zayáts, wharves not within the limits of any port, markets and slaughter-houses;

(f) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(g) for controlling and regulating the use and management of burial and burning grounds;

(h) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use; and

(i) for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses (a) and (b) in respect of any vehicles to which that Act applies.

Penalty for infringement of rules.

107. In making any rule under section 106 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of, or in addition to, such fine the Magistrate may require the offender to remedy the mischief so far as within his power.

Confirmation of rules.

108. No rule made under section 106 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Supplemental.

Execution of acts required to be done by any notice.

109. *(1)* When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

110. *(1)* Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

111. *(1)* The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

Appeals against certain orders of committee.

112. *(1)* Any person aggrieved by any order made by a committee under the powers vested in it by sections 80, 101 or 105 may appeal within thirty days from the date thereof to the Commissioner or to the Deputy Commissioner as the Local Government may prescribe in this behalf; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

Burma Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 113-126.)

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

113. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Throwing corpse or carcass into river, &c.

114. Whoever throws or causes to be thrown any corpse or carcass or any part thereof into any river, stream, well, lake, canal, tank or any other such place shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

115. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Non-removal of filth, &c.

116. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any carcass, dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

117. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

118. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 94, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals in disregard of orders.

119. Whoever keeps any swine, buffaloes, cows, oxen, sheep or goats in disregard of any orders which the committee may give to prevent them from becoming a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

120. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

121. Whoever drives any vehicle after dark in any public street or thoroughfare unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

122. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

123. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

124. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building

125. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Penalty on exposure of infected persons and things.

126. Any person who—

(1) while suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor or driver thereof that he is so suffering; or,

(2) being in charge of any person so suffering, so exposes the sufferer; or

(3) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding fifty rupees; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the Court to pay the owner and driver

Burma Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 127-132.)
(Chapter VIII.—Control.—Sections 133-134.)

the amount of any loss and expense they may incur in carrying into effect any measures requisite for disinfection of the conveyance:

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of the conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, and if he fails to do so he shall be liable to a penalty not exceeding fifty rupees; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Picketing animals and collecting carts.

128. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Keeping corpses or carrying corpses by prohibited routes or so as to cause annoyance.

129. Whoever, without the permission of the committee, keeps a corpse or causes it to be kept in or on any building or land when seventy-two hours after death have elapsed, or carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp posts, &c.

130. Whoever, in any public place, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post or fence, or injures any tree, or extinguishes any light shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience to orders of committee under last chapter.

131. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

132. Any prosecution for an offence under section 80, or section 105, or under section 131, when the order which has been disobeyed is appealable, shall be suspended, when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

133. The Commissioner or the Deputy Commissioner may—

(a) enter on and inspect, or cause to be entered on and inspected, any immoveable property situate within the limits of his division or district respectively and occupied by any municipal committee or joint committee, or any work which is in progress within those limits under the direction of any such committee or joint committee;

(b) call for and inspect any book or document in the possession or under the control of any such committee or joint committee having authority within those limits;

(c) require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee or joint committee, as he may think fit to call for; and

(d) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee or joint committee:

Provided that—

(1) when the Deputy Commissioner is a member of a committee or joint committee, he shall not exercise, in respect of that committee or joint committee, the powers conferred upon him by this section; and

(2) in any of the municipalities of Rangoon, Maulmain, Akyab and Bassein, and any other municipalities to which the Local Government may extend this clause, the said powers shall be exercised by the Local Government and not by any authority mentioned in the foregoing part of this section.

Power to suspend action under Act.

134. *(1)* The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal committee or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When a Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, and of any representations regarding it submitted to him by the municipal committee, to the Local Government, which may thereupon rescind the order

Burma Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 135-140.)

or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in case of emergency.

135. *(1)* In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal committee is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is, from time to time, possible, from the balance in priority to any or all other charges against the same.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

Powers of Local Government in case of default of committee.

136. *(1)* If at any time it appears to the Local Government that a municipal committee has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Deputy Commissioner by the committee.

(3) If the expense is not so paid, the Deputy Commissioner with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in priority to any or all other charges against the same.

Power of Local Government to supersede committee in case of incompetency, persistent default or excess or abuse of powers.

137. *(1)* If a municipal committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the committee to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a committee is so superseded, the following consequences shall ensue:—

(a) All members of the committee shall, as from the date of the order, vacate their offices as such members.

(b) All powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Local Government appoints in that behalf.

(c) All property vested in the committee shall, during the period of supersession, vest in the Local Government.

(3) On the expiration of the period of supersession specified in the order, the committee shall be reconstituted, and the persons who vacated their offices under clause (a) shall not be deemed disqualified from being members.

Disputes.

138. *(1)* If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a cantonment authority, the matter shall be referred—

(a) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(b) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(c) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If in the case mentioned in clause (a) the Deputy Commissioner is a member of one of the committees concerned, his functions under this section shall be discharged by the Commissioner.

(4) "Local authority" in this section means a municipal committee or cantonment authority.

Annual reports and statements.

139. *(1)* A municipal committee shall, at the close of each year or of such other period as may, from time to time, be fixed by the Local Government in this behalf, submit to the Local Government a statement of its receipts and disbursements, in such form as the Local Government may prescribe, and a general report of its proceedings during that period:

Provided that separate accounts shall be submitted of—

(a) all receipts of the water-tax, lighting-tax and scavenging-tax, and of all expenditure on the purposes for which those taxes are levied, respectively; and

(b) all income under the heads mentioned in section 62, and all expenditure on educational purposes.

(2) Accounts submitted under this section shall be examined or audited in such manner as the Local Government prescribes.

Estimates of receipts and expenditure.

140. *(1)* A municipal committee shall submit, before such date in each year as may be directed by the Local Government, for the sanction of such authority as the Local Government may appoint in this behalf, an estimate of its probable receipts for the financial year next following, with proposals for its expenditure, and may, from time to time, submit in like manner further estimates or proposals amending the same.

(2) No expenditure shall be incurred by the committee unless it is provided for in a proposal sanctioned under this section.

Burma Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 141-143.)
(Chapter IX.—Supplemental.—Sections 144-149.)

(3) An abstract of the annual estimate and proposals submitted and sanctioned as required by this section shall be published in such manner as the Local Government directs.

Sanction to works.

141. (1) No new work, the estimated cost of which exceeds five hundred rupees, shall be begun by a municipal committee, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof have been approved by the committee at a meeting.

(2) If the estimated cost of any such new work has not been specifically provided for in proposals submitted and sanctioned in manner mentioned in section 140, or exceeds—

twenty thousand rupees in the case of the municipalities of Rangoon, Maulmain, Bassein and Akyab, or

one-tenth of the estimated annual income of the municipal fund in the case of any other municipality,

it shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to and approved by the Local Government, or by an officer empowered by the Local Government in this behalf.

Powers of Commissioner

142. In all matters connected with the administration of this Act a Commissioner shall have and exercise the same authority and control over a Deputy Commissioner subordinate to him as he has and exercises over the Deputy Commissioner in the general and revenue administration.

Additional power of Local Government to frame forms and make rules

143. The Local Government may frame forms for any proceeding of a municipal committee for which it considers that a form should be provided, and may, in addition to any other powers to make rules conferred by this Act, make rules consistent with this Act—

(a) as to the intermediate office or offices, if any, through which correspondence between municipal committees and the Local Government or officers of that Government and representations addressed to the Local Government under this Act shall pass;

(b) as to the preparation of estimates of receipts and expenditure of committees, and as to the conditions subject to which such estimates may be sanctioned;

(c) as to the returns, statements and reports to be submitted by committees; and

(d) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

CHAPTER IX.

SUPPLEMENTAL.

Criminal Procedure.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

144. (1) Every police-officer employed in a municipality shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Any such police-officer may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(a) if the name and address of the person are unknown to him, or

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Prosecutions.

145. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of or with the approval of the municipal committee.

Member not to be deemed interested in prosecution.

146. A Judge or Magistrate shall not be deemed to be a party to or personally interested in any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted.

X of 18[82].

Saving of prosecutions under other laws

147. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules under section 7, 48, 108 or 143.

148. (1) The authority empowered to make rules under section 7, 48, 108 or 143 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

Continuance of existing rules.

149. (1) The Local Government may by notification in the official Gazette, direct that any rules made under the British Burma Municipal Act, 1874, and in force in any local area being, or comprised in, a municipality

VII of [1874].

Burma Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 150-157.)

constituted under this Act at the time the municipal committee for that municipality comes into existence under section 13, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

(2) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

Recovery of Money.

Recovery of money.

150. All fees and all rents and other sums due on account of property for the time being vested in or managed by the municipal committee, and all arrears of taxes and other money due for water supplied or otherwise under this Act, may be recovered as if they were arrears of land-revenue.

Notices.

Authentication, service and validity of notices.

151. *(1)* Every notice issued by a committee under this Act or under any rule made thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

152. When any notice is, under the provisions of this Act, to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notices.

153. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration of Municipal Limits.

Notification of intention to alter limits of municipality.

154. The Local Government may, by notification published in the official Gazette, and in such other manner as the Local Government may determine, declare its intention—

(a) to exclude from a municipality any local area comprised therein and defined in the notification, or

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification:

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

155. *(1)* Any inhabitant of a municipality or local area in respect of which a notification has been published in the official Gazette under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the official Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the official Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by a notification in the official Gazette, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

156. *(1)* When a local area is excluded from a municipality under section 155—

(a) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(b) the Local Government shall, after consulting the municipal committee, frame a scheme determining what portion of the balance of the municipal and school funds and other property vested in the municipal committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Effect of including local area in municipality.

157. When a local area is included in a municipality under section 155, this Act, and, except as the Local Government may otherwise, by notification in the official Gazette, direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force

Burma Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 158-161.)

throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Powers to except Municipalities from Provisions of Act.

Power to except municipality from provisions of Act unsuited thereto.

158. *(1)* If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by like notification.

(2) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Miscellaneous.

Saving of Act XI of 1879.

159. Nothing in this Act shall affect the Local Authorities Loans Act, 1879. XI of 1879.

Powers of Governor General in Council and of Local Government exercisable from time to time.

160. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Decision of questions as to whether persons are "inhabitants."

161. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1884, and is hereby promulgated for general information :—

ACT NO. XVIII OF 1884.

THE PANJÁB COURTS ACT, 1884.

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2. Repeal of Acts.
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56. Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.
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73. Saving of certain appointments, rules and forms, notifications, powers and orders.
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THE SCHEDULE.—ACTS REPEALED.

An Act to mend the Law relating to Courts in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Panjáb Courts Act, 1884.

(2) It extends to the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and

(3) it shall come into force on the first day of November, 1884.

(4) Any power conferred by this Act to make rules or to issue orders creating territorial divisions, establishing Courts, appointing and posting officers, or fixing the pecuniary or local limits of their jurisdiction or conferring powers may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal of Acts.

2. On and from that day the Acts mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) "Assistant Commissioner" includes Extra Assistant Commissioner:

(2) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner, of a Tahsíldár or of a Náib Táhsíldár exercising jurisdiction in suits of any of the classes mentioned in section 45:

(3) "small cause" means a suit of the nature cognizable in a Court of Small Causes constituted under Act XI of 1865, and any other suit not being a suit of any description specified in section 19 of the Presidency Small Cause Courts Act, 1882, which the Chief Court, with the sanction of the Local Government, may direct to be treated as a small cause for the purposes of appeal: XV

(4) "land" means land assessed or liable to be assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village:

(5) "rent" means whatever is payable by an occupant of land on account of the use or occupation thereof:

(6) "tenant" means any occupant of land liable to pay rent therefor, but does not include an under-proprietor:

(7) "landlord" means any person entitled to receive rent paid by a tenant; and

(8) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit.

CHAPTER II.

THE CHIEF COURT.

Constitution of Chief Court and appointment and tenure of Judges.

4. There shall continue to be a Chief Court consisting of three or more Judges, who shall be appointed by the Governor General in Council and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing.

Rank and precedence of Judges of Chief Court.

5. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges:

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

The Panjáb Courts Act, 1884.
(Chapter II.—The Chief Court.—Sections 6-14.)

Civil appellate jurisdiction.

6. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Criminal jurisdiction.

7. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

Delegation of powers to members of Court.

8. *(1)* Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its Judges of any of its powers:

Provided that no decree, sentence, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by any Judge of the Chief Court sitting alone.

(2) When the Chief Court consists of more than three Judges, it may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court, and may by these rules prescribe the mode of determining which Judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) Subject to the provisions of sub-section (2), the Senior Judge may determine which Judge in each case shall sit alone, and which Judges of the Court shall constitute any bench.

Appeals from original jurisdiction of Chief Court.

9. Except as otherwise provided by any enactment for the time being in force, an appeal from any decree or order made by the Chief Court—

(*a*) in exercise of its original jurisdiction in cases withdrawn from other Courts under section 25 of the Code of Civil Procedure, or

(*b*) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section,—

shall lie in the cases and in manner following (that is to say):—

(*1*) if the decree or order is made by a single Judge, the appeal shall lie either to a bench consisting of two other Judges, or to a full bench, as the Court may, by general rule or special order, direct;

(*2*) if the decree or order is made by a bench of Judges not being a full bench, and the Judges differ in opinion, the appeal shall lie to a full bench.

Rule of decision when Judges differ.

10. Except as otherwise provided by any enactment for the time being in force,

(1) when there is a difference of opinion among the Judges composing any bench of the Chief Court, the decision shall be in accordance with the opinion of the majority of those Judges;

(2) If there is no such majority, then—

(*a*) if the bench is a full bench, or is exercising original civil jurisdiction, the decision shall be in accordance with the opinion of the Senior Judge;

(*b*) in other cases, the bench before which the question has arisen shall refer the question to a full bench, and shall dispose of the case in accordance with the decision of the full bench.

Power to refer question to full bench.

11. Any single Judge of the Chief Court and any bench of Judges of that Court, not being a full bench, may in any case refer for the decision of a full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the Judge or bench, and shall dispose of the case in accordance with the decision of the full bench on the question.

Ministerial officers.

12. *(1)* The Chief Court may appoint a Registrar and Deputy Registrar, and such other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(2) The appointment of the Registrar shall be subject to the sanction of the Local Government.

(3) The officers appointed under this section shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(4) Any such officer may be suspended or dismissed from his office by order of the Chief Court:

Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

Superintendence and control of Subordinate Courts.

13. The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Chief Court.

Power to make rules.

14. *(1)* The Chief Court may make rules consistent with this Act and any other enactment for the time being in force—

(*a*) providing for the translation of any papers filed in the Chief Court and copying or printing any such papers or translations, and requiring from the persons at whose instance or on whose behalf they are filed payment of the expenses thereby incurred;

(*b*) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjáb, and regulating the conduct of persons so practising;

(*c*) determining in what cases persons practising in those Courts shall be permitted to address the Court in English;

(*d*) prescribing forms for seals to be used by those Courts;

(*e*) regulating the procedure in cases where any person is entitled to inspect a record of any such Court or obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies;

(*f*) conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a non-judicial or quasi-judicial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

The Panjáb Courts Act, 1884.
(Chapter II.—The Chief Court.—Sections 15-16.)
(Chapter III.—The Subordinate Civil Courts.—Sections 17-24.)

(g) prescribing forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in those Courts or submitted to any authority;

(h) providing for the inspection of those Courts and the supervision of the working thereof; and

(i) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of those Courts and maintaining proper discipline among those officers.

(2) A rule made under clause (a), (b), (c), (f) (g), (h) or (i) shall not take effect until it has been sanctioned by the Local Government and has been published in the official Gazette.

(3) Whoever breaks any rule made under clause (b) shall be punished with a fine which may extend to fifty rupees.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

15. *(1)* The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of those registers, books and accounts, and such statements of the work done in the Court, as may be required by the said Government.

(2) The Chief Court shall also comply with such requisitions as may be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Chief Court and the Courts subordinate thereto.

Procedure of Chief Court in exercise of civil jurisdiction.

16. *(1)* The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, directs, and may frame forms for any proceeding in the Court in the exercise of its civil jurisdiction.

XIV of 1882.

(2) The following provisions of the Code of Civil Procedure shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum.

XIV of 1882.

(3) Section 579 of the said Code shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

Classes of Courts.

Classes of Courts.

17. Besides the Chief Court, the Courts of Small Causes established under Act XI of 1865 and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts (namely):—

(a) the Divisional Court;

(b) the Court of the District Judge;

(c) the Court of the Subordinate Judge;

(d) the Court of the Munsif.

Territorial Divisions.

Civil divisions and districts.

18. *(1)* For the purposes of this Act the Local Government shall divide the territories under its administration into civil divisions, and each civil division into civil districts.

(2) The Local Government may alter the limits or the number of these divisions and districts.

Divisional and District Courts.

Establishment of Divisional Courts.

19. *(1)* The Local Government shall appoint as many persons as it thinks necessary to be Divisional Judges, and shall for each civil division establish a Divisional Court consisting of one or more such Judges.

(2) The Local Government may, where a Divisional Court consists of more than one Judge, by general rule or special order determine which of them shall be deemed to be the senior.

Establishment of District Courts.

20. The Local Government shall appoint as many persons as it thinks necessary to be District Judges, and shall post one such person to each district as District Judge of that district:

Provided that the same person may, if the Local Government thinks fit, be appointed to be District Judge of two or more districts.

Distribution of business in Divisional Court.

21. The Chief Court may, subject to the provisions of this Act and any other enactment for the time being in force, make rules to provide for the exercise of any of the powers of a Divisional Court consisting of more than one Judge by one or more Judges of the Court:

Provided that no decree, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by a single Judge of a Divisional Court consisting of more than one Judge.

XIV of 1882.

Original jurisdiction of Divisional and District Courts in suits.

22. Except as otherwise provided by any enactment for the time being in force, the Divisional Court and the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

District Court to be principal Civil Court of original jurisdiction.

23. Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district:

Provided that—

(a) for the purposes of the Indian Divorce Act, the Divisional Court shall be deemed to be the District Court for all districts comprised in the division; and

IV of 1869.

(b) the Local Government may direct that the Divisional Court shall for any other purpose be deemed to be the District Court or principal Civil Court of original jurisdiction for any district comprised in the division.

Subordinate Judges and Munsifs.

Appointment of Subordinate Judges.

24. The Local Government may appoint as many persons as it thinks necessary to be Subordinate Judges.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 25-34.)

25. *(1)* The Local Government may fix the number of Munsifs to be appointed, and, when there is any vacancy in that number, the Chief Court may, subject to the rules (if any) made under sub-section (2), appoint such person to the same as it thinks fit.

Appointment of Munsifs.

(2) The Chief Court may, with the previous sanction of the Local Government, make rules as to the qualifications of persons to be appointed Munsifs.

26. *(1)* The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge or Munsif shall in the case of a Subordinate Judge be determined by the Local Government, and in the case of a Munsif by the Chief Court, either by including him in a class or grade, or otherwise as it thinks fit.

Pecuniary limits of jurisdiction of Subordinate Judges and Munsifs.

(2) The jurisdiction in the case of a Subordinate Judge may be without limit, but in the case of a Munsif shall not extend to suits the value of which exceeds one thousand rupees.

27. *(1)* The local limits of the jurisdiction of a Subordinate Judge shall be such as the Local Government may define.

Local limits of their jurisdiction.

(2) The local limits of the jurisdiction of a Munsif shall be such as the Chief Court may define.

(3) When the Local Government posts a Subordinate Judge or the Chief Court posts a Munsif to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

28. *(1)* The Local Government may confer on any person all or any of the powers conferable under this Act on a Subordinate Judge or Munsif with respect to particular classes of cases, or with respect to cases generally in any local area, and may withdraw, or suspend the exercise of, any powers so conferred.

Special Judges and Benches.

(2) The Local Government may direct any uneven number of persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench; and those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(3) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

(4) Persons on whom powers are conferred under this section shall be called Special Judges, and such persons and the benches constituted under this section shall be deemed for the purposes of this Act to be Subordinate Judges or Munsifs, as the Local Government may direct.

29. *(1)* The Chief Court may, by order, authorize any District Court to transfer to a Subordinate Judge or Munsif under its control any of the following proceedings or any class of such proceedings specified in the order, and then pending or thereafter instituted before the District Court (that is to say) :—

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Court.

(a) applications for certificates under Act XXVII of 1860 *(for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons)*;

(b) proceedings under Act XL of 1858 *(for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal)* or Act IX of 1861 *(to amend the law relating to Minors)*.

(2) The District Court may withdraw any proceedings so transferred, and may either itself dispose of them, or, with the previous sanction of the Chief Court, transfer them to any other Subordinate Judge or Munsif under its control.

(3) All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) subject to the rules applicable to like cases when disposed of by the District Court.

Small Cause Jurisdiction.

30. The Local Government may confer, within such local limits as it thinks fit, upon any District Judge, Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under Act XI of 1865 for the trial of suits cognizable by such Courts up to such value, not exceeding five hundred rupees, as it thinks fit, and may withdraw any jurisdiction so conferred.

Power to confer Small Cause Court jurisdiction.

Suspension and Removal.

31. *(1)* Any Divisional Judge, District Judge or Subordinate Judge may be suspended or removed from office by the Local Government.

Suspension and removal.

(2) Any Munsif may, subject to the control of the Local Government, be suspended or removed from office by the Chief Court.

Valuation of Suits.

32. When the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that suits of that class shall, for all or any of the purposes of this Act, be treated as if their subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

Valuation of suits.

Administrative Control.

33. *(1)* Subject to the general superintendence and control of the Chief Court, every Divisional Court shall control all other Civil Courts in the division.

Controlling powers of Divisional and District Courts.

(2) Subject as aforesaid and to the control of the Divisional Court, every District Court shall control all other Civil Courts in the district.

34. *(1)* Every Divisional Court may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

Power of Divisional Court to transfer business.

XIV of 1882.

(2) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 35-38.)
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Sections 39-43.)

35. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court and District Court may, by written order, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

36. *(1)* The ministerial officers of the Divisional and District Courts and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively.

Ministerial officers of Subordinate Courts.

(2) The ministerial officers of all Courts controlled by a District Court, other than Courts of Small Causes, shall be appointed, and may be suspended and dismissed, by the District Court.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf, and, in dealing with any matter under this section, a District Court or a Judge of a Court of Small Causes shall act subject to the control of the Divisional Court.

37. *(1)* A Divisional or District Court or any Court under the control of a District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

Power to fine ministerial officers.

(2) The District Court, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify an order made under sub-section (1) by any Court under its control other than a Court of Small Causes, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control other than a Court of Small Causes.

38. A District Court may, with the previous sanction of the Local Government, delegate to any Subordinate Judge in the district the powers conferred on a District Court by sections 33, 35 and 36 of this Act, and section 25 of the Code of Civil Procedure, to be exercised by the Subordinate Judge in any specified portion of the district subject to the control of the District Court.

Delegation of District Judge's powers.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

39. *(1)* Appeals from the decrees of a Munsif in small causes shall, when such appeals are allowed by law, and the value of the suit does not exceed five hundred rupees, lie to the District Judge.

First appeals to whom to lie.

(2) Appeals from the decrees of a District or Subordinate Judge in original suits, when the value of the suit exceeds five thousand rupees, and appeals from the decrees of the Divisional Court in original suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(3) Appeals from decrees in original suits, not hereinbefore or by any other enactment for the time being in force provided for, shall, when such appeals are allowed by law, lie to the Divisional Court.

40. A further appeal shall lie to the Chief Court in the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely:—

Further appeal from Divisional Court.

(*a*) if the value of the suit exceeds five hundred rupees; or

the decree involves directly some claim to, or question respecting, property of like value;

(*b*) if the Divisional Court consists of a single Judge and the decree varies or reverses the decree of the Court below;

(*c*) if in a Divisional Court consisting of more than one Judge the appeal is heard by two or more Judges, and there is not a majority of those Judges concurring in the decree passed by the Divisional Court;

(*d*) if on the application of any party a Judge of the Divisional Court certifies that there is a question of law or custom or of general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal:

Provided that—

(1) an application under clause (*d*) shall not be received after the expiration of thirty days from the date on which the decree of the Divisional Court is passed, unless the applicant satisfies the Judge that he had sufficient cause for not presenting it within that period; and

(2) no further appeal shall lie in any small cause when the value of the suit does not exceed five hundred rupees.

41. Subject to the provisions of section 40 of this Act and sections 595 and 622 of the Code of Civil Procedure, a decree of the District or Divisional Court passed in appeal shall be final.

Appellate decision of District or Divisional Court otherwise final.

42. *(1)* The Local Government may confer on a Subordinate Judge the powers of a District Judge for the purpose of hearing appeals from the Courts of Munsifs in any local area, and withdraw those powers.

Power to confer appellate jurisdiction on Subordinate Judge.

(2) A Subordinate Judge shall for purposes connected with the exercise of powers so conferred be deemed to be a District Judge.

43. *(1)* The period of limitation for an appeal under section 39 or section 40 shall run from the date of the decree appealed against, and shall be as follows, that is to say:—

Period of limitation.

(*a*) when the appeal lies to the District or Divisional Court—sixty days;

(*b*) when the appeal lies to the Chief Court —ninety days.

(2) In computing these periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877:

XIV 1882. XV

The Panjáb Courts Act, 1884.
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Section 44.)
(Chapter V.—Revenue Courts.—Sections 45-47.)

Provided that, in computing the period of ninety days for an appeal under section 40, clause (*d*), the time during which the application under that clause has been pending shall be excluded.

44. For the purposes of section 617 of the Code of Civil Procedure, every appeal to a Divisional Court under this chapter shall, except when the value of the suit exceeds five hundred rupees, be deemed to be an appeal in which the decree is final.

References to Chief Court under section 617 of Code of Civil Procedure.

CHAPTER V.

REVENUE COURTS.

45. Suits of any of the classes comprised in the following groups instituted on and after the date on which this Act comes into force, shall be instituted, heard and determined in Revenue Courts and not otherwise:—

Certain classes of suits cognizable by Revenue Courts only.

First Group.

(*a*) Suits by tenants to establish a claim to a right of occupancy.

(*b*) Suits by landlords under section 6 of the Panjáb Tenancy Act, 1868, to prove that a tenant presumed to have a right of occupancy under that section has no such right.

(*c*) Suits for enhancement or abatement of rent under Chapter III of the same Act.

(*d*) Suits for ejectment of a tenant.

(*e*) Suits under section 25 of the said Act to contest liability to be ejected when notice of ejectment has been served.

Second Group.

(*f*) Suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like.

(*g*) Suits for the recovery of any over-payment of rent.

(*h*) Suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár.

(*i*) Suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts.

(*j*) Suits by assignees of land-revenue for arrears of revenue due to them as such.

(*k*) Suits by superior proprietors for arrears of revenue due to them as such.

(*l*) Suits under section 9 of the Specific Relief Act to recover possession of land.

(*m*) Suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer:

Provided that the Local Government may, after consulting the Chief Court, direct that suits of any of these classes arising in any local area shall be heard and determined by the Civil Courts and not by the Revenue Courts, and cancel any such direction.

46. (*1*) A Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 45.

Original jurisdiction of Deputy Commissioner and his subordinates in suits.

(*2*) An Assistant Commissioner or Tahsíldár shall have power to try suits of such classes mentioned in the second group of the same section, and within such limits as regards value, as may be determined by the Local Government either by including him in a class or grade, or otherwise as it thinks fit.

(*3*) The Local Government may invest a Náib Tahsíldár with power to try suits of the classes mentioned in section 45, clauses (*f*), (*g*), (*h*), (*i*) and (*k*), when the value does not exceed one hundred rupees.

(*4*) The powers conferred by this section shall be exercised within such local limits as the Local Government may direct, and in the absence of any such direction throughout the district or tahsíl to which the officer is posted.

47. An appeal shall lie from a decree passed in an original suit of any of the classes mentioned in section 46 as follows, namely:—

Appeals from original decrees.

(*a*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner in a suit of the first group and the value of the suit does not exceed five thousand rupees, or

in a suit of the second group and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner;

(*c*) when the decree is passed by an Assistant Commissioner, Tahsíldár or Náib Tahsíldár—to the Deputy Commissioner:

Provided that—

(*1*) no appeal shall lie from a decree passed in a suit of the class mentioned in section 45, clause (*l*);

(*2*) the Local Government may direct that no appeal shall lie from the decree of any Assistant Commissioner or class or grade of Assistant Commissioners designated by it in this behalf in any suit of the classes specified in clauses (*f*) to (*k*), both inclusive, of section 45, unless—

(*a*) the value of the suit exceeds such sum, not being more than one hundred rupees, as the Local Government may fix in this behalf, or

(*b*) the decree has decided a question of title to land or to some interest in land as between parties having conflicting claims thereto or as to the amount of some rent or revenue or other payment to which there is a recurring claim or as to the principle on which revenue, profits or village-expenses or other dues should be apportioned.

(*3*) The Local Government may direct that appeals shall lie from the decrees of an Assistant Commissioner or any class of Assistant Commissioners as if those decrees were passed by a Deputy Commissioner.

The Panjáb Courts Act, 1884.
(Chapter V.—Revenue Courts.—Sections 48-56.)

Further appeals from appellate decrees.

48. A further appeal shall lie from a decree passed on appeal in a suit of any of the classes mentioned in section 45 on any ground which would be a good ground of appeal if the decree had been passed in an original suit as follows, namely:—

(*a*) when the decree is passed by a Commissioner in a suit of the first group and reverses or modifies the original decree—to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*c*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner.

No appeals except under the foregoing sections.

49. Except as provided by the foregoing sections, no appeal shall lie from a decree passed under this chapter.

Limitation of appeals under this chapter.

50. *(1)* The period of limitation for an appeal under section 47 or 48 shall run from the date of the decree appealed against, and shall be as follows, that is to say:—

(*a*) when the appeal lies to the Court of the Deputy Commissioner or of the Commissioner—sixty days;

(*b*) when the appeal lies to the Financial Commissioner—ninety days.

(2) In computing those periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

[XV of 1877.]

Power to confer powers of Financial Commissioner, Commissioner and Deputy Commissioner.

51. *(1)* The Local Government may confer on any person all or any of the powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter, and may withdraw the powers so conferred.

(2) Any person on whom powers are conferred under this section shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed by the Local Government, shall for all purposes connected with the exercise of the same be deemed a Financial Commissioner, Commissioner or Deputy Commissioner, as the case may be.

Appointment of second Financial Commissioner.

52. *(1)* The Local Government may, if it thinks fit, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government.

(2) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners, and, until such rules are made and subject to such rules, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

Procedure of Revenue Courts how to be regulated.

53. *(1)* The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts.

(2) Until such rules are made, and subject to such rules when made and to the provisions of this Act,—

(*a*) the provisions of the Code of Civil Procedure shall, so far as applicable, apply to all proceedings whether before or after decree in cases under this chapter; and

(b) the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under the said Code.

Power to refer party to Civil Court.

54. (*1*) If, in any suit pending before a Revenue Court exercising original appellate or revisional jurisdiction under this chapter, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may, if it thinks fit, decide the question against him.

(*2*) If he institutes such a suit, the Revenue Court shall dispose of the suit pending before it in accordance with the final decision of the Civil Court of first instance or appeal (as the case may be).

Power for Financial Commissioner to refer question to Chief Court.

55. (*1*) When a question of the description mentioned in section 617 of the Code of Civil Procedure arises before the Financial Commissioner in the exercise of any of his powers under this chapter, he may refer the question for the decision of the Chief Court in manner prescribed by that section:

Provided that he shall not be bound to express any opinion thereon.

(*2*) On a reference being made under sub-section (1), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the provisions of sections 618, 619 and 620 of the said Code, and the Chief Court may return for amendment the statement received from the Financial Commissioner if it is not sufficient to enable the Court to determine the question referred.

Administrative Control.

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

56. (*1*) The general superintendence and control over all other Revenue Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Financial Commissioner.

The Panjáb Courts Act, 1884.
(Chapter VI.—Settlement Courts.—Sections 62-63.)
(Chapter VII.—Supplemental Provisions.—Sections 64-66.)

(2) Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control all other Revenue Courts in his division.

(3) Subject as aforesaid and to the control of the Commissioner, every Deputy Commissioner shall control all other Revenue Courts in his district.

57. Every Commissioner and Deputy Commissioner may exercise, as regards the Courts under his control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

Power to transfer business.

58. Every Commissioner and Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

59. *(1)* The ministerial officers of the Courts of the Financial Commissioner, Commissioner and Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Judges of those Courts, respectively.

Ministerial officers of Courts.

(2) The ministerial officers of all Courts controlled by a Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Deputy Commissioner.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf; and in dealing with any matter under this section a Commissioner shall act subject to the control of the Financial Commissoner, and a Deputy Commissioner subject to the control of the Commissioner.

60. *(1)* A Commissioner or Deputy Commissioner and the presiding officer of every Court under the control of a Deputy Commissioner may fine, in an amount not exceeding one month's salary, any ministerial officer of his Court for misconduct or neglect in the performance of his duties.

Power to fine ministerial officers.

(2) The Deputy Commissioner, subject to the general control of the Commissioner, may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by the presiding officer of any Court under his control, and may of his own motion fine up to the amount of one month's salary any ministerial officer of any such Court.

61. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in the district the powers conferred on Deputy Commissioners by sections 56, 57, 58 and 59 to be exercised by the Assistant Commissioner in any specified portion of the district subject to the control of the Deputy Commissioner.

Delegation of Deputy Commissioner's powers.

CHAPTER VI.

SETTLEMENT COURTS.

62. *(1)* The Local Government may, by notification in the official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling the settlement with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in the local area.

Power to invest Settlement-officers with powers of Civil or Revenue Courts in certain cases.

(2) The publication of a notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(3) The Local Government may cancel any such notification.

(4) While the notification continues in force, the powers specified in it shall be exercised by the officers so invested, and not otherwise:

Provided as follows:—

(a) the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer has been invested by the notification shall be exercised solely by the Courts by which the jurisdiction would have been exercised if the notification had not been published; and

(b) any cases pending before any officer under the notification when it is cancelled may, notwithstanding the cancellation, be disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that those cases shall be transferred for disposal to the Courts by which they would have been disposed of if the notification had not been published.

63. For the purposes of section 62 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court and the Court of the Financial Commissioner) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

Power to alter subordination of Courts for purposes of section 62.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

64. Except as otherwise provided by this Act, the Local Government may, when it is empowered by this Act to make any appointment or confer any powers, appoint, or confer the powers on any person specially by name or by virtue of his office.

Mode of appointment and conferring powers.

65. All powers conferred by this Act may be exercised, from time to time, as occasion requires.

Powers exercisable from time to time.

66. *(1)* The Local Government may fix the place or places at which any Court under this Act is to be held.

Place of sitting of Courts.

The Panjáb Courts Act, 1884.
(Chapter VII.—Supplemental Provisions.—Sections 67-75. The Schedule.)

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Act may be held at any place within the local limits of its jurisdiction.

Vacations.

67. *(1)* Subject to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as holidays in the Chief Court and the Civil Courts subordinate thereto, and the Financial Commissioner shall prepare a like list for his Court and the Courts subordinate thereto.

(2) Every such list shall be published in the official Gazette.

Pending proceedings.

68. *(1)* All cases or proceedings pending in the Chief Court on the day when this Act comes into force shall be disposed of as if this Act had not been passed.

(2) All cases or proceedings pending in any Civil Court subordinate to the Chief Court on that day shall be disposed of as if this Act had not been passed:

Provided that the Chief Court may direct that any such cases or proceedings shall be transferred for disposal to any Civil Court established under this Act which would have had jurisdiction if it had been in existence when the cases or proceedings were instituted.

(3) In the case of an appeal pending on the said day, the following shall, for the purposes of sub-section (2), be deemed to be the Court which would have had jurisdiction as aforesaid, namely:—

(*a*) when the value of the suit exceeds five thousand rupees,—the Chief Court;

(*b*) when the appeal is one in a small cause, and is pending before the Deputy Commissioner or an officer invested with the appellate powers of a Deputy Commissioner and the value of the suit does not exceed five hundred rupees,—the District Court;

(*c*) in other cases,—the Divisional Court.

Appeals after Act comes into force against decrees, &c., passed before.

69. Appeals from decrees, orders and decisions passed by Civil Courts and not appealed against before the date on which this Act comes into force shall lie and be disposed of as if this Act had not been passed and not otherwise:

Provided that the Courts to which such appeals shall lie shall be as follows:—

(*a*) when the appeal would before the said date have lain to the Chief Court, or the value of the suit exceeds five thousand rupees,—the Chief Court;

(*b*) in small causes when the value of the suit does not exceed five hundred rupees, and the appeal would before the said date have lain to the Deputy Commissioner, or an officer exercising the appellate powers of a Deputy Commissioner,—the District Court;

(*c*) in other cases,—the Divisional Court.

Modification of section 622 of Civil Procedure Code.

70. Section 622 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read as if the words "illegally or" were omitted, and for the purposes of that section no appeal shall be deemed to lie from the appellate decree of a Divisional Court to the Chief Court when the case does not fall under clause (*a*), clause (*b*) or clause (*c*) of section 40, and an application under clause (*d*) of that section has been refused.

Amendment of the first schedule annexed to the Court-fees Act, 1870.

71. In the first schedule annexed to the Court-fees Act, 1870, after No. 12, the following shall be inserted:—

NUMBER.		PROPER FEE.
13. Application to the Chief Court or the Court of the Financial Commissioner of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal.

Refund of fee paid on application for revision.

72. If the Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a Subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded.

Saving of certain appointments, rules and forms, notifications, powers and orders.

73. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms made and prescribed under sections 19, 26 and 27, and notifications published, powers conferred and orders issued under section 49, of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

Amendment of Act X of 1870, section 3.

74. In the Land Acquisition Act, 1870, section 3, before the words "British Burma," in both places where they occur, the words "the Panjáb" shall be inserted.

Amendment of Act XXVIII of 1868, section 42.

75. In the Panjáb Tenancy Act, 1868, section 42, for the words "and thirty-one" the words "thirty-one and forty" shall be substituted.

THE SCHEDULE.

ACTS REPEALED.

(*See section 2.*)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869	The Indian Divorce Act.	So much of section 3 as defines "District Judge" in the Panjáb to mean the "Commissioner of a Division."
Act XIV of 1875.	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877.	The Panjáb Courts' Act, 1877.	The whole, except section eighteen.

D. FITZPATRICK,
Secy. to the Govt. of India.



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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October, 1884:—

No. 14 OF 1884.

A Bill to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

V of 1877.
XXI of 1883.

1. The Straits Settlements Emigration Act, 1877, is repealed.

Act V of 1877.

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted:—

New section substituted for section 102 of Act XXI of 1883.

XXI of 1883.

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

Power for Governor General in Council to exempt emigration to Native States adjoining the Straits Settlements from Act.

STATEMENT OF OBJECTS AND REASONS.

THE main object of this Bill is to repeal Act V of 1877 (the Straits Settlements Emigration Act, 1877), which extends only to the Madras Presidency. It is dictated by the policy which recently led to the enactment of Act VII of 1883, (to repeal the British Burma Labour Law, 1876.) As in the case of Burma, it is found that there is a system of "free emigration" to the Straits which not only competes with, but altogether distances, the Government system for which Act V of 1877 provides. From the information before it, the Government of India is of opinion that that Act has impeded instead of promoting emigration, that labour flows as naturally to and from the Straits as it does between Burma and India, and that attempts to control its movement in British territory merely induce it to seek an outlet from the French ports of Pondicherry and Karikal. Such provisions as in the opinion of the Government are necessary, for the protection and control of the Indian immigrant after his arrival in the Straits have been embodied in a revised Labour Regulation, which is now before the Straits legislature, and will, it is expected, shortly become law. Under these circumstances, the Government of India considers that emigration from India to the Straits should be uncontrolled by law in this country save as regards the requirements of the Native Passengers Ships Act.

2. The repeal of Act V of 1877 necessitates, however, an amendment of section 102 of Act XXI of 1883 (the Indian Emigration Act, 1883). The first sub-section of that section provides for the extension of Act V of 1877 to other parts of British India. As the Act is itself now being repealed, it is clear that this sub-section should be repealed also. The second and third sub-sections of that section give the Governor General in Council power by notification to include any of the protected Native States adjoining the Straits Settlements within

the scope of any law relating to emigration to those Settlements, and exempt, on and from the date of any such notification, emigration to the protected State specified therein from the operation of Act XXI of 1883. Though there will no longer be any special law relating to emigration to the Straits, it is deemed desirable to retain the power, which these sub-sections confer, of exempting emigration to the protected States from Act XXI of 1883. A new section has therefore been substituted by section 2 of the Bill for section 102 of Act XXI of 1883 empowering the Governor General in Council to exempt emigration to the protected States from that Act whenever he considers such exemption to be desirable.

The 25th September, 1884.

S. C. BAYLEY.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Report of the Select Committee on the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

WE, the undersigned members of the Select Committee to which the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 289-1L., dated 9th September, 1884 [Paper No. 1].
Telegram from Chief Commissioner, British Burma, dated 15th September, 1884 [Paper No. 2].

2. The following is an extract from the Chief Commissioner's telegram of the 15th instant:—

"Opinions received on Burma Gaming Bill induce me to urge following points:—

"*First*, we must make touts for *ti* punishable; so please, after word 'players' in section 4, insert words 'or who promotes the game by soliciting or collecting stakes or otherwise.'

"*Second*, I fear Courts may unduly restrict meaning of word 'place'; therefore, for first eight words in clause (2), section 3, please substitute words 'every place, whether enclosed or unenclosed.'

Thirdly, our 1st class Magistrates are few; therefore please add clause as follows:—

'The Local Government may specially authorize any Magistrate of the 2nd class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the district.'

Fourthly, we want power to arrest touts in public places; therefore please add clause as follows:—

'A police-officer may apprehend without warrant any person soliciting or collecting stakes for *ti* or any other game of like nature in any public street, place or thoroughfare.'

"*Fifthly*, on advice of officers consulted, I agree that section 2 of Bill may be omitted."

3. We have adopted all these suggestions except the second; and, though the Chief Commissioner adds that he lays much stress on that suggestion, we do not think it would be possible to adopt it, at least in the shape in which he proposes it. It must be remembered that the Bill is not an independent measure, but is to be read with Act III of 1867; and, if the provisions of that Act relating to common gaming-houses be referred to, it will, we think, be found that some at least of them are such that if every "place," without any distinction or limitation whatever, was to be made a "common gaming-house," they could not fairly or reasonably be applied. It may indeed be doubted whether, apart from all consideration of the harshness which the proposed amendment would involve, some of those provisions could be applied to every "place" indiscriminately without giving rise to something approaching an absurdity.

4. We have, we need hardly say, considered whether it might not be desirable to give some extension to the definition of "common gaming-house" short of that proposed by the Chief Commissioner; but we think, having regard to English decisions on the provisions of Statutes worded in a manner somewhat similar to Act III of 1867 and the

present Bill, that the definition is as wide as it is desirable to make it. We think we may reasonably count on its being held, with reference to those decisions, to include all places which are sufficiently analogous to a house, walled enclosure or room to admit of being reasonably and fairly treated as gambling-houses for the purposes of the Act.

5. It must be remembered that the question here involved has little or no importance in practice except in its bearing on the position of persons who are induced to take tickets in the *ti;* for the managers and their assistants will in all cases be subject to severe penalties under separate provisions, which are completely independent of the definition of common gaming-house; and, as regards mere ticket-holders, it appears to us that it is sufficient if they are punishable under the common gaming-house provisions of the Bill and the Act as they now stand, and under the 13th section of the Act for gambling in public. We have, however, amended the last-mentioned section so as to give it a somewhat wider range in British Burma than it has elsewhere.

6. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	30th August, and 6th and 13th September, 1884.
British Burma Gazette	13th September, 1884.

In the Vernaculars.

Province.	*Language.*	*Date.*
British Burma ...	Burmese ...	13th, 20th, and 27th September, 1884.

We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

C. P. ILBERT.
C. U. AITCHISON.
J. GIBBS.
J. W. QUINTON.

The 25th September, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Report of the Select Committee on the Bill to amend the Law relating to Local Self-government in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

We, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Local Self-government in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 678 8R.M., dated 27th September, 1883, and enclosures [Papers No. 1].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 88-8R.M., dated 4th October, 1883, and enclosures [Papers No. 2].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 348 8R.M., dated 17th October, 1883, and enclosures [Papers No. 3].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 537 8R.M., dated 27th December, 1883, and enclosure [Papers No. 4].
Office Memorandum from Home Department, No. 762, dated 9th May, 1884, and enclosures [Papers No. 5].
From Officiating Secretary to Chief Commissioner, British Burma, No. 481-1G.M., dated 17th June, 1884, and enclosure [Papers No. 6].

2. The Bill as now amended by us will be seen at a glance to differ considerably from the Bill as introduced. The difference is due chiefly to three causes.

3. In the first place, there has been a change in the main plan and scope of the measure. As explained in the Statement of Objects and Reasons, the original Bill was framed with a view to the inclusion within municipalities of adjoining rural areas. This course was taken, on the advice of the Local Government, in order to meet the requirements of certain rural tracts, until such time as it might be found possible to establish a system of local boards for rural districts.

From the papers since submitted, however, it appears that, upon fuller consideration, the weight of opinion is against the attempt to include in one municipality urban and rural tracts; and the Chief Commissioner now recommends that the Bill be confined, as we believe all the Municipal Acts on our Statute-book are, to urban tracts, the matter of local self-government in rural tracts being left to be dealt with separately hereafter.

In this recommendation we concur. The difficulty of framing the provisions of the Bill so as to fit in with conditions so essentially different as those of the towns and the adjoining tracts of country has turned out to be greater than was anticipated, and the call for the establishment of a system of local self-government in the rural tracts of British Burma is not so pressing as to justify our running the risk of passing an unsatisfactory measure for the sake of at once meeting it. We have accordingly reduced the Bill to the form of a Municipal Bill pure and simple.

4. Another difference between the original Bill and the present Bill is due to our having, at the request of the Chief Commissioner, adopted the course taken by the Select Committee on the Panjáb Municipal Bill of substituting for wide general powers to make rules detailed provisions regarding nuisances and other matters affecting the public health, safety and convenience. It is in this way that most of the new sections contained in Chapters VI and VII of the amended Bill are to be accounted for.

5. Lastly, the greater light thrown upon the needs of municipal government and on the difficulties likely to present themselves in the application of a Municipal Act by the prolonged discussions which took place in the Select Committee on the Panjáb Bill has led to numerous amendments in, or additions to, the Bill of minor importance. As examples we may refer to—

Section 27 (e) (distribution of executive powers and duties);

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Section 28 (extraordinary powers of president and vice-president in case of emergency);

Sections 44 and 88 (powers to impose a scavenging-tax and to undertake the scavenging of private premises);

Sections 51-57 (special rules applicable to taxation of immoveable property);

Sections 60 and 61 (constitution and application of the municipal fund);

Sections 65-67 (provisions relating to municipal property);

Section 138 (settlement of disputes);

Sections 151-153 (relating to notices); and

Section 158 (which confers a power to exempt a municipality from any provisions of the Act which appear unsuitable to it).

This last section, we may observe, is specially necessary in view of the numerous and somewhat elaborate provisions now contained in Chapters VI and VII, some of which would probably be unsuitable in small municipalities.

6. We have now to notice such of the more important alterations of the Bill as are not accounted for by the foregoing remarks, or as otherwise seem to call for explanation.

7. Section 12 of the original Bill, which required a member of the municipal body to vacate his seat when appointed to a salaried municipal office, and section 29, which provided for the payment of fees to members for attendance at meetings, have been omitted; the former because it is not thought advisable that any person while a member of a committee should be appointed to a salaried office under the committee, and the latter because a municipal area can now comprise only a town and its immediate suburbs, and the members of the committee, being residents of that area and not having to travel any distance to the meetings, may reasonably be expected to give their services gratuitously.

8. We have, following the course taken in the Panjáb Bill, limited the rates to be imposed for water, lighting and scavenging only by providing (in effect) that they shall not exceed what is requisite to defray the cost of the services for which they are levied; and we have, as in the Panjáb Bill, provided that the proceeds of these rates shall be carried to the one municipal fund, separate accounts only being kept, instead of constituting separate funds.

9. We have substituted for section 47 of the original Bill, which required a municipal committee to make grants-in-aid to schools in accordance with such rules as the Government might make, a section (62) specifically appropriating to educational purposes the income for schools and all sums acquired by the committee in trust for educational purposes, and further requiring the assignment for educational purposes from the general municipal revenues of such sum annually, not being more than 5 per cent. of the gross annual income of the municipality, as the Local Government may fix.

This section has been suggested by the Chief Commissioner with the view of meeting practical difficulties which have occurred in British Burma, and is, in his opinion, indispensable for the purpose of carrying out the educational policy which has recently been established in that province, and under which the municipalities, whilst relieved of police-charges, have been required to provide for the maintenance of local schools. It will be observed that the section, while it compels the committee to devote a certain minimum of its funds to educational purposes, imposes no such restriction as might have been imposed under the original section as regards the particular objects on which the money shall be spent.

10. The Chief Commissioner has in an unofficial communication proposed certain modifications in and additions to the new provisions introduced from the Panjáb Bill in Chapters VI and VII. Most of these are of minor importance, and we have in general adopted them, omitting only such as appeared to us superfluous or unnecessarily stringent. In one instance we, however, have found it necessary to omit a section of considerable importance proposed by the Chief Commissioner, namely, a section similar to section 14 of Act XLVIII of 1860 giving a certain power of control over brothels and other disorderly houses; but that section we have omitted merely because we think the matter is one to be dealt with by the Magistrates and police rather than by a municipal committee.

11. The only other point which appears to call for notice in connection with this portion of the Bill is that we have substituted two sections (126 and 127) based on similar sections in the Public Health Act, 1875, for a section proposed by the Chief Commissioner, to guard against the spread of infectious diseases through the medium of public conveyances.

12. Sections 49 to 51 of the original Bill provided for the exercise by a municipal committee or its members of certain magisterial powers in nuisance cases. We have omitted these sections for the same reasons that have led to the omission of the corresponding sections of other Municipal Bills recently before the Council, namely, that a section like section 49 could have little practical effect, and that it is not desirable that the powers given by the other two sections should be conferred.

13. We have not thought it advisable to adopt a proposal made by the Chief Commissioner that the Local Government should be empowered to invest municipal officers with the powers of police-officers for the purposes of section 34 of the Police Act (V of 1861).

14. We have added a clause to section 133 providing that the powers of control over municipalities, conferred by that section on the Commissioner and Deputy Commissioner, shall, in the case of the municipalities of Rangoon, Moulmein, Akyab and Bassein, be exercised not by those officers but by the Local Government.

15. Lastly, we have to state that we have considered a proposal of the Chief Commissioner to the effect that the appropriation provisions of the Bill should be modified in such a manner as to admit of a municipal committee subscribing to a public band or contributing to fireworks or the like on great occasions. We have not adopted this proposal, because the objects in question appear to us to lie beyond the sphere of the purposes for which municipal taxation is raised in this country.

16. The publication ordered by the Council has been made as follows :—

In English.

Gazette		*Date*
Gazette of India	..	21st and 28th July, and 4th August, 1883.
British Burma Gazette	..	11th, 18th and 25th August, 1883

In the Vernaculars.

Province	*Language*		*Date*
British Burma	Burmese	...	25th August, and 1st and 8th September, 1883

We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

C. P. ILBERT.

J. GIBBS.

T. C. HOPE

J. W. QUINTON.

D G BARKLEY.

The 25th September, 1884.

D. FITZPATRICK,
Secy to the Govt of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Report of the Select Committee on the Bill to amend the law relating to Courts in the Panjáb was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Courts in the Panjáb was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Extract from the *Tribune* of 5th July, 1884 [Paper No. 1].
Extract from the *Tribune* of 12th July, 1884 [Paper No. 2].
Extract from the *Hindoo Patriot* of 14th July, 1884 [Paper No. 3].
Extract from the *Tribune* of 19th July, 1884 [Paper No. 4].
Extract from the *Tribune* of 26th July, 1884 [Paper No. 5].
Extract from the *Tribune* of 2nd August, 1884 [Paper No. 6].
Extract from the *Tribune* of 9th August, 1884 [Paper No. 7].
Extract from the *Tribune* of 16th August, 1884 [Paper No. 8].
From Officiating Secretary to Government, Panjáb, No. 4078., dated 26th August, 1884, and enclosures [Papers No. 9].
Extract from the *Civil and Military Gazette* of 21st August, 1884 [Paper No. 10].
From President, Indian Association, Lahore, dated 30th August, 1884, and enclosure [Papers No. 11].
Extract from the *Tribune* of 23rd August, 1884 [Paper No. 12].
Extract from the *Civil and Military Gazette* of 25th August, 1884 [Paper No. 13].
From Officiating Secretary to Government, Panjáb, No. 4478., dated 4th September, 1884, and enclosure [Papers No. 14].
From Officiating Secretary to Government, Panjáb, No. 4458., dated 6th September, 1884, and enclosure [Papers No. 15].
Endorsement by Officiating Under-Secretary to Government of India, Home Department, No. 1215, dated 15th September, 1884, and enclosures [Papers No. 16].

2. We have rearranged the provisions of the Bill in a manner which we trust will make them more readily intelligible; and in the following remarks we shall as far as possible take the sections in their new order.

CHAPTER II.

THE CHIEF COURT.

3. It will be observed that under the proviso to section 8, sub-section (1), a single Judge of the Chief Court is prohibited from revising or modifying any proceeding of a lower Court except an "order" within the meaning of the Code of Civil Procedure. The restriction thus imposed does not, we believe, differ to any important extent from that contained in the corresponding provision (section 21, proviso) of the original Bill, and it relieves us of the necessity of using the phrase "interlocutory order," to which some difficulty attached.

4. We have also modified the last sub-section of section 8 by placing in the hands of the Senior Judge the power of determining which Judges of the Chief Court shall sit alone and which shall constitute benches, instead of leaving the power to be delegated by the Court to such Judge as it might think fit.

5. We have in section 14 added to the matters in respect of which the Chief Court is empowered to make rules—

(1) the translation of papers filed in the Chief Court and copying or printing any such papers or translations, and the payment by parties of the expenses thereby incurred; and

(2) the procedure in cases where a person is entitled to inspect a record of any Court or obtain a copy of it, and the fees payable for searches and copies.

We believe that these matters have long been dealt with by the Chief Court at its discretion, and we think it well that the power to deal with them should be placed on a legal basis.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

6. The enumeration of the subordinate Civil Courts in section 17* differs from that in section 4 of the original Bill, but the substantive changes involved are smaller than might at first sight be supposed.

* (a) The Divisional Court.
(b) The Court of the District Judge.
(c) The Court of the Subordinate Judge.
(d) The Court of the Munsif.

The Divisional Court corresponds, with certain modifications, which we shall presently have to notice, to the Divisional Court of the original Bill.

7. The District Judge corresponds to the Assistant Judge of the original Bill, but his position as controlling the administration of civil justice in the district in somewhat the same manner as the District Magistrate under the Criminal Procedure Code controls the administration of criminal justice is more clearly brought out; and (section 23) his Court is, subject to certain exceptions, made the District Court for the purposes of those Acts which confer special powers on a District Court.

8. The Subordinate Judge corresponds to the Subordinate Judge of the first class of the original Bill, but we have, instead of fixing a pecuniary limit to his jurisdiction as in section 36 of the original Bill, empowered the Local Government to do so (section 26). It will thus be in the power of the Local Government to limit the jurisdiction of a Subordinate Judge to any sum it thinks fit, or to confer upon him the unlimited jurisdiction exercised by a District Judge in original suits.

9. The Munsif of the amended Bill is intended to comprise the second, third and fourth classes of Subordinate Judges of the original Bill, and his powers in original suits have been dealt with in a manner similar to that just described; that is to say, it is left (section 26) to the Chief Court to invest each Munsif with such powers as it thinks fit, provided that the limit of value does not exceed Rs. 1,000, which was the limit for Subordinate Judges of the second class under section 36 of the original Bill.

10. It will be observed that section 19 introduces an important change as regards the constitution of the Divisional Court; but as that change will be more conveniently explained when we come to speak of the appellate jurisdictions, it only remains to notice here that we have in the proviso to section 21 put the restriction on the powers of one of several Judges of a Divisional Court sitting alone on the same footing as the similar restriction in the case of the Chief Court (*supra*, paragraph 3).

11. We have inserted a new section (29), similar to section 27 of the Bengal Courts Act, providing for the transfer to a Subordinate Judge or Munsif of business under Act XXVII of 1860, Act XL of 1858 and Act IX of 1861.

12. In the section (now 30) which empowers the Local Government to confer the powers of a Small Cause Court Judge on certain judicial officers, we have, as in other cases, omitted all minute specification of pecuniary limits, and simply provided that the Local Government may confer such powers as it thinks fit within the limit of Rs. 500.

13. In dealing with a Bill of this description it is impossible to overlook the difficulties which present themselves in connection with the valuation of certain classes of suits for the purpose of determining the original jurisdiction and the course of appeal. The question of the simplest mode of valuing suits for the recovery of land is at present under the consideration of the Government of India, and we have not accordingly felt ourselves called upon to take it up; but there are certain other classes of suits which in the absence of any special provision for their valuation would be left in a very unsatisfactory position, namely, suits the subject of which does not admit of valuation on any intelligible basis. Such suits are usually valued at some low figure, and consequently may be heard without any reference to their importance or difficulty by Courts of the inferior grades. The necessity for making some special provision for them on the present occasion is the greater, inasmuch as, under the present Bill, the course of appeal will depend to a greater extent than before on the valuation.

We have accordingly introduced a new section (32) providing that, where the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that such suits shall be treated as if the subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

14. The only other provision of this chapter which appears to call for notice is section 38. As we have explained, it is intended that the District Judge should have the general control of the administration of civil justice throughout his district; but there may be cases, as *e.g.*, that of Kulu, in which it would be convenient to delegate this control to a Subordinate Judge in some outlying portion of the district in somewhat the same way as certain powers of a District Magistrate are delegated to a Sub-divisional Officer under the Code of Criminal Procedure; and accordingly a power to effect such a delegation has been taken.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

15. We have omitted the words in the opening section of this chapter which conferred a power to place other classes of suits on the same footing as mufassal small causes for the

purposes of appeal, the object in view being now sufficiently met by the new definition of "small cause" (in section 3), which gives power to place small causes within the meaning of the Presidency-towns Small Cause Courts Act on the same footing as mufassal small causes.

16. We have, moreover, restricted this section, as we have the entire chapter, to appeals from decrees as distinguished from orders, the latter being sufficiently provided for by the Code of Civil Procedure.

17. The subject of further appeals, which is dealt with in the following section, is one which has given rise to much discussion, and which is surrounded on all sides with difficulties of a serious nature. We have given to it the most careful and prolonged consideration, and have come to the conclusion that the right of further appeal allowed by the Bill as introduced must be extended in some important particulars.

The Bill as introduced allowed a further appeal from the appellate decree of a Divisional Bench only in two cases, namely, if the Judges differed *or* if some question of law or custom or of general interest was involved; and in these cases it did not allow the appeal as a matter of right, but only if both Judges, or when one had left the Court, the remaining one, certified that the case was of sufficient importance to justify a further appeal. Under the Bill as now amended a further appeal will lie as a matter of right and without any certificate from a Divisional Bench in all cases where the Judges differ. There will, moreover, be a further appeal in all cases in which any one Judge certifies that there is a question of law or custom or general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal. And, lastly, there will be a further appeal in cases of a class altogether new and not contemplated in the original Bill, namely, where the value of the suit exceeds Rs. 500.

The proviso barring a further appeal in small causes when the value does not exceed Rs. 500 is retained.

18. We have, as already indicated, made another alteration which is of considerable importance, and which it is convenient to notice here.

The Bill as introduced required that the Divisional Courts should consist in all instances of at least two Judges, that except as expressly provided no decision should be reversed except by a bench of two Judges, and that the restrictions on further appeal which we have described should apply to all Divisional Courts. To that objection was taken on the ground that there may be a difficulty in finding in the Panjáb a sufficient number of competent officers to furnish two Judges for each of the Divisional Courts proposed. We need hardly say that if the objection were well-founded it would be a serious one, inasmuch as the strict limitations on the right of further appeal to the Chief Court imposed by the original Bill were framed in reliance on the strength of the Divisional Benches; and though those limitations have now been relaxed in the important particulars already described, the Bill still proceeds on the assumption that a Divisional Bench will be a stronger, more reliable and more satisfactory tribunal than the Court of a Commissioner ordinarily now is.

19. It is of course impossible for us to say whether the precise number of competent officers required to constitute Benches in all the proposed Divisions is to be found in the Panjáb at this moment, but we understand that the Lieutenant-Governor has no misgivings on the point, and we think it may be safely affirmed that the difficulty of procuring a sufficient number of competent officers for the Benches has been much exaggerated.

In order, however, to guard against every possibility of miscarriage, we have now modified the Bill in such a way that, if the Lieutenant-Governor finds, at any time, that the materials required for establishing a Bench in any particular Division are not immediately available, he can make the Divisional Court there consist of a single Judge (section 19), and in the event of his doing so a further appeal will, subject only to the proviso as to small causes contained in section 40, lie from that Judge's appellate decrees precisely as they lie at present from the appellate decrees of a Commissioner [section 40, clause (*b*)].

CHAPTER V.

REVENUE COURTS.

20. We have recast this chapter, assimilating it in form and arrangement to the portion of the Bill relating to Civil Courts, and supplying certain omissions in details, as, *e. g.*, provisions relating to ministerial officers, which it seems unnecessary to notice more particularly.

21. We have omitted from the list of suits cognizable by Revenue Courts given in the first section the so-called suits under section 40 of the Panjáb Tenancy Act, inasmuch as we find on reference to that Act that the proceedings in question are not suits but applications, and we think that the proper mode of dealing with them is to include them among the applications to be heard on the revenue side which are specified in section 42 of that Act, and from which they were apparently omitted by an oversight. We have accordingly added a section (75) to the Bill amending section 42 of the Tenancy Act so as to include them.

22. We have added to the list of suits cognizable by Revenue Courts "suits to determine disputes regarding boundaries of land" (*i.e.*, of agricultural land) "which have been fixed by

a Court or Revenue-officer." This addition has been advocated by several of the authorities consulted, and it appears to us to be a proper one, seeing that all that is ordinarily required for the decision of such disputes is the laying down on the ground of a boundary which is to be found in a map.

23. On the other hand, we have appended to the section a proviso which empowers the Local Government, after consulting the Chief Court, to retransfer to the Civil Courts the jurisdiction in any class of revenue cases cognizable in any part of the country where it appears desirable to do so.

24. We have for convenience sake divided the classes of suits into two groups, and at the instance of the Local Government included class (d), suits for ejectment of a tenant, in the group containing suits deemed to be of greater importance or difficulty.

25. We have in defining the powers of Assistant Commissioners and Tahsíldárs [section 46 (2)], following the same course as in the provisions relating to original civil jurisdiction, omitted all minute specification of pecuniary limits, and left it to the Local Government to fix those limits as it thinks fit.

26. We have for the same reason as in the preceding chapter omitted all reference to appeals from orders.

27. We have introduced a clause in the proviso to section 47, based on similar provisions in the Rent Laws of Bengal and the North-Western Provinces, giving power to bar appeals from decrees of certain classes of officers in money-suits when the amount involved does not exceed Rs. 100 and no question of importance, such as a question of title, is involved.

28. We have added a section (51) empowering the Local Government to confer on any person the judicial powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter.

29. We have, in order further to provide a means of relieving the Revenue Courts of the necessity of disposing of particular matters which may be found to be more proper for consideration by the Civil Courts, introduced two new sections (54 and 55).

The first of these is copied with certain modifications from section 208A of the North-Western Provinces Rent Act, 1881, and is intended to take the place of section 49 of the original Bill, which has been the subject of adverse criticism. It empowers a Revenue Court, when it considers that any question in issue before it is more proper for decision by a Civil Court, to require any party to institute a suit in the Civil Court with a view to obtaining a decision on the question. If he fails to comply with the requisition, the Revenue Court is empowered to decide the question against him, but is not bound to do so, as under the corresponding provision of the North-Western Provinces Act. If the party institutes the suit in the Civil Court, the Revenue Court will follow the decision of that Court.

30. It has been suggested that any provision of this sort is superfluous, inasmuch as a Revenue Court being a Court of limited jurisdiction, and its decision in one case being accordingly, under section 13 of the Code of Civil Procedure, binding in other cases only to a limited extent, it may safely be compelled to decide all questions arising incidentally in any suit before it, even though they may be questions which would be obviously more proper for the consideration of a Civil Court.

To this view of the matter we are unable to assent.

31. It is undoubtedly true that in many cases, probably in the great majority of cases, it is best for all parties that the Revenue Court should take upon itself to decide all questions incidentally arising in the suit, even though some of them might be of a nature more proper for the consideration of a Civil Court. This would clearly be the right course for the Revenue Court to take when the question is a simple one and can be quickly disposed of, or when it is one not likely to arise subsequently between the parties in any other connection; but it seems equally clear that when, as must occasionally happen, some complicated and difficult question arises in a revenue-suit, and is certain to arise again between the parties unless it is finally settled, a Revenue Court ought to be allowed some discretion of the sort proposed. For, if some such discretion is not allowed, what must be the result? The question must be tried out at a great expenditure of time and money to all concerned by the Revenue Court, which *ex hypothesi* is not the best Court to try it. It may then go in appeal to the higher Revenue Courts, probably in the last resort to the Financial Commissioner, and, after all, as the decision obtained will not be binding except for certain limited purposes, the whole litigation may commence *de novo* and run a similar course through the Civil Courts.

It is in order to provide a means of avoiding scandals of this sort that we have introduced the section in question.

32. We are quite aware that the power it confers might be abused by an indolent Revenue-officer if he were free to resort to it at pleasure, but we have guarded against this by making the sanction of the immediately superior Court a condition precedent to its exercise.

33. Section 55, to which there is nothing corresponding in the original Bill, empowers the Financial Commissioner to refer to the Chief Court a point of law which he considers that Court is more competent to decide.

34. We trust that these two sections and the proviso which we have appended to section 45 (see *supra*, paragraph 23) will suffice to remove the apprehensions which have been expressed in some quarters that the Bill may force upon the Revenue Courts duties which they will be incompetent to discharge.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

35. We have omitted section 63 of the original Bill, which provided for consultations between the two Financial Commissioners, as it is unnecessary to provide for such a matter by legislative enactment and the proposal to do so gave rise to some misapprehension.

36. We have likewise omitted section 66 of the original Bill, which expressly prohibited a judicial officer from disposing of a case in which he might appear to be interested. We are aware that such provisions have long found a place in our Courts Acts, but we think the matter is one on which legislation may well be dispensed with, the general principles applicable to it being perfectly well understood.

37. Section 68 of the original Bill, which reproduced section 48 of the present Panjáb Courts Act, gave power to the Government to appoint a single Judge to exercise the Chief Court's superintending functions. This power has never been exercised, and we are informed that the Government have no desire to retain it. We have accordingly omitted the section.

38. Sections 73 and 74 of the original Bill, which provide for the enhancement of the court-fees upon applications to the Chief Court for revision under section 622 of the Code of Civil Procedure, were introduced with a view to discouraging such applications. We fully approve of their provisions and have retained them in the revised Bill. From statistics put before us by our hon'ble colleague Mr. Barkley it appears that such applications have of late been increasing to a formidable extent in the Panjáb; and, as observed by him when he asked for leave to introduce the Bill, they are certain to increase with greater rapidity if the provisions of the Bill, which give greater finality to the decisions of the Lower Appellate Courts, become law. Moreover, from the circumstance that only about one-sixth of the applications now made to the Chief Court are successful, it may be gathered that Panjáb litigants when debarred from appealing are tempted to incur the serious trouble and expense involved in making such applications, even where there may not be the slightest prospect of success. This appears to us to be a serious evil, and the only question has been whether the increase of the court-fee proposed in the original Bill would be enough to check it. The better opinion appears to us to be that it would have but a slight effect in that direction, and that nothing short of an alteration of section 622 of the Code as applied to the Panjáb will suffice.

39. We find that a considerable divergence of opinion has arisen between some of the highest Courts in the country as to the nature of the grounds required to support an application under that section. A full bench of the Allahabad High Court has held (I. L. R. 3 All. 203) that any grounds on which a second appeal would lie are sufficient. The practical result of this, as admitted by two of the learned Judges, is that section 622 of the Code gives a second appeal in all those cases in which the earlier sections of the Code expressly deny it. It may, no doubt, be said that the Court has a discretion under section 622 to interfere or not as it thinks fit, but we apprehend that as a rule a High Court holding the opinion just referred to, and finding what would be a good ground for special appeal made out, would be in practically the same position as if it were considering a special appeal under section 551.

40. A view which is probably more in accordance with that of those who framed the section was taken by a full bench of the Bombay High Court in a case reported in I. L. R. 7 Bom. 341. The conclusion to which the Court came in that case may be stated to be that the jurisdiction conferred by section 622 of the Code is an extraordinary jurisdiction to be exercised only in extraordinary cases, and that the precise circumstances under which it is to be exercised is left to the discretion of the Court and cannot be defined.

The question has not yet come before a full bench of the Panjáb Chief Court. It is impossible to predict what the result of its being fully considered by that Court would be; and, having regard to its intimate connection with the working of the present Bill, we do not think the matter should be left in uncertainty.

41. The root of the difficulty which has sprung up in connection with the section appears to lie in that portion of the wording introduced into the Code by Act XII of 1879, which empowers the High Court to interfere on the ground that the Lower Court has acted "illegally." The Allahabad High Court has construed this as justifying the High Court's interference whenever the Court below has erred on a question of law, and it is on this point mainly that the Bombay Court has dissented from the Allahabad decision. The divergence of opinion will no doubt have eventually to be met by an amendment of the Code, but the matter is not very pressing, where, as in most parts of the country at present, the proportion of cases in which appeals to the High Court are barred is comparatively small and a tendency to resort recklessly to the section has not developed itself among litigants.

42. In the Panjáb, on the contrary, the question is already pressing, and will become more so if this Bill is passed. We are therefore compelled to deal with it separately for that province; and the conclusion to which we have come after the most careful consideration, and having regard to the special circumstances of the Province and the peculiar features of the appellate system now proposed, is that the extraordinary jurisdiction conferred by section 622 of the Code should be exerciseable only on the ground that the lower Court has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction with material irregularity. We propose, therefore (section 70 of the Bill), to limit the scope of section 622 of the Code in this way, and we believe that when so limited it will still be sufficiently wide to cover all cases which call for the exercise of revisional as distinguished from appellate jurisdiction.

43. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India ...	... 5th, 12th and 19th July, 1884.
Panjáb Government Gazette ...	... 10th, 17th and 24th July, 1884.

In the Vernacular.

Province.	*Language.*	*Date.*
Panjáb	... Urdu	... 28th July, and 4th and 11th August, 1884.

We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

D. G. BARKLEY.

J. GIBBS.

C. P. ILBERT.

S. C. BAYLEY.

J. W. QUINTON.

The 25th September, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Thursday, the 25th September, 1884.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.

His Excellency the Commander-in-Chief, G.C.B., C.I.E.

The Hon'ble J. Gibbs, C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.

The Hon'ble J. W. Quinton.

The Hon'ble D. G. Barkley.

MARRIAGE LICENSES VALIDATION BILL.

The Hon'ble MR. ILBERT moved that the Bill for the validation of certain licenses to solemnize marriages granted to Ministers of Religion under Act XXV of 1864 be taken into consideration. He said:—

"The object of this Bill is, as clearly appears from the preamble, to remove from the existing Christian Marriage Acts a flaw which, if it were allowed to remain and if its existence became generally known, might cause cruel hardship to innocent persons. The Bill has been circulated for opinion, and its provisions have met with general approval. The only suggestions for its amendment which I need notice here are contained in papers from Mr. Justice Mahmúd of the Allahabad High Court and from Mr. Justice West, the latter of which did not reach me until yesterday.

"Mr Justice West remarks that, while the Bill makes a necessary provision for the case of Ministers licensed under Act XXV of 1864, a similar provision seems equally requisite, or may be so, for the case of Ministers licensed under Act V of 1865 and celebrating marriages without a fresh license under Act XV of 1872. But it will, I think, be found that this latter case is already covered by the second paragraph of section 2 of Act XV of 1872, which saves licenses granted under the Act of 1865 though not licenses granted under the Act of 1864. Mr. Justice West also suggests that Ministers should be commanded to do all things required by the Act in force when they celebrate any marriage. If the meaning of this suggestion is that a marriage under the licenses with which the Bill deals should not be valid unless the conditions are observed which under the Act in force are essential to the validity of the marriage, then I think it is clear that this would be the effect of the Bill as drawn.

"And, lastly, both Mr. Justice West and Mr. Justice Mahmúd suggest that, if the Bill is to be made retrospective, as we propose to make it, there should be savings in favour of civil rights acquired under the law as it stands, and of persons who through the retrospective operation of the Bill, may become bigamists subject to punishment, though, when actually married the second time, their first marriages were substantially void.

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"Mr. Justice Mahmúd refers, as a precedent for such a saving clause, to the legislation proposed for altering the law as to marriage with a deceased wife's sister. But I should point out that there is a material difference between the objects of such legislation and the objects of the present Bill. It is one thing to make legal marriages which were intentionally made illegal, and are notoriously illegal, and quite another thing to declare the effect of the existing law to be what it was undoubtedly intended to be, and what it is generally believed to be. A much closer parallel to the present Bill is to be found in numerous other English Statutes which have been passed for similar purposes. The Statute which is most closely analogous is perhaps one which was passed in 1868 (31 & 32 Vic., c. 61) for validating marriages solemnized before persons acting as Consuls. This Act does not contain a saving clause. Then a large number of Statutes have been recently passed for curing such formal defects as the insufficient publication of banns or the celebration of marriages in a wrong building. I find that the great majority of these Statutes contain no saving clause, and that the very few exceptions may be accounted for by special circumstances, such as the fact that litigation had taken place or was still pending with reference to the questions which the Act was intended to set at rest, or that the validity of the marriages to be legalized was notoriously a matter of general doubt, on grounds quite different from the technicalities of Statutes. For instance, there had, I believe, before the passing of an Act of 1879, been great and general doubt about the binding efficacy of marriages solemnised before officers of Her Majesty's Navy, and this doubt was not confined to lawyers. In such exceptional cases there has been occasionally a proviso that the enactment shall not render valid any marriage which before the passing of the Act had been declared invalid in a Court of competent jurisdiction, or any right dependent on the validity or invalidity thereof, or render valid any marriage where either of the parties has before the passing of the Act and during the lifetime of the other party lawfully intermarried with any person.

"But in the present case there is not the slightest ground for believing that the validity of any marriage contracted under the licenses with which we propose to deal has ever been questioned in a Court of law, and it is extremely improbable that any person has married again on the faith of his first marriage being held invalid in consequence of the flaw which we are now seeking to remove. In fact, the knowledge or suspicion that there is such a flaw has been probably confined to an extremely small number of legal experts. If there be any person so astute as to have discovered the flaw, and so unscrupulous as to have taken advantage of it, I think we should do no substantial injustice by leaving him to the mercy of the Criminal Courts. The nominal sentence which would probably be passed on him would be far from commensurate with his moral deserts, and he might count himself, as bigamists go, a remarkably fortunate man. But on the whole I think that the extreme improbability of any case having occurred for which a saving clause is required fully justifies us in following the precedent which is supplied by the vast majority of English Statutes *in pari materiâ*, and in not inserting any such clause. I have therefore not proposed to make any amendment in the Bill as introduced."

The Motion was put and agreed to.

The Hon'ble Mr. Ilbert also moved that the Bill be passed.

The Motion was put and agreed to.

STRAITS SETTLEMENTS EMIGRATION ACT, 1877, REPEAL, AND EMIGRATION ACT, 1883, AMENDMENT, BILL.

The Hon'ble Sir Steuart Bayley moved for leave to introduce a Bill to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883. He said:—

"The Bill which I am now asking for leave to introduce is not very complicated in its machinery; but it brings to a close a controversy which has been going on in a sort of triangular way between three Governments for the past twelve years—the Straits Settlements Government, the Madras Government and

the Government of India. Under the Emigration Law of 1872, emigration to the Straits Settlements was free for the most part of India, and, under the more recent Act of 1883, the Straits are expressly excluded by the definition of 'emigration,' but from Madras it has always to a certain extent been controlled; however, from the greater part of India there is no emigration to the Straits; the only emigration of importance is from Madras, and, when the Emigration Act of 1872 was under consideration, the Straits Settlements Government were moving the Government of India to allow emigration to go free and unrestricted, and the Madras Government were anxious to maintain the same system towards the Straits as was in force with respect to other Colonies. The Government of India rather inclined, I think, at that time to the Straits Government, but acted as judicious bottle-holder, and finally the controversy for the time being was settled by the compromise which Sir Arthur Hobhouse proposed, and which took effect, after a very long incubation, in the shape of Act V of 1877, which I am now asking leave to repeal. The difference between the system which was brought in under Act V of 1877 and that in force in the different Colonies is this: as a rule in the case of Colonial emigration the emigrant enters into a contract in this country with the Agent of the Colonial Government, and the Government takes upon itself the responsibility of feeding him and conveying him to the colony, and does not attempt to recover those expenses from him. Under the system of Act V of 1877 the Straits Government was entirely unwilling to take upon itself that responsibility, and for very good reasons I think. The consequence was that the emigrant had to depend for the necessary advances to cover those expenses upon the individual employer of labour with whom he contracted. Then the question arose, how was that money to be recovered? The Government of Madras objected to the emigrant starting life in a new colony with the burden of the debt of those advances upon him, and the Colonial Government did not in the least see why their general tax-payers should be taxed in order to pay the expenses of the labourers of a small class; the result was that a curious conflict of law came about. The Straits Ordinance which was supposed to enforce our law made those advances recoverable, and provided for their recovery. Section 16 of our Act provided that all contracts made for the recovery of such advances from subsequent wages were illegal and void. Each Government legislated according to its own view, and, notwithstanding the provision in the Straits Ordinance of 1876, Act V of 1877 was passed. None the less from that day to this these illegal contracts have been enforced, and the money advanced has been recovered.

"The other provisions of Act V of 1877 referring to the incidence of control are not very important. They provide for a three years' indenture, maximum hours of labour, minimum wages and the protection of the Protector, the latter being an officer appointed by the Madras Government, but drawing his salary and receiving his orders from the Straits Government. When the Act was introduced, Sir Arthur Hobhouse was apparently not very strongly impressed in its favour, and what he said about it was this:—

'He confessed that he was in hopes that, when a sufficient law had been passed on the other side of the water, nothing would have been found necessary on our side beyond the mere removal of the shackles placed on emigration by the Act of 1871.'

"But he accepted the opinion of the Madras Government, and consequently Act V of 1877 became law. At the same time, Sir Andrew Clarke, who as Governor of the Straits had made himself personally acquainted with the conditions of the problem, said:—

'There was no doubt that the Tamil population of the Straits were in a better condition than their countrymen whom they had left in India; great numbers of them were well-to-do, with large properties; and anything which would check that emigration from the coast of India was undesirable, at the same time that it would cripple and reduce the large industries in sugar and other tropical staples which were valuable to that part of the country and to interests both English and Indian.'

"These were the circumstances under which Act V of 1877 was passed. But the controversy did not end here; it has been going on at intervals ever since; and especially the necessity for reconciling the Indian Act with the Straits law has been continually urged upon the Government. An inquiry was

held in the Straits, and very complete information was obtained regarding the coolies who emigrated there, and on the whole the inquiry was very satisfactory, and it was in these circumstances that the matter came again before the Government of India a little more than two years ago. The question had then to be entirely reconsidered, for it appeared that side by side with this system of protected emigration under our law there had grown up another system of free and unrestricted emigration of coolies who found their own way across from Madras to the Straits and paid their own passage as passengers. Most of them were helped by advances received from the chetties and contractors, who took their chance as to the possibility of recovering those advances from the wages of the labourers on the other side; and, to show how strong that system was, I find that the figures given during the enquiry of 1882 showed 20,000 free emigrants in recent years as against 5,000 emigrants who had gone under our law; and in that particular year the protected emigrants were 850 as against 5,000 who had gone free. In other words, while we had taken great pains to discourage and repress free emigration, that system had the logic of facts on its side, and showed remarkably successful results as against our restrictions, and the main tendency of our law had been to drive away the business from the port of Negapatam, where it was supervised by the Madras Government, to the French port of Karikal, where it was under no supervision. When, therefore, the papers came before the Government of India, they saw that Act V of 1877 was a failure, and they cast about them to see if some *modus vivendi* could not be effected between the two systems which would secure for the Madras Government that their emigrants would be protected in the Straits, and for the Straits Government that there should be no restriction in regard to the coolies leaving Madras. The Straits Government undertook to meet the Madras Government half way, and to provide an adequate system of protection when the emigrants got to the Straits. It seemed that there was no apparent impossibility in reconciling those two objects, but it would have been obviously hopeless within a reasonable time to bring a three-cornered controversy of this kind to a result in writing, and so the Government decided to depute Mr. Buck to see what he could do towards effecting a speedy settlement of the matter in person. This mission he successfully accomplished. He first visited Madras, to ascertain the points on which they mainly insisted; and with their views in his possession he proceeded to the Straits, laid the matter before the Government there, and got them to agree to pass an Ordinance incorporating the points which the Madras Government insisted upon; and we have now before us the terms of the Ordinance which they have framed. This Ordinance the Madras Government have accepted as sufficient, and they are now willing that we should withdraw the restrictions imposed upon emigration by Act V of 1877. The effect of these arrangements will be that there will be no interference whatever with the embarkation of emigrants; the emigrant will be registered, and a complete nominal roll of all the emigrants going in one ship will be made by the Agent, handed over to the master of the vessel, upon whom there is the responsibility of delivering that nominal roll to the authorities at the Straits, and of admitting no further emigrants on board. All this requires no fresh legislation; it can be done by executive authority under the Passenger Ships Act. No contract will be entered into on this side of the water, but when the emigrant arrives at the Straits he will enter into his contract under the supervision of the officer appointed by the Straits Government. I may mention that one alteration to be effected is this, that the Protector hitherto appointed by the Madras Government, but paid by and receiving his orders from the Straits Government, will in future be appointed by the Straits Government, while the Madras Government will have the power to send an officer from time to time to the Straits to inspect and report, who will have full legal powers of entry and examination.

"The protection after arrival is dealt with by the Straits Ordinance. It is confined primarily to those who contract for employment on agricultural labour, but the Straits Government has power to make the Ordinance applicable to other classes of labourers.

"Recovery of advances made to assist emigrants is provided for, but only to the maximum extent of 12 dollars and at the rate of one dollar a month.

"The Ordinance also provides for a minimum scale of wages, which vary according to sex and age and to the length of service in the Straits; the term of indenture is three years, which is the old term. The other provisions of the Ordinance as to protection on the spot, that is to say, the provisions as to house-accommodation, hospital-accommodation, rations, medical inspection, inspection by the Agent, penalties for desertion and neglect, penalties for offences against the emigrant—all these follow very much the lines of our own legislation and are considered adequate.

"The Madras Government are satisfied with the action of the Straits Government, and having secured, as Sir A. Hobhouse said, efficient protection on the other side of the water, we may, I think, safely abstain from further ineffectual interference with the freedom of emigration on this side."

The Motion was put and agreed to.

BURMA GAMING BILL.

The Hon'ble Mr. Ilbert presented the Report of the Select Committee on the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma.

BURMA LOCAL SELF-GOVERNMENT BILL.

The Hon'ble Mr. Ilbert also presented the Report of the Select Committee on the Bill to amend the law relating to Local Self-government in British Burma.

RANGOON WATER-WORKS BILL.

The Hon'ble Mr. Ilbert asked for leave to postpone the presentation of the Report of the Select Committee on the Bill to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

Leave was granted.

PANJÁB COURTS BILL.

The Hon'ble Mr. Barkley presented the Report of the Select Committee on the Bill to amend the law relating to Courts in the Panjáb.

BENGAL TENANCY BILL.

The Hon'ble Sir Steuart Bayley moved that the Hon'ble Peári Mohan Mukerji be added to the Select Committee on the Bill to amend and consolidate certain enactments relating to the law of Landlord and Tenant within the territories under the administration of the Lieutenant-Governor of Bengal.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 2nd October, 1884.

Simla;
The 1st October, 1884.

D. FITZPATRICK,
Secretary to the Government of India,
Legislative Department.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 1st OCTOBER 1884.

GENERAL REMARKS.—There was rain in all districts in the Madras Presidency during the week, and prospects are improving, except in Bellary, Anantapur, and parts of Madura and Coimbatore. In Mysore prospects have improved in Bangalore, but elsewhere in the province they are still unfavourable. More rain is greatly needed, and the crops, except in the Mulnad, are generally reported to be withering. In Coorg heavy rain continues to fall and has been injurious to cardamoms and coffee on the Ghats. Good rain has fallen throughout the Deccan and Southern Mahratta Country, excepting Dharwar, and the *kharif* crops have been much benefited. More rain is wanted in Dharwar and Belgaum, in the Malsiras taluka of Sholapur, and in the eastern talukas of Poona and Satara. In the Berars and the Nizam's territories, and in the Central India and Rajputana States, there was good rain and prospects are good. Heavy rain fell during the week in most districts of the North-Western Provinces and Oudh, and some damage has occurred to crops in many places. In the Punjab there was rain in many districts, and *kharif* prospects are very favourable. In the Central Provinces the heavy and continuous rain has caused damage to all crops, except rice, and a break is much needed. In Bengal the rainfall of the week has somewhat improved the prospects of *amun* paddy, but they are still unfavourable in many places, and the crops on high lands in some districts have been seriously injured by the drought. Harvesting of *aus* and jute continues. In Assam there was generally good rain in all districts, and the prospects of the crops are good. More rain is still needed in Gauhati for the *sali* crop and for tea. In British Burma crop prospects are excellent.

The latest report of the Meteorological Department, dated 2nd instant, states that rain has been general in the North-Western Provinces, in Lower Bengal, Orissa, the Central Provinces, Central India, along the west coast, and in Burma. In Behar, Eastern Bengal, the Carnatic, the Deccan, Khandesh, the Berars, Guzerat, and Sind there is either no rain reported or the falls are unimportant.

In Madras harvesting of wet and dry crops continues in a few districts. Ploughing and sowing for the *rabi* have commenced in Bombay, Bengal, North-Western Provinces and Oudh, Punjab, the Central Provinces, and in the Central India States. The prospects of the *kharif* crops are generally good throughout the country.

The public health is generally good. Prices are fluctuating in Madras, Bengal, and the Central Provinces; elsewhere they are generally stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Madras—(Oct. 1st)		
Bellary ...	·03 (average)	Pasture scanty. Prices slightly rising.
Kurnool ...	·36 (average)	Prospects improving. Prices generally falling. Small-pox in 3 and cattle-disease in 2 taluks.
Ganjam ...	2·71 (average)	Prospects improved. Small-pox, cattle-disease, and cholera in parts.
Kistna ...	1·26 (average)	Standing crops generally good; harvest dry crops, outturn below average. River 4·50 feet over anicut. Small-pox, fever, and cattle-disease in places; 33 deaths from cholera.
Chingleput (Madras) ...	·31 (average)	Standing crops generally fair; harvest wet and dry crops, yield half the average. Small-pox in 4 taluks; 89 deaths from cholera.
Coimbatore ...	·09 (average)	Standing crops wet, good in 5 taluks, elsewhere fading; dry crops withering; harvest dry crops, outturn below average; fodder scarce.
Tanjore ...	·45 (average)	Standing crops generally good. Rivers 1 to 5 feet. Harvest wet and dry crops, outturn average. 89 deaths from cholera.
Madura ...	·28 (average)	Prospects fair in 3 taluks, elsewhere crops fading from want of rain. 18 deaths from cholera.
Malabar ...	1·88 (average)	First crop paddy being harvested, outturn fair; operations for second crop cultivation progressing. Slight small-pox in 7 and fever in 2 taluks; 5 deaths from cholera.
Travancore ...	2·89	Operations for second crop cultivation progressing. Fever, small-pox, and cholera in parts. *General Remarks.*— General prospects fair and improving, except in Bellary, Anantapur, parts of Madura and Coimbatore, where prospects continue unfavourable.
Bombay—(Oct. 1st)		
Karachi ...	No rain during last week; average of 3 stations ·23.	River at Kotri on 29th, 12 feet 10 inches against 10 feet 3 inches on same date last year. Fever generally prevalent; cattle-disease in 6 talukas, some slight loss in Tatta and Ghorabari; small-pox in 10 villages in the districts; 18 fresh cases, 1 death, 15 remaining sick. Prices—wheat, red rice, and *bajri* in Karachi 25, 30 and 36, in Manjhand 28, 24 and 40, in Mirpur Batoro, 22, 36 and 36, and in Sakro 16, 32 and 40 pounds per rupee, respectively.
Hyderabad ...	*Nil*	River at Kotri on 29th, 12 feet 10 inches against 10 feet 3 inches last year. Slight damage to crops by rain, and fierce winds is apprehended in Hyderabad, Badin, Mirpur, Tando, Alahgar, Shahdadpur, and Naushahro. *Juari* and *bajri* in Sakrand, and *til* in Moro attacked by blight; fever in 10, small-pox in 3, and cattle-disease in 4 talukas. Prices steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Bombay—*contd.*		
Ahmedabad ...	1·30	Total rainfall 35·48. *Bajri*, *juari*, and cotton crops more or less damaged by excessive rain; other crops healthy. Cholera in the city, 1 case fatal, and in Viramgaum 2 cases, 1 fatal; fever and cattle-disease in Dholka. Wheat 31 and *bajri* 33 pounds per rupee.
Baroda ...	4·62	Total rainfall 47·67. Crops injured in Naosari and Kadi divisions by excessive rain. Public health fair. Cholera continues in Dehgaon. Prices—*bajri* 28 and rice 24 pounds per rupee.
Surat ...	3·51	Total rainfall 38·90. Young crops healthy. *Bajri* ready for cutting; *juari* 31 and *nagli* 41 pounds per rupee.
Nasik ...	Maximum at Igatpuri, 13·82; minimum at Yeola, ·86; good rain throughout the district.	*Kharif* crops flourishing; *rabi* sowing commenced. Public health good: 4 attacks and 1 death from cholera in Nasik town. Wheat 37, *bajri* 33½, and rice 17½ pounds per rupee.
Colaba (Bombay) ...	Rain daily, except on 29th; heavy on 25th and 26th; total of week 8·06.	Total to date 71·48, being 3·46 above average. Abnormal temperature 1° warm to 5° cool; vapour in air somewhat excessive; abnormal wind strong from south-west on 24th and 25th.
Poona ...	Maximum 5·70 at Khadkala; minimum at Purandhar ·19.	Rain in 6 talukas. Light showers in Indapur and Bhimthadi. Partial failure of *kharif* crops in Eastern division where rain is now urgently wanted. *Bajri* 31 and *juari* 33, in Poona *bajri* 28 and *juari* 30 pounds per rupee.
Ahmednagar ...	Nevasa, 2·50; Akola, 1·96; Sangamner, 1·95; Rahuri, 1·40; Kopargaon, 1·34, Sheogaon, 1·10; Parner, 1·5; Jamkhed, ·55; slight in Nagar, Shrigonda, and Karjat.	The rainfall has been beneficial to the *kharif* crops and to the *rabi* sowing which has been completed in the Nagar taluka. Slight fever and ague in Akola. *Juari*—maximum 54 pounds in Akola, minimum 44 in Karjat. *Bajri*—maximum 48 pounds in Akola, minimum 36 in Shrigonda.
Sholapur ...	Sholapur, 1·21; Barsi, 2·38; Madha, ·72; Karmala, ·89, Pandharpur, ·43; Sangola, 1·55; Malsiras, ·11.	*Juari* 34 pounds 14 tolas and *bajri* 34 pounds 27 tolas. Sowing in progress and generally prospects improved, except in Malsiras, where rain is much needed.
Dharwar ...	Dharwar, ·76; Kalghatgi and Mugud, ·55; Bankapur, Hubli, and Hangal, nearly ·33; Kod, ·26; Ranibennur and Karajgi, ·8; Navalgund, Nargund, and Gadag, Mundo, and Ron none.	Want of rain general. Early crops are suffering from draught in parts of the districts; fodder becoming scarce in eastern talukas. The sky is cloudy. Cholera abating. Prices of food-grains—rice 30 and *juari* 54 pounds per rupee.
Kanara ...	Karwar, 4·22; Kumpta, 5·14; Sirsi, 2·19; Haliyal, ·71.	Total rainfall 91·66. Common rice in Karwar 15 seers; district average 15½ seers per rupee. Rice crops ripening on coast. Small-pox—9 deaths in Kumpta, 2 in Sirsi, and 1 in Siddapur; cholera 2 deaths in Sirsi last week.
Rajkot ..	1·43	Total rainfall 39·8. General health good; fever prevalent in some places; cholera at Dhoraji. Crops washed away by excessive rain in some villages of Junagad. *Bajri* 37 and *juari* 52 pounds per rupee.
		General Remarks.—Good rain throughout the Deccan and Southern Mahratta country, excepting Dharwar. *Kharif* crops much benefited. More rain wanted in Dharwar and Belgaum, in the Malsiras taluka of Sholapur, and in the eastern talukas of Poona and Satara. Scarcity of fodder in parts of Dharwar and Belgaum; crops slightly damaged by excessive rain in parts of Gujarat and the Konkan. Cholera in parts of 11 districts; fever, small-pox, and cattle-disease continue in several districts.
Bengal—(Octr. 1st)		
Chittagong ..	2·02	Weather hot with occasional showers of rain. Prospects of crops good. Prices steady. Sporadic cases of cattle-disease reported; public health good.
Dacca ...	1·03	Jute still being cut, *mung* and *kalai* being sown. Damage to crops apprehended owing to decrease of water. More rain wanted. Public health good.
24-Pergunnahs (Calcutta)	3·44	Prospects of *amun* crops, sugarcane, and jute generally good. Outturn of *aus* will be below the average. Jute being steeped. Prices of common rice varies from 13 to 15½ seers per rupee. Public health generally good, but some cases of fever and cattle-disease still continue in certain places.
Moorshedabad ...	3·55	Weather cool and cloudy; the rain has saved for the time all *amun* that was not past harrowing; ploughing for *rabi* crops in full swing. Prices slightly easier. Public health good.
Rajshahye ...	2·06	Weather cloudy, more rain still wanted. Prospects of *amun* paddy uncertain. Prices rising in Nowgong. Health fair.
Burdwan ...	1·42	Continued useful showers. Prospects slightly improved, and rice somewhat cheaper; crops, however, are backwards and scanty.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Bengal—*contd.*		
Rungpore ...	2·0	Prospects of crops unfavourable. Prices of grains gradually rising, coarse rice selling at 4 rupees per maund. Malarious fever prevails.
Bhagalpur ...	3·58	A great quantity of land was not planted, and some of the paddy on high lands withered; *kulthi* extensively sown; prospects hopeful. Rice 12 seers 10 chittacks per rupee.
Purneah ...	3·16	Prospects of crops much improved. Common rice 13 seers per rupee. Fever prevalent in some places.
Patna ...	3·16	Harvesting of *bhadoi* crops going on generally with fair outturn. In the *muffusal* the rain was very beneficial, but more is yet wanted. Health good.
Durbhunga ...	3·91	Late rain improved paddy; lands being prepared for coming *rabi*. Prices stationary. Health good.
Hazaribagh ..	·05	Weather warm and seasonable. *Bhadoi* harvesting continues; paddy doing well, but requires rain in places. Health generally good.
Cuttack ...	·8	Weather cloudy and rain saved crops which are promising well. Prices of rice stationary. Sporadic cases of cholera reported.
		General Remarks.—The rainfall of the week has generally improved prospects of *amun* paddy; they are still, however, unfavourable in many places, and the crops on high lands in some districts have been seriously injured. The quantity of lands transplanted with *amun* is much below the average this year, owing to insufficient rain in time; harvesting of *aus* and jute continues; cultivation for *rabi* crops commenced in some districts. Prices of rice rising in places. Fever prevails in several districts, otherwise health generally good.
N. W. Provinces and Oudh—		
Benares (Sept. 29th)	Average rainfall 3·5	No sickness of men or cattle. Rain has improved late rice. Prices stationary. *Kharif* crops good average.
Allahabad („ „)	Heavy rain averaging 3·9	Slight damage to *bajri*, otherwise most beneficial. Health excellent. Prices falling.
Gorakhpur („ 27th)	Heavy rain at end of week.	Prospects excellent. Cholera decreasing. Prices falling.
Jhansi („ 30th)	......	Prospects on the whole fair, but damage to crops apprehended from excessive rain; *til* and *bajri* flourishing. Prices stationary. Cholera abating.
Aligarh („ 29th)	Rain throughout the district during the week.	Cholera reported from Aligarh, Atrauli, and Sikandra tahsils; fever of an ordinary type throughout the district. The rains during the week have caused injury to the crops to a certain extent. Prices show rise in *juari* and fall in *makka*.
Agra („ 27th)	Rain in all parganas from 2·0 to 3·8.	*Kharif* being cut. Heavy rain and weather cloudy and unpropitious. *Rabi* ploughings continue. No cholera reported since 23rd; fever prevailing in all parganas. Prices steady.
Bareilly („ 29th)	......	Cholera decreasing. Crops, &c., good.
Moradabad („ „)	Average rainfall 1·7; heavy rain still falling.	*Bajri*, *moth*, and cotton reported to be injured by rain. Fever very prevalent; few cases of cholera.
Meerut („ „)	·8 to 2·0; still raining	Inopportune and calculated to injure *bajri* and cotton. Fever and ague very prevalent; sporadic cholera in Hapur, Meerut, and Garhmukhtesar. Prices steady.
Kumaon („ „)	More or less rain during latter part of week; heavy rain since yesterday.	Rice and the crops, where reaped, will be damaged. A good deal of fever. Prices stationary.
Saharunpur („ „)	1·0 to 1·6	Rain is now doing more harm than good. Several deaths from fever in Deoband. Prices almost stationary; markets well stocked. Some cattle-disease in Saharanpur, Deoband, and Nakur.
Lucknow („ „)	6·0 to 7·9	Strong wind and rains on the 26th, 27th, and 28th. *Kharif*, especially *bajri* and *juar* crops injured by the last heavy fall; *mash* in Tarai too slightly suffered. Condition both of men and cattle good. Supplies sufficient. Prices slightly rising owing to incessant rain.
Partabgarh („ 26th)	Average rainfall for the district slightly over 1·0.	General health good; slight cattle-disease reported. *Bajri* and *juari* have been slightly damaged by the late rain. Prices stationary.
Sitapur („ 29th)	6·0 to 8·0 rain has fallen throughout the district from the 26th.	Considerable damage said to have been done to *mash*, millet, and *bajri* crops, otherwise the fall for the *rabi* sowings will be most beneficial.
Fyzabad („ „)	5·7 to 12·5 during the week.	Weather cloudy. Rice being reaped; prospects excellent. Prices almost stationary. General health good.
Rae Bareli („ 27th)	Rainfall during the week 3·4 at the Sadr.	General rain throughout the district, more rain not needed. Health of men and condition of cattle good. Supplies abundant; prices stationary.
Cawnpore („ 29th)	1·1 to 4·7 of rain during the week.	Crops on low lands injured by excessive rainfall. Fever and ague prevalent; few cases of cholera reported from two parganas.
Farukhabad(„ „)	12·1 have fallen; in the other tahsils the fall varies from 3·0 to 7·0.	Much damage done to crops by the heavy rain of the past 6 days in Kanauj. Fever continues.
		General Remarks.—Heavy rain fell during the week and some damage has occurred to crops in most districts. Prices generally continue stationary. Condition both of men and cattle is good.

[illegible]	[illegible]	[illegible]
Punjab—(Oct. 1st)		
Delhi ...	4·10	Fever continues. Crops injured by rain; west wind and sunshine wanted; *rabi* sowing retarded. Slight fall in prices.
Hissar ...	Rain continual in Hissar.	*Kharif* harvesting commenced in Hissar; weather favourable for *rabi* ploughings; harvest prospects excellent. Cattle-disease prevalent in Rohtak.
Umballa ...	1·90	Fever very prevalent throughout the district. *Makki* harvested, other *kharif* crops flourishing; yield expected to be above average; grain sowing commenced. Prices gradually falling.
Jullundur ...	·60	Health and crops good. *Rabi* ploughings commenced; prospects of coming harvest favourable. Prices stationary.
Amritsar ...	......	Health good. *Rabi* crops sown. Prices fluctuating.
Sialkot ...	1·0	Health good. Harvest above the average expected. Prices stationary.
Ferozepore ...	......	Health and probable yield of crops good. Prices falling.
Lahore ...	......	Health good. Expected outturn of *kharif* good. Prices stationary.
Rawalpindi ...	2·30	A few cases of fever, otherwise health is good. Expected *kharif* outturn above average in two, average in four tahsils, and below average in one tahsil. Prices falling.
Mooltan ...	......	Fever prevailing. Expected yield of *kharif* good; *rabi* ploughings commenced. Prices stationary.
Dera Ismail Khan ...	......	Health good. Expected yield of coming harvest above average.
Peshawar ...	·70	Slight fever prevalent. *Kharif* prospects good. Prices falling.
		General Remarks.—Rain in many districts. Fever prevalent in Delhi, Mooltan, and Umballa districts; few cases also in Rawalpindi and Peshawar; elsewhere health is generally good. *Kharif* prospects very favourable, but the recent rain has injured the crops in the Delhi district.
Central Provinces—(October 1st)		
Nagpur ...	1·92	Weather cloudy with occasional showers. Cotton and *juari* somewhat damaged. Health generally good; cattle-disease in Ramtek tahsil. Prices stationary.
Jubbulpore ...	4·2	Weather cloudy and showery; break since yesterday. State of crops unchanged. Wheat 25 and rice 14 seers per rupee.
Saugor (Sept. 30th)	2·74	Crops much damaged by wet; *rabi* ploughings at standstill. Health fair. Prices rising.
Seoni ...	3·48	Rain almost continuous during week; fine weather urgently required for all crops. Cattle-disease increasing. Prices steady.
Hoshangabad ...	7·17	Weather cloudy and rainy, break earnestly looked for. Rice fair, other crops suffering. Fever prevalent and few cases of small-pox. Wheat 21 and rice 10 seers per rupee.
Khandwa ...	1·24	Fine weather much wanted. Cotton, *til*, and *juari* damaged. Health good. Rice 13, wheat 23, and *juari* 27 seers per rupee.
Raipur ...	3·25	Weather clear; bright sunshine. Rice doing well; cotton, *kodo*, and *til* damaged. Fever prevalent. Prices steady.
Sambalpur (Sept. 27th)	3·82	Rain and sunshine alternately. Rice excellent, cotton and other crops bad. Fever and bowel-complaints common; cattle-disease in north common. Rice 29½ seers per rupee.
		General Remarks.—Rain still continuous and has caused damage to all crops, except rice. Health generally good. Prices stationary or falling.
British Burma—(Oct. 1st)		
Akyab (Sept. 27th)	12·17	Total rainfall 174·99. Some cholera still in town and district; cattle-disease in 3 townships. Crops thriving well.
Rangoon („ „)	6·53	Total rainfall 82·77. Slight cholera and small-pox.
Bassein („ „)	3·01	Total rainfall 89·67. Slight cholera in town; cattle-disease increasing in 2 townships.
Amherst (Moulmein) („ „)	10·39	Total rainfall 170·27. General appearance of crops good.
Toungoo („ „)	1·89	Total rainfall 68·44.
Kyoukphyoo ...	......	No report received.
Sandoway ...	......	No report received.
Hanthawaddy ...	......	No report received.
Pegu ...	......	No report received.
Tharrawaddy ...	......	No report received.
Prome (Sept. 27th)	2·96	Total rainfall 87·95. Slight cholera in town and district. Crops promising.
Thongwa ...	......	No report received.
Henzada (Sept. 27th)	3·18	Total rainfall 83·22. Slight cholera and cattle-disease in one township. Crop prospects good.
Thayetmyo („ „)	1·81	Total rainfall 30·51.
Shwaygyin ...	......	No report received.
Tavoy (Sept. 27th)	6·58	Total rainfall 156·18. General appearance of crops good.
Mergui ...	......	No report received.
		General Remarks.—Slight cholera here and there and decreasing in Akyab, otherwise public health good; health of cattle good. Crop prospects excellent.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Assam—(Oct. 1st)		
Gauhati ...	1·13, rain during the week ending 30th ultimo.	Weather seasonable. Rain needed for *sali* and tea cultivation; sugar-cane doing well. Public health fair.
Sylhet ...	2·84	State and prospects of crops fair. Cholera on the increase in the Chhatak thana.
Cachar ...	3·13	Weather warm. Prospects of *sali* crops and tea good. Common rice 15¾ seers per rupee. Health good.
Dibrugarh ...	4·35	Weather hot. *Sali* crops growing well in low lands. More rain is wanted. Public health good.
Mysore and Coorg—(Oct. 1st)		
Bangalore ... / Mysore ...	3·66 in Bangalore; in all other districts average rainfall during past week ·20.	Condition of crops and prospects of season improved. More rain greatly needed. Crops, except in the Mulnad, generally reported to be withering; pasturage scarce in parts; prospects unfavourable. Public health fair. Prices show an upward tendency.
Mercara ...	4·43	Cardamoms and coffee on the Ghats have suffered from continuous rain. Change expected.
Berar & Hyderabad—(Oct. 1st)		
Amraoti ...	2·15	Weather cloudy and rainy. Crops in good condition. Wheat 20 and *juari* 30 seers per rupee.
Akola ...	4·58	Weather rainy, break needed. Crops in good condition.
Hyderabad ...	1·34 (average)	Total rainfall from 1st January 28·72. *Kharif* crops slightly damaged; *abi* crops prospering. General health good. Prices—wheat 14, coarse rice 12½, yellow *juari* 20, white *juari* 16¼, and *tur* 18¾ seers per current sicca rupee.
Central India States—(Oct. 1st)		
Indore ...	2·2	Total rainfall 36·21. The rainy weather at this season of the year quite abnormal. Crops around Indore slightly damaged by excessive moisture; prospects of *rabi* excellent. Health good.
Morar (Gwalior) ...	1·65	Total rainfall 29·89. Prospects good. Fever still in Morar.
Sutna ...	2·18	
Neemuch ...	2·54	Weather cloudy. Health good.
Goona ...	2·23	Break much wanted. Crops suffering.
Agar ...	1·12	Prices fallen. Prospects of crops and public health good.
Sehore ...	2·8	Weather cloudy. Prospects of crops and public health good.
Nowgong ...	3·73	Total rainfall 70·65. *Kharif* prospects damaged and *rabi* sowings interfered with by excessive rain. Public health good; cholera reported in some parts of Bundelkhund.
Manpur ...	3·70	Total rainfall 40·80. Crops and health good. Wells and tanks filled.
Rajputana—(October 1st)		
Abu (Oct. 1st)	1·07	Weather occasionally cloudy with showers, now clear and seasonable.
Sirohi (Sept. 28th)	·54	Tanks, wells, health, and crop prospects good. Weather seasonable.
Marwar („ 26th)	·04	Good showers in districts. In Jodhpur city tanks all full. Some fever still prevails. Crop prospects good. Weather very cloudy, close, and warm. Prices stationary.
Meywar („ 28th)	1·78	Tanks and wells very good. Health fair. Crop prospects good. Fine weather needed.
Harowti („ 27th)	Deoli, ·12; Tonk, ·16; Shahpura, ·58; previous week 1·40.	Weather cloudy. Some fever, otherwise health good.
Jhallawar („ 26th)	1·32	Health and prospects good.
Ajmere („ 30th)	·36	Weather cloudy. Prospects and health excellent.
Jeypore („ „)	1·47	Weather still cloudy. Prospects and health fair. Prices stationary.
Bhurtpore ...	......	No report received.
Ulwur (Oct. 1st)	......	Rain injuring crops. Fever in five tahsils.
Nepal—(Sept. 25th)		
Katmandu ...	2·08	Weather seasonable. Prospects fair, except in the Terai, where more rain is needed.

E. C. BUCK,
Secy. to the Govt. of India.

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The Gazette of India.

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

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E. J. DEAN,

Publisher, Gazette of India.

NOTICE TO PRINTERS.

Tenders will be received by the Superintendent of Government Printing, 166, Dhurrumtollah Street, Calcutta, up to the 10th October next, for printing, in Urdu and Devnagri characters, Bills, Statements of Objects and Reasons, Reports of Select Committees, Speeches in Council and Acts, from the 1st of January to the 31st December 1885. The work to be done will comprise about 600 copies of about 50 pages of matter of foolscap size monthly, and about 100 pages of each character will have to be kept standing in type.

Copies of the work can be seen at the Office of the Superintendent of Government Printing, No. 166, Dhurrumtollah Street, where full information regarding the nature of the work can be obtained.

The Superintendent of Government Printing will not bind himself to accept the lowest or any tender.

E. J. DEAN,

Supdt., Govt. Printing, India.

CALCUTTA,

The 16th September 1884

SURVEY OF INDIA.

NOTIFICATION.

Simla, the 17th September 1884.

No. 470.—Mr. J. A. Barker, Assistant Surveyor, 1st Grade, attached to No. 2, Bhopal and Malwa Topographical Survey Party, is granted privilege leave for one month, with effect from 1st September 1884, under Section 138 of the Civil Leave Code.

G. C. DEPRÉE, *Colonel,*

Surveyor General of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 13th September 1884.

No. 25.—Third Grade Assistant Surgeon Amrito Lal Mookerjey, of the Bengal provincial establishment, is permitted to resign the service, with effect from the 1st August 1884.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 24th September 1884.

Offices reported opened and closed during the month of August 1884:—

Name of Station.	Where situated.	Date.	Remarks.
Anakapalle	Madras Presdy.	16th	Opened.
Boileauganj (Simla).	Punjab	16th	Ditto.
Gooty	Madras Presdy.	27th	Ditto.
Jagadhri	Punjab	1st	Ditto.
Maler Kotla	Ditto	1st	Ditto.
Motihari	Behar	22nd	Ditto.
Narsingpur	Central Provinces	11th	Ditto.
Palghat	Madras Presdy.	23rd	Ditto.
Pasrur	Punjab	27th	Ditto.
Ramchauk (Peshawar City).	Ditto	2nd	Ditto.
Sipri	Central India	19th	Ditto.
Sirdarpore	Ditto	14th	Ditto.
	Railway.		
Alur	Southern Mahratta Ry.	4th	Ditto.
Alimati	Southern Mahratta Ry.	4th	Ditto.
Badami	Southern Mahratta Ry.	4th	Ditto.
Bagalkot	Southern Mahratta Ry.	4th	Ditto.
Bijapur	Southern Mahratta Ry.	4th	Ditto.
Gadag	Southern Mahratta Ry.	4th	Ditto.
Hudgi	Southern Mahratta Ry.	4th	Ditto.
Hombal	Southern Mahratta Ry.	4th	Ditto.
Indi Road	Southern Mahratta Ry.	4th	Ditto.
Jumnal	Southern Mahratta Ry.	4th	Ditto.
Kotagiri	Southern Mahratta Ry.	4th	Ditto.
Katlimati	Southern Mahratta Ry.	4th	Ditto.
Lochzan	Southern Mahratta Ry.	4th	Ditto.
Mallapur	Southern Mahratta Ry.	4th	Ditto.
Mulvad	Southern Mahratta Ry.	4th	Ditto.
Minchnal	Southern Mahratta Ry.	4th	Ditto.
Nimbal	Southern Mahratta Ry.	4th	Ditto.
Tadval	Southern Mahratta Ry.	4th	Ditto.
Telegi	Southern Mahratta Ry.	4th	Ditto.
Talup	Assam Ry.	14th	Ditto.
Riudli	Sind-Pisheen Ry.	..	Ditto.

A. J. LEPPOC CAPPEL.
Director General of Telegraphs in India.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATION.

Agra, the 20th September 1884.

No. 8931.—Mr. A. R. Shaw, Assistant Commissioner, on return from leave, resumed charge of the Lower Division, Internal Branch, from Mr. D. Reid, Officiating Assistant Commissioner, on the 18th September 1884, forenoon.

The unexpired portion of his leave, *viz.*, four days, is hereby cancelled.

A. B. PATTERSON,
Offg. Commr., Northern India Salt Revenue.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 26th September 1884.

No. 3033.—With reference to Central India Agency Notification No. 2892 of the 9th instant, Sahibzada Wahid-ud-din, Attaché to the Governor General's Agent in Central India, availed himself of the three months' privilege leave on the forenoon of the 22nd instant.

By Order,

M. J. MEADE,
for 1st Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 26th September 1884.

No. 2935 *G.*—The privilege leave granted to Surgeon W. W. Webb, Officiating Medical Officer of the Meywar Bhil Corps, in this Office Notification No. 2592 G., dated the 23rd of August 1884, is extended to sixty-three days.

The 27th September 1884.

No. 2938 *G.*—Lieutenant-Colonel G. L. K. Hewett, Commandant of the Erinpura Irregular Force, returned to duty on the 19th of September 1884 from the ninety days' privilege leave granted him in this Office Notification No. 1427 G., dated the 22nd of May 1884.

No. 2943 *G.*—Captain F. G. Alexander, Officiating 2nd-in-Command of the Erinpura Irregular Force, availed himself on the 22nd of September 1884 of the fifty days' privilege leave granted him in this Office Notification No. 2691 G., dated the 2nd of September 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMERE-MERWARA, IN THE P. W. D.

NOTIFICATION.

Mount Abu, the 24th September 1884.

No. 2342 *S.*—In exercise of the powers conferred by Section 29 of Act XV of 1873 (The North-Western Provinces and Oudh Municipalities Act) the Chief Commissioner of Ajmere-Merwara is pleased to abolish the Octroi duty on opium levied within the limits of the Ajmere Municipality, with effect from 1st April 1884.

By Order,

H. Y. MURRAY, *Lieut.-Colonel,*
Offg. Secy. to the Chief Commr., Ajmere-Merwara, in the P. W. D.

CHIEF COMMISSIONER OF COORG.

NOTIFICATIONS.

Mysore, the 24th September 1884.

No. 12.—The Chief Commissioner is pleased to confirm the following Vaccination Rules for the Municipality of Somvarpett, framed by the Municipal Committee under Sections 19 and 21 of the Indian Vaccination Act, XIII of 1880:—

1. The vaccine station for Somvarpett shall be the school-house built by Sidda Shetty in the Pettah, at which a notice board shall be hung up, stating on what day and hours vaccination will be performed.
2. The vaccinators shall be able to read and write in the vernacular and satisfy the Superintendent, that they have a proper knowledge of, and skill in, the performance of the operation of vaccination.
3. The Civil Surgeon of Coorg shall be the Superintendent of Vaccination. The vaccinators shall be appointed by the Superintendent, who shall have power to suspend them, and, with the concurrence of the Municipal Committee, to dismiss them.
4. The vaccinator or vaccinators shall, during his or their stay at Somvarpett, attend daily between 8 and 11 A.M. at the appointed station. The remainder of the day he or they shall work at the houses of persons who cannot bring their children to the vaccine station, at schools, &c.
5. Persons desirous of having their children vaccinated at their own houses shall pay a fee of annas 8 per case; when parents have more than one child unvaccinated, they shall be charged 4 annas per child.
6. A form of certificate of successful vaccination, of unfitness for vaccination, or of insusceptibility of vaccination, shall be printed and supplied to the vaccinators, who are empowered to fill them up.
7. The lymph used shall be human lymph, and arm to arm vaccination practised as far as possible.
8. Registers of operations performed by the vaccinators shall be kept, showing name, age, sex, father's name, residence, date, and result.
9. Register of all children born after the date of the introduction of the Vaccination Act shall be supplied monthly to the vaccinators by the Vice-President of the Board, who will see that every child on such register is vaccinated within one year of its birth, or that the parents are prosecuted under the Act. Should the child be not in a proper state of health for the operation, a certificate to this effect shall be given by the vaccinator postponing the operation for three or six months.
10. A register of all children unprotected, under the age of 14 years, if boys, and of 8 years, if girls, being within the municipal limits, and of such children as may be brought within those limits, and have resided there over a month, shall also be prepared under the directions of the Vice-President and delivered to the vaccinators for the same purpose as in Rule 9.
11. Monthly and annual reports on the work done shall be presented to the Municipal Committee by the Superintendent of Vaccination.

No. 13.—The Chief Commissioner is pleased to confirm the following Vaccination Rules for the Municipality of Fraserpet, framed by the Municipal Committee under Sections 19 and 21 of the Indian Vaccination Act, XIII of 1880:—

1. The vaccine station for Fraserpet shall be one of the rooms of the Taluk Cutcherry in the Pettah, at which a notice board shall be hung up, stating on what day and hours vaccination will be performed.
2. The vaccinators shall be able to read and write in the vernacular and satisfy the Superintendent, that they have a proper knowledge of, and skill in, the performance of the operation of vaccination.
3. The Civil Surgeon of Coorg shall be the Superintendent of Vaccination. The vaccinators shall be appointed by the Superintendent, who shall have power to suspend them, and, with the concurrence of the Municipal Committee, to dismiss them.
4. The vaccinator or vaccinators shall, during his or their stay at Fraserpet, attend daily between 8 and 11 A.M. at the appointed station. The remainder of the day he or they shall work at the houses of persons who cannot bring their children to the vaccine station, at schools, &c.
5. Persons desirous of having their children vaccinated at their own houses shall pay a fee of annas 8 per case; when parents have more than one child unvaccinated, they shall be charged 4 annas per child.
6. A form of certificate of successful vaccination, of unfitness for vaccination, or of insusceptibility of vaccination shall be printed and supplied to the vaccinators, who are empowered to fill them up.
7. The lymph used shall be human lymph, and arm to arm vaccination practised as far as possible.
8. Registers of operations performed by the vaccinators shall be kept, showing name, age, sex, father's name, residence, date, and result.
9. Registers of all children born after the date of the introduction of the Vaccination Act shall be supplied monthly to the vaccinators by the Subedar of the Nanjarajpatna Taluk, who will see that every child on such register is vaccinated within one year of its birth, or that the parents are prosecuted under the Act. Should the child be not in a proper state of health for the operation, a certificate to this effect shall be given by the vaccinator postponing the operation for three or six months.
10. A register of all children unprotected, under the age of 14 years, if boys, and of 8 years, if girls, being within the municipal limits, and of such children as may be brought within those limits, and have resided there over a month, shall also be prepared under the directions of the Subedar of the Nanjarajpatna Taluk and delivered to the vaccinators for the same purpose as in Rule 9.

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Colledge, L. D.	Heaven, John.	Poncin, Leon.
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Benson, A. F.	Campbell, A.	Rustomjee, S.
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Campbell, J. W.	Gordon, Capt. W. L. C.	Owen, H. B.
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Chatterjee, Ram Kisto.	Lebray, Dhop Dhopi.	Russell, J.
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Calcutta, the 4th October 1884.

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	1884.	
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E. HUTTON,
Presidency Post Master.

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No 40.] CALCUTTA, SATURDAY, OCTOBER 4, 1884.

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No. XXII of 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	T[illegible]	Receipts for week ending 8th September 1883.		T[illegible]	Receipts for week ending 6th September 1884.		Total receipts from 1st April to 8th September 1883.		Total receipts from 1st April to 6th September 1884.		Total Increase in 1884-85.	Total Decrease in 1884-85.
			Total.	Per mile open		Total.	Per mile open.	Total	Per mile open per week.	Total.	Per mile open per week.		
			R	R		R	R	R	R	R	R	R	R
	Guaranteed.												
6th Sept. 1884	Oudh and Rohilkhund	517	93,122	170	517	67,995	124	25,99,870	207	22,99,446	185	. . .	3,00,424
6th ditto	Sind, Punjab and Delhi	735	1,56,167	212	706	1,78,089	252	50,67,203	297	47,31,220	284	. . .	3,35,983
6th ditto	Madras	861	1,12,960	131	861	1,10,220	128	29,80,102	151	31,33,910	160	1,53,508	. . .
6th ditto	South Indian	655	80,9[illegible]2	124	654	93,783	143	17,92,473	119	20,19,267	136	2,26,794	. . .
6th ditto	Great Indian Peninsula	1,450	3,07,066	212	1,450	4,36,156	301	1,53,49,883	159	1,52,03,668	160	. . .	1,46,215
6th ditto	Bombay, Baroda and Central India	461	1,13,296	246	461	1,37,181	298	51,39,979	185	52,75,067	501	1,35,088	. . .
	TOTAL	4,709	8,63,533	183	4,679	10,23,121	219	3,29,29,810	303	3,26,62,578	305	. . .	2,67,232
	State.												
13th Sept 1884	East Indian	1,509	8,18,581	542	1,509	6,77,267	449	2,27,92,797	657	1,80,99,442	528	. . .	46,93,355
6th Sept. 1884	Eastern Bengal(a)	228	1,07,123	470	233	1,08,919	468	20,68,935	395	17,83,399	337	. . .	2,85,536
13th ditto	Nalhati	27	1,433	53	27	1,627	60	37,261	60	35,515	58	. .	1,749
6th ditto	Northern Bengal	239	35,961	150	249	37,830	152	8,91,023	166	8,29,396	148	. . .	61,627
6th ditto	Kaunia Dharla	32	1,900	59	37	2,610	71	42,658	58	53,973	70	11,315	. . .
13th ditto	Tirhoot	166	15,791	95	193	18,286	95	3,76,939	100	4,76,946	109	1,00,007	. . .
13th ditto	Patna-Gya	57	6,755	118	57	25,206	141	1,76,467	134	2,11,417	163	34,950	. .
13th ditto	Cawnpore-Achnera	138	10,551	76	240	19,027	79	2,40,626	76	3,83,632	70	1,43,006	.
13th ditto	Dildarnagar-Ghazipur	12	602	50	12	603	50	21,633	78	23,810	88	2,177	. .
13th ditto	Rajputana-Malwa	1,137	1,60,227	143	1,120	1,21,220	111	54,52,432	212	51,68,192	203	. .	2,84,240
13th ditto	Rewari-Ferozpur	89	6,461	73	140	6,340	45	1,83,426	90	3,24,441	102	1,41,015	. .
13th ditto	Wardha Coal	45	11,366	253	45	9,470	210	3,16,165	305	2,30,852	226	. .	85,313
6th ditto	Nagpur and Chhattisgarh	149	6,213	42	149	7,398	50	6,13,293	179	5,95,213	175	. . .	18,080
6th ditto	Burma	161	21,521	134	254	26,761	105	6,12,161	165	8,23,714	150	2,11,553	. .
13th ditto	Sindia	75	4,191	56	75	5,191	69	1,36,752	79	1,50,634	88	13,882	. .
6th ditto	Punjab Northern	421	56,484	134	447	49,970	112	14,12,660	146	12,96,896	128	. . .	1,15,764
6th ditto	Indus Valley	660	90,371	137	660	1,34,800	204	34,25,101	226	32,47,437	216	. .	1,77,664
6th ditto	Amritsar-Pathankot		. .		66	3,416	52			87,612	65	87,612	
	TOTAL	3,616	5,36,953	148	4,004	5,81,731	145	1,60,07,535	193	1,57,23,109	174		2,84,426
	Assisted Companies.												
6th Sept. 1884	Bengal Central	35	1,868	53	126	7,312	58	49,140	61	2,04,412	73	1,55,272	. . .
6th ditto	Assam.	39	2,278	58	70	3,361	48	(b)16,335	53	82,602	57	66,267	. . .
13th ditto	Southern Mahratta	.	. . .	.	211	4,039	19	. .	. .	55,874	31	55,874	. .
6th ditto	Bengal and North Western	.	. .		69	1,000	14	.		(c)36,307	22	36,307	. . .
	TOTAL	74	4,146	56	479	15,736	33	65,475	59	3,79,195	49	3,13,720	.
	Native States.												
6th Sept. 1884	Bhavnagar Gondal	193	7,112	39	193	12,401	64	4,57,929	103	5,72,197	130	1,14,268	. . .
13th ditto	Jodhpur	19	607	32	44	830	19	16,705	38	22,239	31	5,534	. . .
6th ditto	Nizam's	121	12,025	99	121	20,439	169	3,43,532	123	4,35,966	159	92,434	. . .
6th ditto	Mysore	86	4,878	57	130	7,110	57	1,18,238	60	1,38,306	63	20,068	. . .
	TOTAL	419	24,952	60	488	41,110	84	9,36,404	97	11,68,708	116	2,32,304	. . .
	GRAND TOTAL	10,327	22,48,168	217	11,159	23,39,271	210	7,27,32,021	307	6,80,33,032	273	. . .	46,98,989
	GROSS ESTIMATED EXPENSES	. .	. . .	.	. .	. . . .		3,16,71,312	146	3,33,17,180	134	. . .	. . .
	NET RECEIPTS	. . .	. . . .	.	. .	. . .	.	3,80,60,679	161	3,47,15,852	139	. . .	33,44,827

(a) Excludes share of the earnings on the Bengal Central Railway, but include the receipts of the late Calcutta and South-Eastern State Railway.

(b) Total receipts from 16th July to 8th September 1883.

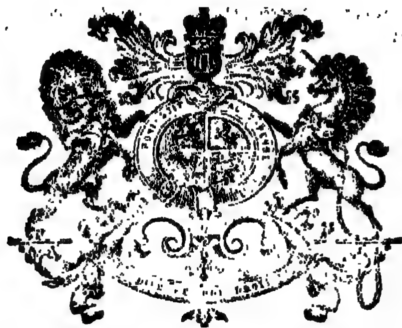
(c) Total receipts from 2nd April to 6th September 1884.

FRED. FIREBRACE, *Major, R.E.,*

Under-Secretary.

SIMLA,

September 1884.





The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 41.} SIMLA, SATURDAY, OCTOBER 11, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No 41.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.—MEDICAL.

Simla, the 7th October 1884.

No. 421.—The services of the following Medical Officers are replaced at the disposal of the Military Department, with effect from the dates on which they are relieved of their temporary charges in the North-Western Provinces and Oudh:—

Surgeon F. D. C. Hawkins.
" H. C. Hudson.
" J. F. McLaren, M.B.

JUDICIAL.

The 19th September 1884.

No. 1230 J.—In exercise of the power conferred by Section 2 of the Burma Courts Act, 1880, the Governor General in Council has been pleased to appoint Mr. R. S. T. MacEwen, Barrister-at-Law, to be an Additional Recorder and to sit as such in the Court of the Recorder of Rangoon from the 22nd to the 25th September 1884, both days inclusive.

POLICE.

The 8th October 1884.

No. 328.—In exercise of the power conferred by Section 4 of Act V of 1861, the Governor General in Council is pleased to appoint Mr. T. D. Jameson to be Assistant Inspector General of Police in British Burma.

PATENTS.

The 30th September 1884.

No. 996.—Specifications of the under-mentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

No. 11 of 1884.—Chandra Sekhor Kali, L.M.S., of Dhamrai, in the District of Dacca, a

Medical Practitioner, at present residing in the Town of Pulna, for filtering water which is called by the name of Dr. C. S. Kali's improved rapid permanent working filter of double filtering media.

No. 29 of 1884.—Charles Maynard Walker, of No. 155, Cannon Street, in the City of London, England, for a new or improved method of, and apparatus for, utilising the rise and fall of the tide or other rising and falling bodies of water, for raising water or other liquids from one level to another.

No. 77 of 1884.—Eugene Charles Schrottky, Technical and Agricultural Chemist, at present of Muzaffarpur, Tirhoot, for the improvement of indigo manufacture.

No. 103 of 1884.—Charles Francis Brush, Electrical Engineer, of Cleveland, United States of America, for improvements in the process or method of, and in apparatus for, forming or preparing plates or elements for use in secondary batteries.

No. 127 of 1884.—Alfred Parry, Engineer, residing in Calcutta, and of Alexander Douglas Larymore, Superintendent, Jail Department, Bengal, residing in Calcutta, and William Flood Murray, Surgeon-Major, Indian Medical Department, for a cheap and simple self-acting punkah-pulling machine.

No. 136 of 1884.—Charles Edouard Chamberland, of Paris, France, for an improved filter.

A. MACKENZIE,

Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—Internal.

Simla, the 3rd October, 1884.

No. 3713 I.—The Governor-General in Council has learnt with great satisfaction that His Highness the Maharaja of Bhurtpore has abolished all transit duties, with the exception of the duty on liquor, opium and intoxicating drugs, throughout the Bhurtpore territory.

C. GRANT,

Secretary to the Government of India.

General.

The 10th October, 1884.

No. 1936 G.—Mr. C. Grant, C.S.I., C.S., Secretary to the Government of India in the Foreign Department, is granted furlough to Europe for one year, under Section 50, Chapter V, of the Civil Leave Code, with effect from the 31st October, 1884, or from the subsequent date on which he may avail himself of it.

H. M. DURAND,

Under-Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 6th October 1884.

No. 3819.

ORDER—By the Government of India, Department of Finance and Commerce.

Read the following:—

Stat. & Com. No. 117. — India Office; London, 4th September 1884.

To His Excellency the Most Honourable the Governor General of India in Council.

My Lord Marquis,—

In continuation of my despatch of the 26th April 1883, I forward herewith, for the information of your Government, a copy of notes which have been exchanged between Earl Granville and the Siamese Minister whereby the 1st January 1885 is fixed as the date upon which, subject to certain reserves, the Agreement between Great Britain and Siam for regulating the traffic in spirituous liquors is to come into operation.

I have, &c.,

(Sd.) Kimberley.

Dated 1st August 1884.

From—Earl Granville,

To—Prince Narès Varariddhi.

By Article VI of the Agreement between the Governments of Great Britain and Siam for regulating the traffic in spirituous liquors of the 6th April 1883, it is stipulated that, "Subject to the provisions of Article V, the present Agreement shall come into operation on a date to be fixed by mutual consent between the two Governments."

I have now the honour to propose, on behalf of Her Majesty's Government, that the 1st January 1885 be fixed as the date in question; and I should be glad to receive a note from you to the effect that this proposal is accepted by the Siamese Government.

I beg leave, at the same time, to state that the fact of a date being thus fixed will in no wise prejudice the right of British subjects, under Article V of the aforesaid Convention, to claim, now or hereafter, the treatment accorded to subjects of the most favoured nation in regard to the spirit trade in Siam.

Dated 2nd August 1884.

From—Prince Narès Varariddhi,

To—Earl Granville.

I have the honour to acknowledge the letter of Your Lordship dated yesterday, in which the 1st January 1885 is proposed by Your Lordship as the date on which the Agreement between the Governments of Siam and Great Britain for regulating the traffic in spirituous liquors shall come into operation. On behalf of the Siamese Government, I beg to accept this date, and to assure Your Lordship that the Siamese Government is fully alive to the fact to which Your Lordship makes reference, that the fixing of the date cannot in any

way prejudice the right of British subjects secured to them under the Vth Article of the aforesaid Agreement.

ORDER.—Ordered, that the foregoing be published in the *Gazette of India* for general information, in continuation of the Notification No. 1243, dated 1st June 1883.

The 10th October 1884.

No. 3922.—Mr. W. Donald, having returned from privilege leave, resumed charge of his duties as Deputy Accountant General, Madras, from Mr. H. S. Groves before noon on the 27th September 1884.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 10th October, 1884.

APPOINTMENTS.

No. 538.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India:—

Lieutenant Frederick St. George Tucker, R.A., Officiating Wing Officer, 29th Native Infantry,—26th August, 1883.

Lieutenant Lindsay Sherwood Newmarch, Royal Warwickshire Regiment, Wing Officer, 30th Native Infantry,—4th September, 1883.

No. 539.—ADJUTANT GENERAL'S DEPARTMENT—

Major J. A. Barlow, Manchester Regiment, to be a Deputy Assistant Adjutant General for Musketry, *vice* Captain C. J. Whitaker, who has vacated the appointment. Dated 30th September, 1884.

No. 540.—ORDNANCE DEPARTMENT—

Major A. F. Fletcher, R.A., Assistant to the Inspector General of Ordnance, Bengal Circle, is seconded on the list of Commissaries of Ordnance, 2nd class.

Captain G. T. Kekaart, R.A., Supernumerary Commissary of Ordnance, 2nd class, is brought on the permanent establishment, *vice* Major H. M. Burgess, R.A., whose tenure of appointment has expired.

The undermentioned officers, supernumeraries in the grade of Commissary of Ordnance, 3rd class, are brought on the permanent establishment, with effect from the 16th September, 1884:—

Lieutenant C. P. Triscott, R.A.
Lieutenant E. B. Anderson, R.A.
Lieutenant R. H. Mahon, R.A.

Captain J. S. Frith, R.A., Commissary of Ordnance, 4th class, to be Commissary of Ordnance, 3rd class, with effect from the 16th September, 1884.

No. 541.—PUNJAB FRONTIER FORCE—

5th Goorkha Regiment.

Lieutenant J. O. S. Fayrer, Officiating Wing Officer, 40th Native Infantry, to be Wing Officer.

FURLOUGH AND LEAVE.

No. 542.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel and Brevet Colonel W. R. M. Holroyd, Bengal S. C., (p. a.) for 183 days.

Lieutenant-Colonel and Brevet Colonel M. M. Prendergast, Bengal S. C., (p. a.) for thirty days.

Lieutenant-Colonel E. C. Codrington, Bengal S. C., (m. c.) for six months.

Major W. S. S. Bisset, R.E., (p. a.) for forty-six days.

Captain N. Arnott, R.E., (p. a.) for fourteen days.

Captain H. A. Yorke, R.E., (p. a.) for three months.

Captain F. C. Maisey, Bengal S. C., (u. p. a.) without pay for two months.

Captain W. H. White, R.E., (p. a.) for thirty days.

Surgeon G. A. Emerson, (u. p. a.) without pay for three months, under rule VIII of the regulations of 1875.

Sub-Conductor C. Lightening, Commissariat Department, (m. c.) for six months.

Second Class Assistant Apothecary P. W. O'Gorman, (m. c.) for 183 days.

No. 543.—G. G. O. No. 149 of 1883, granting furlough in and out of India to Major J. E. P. Mosley, Bengal S. C., is cancelled.

LONDON GAZETTE.

No. 544.—The following extract is published for general information:—

London Gazette, dated the 9th September, 1884, page 4041.

INDIA OFFICE;
9th September, 1884.

The Queen has approved of the following Promotions among the officers of the Staff Corps and Indian Military Services, made by the Governments in India:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Montagu Clementi. Dated 11th June, 1884.

Major Edward Robert Conolly. Dated 12th June, 1884.

Major Clarence Henry Palmer. Dated 12th June, 1884.

Major and Brevet Lieutenant-Colonel Horace Moule Evans. Dated 20th June, 1884.

Major Richard Melville Clifford. Dated 25th June, 1884.

Major George Reynell Gibbs. Dated 25th June, 1884.

Major and Brevet Lieutenant-Colonel Charles Lorrain Woodruffe. Dated 28th June, 1884.

To be Captain.

Lieutenant Henry Martindale Temple. Dated 5th June, 1884.

BENGAL CAVALRY.

To be Lieutenant-Colonels.

Major and Brevet Lieutenant-Colonel William Hay Macnaghten, C.B. Dated 10th June, 1884.

Major and Brevet Lieutenant-Colonel Harvey Young Murray. Dated 20th June, 1884.

PENSIONS.

No. 545.—G. G. O. No. 479 of 1883, notifying the transfer of Sergeant-Major J. Shannahan to the Pension establishment is cancelled.

PROMOTIONS.

No. 546.—The following promotions are made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Charles Simeon Noble,—4th October, 1884.

Major Rowland Ernle Kyrle Money,—9th October, 1884.

No. 547.—NATIVE ARMY—

4th Goorkha Regiment.

Jemadar Singbeer Sahie to be Subadar;
Havildar Ramoo Sahie to be Jemadar,—
with effect from 5th September, 1884, *vice* Subadar Boodibul Rana, deceased.

RETIREMENTS.

No. 548.—Deputy Surgeon-General James Alexander Caldwell Hutchinson, M.D., has been permitted to retire, with effect from the 28th September, 1884, subject to Her Majesty's approval.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 6th October 1884.

No. 239.—The services of Lieutenant-Colonel H. J. Nuthall, S.C., Executive Engineer, 1st Grade, State Railways, are placed at the disposal of the Resident at Hyderabad for employment on the Akola-Hingoli Railway Survey.

The 7th October 1884.

No. 240.—The following Assistant Engineers, 2nd Grade, appointed by the Secretary of State for India in Council from the Royal Indian Engineering College, who have gone through their practical training in England, are posted as follows :—

To Bengal.

Mr. Henry Etienne Pellereau.
Mr. James Aldridge Devenish.

To North-Western Provinces and Oudh.

Mr. Samuel Page Herschel Dyson.
Mr. Henry Matthew John Bacon.

To Punjab.

Mr. Thomas Robert John Ward.
Mr. Cyril Edward Arengo Jones.
Mr. Henry Robert Hackman.
Mr. Adolphe Ernest Orr.

To State Railway.

Honorable Edward Herbert Scott Napier.

No. 241.—With reference to Public Works Department Notification No. 240, dated 7th October, the services of the Honorable E. H. S. Napier, Assistant Engineer, 2nd Grade, are placed at the disposal of the Director General of Railways.

No. 242.—The services of Mr. H. W. Bennett, Assistant Engineer, 2nd Grade, State Railways, and Officiating Assistant Manager, Rajputana-Malwa State Railway, are placed temporarily at the disposal of the Chief Commissioner, Assam, for employment as Manager and Engineer-in-Chief of the Kokilamukh State Railway.

While so employed, Mr. Bennett will hold temporary rank in Class III of the State Railway Superior Revenue Establishment.

The 9th October 1884.

No. 243.—Lieutenant-Colonel K. A. Jopp, R.E., Executive Engineer, 1st Grade, is attached to the Office of the Consulting Engineer for Railways, Madras, from the date of return to duty of Major W. H. Coaker, R.E., Deputy Consulting Engineer for Railways, to the date of his availing himself of furlough.

No. 244.—The following promotions and reversions are made in the Railway Branch of the Public Works Department :—

Names.	From	To	Date.	Nature of promotion.
Mr. B. W. Blood ...	Ex. Engr., 2nd Grade ..	Ex. Engr., 1st Grade ...	19th July 1884	Sub. *pro tem.*
Mr. C. Thomson ...	„ „ 3rd „ ...	„ „ 2nd „ ...	„	„
Captain W. Pitt, R.E. ...	„ „ 4th „ ...	„ „ 3rd „ ...	6th July 1884	„
Mr. D. Morris ...	„ „ 4th „ ...	„ „ 3rd „ ...	19th July 1884	„
Baboo Sheo Dyal ...	„ „ 4th „ *tempy.* ...	„ „ 4th „ ...	6th July 1884	„
Mr. M. J. Chabrel ...	Asst. „ 1st „ ...	„ „ 4th „ ...	2nd March 1884	Temporary.
Mr. M. J. Chabrel ...	Ex. „ 4th „ *tempy.*	„ „ 4th „ ...	19th July 1884	Sub. *pro tem.*
Mr. F. J. Pope ...	Asst. „ 2nd „ ...	Asst. „ 1st „ ...	6th July 1884	„
Mr. R. W. Egerton ...	„ „ 2nd „ ...	„ „ 1st „ ...	19th July 1884	„
Captain R. C. Maxwell, R.E. ...	„ „ 1st „ ...	Ex. „ 4th „ ...	27th Dec. 1883	Temporary.
Mr. F. Wolley-Dod ...	„ „ 1st „ ...	„ „ 4th „ ...	27th May 1884	„
Mr. R. W. Roberts ...	„ „ 1st „ ...	„ „ 4th „ ...	6th July 1884	„
Mr. W. Michell ...	„ „ 1st „ ...	„ „ 4th „ ...	18th July 1884	„
Lieutenant G. K. Scott-Moncrieff, R.E.	„ „ 1st „ ...	„ „ 4th „ ...	19th July 1884	„
Mr. D. Morris ...	Ex. „ 3rd „ sub. *pro tem.*	„ „ 4th „ ...	1st Sept. 1884	
Mr. M. J. Chabrel ...	„ „ 4th „ „	„ „ 4th „ *tempy.*	„	
Lieutenant G. K. Scott-Moncrieff, R.E.	„ „ 4th „ *tempy.*	Asst. „ 1st „ ...	„	
Mr. R. W. Egerton ...	Asst. „ 1st „ sub. *pro tem.*	„ „ 2nd „ ...	„	

This cancels that portion of the Public Works Department Notification No. 178, dated 1st August 1884, which relates to the temporary promotion and reversion of Mr. M. J. Chabrel, Assistant Engineer, 1st Grade.

No. 245.—Mr. R. G. Kennedy, Executive Engineer, 3rd Grade, Punjab, on return from furlough, is transferred temporarily to Beluchistan for the investigation of irrigation works in the Pishin Valley.

The 10th October 1884.

No. 246.—Mr. F. L. O'Callaghan, C.I.E., Superintending Engineer, 2nd Class, is, on return from furlough, appointed Engineer-in-Chief of the Sind-Sagar Railway Surveys.

Pending Mr. O'Callaghan's return, Mr. F. R. Upcott, Executive Engineer, 2nd Grade, will hold charge of the Surveys.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 11, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th September, 1884, and is hereby promulgated for general information :—

ACT No. XV OF 1884.

An Act for the validation of certain licenses to solemnize Marriages granted to Ministers of Religion under Act XXV of 1864.

WHEREAS by section 4 of Act XXV of 1864 (*to provide further for the solemnization of Marriages in India of persons professing the Christian Religion*) it was enacted that, from and after the first day of July, 1864, certain Governments therein named should have authority to grant licenses to ministers of religion to solemnize marriages within the territories subject to such Governments respectively;

And whereas, in exercise of the authority so conferred, the Governments therein named granted licenses to certain ministers of religion to solemnize marriages;

And whereas Act XXV of 1864 was repealed by Act V of 1865 (*to provide for the solemnization of Marriages in India of persons professing the Christian Religion*);

And whereas by section 9 of the latter Act it was enacted that, from and after the commencement of that Act, all marriages which should be solemnized in India otherwise than in accordance with the provisions of the fifth and sixth sections of that Act should be null and void;

And whereas by section 6 of the same Act it was enacted that marriages might be solemnized in India by (among other persons) any minister of religion who, under the provisions of that Act, had obtained a license to solemnize marriages;

And whereas Act V of 1865 was repealed by the Indian Christian Marriage Act, 1872;

And whereas by section 4 of the latter Act it is enacted that every marriage between persons, one or both of whom is a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and that any such marriage solemnized otherwise than in accordance with such provisions shall be null and void;

And whereas by the next following section of the same Act it is enacted that marriages may be solemnized in India by (among other persons) any minister of religion licensed under the same Act to solemnize marriages;

And whereas neither in Act V of 1865 nor in the Indian Christian Marriage Act, 1872, was there or is there any provision either saving licenses granted under Act XXV of 1864 or permitting a marriage to be solemnized by a minister of religion who had obtained a license to solemnize marriages under Act XXV of 1864 only; (XV of 1872.)

And whereas certain marriages have been solemnized both while Act V of 1865 was in force and since the passing of the Indian Christian Marriage Act, 1872, by ministers of religion who had obtained licenses to solemnize marriages under Act XXV of 1864, but had never obtained licenses to solemnize marriages under Act V of 1865 or the Indian Christian Marriage Act, 1872, as the case may be, and doubts have therefore arisen as to the validity of such marriages; (XV of 1872.) (XV of 1872.)

And whereas it is expedient to remove such doubts and to declare the continued validity of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864;

It is hereby enacted as follows:—

Validation of licenses to solemnize marriages granted to ministers of religion under Act XXV of 1864.

1. A license to solemnize marriages granted to a minister of religion under Act XXV of 1864 shall be deemed, if in force on the date on which Act V of 1865 came into force, to have been, while that Act was in force, a license granted under that Act, and, if in force on the date on which the Indian Christian Marriage Act, 1872, came into force, to have been since that Act came into force, and to be, a license granted under that Act. (XV of 1872.)

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for general information:—

ACT NO. XVI OF 1884.

An Act to provide more effectually for the suppression of certain forms of Gaming in British Burma.

WHEREAS it is expedient to provide more effectually for the suppression of certain forms of gaming in British Burma; It is hereby enacted as follows:—

Short title, extent and commencement.

1. *(1)* This Act may be called the Burma Gaming Act, 1884.

(2) It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force at once.

Application of Act III of 1867 to game of *ti* and like games.

2. *(1)* Taking part in the game of "*ti*," or in any other game or pretended game of a like nature, shall be deemed gaming and playing within the meaning of Act III of 1867.

(2) Every house, walled enclosure, room or place, whether public or private, where any such game or pretended game is carried on, shall, for the purposes of that Act, be deemed a common gaming-house, and all expressions referring to the use of any such house, enclosure, room or place as a common gaming-house shall include the use thereof for any such game or pretended game on a single occasion.

(3) All boxes, receptacles, lists, papers, tickets and forms used for the purpose of any such game or pretended game shall be deemed instruments of gaming within the meaning of the said Act.

Penalty on conducting game of *ti* and like games.

3. Whoever conducts or assists in conducting the game of "*ti*," or any other game or pretended game of a like nature, as manager, stakeholder or *daing*, or who is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes, after deducting the amount payable to the successful player or players, or who promotes the game or pretended game by soliciting or collecting stakes or otherwise, shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Power to extend local application of Act III of 1867 within British Burma.

4. *(1)* The Chief Commissioner may, from time to time, by notification published in the official Gazette, extend to the whole or any part of the territories for the time being under his administration any such of the provisions of Act III of 1867 as do not for the time being extend thereto.

(2) From the date of any such extension so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with or repugnant to any provision so extended shall cease to have effect in those territories.

Power to invest 2nd class Magistrate with powers under Act III of 1867, section 5.

5. The Local Government may authorize any Magistrate of the second class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the District.

Amendment of Act III of 1867, section 13.

6. In section 13 of Act III of 1867—

(*a*) for the words "public street, place or thoroughfare," where they first occur, the words "street or thoroughfare or place to which the public have access" shall be substituted; and

(*b*) in the last clause, for the words "such public place" the words "such place" shall be substituted.

Power to arrest without warrant.

7. A police-officer may arrest without warrant any person soliciting or collecting stakes for the game of *ti*, or any other game or pretended game of a like nature, in any street or thoroughfare or place to which the public have access.

Power to demand security.

8. Whenever a District Magistrate, Sub-divisional Magistrate or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti*, or any other game or pretended game of a like nature, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise.

X of 1882.

D. FITZPATRICK,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for General information :—

ACT No. XVII OF 1884.

THE BURMA MUNICIPAL ACT, 1884.

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An Act to amend the law relating to Municipalities in British Burma.

WHEREAS it is expedient to amend the law relating to Municipalities in British Burma; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Burma Municipal Act, 1884.

(2) It extends to the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force on such date as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

"municipality" means a local area declared under Chapter II to be a municipality;

"inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act; and

"street" means any street, road, thoroughfare, passage or place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street.

Burma Municipal Act, 1884.
(Chapter II.—Constitution of Municipalities.—Sections 3-5.)
(Chapter III.—Organization of Municipal Committees.—Sections 6-9.)

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Proposal to create municipality.

3. *(1)* The Local Government may, by notification published in the official Gazette and in such other manner as the Local Government may determine, propose to declare any town, or any group of towns in the immediate neighbourhood of one another, a municipality under this Act.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

Creation of municipality.

4. *(1)* Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired and the Local Government has considered the objections (if any) which have been submitted under sub-section (*1*), the Local Government may, by a notification in the official Gazette, declare the local area to be a municipality under this Act.

Application of Act to existing municipalities.

5. *(1)* The Local Government may, by notification in the official Gazette, declare any local area which is a municipality established under the British Burma Municipal Act, 1874, (VII of 1874.) to be a municipality under this Act, and shall, within three months from the date on which this Act comes into force, so declare every such local area, unless, before the expiration of that period,—

(*a*) that local area is comprised in some local area declared to be a municipality under section 4; or

(*b*) the Local Government has declared, by a notification in the official Gazette, that the provisions of this Act are unsuited to that local area.

(2) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members and the president and vice-president of the committee for that local area appointed *ex officio*, by nomination and by election under the said British Burma Municipal Act, 1874, (VII of 1874) and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have been appointed by virtue of an office and by name and elected under this Act as members, president and vice-president of a municipal committee for the local area, and shall hold office as such members, president and vice-president for such term as may be fixed by the notification.

CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality, and consisting of—

(*a*) so many inhabitants of the municipality as may be determined by the Local Government elected in manner next hereinafter prescribed to represent wards of the municipality or particular classes of the inhabitants; and

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Local Government may appoint by name or by virtue of an office in this behalf:

Provided that—

(1) when the circumstances of the municipality are, in the opinion of the Local Government, such as to require it, the Local Government may appoint a larger proportion of, or all, the members of the committee; and

(2) when any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Power to Local Government to make rules regarding election.

7. *(1)* The Local Government shall, for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:—

(*a*) the division of the municipality into wards, or of the inhabitants into classes, or both;

(*b*) the number of representatives proper for each ward or class;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The Local Government may, after the municipal committee has come into existence as herein after provided, amend, after consulting the committee, the rules made under this section; but any amendment made under this sub-section shall not take effect until six months after it has been published in the official Gazette.

(3) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of members.

8. *(1)* A member of a municipal committee, when appointed by virtue of an office, shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(2) The term of office of all other elected and appointed members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of member of committee.

9. A member of a municipal committee may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 10-18.)

Removal of member.

10. *(1)* The Local Government may remove any member of a municipal committee who ceases to be an inhabitant of the municipality, or refuses to act, or becomes in the opinion of the Local Government incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the committee.

(2) A person removed under this section on any ground except that first mentioned shall be disqualified for election until the Local Government otherwise directs.

Filling of casual vacancies.

11. *(1)* When the place of an elected member of a municipal committee becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected in manner prescribed under section 7 to fill the place.

(2) When the place of a member of a municipal committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be again elected or appointed.

Incorporation of municipal committee.

12. Every municipal committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name:

Provided that a committee shall not transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.

Time for committees coming into existence.

13. A municipal committee shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf:

Provided that a committee constituted under section 5, sub-section (2), shall come into existence on the day fixed under that sub-section.

Consequences of establishment of municipal committee where municipal committee under Act VII of 1874 exists.

14. When a municipal committee comes into existence under section 13 for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area which is a municipality under the British Burma Municipal Act, 1874, the following consequences shall ensue, namely:—

(a) the said Act shall cease to apply to the local area;

(b) the municipal committee (if any) constituted under that Act for the local area (hereinafter called the old committee) shall cease to exist;

(c) all property vested in the old committee shall for the purposes of this Act vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(d) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Act had not been passed;

(e) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee and shall not be dismissed from that employment without the sanction of the Local Government; and

(f) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

Member of municipal committee to be municipal commissioner.

15. Every member of a municipal committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

President and Vice-president.

Election of president and vice-president.

16. A municipal committee shall, from time to time, at a special meeting, elect one of its members to be president, and may, from time to time, at a like meeting, elect another of its members to be vice-president:

Provided that in such municipalities, if any, as the Local Government may, by notification in the official Gazette, exempt from the operation of this section, the president shall, until the notification is rescinded by a like notification, be appointed by the Local Government from among the members of the committee.

Term of office of president and vice-president.

17. *(1)* The term of office of a president or vice-president shall be one year, and on the expiration of that period he may be again elected or appointed.

(2) Nothing in this section shall affect section 5, sub-section (2).

Casual vacancies in office of president or vice-president.

18. *(1)* If a president elected by a municipal committee or a vice-president dies, ceases to be a member of the committee or resigns his office, the committee shall, at a special meeting, elect another of its members to be president or vice-president.

(2) If a president appointed by the Local Government dies, ceases to be a member of the committee or resigns his office, the Local Government shall appoint another president.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 19-28.)

until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments and Removals.

19. All elections and appointments of presidents and vice-presidents, and all elections, appointments and removals of members, of municipal committees, shall be notified in the local official Gazette, and no such election or appointment shall take effect until it is so notified.

Notification of appointments, &c.

Conduct of Business.

20. *(1)* A municipal committee shall meet for the transaction of business at least once in every month, at such time as may, from time to time, be fixed by the rules made under section 27.

Time for holding meetings.

(2) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth or two of the members of the committee, convene an ordinary or a special meeting at any other time.

21. *(1)* A meeting of a municipal committee shall be either ordinary or special.

Ordinary and special meetings.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

22. *(1)* The quorum necessary for the transaction of business at a special meeting of a municipal committee shall be one-half of the whole committee:

Quorum.

Provided that, when the committee consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a municipal committee shall be such number, not less than three, as may, from time to time, be fixed by the rules made under section 27:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted by the adjourned meeting whether there is a quorum present thereat or not.

23. *(1)* At every meeting of a municipal committee the president, if present, shall preside as chairman.

Chairman of meeting.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting and the vice-president is present, he shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

24. *(1)* Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before any meeting of a municipal committee shall be decided by a majority of the votes of the members present.

Vote of majority decisive.

(2) In case of an equality of votes, the chairman at the meeting shall have a second or casting vote.

25. Every resolution passed by a municipal committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be open to inspection by the public at the municipal office at all reasonable times without charge, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may direct.

Resolutions to be recorded and published.

26. The discussions and proceedings of a municipal committee shall be conducted and recorded either in English or in Burmese, as the committee at a special meeting may, from time to time, decide:

Language of committee.

Provided that, if the discussions and proceedings are conducted and recorded in English, the committee shall provide for interpreting and translating them into Burmese for the benefit of members who do not understand English.

27. *(1)* A municipal committee may, from time to time, at a special meeting, make rules consistent with this Act as to—

Power to make rules as to conduct of business.

(*a*) the time and place of its meetings;

(*b*) the manner in which notice thereof is to be given;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings;

(*e*) the person or persons to be primarily responsible for the current executive administration and their powers: that is to say, what portion of the executive authority shall be exercised by the president, by the vice-president, by sub-committees, by individual members and by officers or servants of the committee;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid under this Act; and

(*g*) any other similar matters.

(2) A rule made under clause *(e)* shall not take effect until it has been confirmed by the Local Government, and no rule made under this section shall take effect until it has been published in such manner as the Local Government may direct.

28. In cases of emergency the president, or in his absence the vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Extraordinary powers of president and vice-president in case of emergency.

Provided that—

(a) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(b) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 29-38.)

Joint Committees.

Joint committee of two or more committees or cantonment authorities.

29. A municipal committee may, from time to time, concur with any other municipal committee or cantonment authority, or with more than one such committee or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which it is appointed.

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

30. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a municipal committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

Appointment of secretary.

31. *(1)* A municipal committee shall, from time to time, at a special meeting, appoint one of its members or some other person to be its secretary, and may at a like meeting remove any person so appointed.

(2) If a secretary is a member of the committee, he shall receive no remuneration in respect of his services. If he is not a member of the committee, the committee may, with the previous sanction of the Commissioner, assign to him any such pay as it thinks fit.

Employment of other officers and servants.

32. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal committee may appoint and remove, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to those officers and servants such pay as it thinks fit.

Power to prevent extravagance in establishments.

33. If, in the opinion of the Commissioner, the number of persons employed by a municipal committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving the committee.

34. In the case of a Government official, a municipal committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions of other officers and servants.

35. In the case of an officer or servant not being a Government official referred to in section 34, a municipal committee may—

(1) grant him leave-allowances and, if he is employed under the committee appointed under the British Burma Municipal Act, 1874, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and

VII of 1874.

(2) if empowered in this behalf by the Local Government—

(a) subscribe in his behalf for pension or gratuity under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the servant would be entitled if the service had been service under Government.

Contracts and Transfers of Property.

Mode of executing contracts and transfers.

36. *(1)* When a contract made by or on behalf of a municipal committee exceeds in value or amount one hundred rupees, it must be in writing, and must be signed by the president or vice-president and at least one other member of the committee.

(2) A transfer of immoveable property belonging to the committee must be made by an instrument in writing, executed by the president or vice-president and by at least two other members of the committee.

(3) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the committee.

Penalty on member, officer or servant of committee being interested in contract made with committee.

37. *(1)* If any member, officer or servant of a municipal committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

XLV of 1860.

(2) A person shall not, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Acquisition of land.

Acquisition of land under Act X of 1870.

38. Where any land, whether within or without the limits of a municipality, is required by a municipal committee for the purposes of this Act or for any other object which it is em-

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 39-40.)
(Chapter IV.—Taxation.—Sections 41-43.)

powered to carry out under any other enactment for the time being in force, the Local Government may, at the request of the municipal committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

X of 1870.

Privileges and Liabilities.

Suits against committee and its officers.

39. No suit shall be instituted against a municipal committee or against an officer of any such committee in respect of an act purporting to be done by him in his official capacity until the expiration of one month next after notice in writing has been, in the case of a committee, delivered to or left at its office, and in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

I of 1877.

Liability for loss, waste or misapplication.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a municipal committee, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee, and a suit for compensation may be instituted against him by the committee or by the Secretary of State for India in Council.

CHAPTER IV.

TAXATION.

General Provisions.

Taxes which may be imposed for general purposes of Act.

41. *(1)* Subject to any general rules or special orders which the Governor General in Council may make in this behalf, a municipal committee may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 45, any of the following taxes, namely:—

(A) with the previous sanction of the Local Government—

(a) a tax on buildings and lands situate within the municipality or any part thereof, not exceeding five per centum of the annual value of the buildings and lands;

(b) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;

(c) a tax on houses situate as aforesaid, according to the number of posts in each, at rates not exceeding the following, namely:—

		Rs. A.	
For a house having not more than 2 posts	...	0 8	per annum.
For a house having 3 posts	...	1 8	„
For a house having 4 posts	...	2 8	„
For a house having 5 posts	...	4 0	„
For a house having 6 posts	...	7 0	„
For a house having 7 posts	...	10 0	„

and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven;

(d) a tax on vehicles, boats and animals used for driving, riding, draught or burden, and dogs, kept within the municipality or any part thereof;

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided as follows:—

(e) only one of the taxes mentioned in clauses (*a*), (*b*) and (*c*) shall be imposed in respect of the same property; and

(f) in assessing a house to the tax mentioned in clause (*c*), only posts facing a road or street shall be counted, except in the case of bázárs or large buildings extending through from street to street, in which case the posts contained in one row from street to street, instead of those facing streets, may, in the discretion of the assessing authority, be counted.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished;

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable.

Water-tax.

42. *(1)* Besides the taxes imposed under section 41, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of such works, impose in manner prescribed by section 45, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contracts or otherwise, should not exceed the amount required for the said purpose.

Lighting-tax.

43. Besides the taxes imposed under the foregoing sections, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of lighting the public streets throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for lighting those streets, impose, in manner prescribed by section 45, a tax, to be called the lighting-tax, upon buildings and lands situate

Burma Municipal Act, 1884.
(Chapter IV.—Taxation.—Sections 44-51.)

within the municipality or that part thereof, as the case may be:

Provided that in fixing the rate or amount of the tax regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

Scavenging-tax.

44. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, impose, in manner prescribed by section 45, upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Procedure in imposing such taxes.

45. *(1)* A municipal committee may resolve, at a special meeting, to propose the imposition of any tax under section 41, 42, 43 or 44.

(2) When a resolution has been passed under sub-section (1), the committee shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax and objecting to the same may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no objection is received within the said period of thirty days, or if the objections received, having been considered as aforesaid, are deemed insufficient, the committee may submit its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon.

(5) The Local Government, on receiving such proposals may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal committee in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

46. A municipal committee may, at a special meeting, with the sanction of the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to Local Government to suspend levy of tax.

47. *(1)* If it at any time appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the municipal committee to take, within a specified period, measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may, by notification, suspend the levy of the tax or of any part thereof until the objection has been removed.

(2) The Local Government may at any time by a like notification, rescind any such suspension.

Power to make rules for assessment, collection and remission of taxes.

48. *(1)* The Local Government may make rules for the assessment, collection and remission of taxes leviable under this Act and preventing evasion of the same:

Provided that every such rule shall be consistent with the provisions of this Act and with the proposals sanctioned in respect of the tax under section 45.

(2) In making any rule under this section the Local Government may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

Taxes not invalid for defect of form.

49. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of the tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes leviable under Act VII of 1874 to be deemed to be taxes under this Act.

50. All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal committee having authority over that local area comes into existence under this Act, shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act.

VII of 1874.

Taxes on Immoveable Property.

Preparation of assessment-list.

51. *(1)* The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

Burma Municipal Act, 1884.
(Chapter IV.—Taxation.—Sections 52-59.)
(Chapter V.—Funds and Property.—Section 60.)

(a) the name of the street or division in which the property is situate;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual value, area or number of posts on which the property is assessed; and

(e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of the measurements or number of posts or of the rent or annual value.

Publication of notice of assessments.

52. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

53. (1) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of list.

54. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

55. (1) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently assessed through mistake, oversight or fraud, after giving notice to any person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

New list need not be prepared every year.

56. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the assessment for the year following, giving the same notice of the assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

57. When a tax payable under section 41, clause (a), (b) or (c), or under section 42, 43 or 44, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

Taxes under section 41, clauses (a), (b) and (c), from whom due.

58. Every tax payable under section 41, clause (a), (b) or (c), shall be due jointly and severally from all persons who have been in occupation of the building or land assessed at any time during the year of assessment, or, when the tax is payable by instalments, at any time during the period in respect of which the instalment is payable, and from all persons who have held under them as tenants, mortgagees or conditional vendees.

Tax under sections 42, 43 and 44 payable by occupier.

59. Every tax leviable under section 42, 43 or 44 shall be payable by the occupier of the building or land in respect of which it is payable.

CHAPTER V.

FUNDS AND PROPERTY.

Municipal fund constituted.

60. There shall be formed for each municipality a municipal fund, and there shall, except as by this Act provided, be credited thereto—

(a) all sums received by or on behalf of the committee under this Act or otherwise;

(b) all fines realized in cases in which prosecutions are instituted under this Act or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality;

(c) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 61-64.)

opinion a just and reasonable contribution towards the expenditure rendered necessary by the resort to the municipality of seamen from ships lying in the port; and

(*d*) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the funds of that municipality at the time when the municipal committee came into existence.

61. *(1)* The committee shall set apart and apply annually out of the municipal fund—

Application of fund.

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 34 and 35,

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(*a*) the construction, maintenance, improvement, cleansing and repair of streets, and of public bridges, embankments, drains, latrines, tanks and water-courses;

(*b*) the watering and lighting of the streets or any of them;

(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, zayáts, wharves, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;

(*e*) the training of teachers and the establishment of scholarships;

(*f*) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity:

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals;

(*h*) the planting and preservation of trees;

(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(*j*) the holding of fairs and industrial exhibitions; and

(*k*) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

62. *(1)* There shall be formed for each municipality a school fund. To this fund shall be credited—

School fund.

(*a*) the fees levied in schools maintained at the cost of the school fund;

(*b*) any assignment that may be made to the school fund from provincial funds or from any district or local fund;

(*c*) any other funds or income that may be entrusted to the municipality for the promotion of education; and

(*d*) any sums assigned for educational purposes from the municipal fund.

(2) The Local Government may fix for any municipality the minimum proportion of the municipal fund that shall be yearly assigned to the school fund under clause (*d*): Provided that the minimum so fixed shall not exceed 5 per cent. on the gross annual income of the municipality.

(3) No expenditure, except expenditure for the promotion of education, shall be charged against the school fund. In case of doubt the Commissioner shall decide whether any expenditure is or is not for the promotion of education.

63. *(1)* The balances standing to the credit of the municipal fund and school fund shall, if there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over situate within the municipality, be kept in that treasury, sub-treasury or bank. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury or bank as aforesaid, and such money as may be required for current expenditure shall be kept by the committee in a strong box in such place and under such precautions as the committee may, from time to time, direct.

Custody of, and disbursements from, funds.

(2) No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the committee.

64. *(1)* A municipal committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund or school fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of the like nature.

Investment of same.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund or school fund, as the case may be.

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 65-67.)
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 68-74.)

Property vested in municipality.

65. Subject to any special reservation made by the Local Government, all property in a municipality of the nature hereinafter specified shall be vested in and belong to the municipal committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

(a) all public townhalls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of municipal funds;

(b) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes and other waterworks, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and watercourses in, alongside or under any street, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal-matter or filth, or rubbish of any kind, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere;

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all land or other property transferred to the committee by the Government or by gift or otherwise for local public purposes; and

(g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Management of public institutions.

66. (1) The management, control and administration of every public institution maintained out of municipal funds shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(2) When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Crown of property vesting in committee.

67. The committee may, with the sanction of Local Government, transfer to Her Majesty any property vesting in the committee under section 65 or section 66, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building-sites adjoining new streets.

68. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

69. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to permit temporary occupation of streets, &c.

70. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

71. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

72. *(1)* The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

73. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of bamboos, grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

74. *(1)* If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 75-80.)

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

75. *(1)* Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions or alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and obstructions.

76. *(1)* It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

Bathing and washing places.

77. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

78. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals.

79. *(1)* The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

Powers in respect of burial and burning places.

80. *(1)* The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 81-89.)

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

Removal of corpses.

81. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

Inflammable materials.

82. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting bamboos, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

Inspection of drains, privies and cesspools.

83. *(1)* The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

Power to enter and inspect buildings, &c.

84. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Other powers of entry on buildings or land.

85. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation

86. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act and which has not been so taxed.

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

87. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

Power of entry for purpose of scavenging.

88. *(1)* The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

(2) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

Precautions to be observed in entering dwelling.

89. When any building, used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 90-101.)

her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

90. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Troughs and pipes for rain-water.

91. *(1)* The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

Provision of privies, &c.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

92. *(1)* The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool, belonging thereto.

Repair, alteration and closing of drains, privies and cesspools.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

93. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Unauthorised buildings over drains, &c.

94. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Removal of latrines, &c., near any source of water-supply.

95. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood:

Power to require drainage, &c., of unwholesome tanks, &c.

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

96. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Power to require buildings, wells, tanks, &c., to be secured.

97. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

Buildings and Grounds in unsanitary Condition.

98. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

99. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on streets, wells, &c.

100. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Cleansing of filthy buildings or land.

101. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Power to prohibit use for human habitation of buildings unfit for such use.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 102-106.)

102. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

103. *(1)* The committee, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the municipality is injurious to the health of persons dwelling in the neighbourhood, may, with the previous sanction of the Local Government, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section *(1)*, he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

104. *(1)* The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades.

melting tallow;

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or,

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may impose such conditions in respect of such license as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

105. *(1)* If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

106. A committee may, from time to time, at a special meeting, make rules—

Power to make rules.

(*a*) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(*b*) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*c*) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 107-112.)

(*e*) for the inspection and proper regulation of encamping-grounds, pounds, zayáts, wharves not within the limits of any port, markets and slaughter-houses;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(*g*) for controlling and regulating the use and management of burial and burning grounds;

(*h*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use; and

(*i*) for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses (*a*) and (*b*) in respect of any vehicles to which that Act applies.

Penalty for infringement of rules.

107. In making any rule under section 106 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of, or in addition to, such fine the Magistrate may require the offender to remedy the mischief so far as within his power.

Confirmation of rules.

108. No rule made under section 106 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Supplemental

Execution of acts required to be done by any notice.

109 *(1)* When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

110. *(1)* Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

111 *(1)* The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable. X of 1870.

Appeals against certain orders of committee.

112 *(1)* Any person aggrieved by any order made by a committee under the powers vested in it by sections 80, 101 or 105 may appeal within thirty days from the date thereof to the Commissioner or to the Deputy Commissioner as the Local Government may prescribe in this behalf, and no such order shall be liable to be called in question otherwise than by such appeal.

Provided that, if the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

4 *f*

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

113. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Throwing corpse or carcass into river, &c.

114. Whoever throws or causes to be thrown any corpse or carcass or any part thereof into any river, stream, well, lake, canal, tank or any other such place shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

115. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Non-removal of filth, &c.

116. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any carcass, dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

117. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

118. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 94, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals in disregard of orders.

119. Whoever keeps any swine, buffaloes, cows, oxen, sheep or goats in disregard of any orders which the committee may give to prevent them from becoming a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

120. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

121. Whoever drives any vehicle after dark in any public street or thoroughfare unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

122. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

123. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

124. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

125. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Penalty on exposure of infected persons and things.

126. Any person who—

(1) while suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor or driver thereof that he is so suffering; or,

(2) being in charge of any person so suffering, so exposes the sufferer; or

(3) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding fifty rupees; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the Court to pay the owner and driver

Burma Municipal Act, 1884.
(Chapter VII.—Offences affecting the Public Health, Safety or Convenience.—Sections 127-132.)
(Chapter VIII.—Control.—Sections 133-134.)

the amount of any loss and expense they may incur in carrying into effect any measures requisite for disinfection of the conveyance:

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of the conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, and if he fails to do so he shall be liable to a penalty not exceeding fifty rupees; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Picketing animals and collecting carts.

128. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Keeping corpses or carrying corpses by prohibited routes or so as to cause annoyance.

129. Whoever, without the permission of the committee, keeps a corpse or causes it to be kept in or on any building or land when seventy-two hours after death have elapsed, or carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp posts, &c.

130. Whoever, in any public place, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post or fence, or injures any tree, or extinguishes any light shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience to orders of committee under last chapter.

131. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

132. Any prosecution for an offence under section 80, or section 105, or under section 131, when the order which has been disobeyed is appealable, shall be suspended, when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

133. The Commissioner or the Deputy Commissioner may—

(a) enter on and inspect, or cause to be entered on and inspected, any immoveable property situate within the limits of his division or district respectively and occupied by any municipal committee or joint committee, or any work which is in progress within those limits under the direction of any such committee or joint committee;

(b) call for and inspect any book or document in the possession or under the control of any such committee or joint committee having authority within those limits;

(c) require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee or joint committee, as he may think fit to call for; and

(d) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee or joint committee:

Provided that—

(1) when the Deputy Commissioner is a member of a committee or joint committee, he shall not exercise, in respect of that committee or joint committee, the powers conferred upon him by this section; and

(2) in any of the municipalities of Rangoon, Maulmain, Akyab and Bassein, and any other municipalities to which the Local Government may extend this clause, the said powers shall be exercised by the Local Government and not by any authority mentioned in the foregoing part of this section.

Power to suspend action under Act.

134. *(1)* The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal committee or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When a Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, and of any representations regarding it submitted to him by the municipal committee, to the Local Government, which may thereupon rescind the order

Burma Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 135-140.)

or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in case of emergency.

135. *(1)* In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal committee is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is, from time to time, possible, from the balance in priority to any or all other charges against the same.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

Powers of Local Government in case of default of committee.

136. *(1)* If at any time it appears to the Local Government that a municipal committee has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Deputy Commissioner by the committee.

(3) If the expense is not so paid, the Deputy Commissioner with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in priority to any or all other charges against the same.

Power of Local Government to supersede committee in case of incompetency, persistent default or excess or abuse of powers.

137. *(1)* If a municipal committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the committee to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a committee is so superseded, the following consequences shall ensue:—

(a) All members of the committee shall, as from the date of the order, vacate their offices as such members.

(b) All powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Local Government appoints in that behalf.

(c) All property vested in the committee shall, during the period of supersession, vest in the Local Government.

(3) On the expiration of the period of supersession specified in the order, the committee shall be reconstituted, and the persons who vacated their offices under clause (*a*) shall not be deemed disqualified from being members.

Disputes.

138. *(1)* If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a cantonment authority, the matter shall be referred—

(a) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(b) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(c) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If in the case mentioned in clause (*a*) the Deputy Commissioner is a member of one of the committees concerned, his functions under this section shall be discharged by the Commissioner.

(4) "Local authority" in this section means a municipal committee or cantonment authority.

Annual reports and statements.

139. *(1)* A municipal committee shall, at the close of each year or of such other period as may, from time to time, be fixed by the Local Government in this behalf, submit to the Local Government a statement of its receipts and disbursements, in such form as the Local Government may prescribe, and a general report of its proceedings during that period:

Provided that separate accounts shall be submitted of—

(*a*) all receipts of the water-tax, lighting-tax and scavenging-tax, and of all expenditure on the purposes for which those taxes are levied, respectively; and

(*b*) all income under the heads mentioned in section 62, and all expenditure on educational purposes.

(2) Accounts submitted under this section shall be examined or audited in such manner as the Local Government prescribes.

Estimates of receipts and expenditure.

140. *(1)* A municipal committee shall submit, before such date in each year as may be directed by the Local Government, for the sanction of such authority as the Local Government may appoint in this behalf, an estimate of its probable receipts for the financial year next following, with proposals for its expenditure, and may, from time to time, submit in like manner further estimates or proposals amending the same.

(2) No expenditure shall be incurred by the committee unless it is provided for in a proposal sanctioned under this section.

Burma Municipal Act, 1884.
(Chapter VIII.—Control.—Sections 141-143.)
(Chapter IX.—Supplemental.—Sections 144-149.)

(3) An abstract of the annual estimate and proposals submitted and sanctioned as required by this section shall be published in such manner as the Local Government directs.

Sanction to works.

141. *(1)* No new work, the estimated cost of which exceeds five hundred rupees, shall be begun by a municipal committee, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof have been approved by the committee at a meeting.

(2) If the estimated cost of any such new work has not been specifically provided for in proposals submitted and sanctioned in manner mentioned in section 140, or exceeds—

twenty thousand rupees in the case of the municipalities of Rangoon, Maulmain, Bassein and Akyab, or

one-tenth of the estimated annual income of the municipal fund in the case of any other municipality,

it shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to and approved by the Local Government, or by an officer empowered by the Local Government in this behalf.

Powers of Commissioner.

142. In all matters connected with the administration of this Act a Commissioner shall have and exercise the same authority and control over a Deputy Commissioner subordinate to him as he has and exercises over the Deputy Commissioner in the general and revenue administration.

Additional power of Local Government to frame forms and make rules.

143. The Local Government may frame forms for any proceeding of a municipal committee for which it considers that a form should be provided, and may, in addition to any other powers to make rules conferred by this Act, make rules consistent with this Act—

(*a*) as to the intermediate office or offices, if any, through which correspondence between municipal committees and the Local Government or officers of that Government and representations addressed to the Local Government under this Act shall pass;

(*b*) as to the preparation of estimates of receipts and expenditure of committees, and as to the conditions subject to which such estimates may be sanctioned;

(*c*) as to the returns, statements and reports to be submitted by committees; and

(*d*) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

CHAPTER IX.

SUPPLEMENTAL.

Criminal Procedure.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

144. *(1)* Every police-officer employed in a municipality shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Any such police-officer may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(a) if the name and address of the person are unknown to him, or

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Prosecutions.

145. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of or with the approval of the municipal committee.

Member not to be deemed interested in prosecution.

146. A Judge or Magistrate shall not be deemed to be a party to or personally interested in any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted.

X of 1882.

Saving of prosecutions under other laws.

147. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules under section 7, 48, 106 or 143.

148. *(1)* The authority empowered to make rules under section 7, 48, 106 or 143 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

Continuance of existing rules.

149. *(1)* The Local Government may, by notification in the official Gazette, direct that any rules made under the British Burma Municipal Act, 1874, and in force in any local area being, or comprised in, a municipality

VII of 1874.

Burma Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 150-157.)

constituted under this Act at the time the municipal committee for that municipality comes into existence under section 13, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

(2) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

Recovery of Money.

Recovery of money.

150. All fees and all rents and other sums due on account of property for the time being vested in or managed by the municipal committee, and all arrears of taxes and other money due for water supplied or otherwise under this Act, may be recovered as if they were arrears of land-revenue.

Notices.

Authentication, service and validity of notices.

151. *(1)* Every notice issued by a committee under this Act or under any rule made thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

152. When any notice is, under the provisions of this Act, to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notices.

153. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Alteration of Municipal Limits.

Notification of intention to alter limits of municipality.

154. The Local Government may, by notification published in the official Gazette, and in such other manner as the Local Government may determine, declare its intention—

(a) to exclude from a municipality any local area comprised therein and defined in the notification, or

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification :

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

Alteration of limits of municipality.

155. *(1)* Any inhabitant of a municipality or local area in respect of which a notification has been published in the official Gazette under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the official Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the official Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by a notification in the official Gazette, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

156. *(1)* When a local area is excluded from a municipality under section 155—

(a) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(b) the Local Government shall, after consulting the municipal committee, frame a scheme determining what portion of the balance of the municipal and school funds and other property vested in the municipal committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

Effect of including local area in municipality.

157. When a local area is included in a municipality under section 155, this Act, and, except as the Local Government may otherwise, by notification in the official Gazette, direct, all rules, orders, directions and powers made, issued or conferred under this Act and in force

Burma Municipal Act, 1884.
(Chapter IX.—Supplemental.—Sections 158-161.)

throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Powers to except Municipalities from Provisions of Act.

Power to except municipality from provisions of Act unsuited thereto.

158. *(1)* If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by like notification.

(2) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Miscellaneous.

Saving of Act XI of 1879.

159. Nothing in this Act shall affect the Local Authorities Loans Act, 1879. XI of 1879

Powers of Governor General in Council and of Local Government exercisable from time to time.

160. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Decision of questions as to whether persons are "inhabitants."

161. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1884, and is hereby promulgated for general information:—

ACT NO. XVIII OF 1884.

THE PANJÁB COURTS ACT, 1884.

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56. Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.
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THE SCHEDULE.—ACTS REPEALED.

An Act to amend the Law relating to Courts in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Panjáb Courts Act, 1884.

(2) It extends to the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and

(3) it shall come into force on the first day of November, 1884.

(4) Any power conferred by this Act to make rules or to issue orders creating territorial divisions, establishing Courts, appointing and posting officers, or fixing the pecuniary or local limits of their jurisdiction or conferring powers may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal of Acts.

2. On and from that day the Acts mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) "Assistant Commissioner" includes Extra Assistant Commissioner:

(2) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner, of a Tahsíldár or of a Náib Tahsíldár exercising jurisdiction in suits of any of the classes mentioned in section 45:

(3) "small cause" means a suit of the nature cognizable in a Court of Small Causes constituted under Act XI of 1865, and any other suit not being a suit of any description specified in section 19 of the Presidency Small Cause Courts Act, 1882, which the Chief Court, with the sanction of the Local Government, may direct to be treated as a small cause for the purposes of appeal:

(4) "land" means land assessed or liable to be assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village:

(5) "rent" means whatever is payable by an occupant of land on account of the use or occupation thereof:

(6) "tenant" means any occupant of land liable to pay rent therefor, but does not include an under-proprietor:

(7) "landlord" means any person entitled to receive rent paid by a tenant; and

(8) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit.

CHAPTER II.

THE CHIEF COURT.

Constitution of Chief Court and appointment and tenure of Judges.

4. There shall continue to be a Chief Court consisting of three or more Judges, who shall be appointed by the Governor General in Council and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing.

Rank and precedence of Judges of Chief Court.

5. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges:

Provided that a Judge permanently appointed shall be deemed senior to an officiating Judge.

The Panjáb Courts Act, 1884.
(Chapter II.—The Chief Court.—Sections 6-14.)

Civil appellate jurisdiction.

6. The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Criminal jurisdiction.

7. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial.

Delegation of powers to members of Court.

8. *(1)* Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its Judges of any of its powers :

Provided that no decree, sentence, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by any Judge of the Chief Court sitting alone.

82.

(2) When the Chief Court consists of more than three Judges, it may make rules declaring what number of Judges, not being less than three, shall constitute a full bench of the Court, and may by these rules prescribe the mode of determining which Judges shall sit as a full bench, when a full bench sitting becomes necessary.

(3) Subject to the provisions of sub-section (2), the Senior Judge may determine which Judge in each case shall sit alone, and which Judges of the Court shall constitute any bench.

Appeals from original jurisdiction of Chief Court.

9. Except as otherwise provided by any enactment for the time being in force, an appeal from any decree or order made by the Chief Court—

(*a*) in exercise of its original jurisdiction in cases withdrawn from other Courts under section 25 of the Code of Civil Procedure, or

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(*b*) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section,—

shall lie in the cases and in manner following (that is to say):—

(*1*) if the decree or order is made by a single Judge, the appeal shall lie either to a bench consisting of two other Judges, or to a full bench, as the Court may, by general rule or special order, direct;

(*2*) if the decree or order is made by a bench of Judges not being a full bench, and the Judges differ in opinion, the appeal shall lie to a full bench.

Rule of decision when Judges differ.

10. Except as otherwise provided by any enactment for the time being in force,

(1) when there is a difference of opinion among the Judges composing any bench of the Chief Court, the decision shall be in accordance with the opinion of the majority of those Judges;

(2) If there is no such majority, then—

(*a*) if the bench is a full bench, or is exercising original civil jurisdiction, the decision shall be in accordance with the opinion of the Senior Judge;

(*b*) in other cases, the bench before which the question has arisen shall refer the question to a full bench, and shall dispose of the case in accordance with the decision of the full bench.

Power to refer question to full bench.

11. Any single Judge of the Chief Court and any bench of Judges of that Court, not being a full bench, may in any case refer for the decision of a full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the Judge or bench, and shall dispose of the case in accordance with the decision of the full bench on the question.

Ministerial officers.

12. *(1)* The Chief Court may appoint a Registrar and Deputy Registrar, and such other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(2) The appointment of the Registrar shall be subject to the sanction of the Local Government.

(3) The officers appointed under this section shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(4) Any such officer may be suspended or dismissed from his office by order of the Chief Court :

Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

Superintendence and control of Subordinate Courts.

13. The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Chief Court.

Power to make rules.

14. *(1)* The Chief Court may make rules consistent with this Act and any other enactment for the time being in force—

(*a*) providing for the translation of any papers filed in the Chief Court and copying or printing any such papers or translations, and requiring from the persons at whose instance or on whose behalf they are filed payment of the expenses thereby incurred;

(*b*) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjáb, and regulating the conduct of persons so practising;

(*c*) determining in what cases persons practising in those Courts shall be permitted to address the Court in English;

(*d*) prescribing forms for seals to be used by those Courts ;

(*e*) regulating the procedure in cases where any person is entitled to inspect a record of any such Court or obtain a copy of the same, and prescribing the fees payable by such persons for searches and copies;

(*f*) conferring and imposing on the ministerial officers of the Courts subject to its superintendence such powers and duties of a non-judicial or quasi-judicial nature as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;

The Panjáb Courts Act, 1884.
(Chapter II.—The Chief Court.—Sections 15-16.)
(Chapter III.—The Subordinate Civil Courts.—Sections 17-24.)

(g) prescribing forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in those Courts or submitted to any authority;

(h) providing for the inspection of those Courts and the supervision of the working thereof; and

(i) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of those Courts and maintaining proper discipline among those officers.

(2) A rule made under clause (a), (b), (c), (f) (g), (h) or (i) shall not take effect until it has been sanctioned by the Local Government and has been published in the official Gazette.

(3) Whoever breaks any rule made under clause (b) shall be punished with a fine which may extend to fifty rupees.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

15. *(1)* The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of those registers, books and accounts, and such statements of the work done in the Court, as may be required by the said Government.

(2) The Chief Court shall also comply with such requisitions as may be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Chief Court and the Courts subordinate thereto.

Procedure of Chief Court in exercise of civil jurisdiction.

16. *(1)* The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, directs, and may frame forms for any proceeding in the Court in the exercise of its civil jurisdiction.

XIV of 1882.

(2) The following provisions of the Code of Civil Procedure shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum.

XIV of 1882.

(3) Section 579 of the said Code shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

Classes of Courts.

Classes of Courts.

17. Besides the Chief Court, the Courts of Small Causes established under Act XI of 1865 and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts (namely):—

(a) the Divisional Court;

(b) the Court of the District Judge;

(c) the Court of the Subordinate Judge;

(d) the Court of the Munsif.

Territorial Divisions.

Civil divisions and districts.

18. *(1)* For the purposes of this Act the Local Government shall divide the territories under its administration into civil divisions, and each civil division into civil districts.

(2) The Local Government may alter the limits or the number of these divisions and districts.

Divisional and District Courts.

Establishment of Divisional Courts.

19. *(1)* The Local Government shall appoint as many persons as it thinks necessary to be Divisional Judges, and shall for each civil division establish a Divisional Court consisting of one or more such Judges.

(2) The Local Government may, where a Divisional Court consists of more than one Judge, by general rule or special order determine which of them shall be deemed to be the senior.

Establishment of District Courts.

20. The Local Government shall appoint as many persons as it thinks necessary to be District Judges, and shall post one such person to each district as District Judge of that district:

Provided that the same person may, if the Local Government thinks fit, be appointed to be District Judge of two or more districts.

Distribution of business in Divisional Court.

21. The Chief Court may, subject to the provisions of this Act and any other enactment for the time being in force, make rules to provide for the exercise of any of the powers of a Divisional Court consisting of more than one Judge by one or more Judges of the Court:

Provided that no decree, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by a single Judge of a Divisional Court consisting of more than one Judge. XIV of 1882.

Original jurisdiction of Divisional and District Courts in suits.

22. Except as otherwise provided by any enactment for the time being in force, the Divisional Court and the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

District Court to be principal Civil Court of original jurisdiction.

23. Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district:

Provided that—

(a) for the purposes of the Indian Divorce Act, the Divisional Court shall be deemed to be the District Court for all districts comprised in the division; and IV of 1869.

(b) the Local Government may direct that the Divisional Court shall for any other purpose be deemed to be the District Court or principal Civil Court of original jurisdiction for any district comprised in the division.

Subordinate Judges and Munsifs.

Appointment of Subordinate Judges.

24. The Local Government may appoint as many persons as it thinks necessary to be Subordinate Judges.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 25-34.)

Appointment of Munsifs.

25. *(1)* The Local Government may fix the number of Munsifs to be appointed, and, when there is any vacancy in that number, the Chief Court may, subject to the rules (if any) made under sub-section (2), appoint such person to the same as it thinks fit.

(2) The Chief Court may, with the previous sanction of the Local Government, make rules as to the qualifications of persons to be appointed Munsifs.

Pecuniary limits of jurisdiction of Subordinate Judges and Munsifs.

26. *(1)* The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge or Munsif shall in the case of a Subordinate Judge be determined by the Local Government, and in the case of a Munsif by the Chief Court, either by including him in a class or grade, or otherwise as it thinks fit.

(2) The jurisdiction in the case of a Subordinate Judge may be without limit, but in the case of a Munsif shall not extend to suits the value of which exceeds one thousand rupees.

Local limits of their jurisdiction.

27. *(1)* The local limits of the jurisdiction of a Subordinate Judge shall be such as the Local Government may define.

(2) The local limits of the jurisdiction of a Munsif shall be such as the Chief Court may define.

(3) When the Local Government posts a Subordinate Judge or the Chief Court posts a Munsif to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

Special Judges and Benches.

28. *(1)* The Local Government may confer on any person all or any of the powers conferable under this Act on a Subordinate Judge or Munsif with respect to particular classes of cases, or with respect to cases generally in any local area, and may withdraw, or suspend the exercise of, any powers so conferred.

(2) The Local Government may direct any uneven number of persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench; and those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(3) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

(4) Persons on whom powers are conferred under this section shall be called Special Judges, and such persons and the benches constituted under this section shall be deemed for the purposes of this Act to be Subordinate Judges or Munsifs, as the Local Government may direct.

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Court.

29. *(1)* The Chief Court may, by order, authorize any District Court to transfer to a Subordinate Judge or Munsif under its control any of the following proceedings or any class of such proceedings specified in the order, and then pending or thereafter instituted before the District Court (that is to say):—

(a) applications for certificates under Act XXVII of 1860 *(for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons)*;

(b) proceedings under Act XL of 1858 *(for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal)* or Act IX of 1861 *(to amend the law relating to Minors)*.

(2) The District Court may withdraw any proceedings so transferred, and may either itself dispose of them, or, with the previous sanction of the Chief Court, transfer them to any other Subordinate Judge or Munsif under its control.

(3) All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) subject to the rules applicable to like cases when disposed of by the District Court.

Small Cause Jurisdiction.

Power to confer Small Cause Court jurisdiction.

30. The Local Government may confer, within such local limits as it thinks fit, upon any District Judge, Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under Act XI of 1865 for the trial of suits cognizable by such Courts up to such value, not exceeding five hundred rupees, as it thinks fit, and may withdraw any jurisdiction so conferred.

Suspension and Removal.

Suspension and removal.

31. *(1)* Any Divisional Judge, District Judge or Subordinate Judge may be suspended or removed from office by the Local Government.

(2) Any Munsif may, subject to the control of the Local Government, be suspended or removed from office by the Chief Court.

Valuation of Suits.

Valuation of suits.

32. When the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that suits of that class shall, for all or any of the purposes of this Act, be treated as if their subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

Administrative Control.

Controlling powers of Divisional and District Courts.

33. *(1)* Subject to the general superintendence and control of the Chief Court, every Divisional Court shall control all other Civil Courts in the division.

(2) Subject as aforesaid and to the control of the Divisional Court, every District Court shall control all other Civil Courts in the district.

Power of Divisional Court to transfer business.

34. *(1)* Every Divisional Court may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court. XI

(2) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 35-38.)
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Sections 39-43.)

XIV of 1882.

Power to distribute business.

35. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court and District Court may, by written order, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit:

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Ministerial officers of Subordinate Courts.

36. *(1)* The ministerial officers of the Divisional and District Courts and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively.

(2) The ministerial officers of all Courts controlled by a District Court, other than Courts of Small Causes, shall be appointed, and may be suspended and dismissed, by the District Court.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf, and, in dealing with any matter under this section, a District Court or a Judge of a Court of Small Causes shall act subject to the control of the Divisional Court.

Power to fine ministerial officers.

37. *(1)* A Divisional or District Court or any Court under the control of a District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

(2) The District Court, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify an order made under sub-section (1) by any Court under its control other than a Court of Small Causes, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control other than a Court of Small Causes.

Delegation of District Judge's powers.

38. A District Court may, with the previous sanction of the Local Government, delegate to any Subordinate Judge in the district the powers conferred on a District Court by sections 33, 35 and 36 of this Act, and section 25 of the Code of Civil Procedure, to be exercised by the Subordinate Judge in any specified portion of the district subject to the control of the District Court.

XIV of 1882.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

First appeals to whom to lie.

39. *(1)* Appeals from the decrees of a Munsif in small causes shall, when such appeals are allowed by law, and the value of the suit does not exceed five hundred rupees, lie to the District Judge.

(2) Appeals from the decrees of a District or Subordinate Judge in original suits, when the value of the suit exceeds five thousand rupees, and appeals from the decrees of the Divisional Court in original suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(3) Appeals from decrees in original suits, not hereinbefore or by any other enactment for the time being in force provided for, shall, when such appeals are allowed by law, lie to the Divisional Court.

Further appeal from Divisional Court.

40. A further appeal shall lie to the Chief Court in the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely:—

(*a*) if the value of the suit exceeds five hundred rupees; or

the decree involves directly some claim to, or question respecting, property of like value;

(*b*) if the Divisional Court consists of a single Judge and the decree varies or reverses the decree of the Court below;

(*c*) if in a Divisional Court consisting of more than one Judge the appeal is heard by two or more Judges, and there is not a majority of those Judges concurring in the decree passed by the Divisional Court;

(*d*) if on the application of any party a Judge of the Divisional Court certifies that there is a question of law or custom or of general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal:

Prov ded that—

(1) an application under clause (*d*) shall not be received after the expiration of thirty days from the date on which the decree of the Divisional Court is passed, unless the applicant satisfies the Judge that he had sufficient cause for not presenting it within that period; and

(2) no further appeal shall lie in any small cause when the value of the suit does not exceed five hundred rupees.

Appellate decision of District or Divisional Court otherwise final.

41. Subject to the provisions of section 40 of this Act and sections 595 and 622 of the Code of Civil Procedure, a decree of the District or Divisional Court passed in appeal shall be final.

Power to confer appellate jurisdiction on Subordinate Judge.

42. *(1)* The Local Government may confer on a Subordinate Judge the powers of a District Judge for the purpose of hearing appeals from the Courts of Munsifs in any local area, and withdraw those powers.

(2) A Subordinate Judge shall for purposes connected with the exercise of powers so conferred be deemed to be a District Judge.

Period of limitation.

43. *(1)* The period of limitation for an appeal under section 39 or section 40 shall run from the date of the decree appealed against, and shall be as follows, that is to say:—

(*a*) when the appeal lies to the District or Divisional Court—sixty days;

(*b*) when the appeal lies to the Chief Court—ninety days.

(2) In computing these periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877:

The Panjáb Courts Act, 1884.
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Section 44.)
(Chapter V.—Revenue Courts.—Sections 45-47.)

Provided that, in computing the period of ninety days for an appeal under section 40, clause (*d*), the time during which the application under that clause has been pending shall be excluded.

References to Chief Court under section 617 of Code of Civil Procedure.

44. For the purposes of section 617 of the Code of Civil Procedure, every appeal to a Divisional Court under this chapter shall, except when the value of the suit exceeds five hundred rupees, be deemed to be an appeal in which the decree is final.

CHAPTER V.

REVENUE COURTS.

Certain classes of suits cognizable by Revenue Courts only.

45. Suits of any of the classes comprised in the following groups instituted on and after the date on which this Act comes into force, shall be instituted, heard and determined in Revenue Courts and not otherwise:—

First Group.

(*a*) Suits by tenants to establish a claim to a right of occupancy.

(*b*) Suits by landlords under section 6 of the Panjáb Tenancy Act, 1868, to prove that a tenant presumed to have a right of occupancy under that section has no such right.

(*c*) Suits for enhancement or abatement of rent under Chapter III of the same Act.

(*d*) Suits for ejectment of a tenant.

(*e*) Suits under section 25 of the said Act to contest liability to be ejected when notice of ejectment has been served.

Second Group.

(*f*) Suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like.

(*g*) Suits for the recovery of any over-payment of rent.

(*h*) Suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár.

(*i*) Suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts.

(*j*) Suits by assignees of land-revenue for arrears of revenue due to them as such.

(*k*) Suits by superior proprietors for arrears of revenue due to them as such.

(*l*) Suits under section 9 of the Specific Relief Act to recover possession of land.

(*m*) Suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer:

Provided that the Local Government may, after consulting the Chief Court, direct that suits of any of these classes arising in any local area shall be heard and determined by the Civil Courts and not by the Revenue Courts, and cancel any such direction.

Original jurisdiction of Deputy Commissioner and his subordinates in suits.

46. (*1*) A Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 45.

(*2*) An Assistant Commissioner or Tahsíldár shall have power to try suits of such classes mentioned in the second group of the same section, and within such limits as regards value, as may be determined by the Local Government either by including him in a class or grade, or otherwise as it thinks fit.

(*3*) The Local Government may invest a Náib Tahsíldár with power to try suits of the classes mentioned in section 45, clauses (*f*), (*g*), (*h*), (*i*) and (*k*), when the value does not exceed one hundred rupees.

(*4*) The powers conferred by this section shall be exercised within such local limits as the Local Government may direct, and in the absence of any such direction throughout the district or tahsíl to which the officer is posted.

Appeals from original decrees.

47. An appeal shall lie from a decree passed in an original suit of any of the classes mentioned in section 46 as follows, namely:—

(*a*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner in a suit of the first group and the value of the suit does not exceed five thousand rupees, or

in a suit of the second group and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner;

(*c*) when the decree is passed by an Assistant Commissioner, Tahsíldár or Náib Tahsíldár—to the Deputy Commissioner:

Provided that—

(*1*) no appeal shall lie from a decree passed in a suit of the class mentioned in section 45, clause (*l*);

(*2*) the Local Government may direct that no appeal shall lie from the decree of any Assistant Commissioner or class or grade of Assistant Commissioners designated by it in this behalf in any suit of the classes specified in clauses (*f*) to (*k*), both inclusive, of section 45, unless—

(*a*) the value of the suit exceeds such sum, not being more than one hundred rupees, as the Local Government may fix in this behalf, or

(*b*) the decree has decided a question of title to land or to some interest in land as between parties having conflicting claims thereto or as to the amount of some rent or revenue or other payment to which there is a recurring claim or as to the principle on which revenue, profits or village-expenses or other dues should be apportioned.

(*3*) The Local Government may direct that appeals shall lie from the decrees of an Assistant Commissioner or any class of Assistant Commissioners as if those decrees were passed by a Deputy Commissioner.

The Panjáb Courts Act, 1884.
(Chapter V.—Revenue Courts.—Sections 48-56.)

Further appeals from appellate decrees.

48. A further appeal shall lie from a decree passed on appeal in a suit of any of the classes mentioned in section 45 on any ground which would be a good ground of appeal if the decree had been passed in an original suit as follows, namely:—

(*a*) when the decree is passed by a Commissioner in a suit of the first group and reverses or modifies the original decree —to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*c*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner.

No appeals except under the foregoing sections.

49. Except as provided by the foregoing sections, no appeal shall lie from a decree passed under this chapter.

Limitation of appeals under this chapter.

50. *(1)* The period of limitation for an appeal under section 47 or 48 shall run from the date of the decree appealed against, and shall be as follows, that is to say:—

(*a*) when the appeal lies to the Court of the Deputy Commissioner or of the Commissioner—sixty days;

(*b*) when the appeal lies to the Financial Commissioner—ninety days.

(2) In computing those periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877.

Power to confer powers of Financial Commissioner, Commissioner and Deputy Commissioner.

51. (*1*) The Local Government may confer on any person all or any of the powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter, and may withdraw the powers so conferred.

(*2*) Any person on whom powers are conferred under this section shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed by the Local Government, shall for all purposes connected with the exercise of the same be deemed a Financial Commissioner, Commissioner or Deputy Commissioner, as the case may be.

Appointment of second Financial Commissioner.

52. *(1)* The Local Government may, if it thinks fit, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government.

(2) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners, and, until such rules are made and subject to such rules, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

Procedure of Revenue Courts how to be regulated.

53. *(1)* The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts.

(2) Until such rules are made, and subject to such rules when made and to the provisions of this Act,—

(*a*) the provisions of the Code of Civil Procedure shall, so far as applicable, apply to all proceedings whether before or after decree in cases under this chapter; and

(*b*) the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under the said Code.

Power to refer party to Civil Court.

54. (*1*) If, in any suit pending before a Revenue Court exercising original appellate or revisional jurisdiction under this chapter, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may, if it thinks fit, decide the question against him.

(*2*) If he institutes such a suit, the Revenue Court shall dispose of the suit pending before it in accordance with the final decision of the Civil Court of first instance or appeal (as the case may be).

Power for Financial Commissioner to refer question to Chief Court.

55. (*1*) When a question of the description mentioned in section 617 of the Code of Civil Procedure arises before the Financial Commissioner in the exercise of any of his powers under this chapter, he may refer the question for the decision of the Chief Court in manner prescribed by that section:

Provided that he shall not be bound to express any opinion thereon.

(*2*) On a reference being made under sub-section (1), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the provisions of sections 618, 619 and 620 of the said Code, and the Chief Court may return for amendment the statement received from the Financial Commissioner if it is not sufficient to enable the Court to determine the question referred.

Administrative Control.

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

56. (*1*) The general superintendence and control over all other Revenue Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Financial Commissioner.

The Panjáb Courts Act, 1884.
(Chapter VI.—Settlement Courts.—Sections 62-63.)
(Chapter VII.—Supplemental Provisions.—Sections 64-66.)

(2) Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control all other Revenue Courts in his division.

(3) Subject as aforesaid and to the control of the Commissioner, every Deputy Commissioner shall control all other Revenue Courts in his district.

Power to transfer business.

57. Every Commissioner and Deputy Commissioner may exercise, as regards the Courts under his control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

1882.

Power to distribute business.

58. Every Commissioner and Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit:

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Ministerial officers of Courts.

59. (1) The ministerial officers of the Courts of the Financial Commissioner, Commissioner and Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Judges of those Courts, respectively.

(2) The ministerial officers of all Courts controlled by a Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Deputy Commissioner.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf; and in dealing with any matter under this section a Commissioner shall act subject to the control of the Financial Commissoner, and a Deputy Commissioner subject to the control of the Commissioner.

Power to fine ministerial officers.

60. (1) A Commissioner or Deputy Commissioner and the presiding officer of every Court under the control of a Deputy Commissioner may fine, in an amount not exceeding one month's salary, any ministerial officer of his Court for misconduct or neglect in the performance of his duties.

(2) The Deputy Commissioner, subject to the general control of the Commissioner, may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by the presiding officer of any Court under his control, and may of his own motion fine up to the amount of one month's salary any ministerial officer of any such Court.

Delegation of Deputy Commissioner's powers.

61. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in the district the powers conferred on Deputy Commissioners by sections 56, 57, 58 and 59 to be exercised by the Assistant Commissioner in any specified portion of the district subject to the control of the Deputy Commissioner.

CHAPTER VI.

SETTLEMENT COURTS.

Power to invest Settlement-officers with powers of Civil or Revenue Courts in certain cases.

62. (1) The Local Government may, by notification in the official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling the settlement with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in the local area.

(2) The publication of a notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(3) The Local Government may cancel any such notification.

(4) While the notification continues in force, the powers specified in it shall be exercised by the officers so invested, and not otherwise:

Provided as follows:—

(a) the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer has been invested by the notification shall be exercised solely by the Courts by which the jurisdiction would have been exercised if the notification had not been published; and

(b) any cases pending before any officer under the notification when it is cancelled may, notwithstanding the cancellation, be disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that those cases shall be transferred for disposal to the Courts by which they would have been disposed of if the notification had not been published.

Power to alter subordination of Courts for purposes of section 62.

63 For the purposes of section 62 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court and the Court of the Financial Commissioner) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

Mode of appointment and conferring powers.

64. Except as otherwise provided by this Act, the Local Government may, when it is empowered by this Act to make any appointment or confer any powers, appoint, or confer the powers on any person specially by name or by virtue of his office.

Powers exercisable from time to time.

65. All powers conferred by this Act may be exercised, from time to time, as occasion requires.

Place of sitting of Courts.

66. (1) The Local Government may fix the place or places at which any Court under this Act is to be held.

The Panjáb Courts Act, 1884.
(Chapter VII.—Supplemental Provisions.—Sections 67-75. The Schedule.)

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Act may be held at any place within the local limits of its jurisdiction.

Vacations.

67. *(1)* Subject to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as holidays in the Chief Court and the Civil Courts subordinate thereto, and the Financial Commissioner shall prepare alike list for his Court and the Courts subordinate thereto.

(2) Every such list shall be published in the official Gazette.

Pending proceedings.

68. *(1)* All cases or proceedings pending in the Chief Court on the day when this Act comes into force shall be disposed of as if this Act had not been passed.

(2) All cases or proceedings pending in any Civil Court subordinate to the Chief Court on that day shall be disposed of as if this Act had not been passed:

Provided that the Chief Court may direct that any such cases or proceedings shall be transferred for disposal to any Civil Court established under this Act which would have had jurisdiction if it had been in existence when the cases or proceedings were instituted.

(3) In the case of an appeal pending on the said day, the following shall, for the purposes of sub-section (2), be deemed to be the Court which would have had jurisdiction as aforesaid, namely:—

(a) when the value of the suit exceeds five thousand rupees,—the Chief Court;

(b) when the appeal is one in a small cause, and is pending before the Deputy Commissioner or an officer invested with the appellate powers of a Deputy Commissioner and the value of the suit does not exceed five hundred rupees,—the District Court;

(c) in other cases,—the Divisional Court.

Appeals after Act comes into force against decrees, &c., passed before.

69. Appeals from decrees, orders and decisions passed by Civil Courts and not appealed against before the date on which this Act comes into force shall lie and be disposed of as if this Act had not been passed and not otherwise:

Provided that the Courts to which such appeals shall lie shall be as follows:—

(a) when the appeal would before the said date have lain to the Chief Court, or the value of the suit exceeds five thousand rupees,—the Chief Court;

(b) in small causes when the value of the suit does not exceed five hundred rupees, and the appeal would before the said date have lain to the Deputy Commissioner, or an officer exercising the appellate powers of a Deputy Commissioner,—the District Court;

(c) in other cases,—the Divisional Court.

Modification of section 622 of Civil Procedure Code.

70. Section 622 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read as if the words "illegally or" were omitted, and for the purposes of that section no appeal shall be deemed to lie from the appellate decree of a Divisional Court to the Chief Court when the case does not fall under clause (a), clause (b) or clause (c) of section 40, and an application under clause (d) of that section has been refused.

Amendment of the first schedule annexed to the Court-fees Act, 1870.

71. In the first schedule annexed to the Court-fees Act, 1870, after No. 12, the following shall be inserted:—

NUMBER.		PROPER FEE.
13. Application to the Chief Court or the Court of the Financial Commissioner of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal.

Refund of fee paid on application for revision.

72. If the Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a Subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded.

Saving of certain appointments, rules and forms, notifications, powers and orders.

73. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms made and prescribed under sections 19, 26 and 27, and notifications published, powers conferred and orders issued under section 49, of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

Amendment of Act X of 1870, section 3.

74. In the Land Acquisition Act, 1870, section 3, before the words "British Burma," in both places where they occur, the words "the Panjáb" shall be inserted.

Amendment of Act XXVIII of 1868, section 42.

75. In the Panjáb Tenancy Act, 1868, section 42, for the words "and thirty-one" the words "thirty-one and forty" shall be substituted.

THE SCHEDULE.

ACTS REPEALED.

(See section 2.)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869	The Indian Divorce Act.	So much of section 3 as defines "District Judge" in the Panjáb to mean the "Commissioner of a Division."
Act XIV of 1875.	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877.	The Panjáb Courts' Act, 1877.	The whole, except section eighteen.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 16th October, 1884, and is hereby promulgated for general information:—

ACT No. XIX OF 1884.

THE RANGOON WATER-WORKS ACT, 1884.

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An Act to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

WHEREAS a scheme has been settled and to some extent carried out for the construction and maintenance of water-works and the supply of water to the Town of Rangoon by the Municipal Committee for that town;

And whereas it is necessary for the purposes of the scheme that the Royal Lake at Rangoon, and all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, should vest in, and be under the control of, the Municipal Committee for that town;

And whereas it is expedient that powers should be conferred and duties imposed upon the said Municipal Committee with respect to the construction and maintenance of the proposed water-works and the supply of water to the Town of Rangoon, and otherwise in relation thereto, and that all acts already done by the said Municipal Committee which could have been lawfully done if this Act had been in force should be validated;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. *(1)* This Act may be called the Rangoon Water-works Act, 1884; and

(2) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, fix in this behalf.

(3) All acts done before the passing of this Act which could have been lawfully done if this Act had been in force shall be deemed to have been lawfully done.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) "town" means the local area for the time being comprised within the municipal limits of the Town of Rangoon:

(2) "street" means any street, road, thoroughfare, passage for place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street:

(3) "owner" includes—

(a) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person;

(b) an agent of that person; and

(c) a trustee for that person:

(4) "house" includes schools; also factories and other buildings in which persons are employed:

(5) "water-works" includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the Town of Rangoon:

(6) "the Committee" means the Municipal Committee for the Town of Rangoon:

(7) "water-rent" includes any rent, reward or payment to be made to the Committee in connection with the supply of water under this Act, but does not include the water-tax leviable under the Burma Municipal Act, 1884: and

(8) a "supply of water for domestic purposes" does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

CHAPTER II.

VESTING OF PROPERTY.

Vesting of Royal Lake and cisterns, &c., in Committee.

3. There shall vest in, and be under the control of, the Committee, freed and discharged of and from all manner of rights, titles, privileges or claims whatsoever of any other person,—

(a) the Royal Lake at Rangoon; and

(b) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, used or intended to be used for supplying water to the public in the town, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto:

Provided as follows:—

(1) Any person may at any time, subject to such rules as the Committee make in this behalf, row, sail or fish on or in the waters of the Royal Lake:

(2) Nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dalhousie Park, but that land shall be preserved as a public park for the use of the public.

The Rangoon Water-works Act, 1884.
(Chapter III.—Construction and Maintenance of Water-works.—Sections 4-7.)
(Chapter IV.—Supply of Water.—Sections 8-13.)

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

Duty of Committee to construct works for supply of water.

4. Subject to rules to be made under this Act by the Chief Commissioner, the Committee shall cause such mains and pipes to be laid, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town:

Provided that the Chief Commissioner may, by order in writing, from time to time exempt any part of the town from the provisions of this section, and cancel any such exemption.

Duty of Committee to erect stand-pipes.

5. The Committee shall cause such stand-pipes or pumps to be erected, at such intervals as the Chief Commissioner, by rules made under this Act, prescribes, in all the chief streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Power for Committee to execute works.

6. The Committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land:

Provided that, in the exercise of these powers the Committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

Power for Committee to break up streets.

7. The Committee may open and break up the soil and pavement of the streets, and lay down and place pipes, conduits and other works and engines, and, from time to time, repair, alter or remove the same, and do all other acts which the Committee, from time to time, deem necessary for supplying water to the town.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of water for domestic purposes to Occupiers of Houses or Lands.

Right of occupier to certain supply of water for domestic purposes.

8. *(1)* Every occupier of a house or land situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of fifteen hundred gallons of pure and wholesome water for domestic purposes for every rupee paid to the Committee for water-tax on account of the house or land.

(2) If the Committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-metre at their own expense, and attach it to such part of the communication-pipes as they think fit.

(3) If the occupier consumes any water over and above the quantity to which he is entitled free of further charge under this section, he shall pay for it at the rate of one rupee for every fifteen hundred gallons, or part of fifteen hundred gallons.

Right of occupier paying water-tax to have water brought into his house or land.

9. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall, subject to the provisions of this Act, be entitled to have communication-pipes laid down from the service-pipes of the Committee, for bringing into his house or land a reasonable supply of water:

Provided that the Committee may cut off the supply of water to any house or land while the house or land is unoccupied.

Construction of communication-pipes.

10. The communication-pipes leading the water from the service-pipes of the Committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the Committee fix and approve, and shall be constructed at the expense of the person requiring them.

Inspection of works, pipes and fittings before connection with service-pipes.

11. *(1)* Before a connection for the supply of water from the service-pipes of the Committee to any house or land is sanctioned by the Committee, the Committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the Committee appoint in this behalf.

(2) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the Committee, at a special meeting, from time to time, direct.

(3) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the Committee's service-pipes shall not be permitted.

Connection with service-pipes to be executed only by an officer of the Committee.

12. *(1)* The connection with the service-pipes of the Committee, and the laying of communication-pipes under any street, shall be executed by an officer of the Committee authorized in that behalf.

(2) The expense of making the connection shall be payable in advance by the person applying for the same, at such rate as the Committee, at a special meeting, from time to time, direct.

Power for officer of Committee to enter premises.

13. *(1)* The officer authorized in that behalf by the Committee may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land

The Rangoon Water-works Act, 1884.
(Chapter V.—Reciprocal Rights of Owners and Occupiers to supply of Water to Houses.—Sections 20-21.)

supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any waste or misuse of the water.

(2) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the Committee may forthwith turn off or cut off the water from the house or land.

Power for Committee to turn off water when pipes are out of repair.

14. If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on examination by any officer of the Committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the Committee may, after the expiry of twenty-four hours from the service of notice in writing to this effect, cause the water to be turned off or cut off from the house or land, and may recover the expense incurred for turning off or cutting off the water from the occupier of the house or land.

B.—Supply for gratuitous use in Stand-pipes.

Duty of Committee to supply water for gratuitous use in stand-pipes.

15. The Committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the Committee under section 5.

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

Duty of Committee to fix fire-plugs in mains.

16. The Committee shall fix and renew and keep in effective order such fire-plugs in such of the mains and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the Chief Commissioner by rules made under this Act, directs.

Duty of Committee to supply water for cleansing sewers and drains.

17. In all the mains and pipes to which any fire-plug is fixed, the Committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

D.—Supply of Water for other than domestic purposes.

Supply for other than domestic purposes.

18. (1) The Committee may, from time to time, supply any person with water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the Committee and the person:

Provided that—

(a) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the Committee are of opinion that the supply would interfere with the proper supply of water for domestic purposes under this Act; and

(b) the Committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture, penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(2) When any such agreement has been entered into by the Committee with any person, the Committee may, subject to such charges or rates as may have been fixed by the Committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of Water supplied.

Pressure at which water must be kept.

19. From such a day as the Chief Commissioner, by notification in the local official Gazette, directs in this behalf, the supply of water in the mains and pipes which the Committee are required to lay under this Act shall be laid on at such pressure as the Chief Commissioner, by rules made under this Act, prescribes.

CHAPTER V.

RECIPROCAL RIGHTS OF OWNERS AND OCCUPIERS TO SUPPLY OF WATER TO HOUSES.

Power for occupier of house to require owner to provide works for water-supply.

20. (1) Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house a supply of water for domestic purposes.

(2) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation.

(3) If the house, or the land attached thereto, does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

Power for occupier to make works in default of owner.

21. (1) If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may by way of additional remedy deduct the cost of the works from the rent payable by him in respect of the house:

Provided that the occupier shall not recover on account of the cost—

(a) a sum exceeding the amount of six months' rent; or

(b) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

The Rangoon Water-works Act, 1884.
(Chapter VI.—Rules.—Sections 29-31.)

(2) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(3) Interest on each instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

What works are sufficient for supply of water to house.

22. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided, namely :—

(*a*) two taps in the house;

(*b*) one tap in the cook-room of, or other building attached to, the house, and

(*c*) one tap in or near the stables or other out-houses belong to the house :

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

Estimate and specification of works to be sent.

23. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

Power to refer to Committee.

24. If there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the Committee, and the written award of any officer authorized by the Committee in this behalf shall be final and binding on the owner and the occupier.

Fee on reference.

25. There shall be payable by the person making a reference to the Committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

Duty of owner to keep works in repair.

26. *(1)* The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair.

(2) If the owner fails to put any such works in substantial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may by way of additional remedy deduct the cost of the repairs from the rent payable by him in respect of the house or land.

Power for owner to recover sums payable by occupier.

27. Any owner to whom any sum is payable under section 20 or section 21 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Saving of contracts between owners and occupiers.

28. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

CHAPTER VI.

RULES.

Power for Chief Commissioner to make rules.

29. The Chief Commissioner may, from time to time, make rules consistent with this Act—

(*a*) to prescribe the size and nature of the mains and pipes to be laid and the water-works to be constructed by the Committee for the supply of water under this Act;

(*b*) to prescribe the size and nature of the stand-pipes or pumps to be erected by the Committee under this Act, and the intervals at which they must be erected;

(*c*) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the Committee under this Act;

(*d*) to prescribe the pressure at which the water supplied by the Committee under this Act is to be laid on either generally or at specified times; and

(*e*) generally to define and regulate the powers and duties of the Committee under this Act.

Power for Committee to make rules.

30. *(1)* The Committee may, from time to time, at a special meeting, make rules consistent with this Act—

(*a*) for regulating rowing, sailing and fishing on or in the Royal Lake; and

(*b*) for preventing the waste or misuse of water supplied by them, and for defining the nature of the pipes, casks, cisterns and other apparatus to be used by every person supplied by them with water.

(2) In making a rule under this section the Committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(3) If any person, having or requiring a supply of water from the Committee, fails to comply with any rules made under clause (*b*) of this section, the Committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules are complied with :

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Procedure for making rules.

31. *(1)* The Chief Commissioner or Committee shall, before making any rules under section 29 or section 30, publish a draft of the proposed rules for the information of persons interested.

(2) The publication shall be made—

(*a*) in the case of rules under section 29, in such manner as in the opinion of the Chief Commissioner is sufficient; and

The Rangoon Water-works Act, 1884.
(Chapter VII.—Arrears and Offences.—Sections 33-38.)

(*b*) in the case of rules under section 30, in such manner as the Chief Commissioner, by order, directs.

(3) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(4) The Chief Commissioner or Committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Publication of rules.

32. Every rule made under section 29 or section 30 shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and such publication shall be conclusive evidence that the rule has been made as required by section 31.

CHAPTER VII.

ARREARS AND OFFENCES.

Arrears of water-rents.

33. All arrears of water-rents under this Act may be recovered, on application to such Revenue-officer as the Local Government may appoint in this behalf, as if they were arrears of land-revenue.

Power for Committee to turn off water on neglect to pay water tax or water rent.

34. If any person supplied with water neglects to pay—

(*a*) the water-tax leviable under the Burma Municipal Act, 1881, or

(*b*) any water-rent payable by him to the Committee,

the Committee may turn off or cut off the water from the house or land in respect of which the water-tax or water-rent is payable, by cutting off the pipe to the house or land, or by such other means as the Committee think fit, and may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from the person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Penalty for obstructing, diverting or wasting water

35. If any person unlawfully obstructs the flow of, flushes, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the Committee, or from any water or streams by which these water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees.

Penalty for unauthorized application of water.

36. If any person—

(*a*) uses for other than domestic purposes any water supplied under this Act for domestic purposes; or

(*b*) where water is supplied under section 18 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the Committee to recover from him the price of the water misused.

Penalties for causing the water of the Committee to be fouled, &c.

37. *(1)* If any person—

(*a*) bathes in, at or upon any water-works, or washes, throws or causes to enter therein any dog or other animal, or

(*b*) throws any rubbish, dirt, filth or other noisome thing into any water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or

(*c*) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled, or likely to be fouled,

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

Prosecutions.

38. Prosecutions under this Act or the rules made under this Act may be instituted by the Committee or any person authorized by them in this behalf, and not otherwise.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th October, 1884, and is hereby promulgated for General information :—

ACT No. XX OF 1884.

An Act to amend the Indian Salt Act, 1882.

WHEREAS it is expedient to exclude the Province of Sindh from the operation of those portions of the Indian Salt Act, 1882, which do not extend by their own operation to the whole of British India; It is hereby enacted as follows :—

XII of 1882.

Repeal of words "to the Province of Sindh" and "Province" in section 1 of Act XII of 1882.

1. From such day as the Governor of Bombay in Council, by notification in the official Gazette, fixes in this behalf, the words "to the Province of Sindh" and the word "Province," in paragraphs three and four respectively of section 1 of the Indian Salt Act, 1882, shall be repealed.

D. FITZPATRICK,

Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 11, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October, 1884:—

No. 14 of 1884.

A Bill to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

Whereas it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

1. The Straits Settlements Emigration Act, 1877, is repealed. [V of 1877.]

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted:— [XXI of 1883.]

New section substituted for section 102 of Act XXI of 1883.

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

Power for Governor General in Council to exempt emigration to Native States adjoining the Straits Settlements from Act.

STATEMENT OF OBJECTS AND REASONS.

The main object of this Bill is to repeal Act V of 1877 (the Straits Settlements Emigration Act, 1877), which extends only to the Madras Presidency. It is dictated by the policy which recently led to the enactment of Act VII of 1883, (to repeal the British Burma Labour Law, 1876.) As in the case of Burma, it is found that there is a system of "free emigration" to the Straits which not only competes with, but altogether distances, the Government system for which Act V of 1877 provides. From the information before it, the Government of India is of opinion that that Act has impeded instead of promoting emigration, that labour flows as naturally to and from the Straits as it does between Burma and India, and that attempts to control its movement in British territory merely induce it to seek an outlet from the French ports of Pondicherry and Karikal. Such provisions as in the opinion of the Government are necessary for the protection and control of the Indian immigrant after his arrival in the Straits have been embodied in a revised Labour Regulation, which is now before the Straits legislature, and will, it is expected, shortly become law. Under these circumstances, the Government of India considers that emigration from India to the Straits should be uncontrolled by law in this country save as regards the requirements of the Native Passengers Ships Act.

2. The repeal of Act V of 1877 necessitates, however, an amendment of section 102 of Act XXI of 1883 (the Indian Emigration Act, 1883). The first sub-section of that section provides for the extension of Act V of 1877 to other parts of British India. As the Act is itself now being repealed, it is clear that this sub-section should be repealed also. The second and third sub-sections of that section give the Governor General in Council power by notification to include any of the protected Native States adjoining the Straits Settlements within

the scope of any law relating to emigration to those Settlements, and exempt, on and from the date of any such notification, emigration to the protected State specified therein from the operation of Act XXI of 1883. Though there will no longer be any special law relating to emigration to the Straits, it is deemed desirable to retain the power, which these sub-sections confer, of exempting emigration to the protected States from Act XXI of 1883. A new section has therefore been substituted by section 2 of the Bill for section 102 of Act XXI of 1883 empowering the Governor General in Council to exempt emigration to the protected States from that Act whenever he considers such exemption to be desirable.

The 25th September, 1884.

S. C. BAYLEY.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Report of the Select Committee on the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1881:—

WE, the undersigned members of the Select Committee to which the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 289 IL., dated 9th September, 1881 [Paper No. 1].
Telegram from Chief Commissioner, British Burma, dated 15th September, 1881 [Paper No. 2].

2. The following is an extract from the Chief Commissioner's telegram of the 15th instant:—

"Opinions received on Burma Gaming Bill induce me to urge following points:—

"*First*, we must make touts for *ti* punishable; so please, after word 'players' in section 4, insert words 'or who promotes the game by soliciting or collecting stakes or otherwise.'

"*Second*, I fear Courts may unduly restrict meaning of word 'place'; therefore, for first eight words in clause (2), section 3, please substitute words 'every place, whether enclosed or unenclosed.'

Thirdly, our 1st class Magistrates are few; therefore please add clause as follows:—

'The Local Government may specially authorize any Magistrate of the 2nd class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the district.'

Fourthly, we want power to arrest touts in public places; therefore please add clause as follows:—

'A police-officer may apprehend without warrant any person soliciting or collecting stakes for *ti* or any other game of like nature in any public street, place or thoroughfare.'

"*Fifthly*, on advice of officers consulted, I agree that section 2 of Bill may be omitted."

3. We have adopted all these suggestions except the second; and, though the Chief Commissioner adds that he lays much stress on that suggestion, we do not think it would be possible to adopt it, at least in the shape in which he proposes it. It must be remembered that the Bill is not an independent measure, but is to be read with Act III of 1867; and, if the provisions of that Act relating to common gaming-houses be referred to, it will, we think, be found that some at least of them are such that if every "place," without any distinction or limitation whatever, was to be made a "common gaming-house," they could not fairly or reasonably be applied. It may indeed be doubted whether, apart from all consideration of the harshness which the proposed amendment would involve, some of those provisions could be applied to every "place" indiscriminately without giving rise to something approaching an absurdity.

4. We have, we need hardly say, considered whether it might not be desirable to give some extension to the definition of "common gaming-house" short of that proposed by the Chief Commissioner; but we think, having regard to English decisions on the provisions of Statutes worded in a manner somewhat similar to Act III of 1867 and the

present Bill, that the definition is as wide as it is desirable to make it. We think we may reasonably count on its being held, with reference to those decisions, to include all places which are sufficiently analogous to a house, walled enclosure or room to admit of being reasonably and fairly treated as gambling-houses for the purposes of the Act.

5. It must be remembered that the question here involved has little or no importance in practice except in its bearing on the position of persons who are induced to take tickets in the *ti*; for the managers and their assistants will in all cases be subject to severe penalties under separate provisions, which are completely independent of the definition of common gaming-house; and, as regards mere ticket-holders, it appears to us that it is sufficient if they are punishable under the common gaming-house provisions of the Bill and the Act as they now stand, and under the 13th section of the Act for gambling in public. We have, however, amended the last-mentioned section so as to give it a somewhat wider range in British Burma than it has elsewhere.

6. The publication ordered by the Council has been made as follows:—

In English.

Gazette.	*Date.*
Gazette of India	30th August, and 6th and 13th September, 1884.
British Burma Gazette	13th September, 1884.

In the Vernaculars.

Province.	*Language.*	*Date.*
British Burma ...	Burmese ...	13th 20th, and 27th September, 1884.

We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

C. P. ILBERT.
C. U. AITCHISON.
J. GIBBS.
J. W. QUINTON.

The 25th September, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Report of the Select Committee on the Bill to amend the Law relating to Local Self-government in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Local Self-government in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 678-8R.M., dated 27th September, 1883, and enclosures [Papers No. 1].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 88-8R.M., dated 4th October, 1883, and enclosures [Papers No. 2].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 848-8R.M., dated 17th October, 1883, and enclosures [Papers No. 3].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 587-8R.M., dated 27th December, 1883, and enclosure [Papers No. 4].
Office Memorandum from Home Department, No. 762, dated 9th May, 1884, and enclosures [Papers No. 5].
From Officiating Secretary to Chief Commissioner, British Burma, No. 481-1G.M., dated 17th June, 1884, and enclosure [Papers No. 6.

2. The Bill as now amended by us will be seen at a glance to differ considerably from the Bill as introduced. The difference is due chiefly to three causes.

3. In the first place, there has been a change in the main plan and scope of the measure. As explained in the Statement of Objects and Reasons, the original Bill was framed with a view to the inclusion within municipalities of adjoining rural areas. This course was taken, on the advice of the Local Government, in order to meet the requirements of certain rural tracts, until such time as it might be found possible to establish a system of local boards for rural districts.

From the papers since submitted, however, it appears that, upon fuller consideration, the weight of opinion is against the attempt to include in one municipality urban and rural tracts; and the Chief Commissioner now recommends that the Bill be confined, as we believe all the Municipal Acts on our Statute-book are, to urban tracts, the matter of local self-government in rural tracts being left to be dealt with separately hereafter.

In this recommendation we concur. The difficulty of framing the provisions of the Bill so as to fit in with conditions so essentially different as those of the towns and the adjoining tracts of country has turned out to be greater than was anticipated, and the call for the establishment of a system of local self-government in the rural tracts of British Burma is not so pressing as to justify our running the risk of passing an unsatisfactory measure for the sake of at once meeting it. We have accordingly reduced the Bill to the form of a Municipal Bill pure and simple.

4. Another difference between the original Bill and the present Bill is due to our having, at the request of the Chief Commissioner, adopted the course taken by the Select Committee on the Panjáb Municipal Bill of substituting for wide general powers to make rules detailed provisions regarding nuisances and other matters affecting the public health, safety and convenience. It is in this way that most of the new sections contained in Chapters VI and VII of the amended Bill are to be accounted for.

5. Lastly, the greater light thrown upon the needs of municipal government and on the difficulties likely to present themselves in the application of a Municipal Act by the prolonged discussions which took place in the Select Committee on the Panjáb Bill has led to numerous amendments in, or additions to, the Bill of minor importance. As examples we may refer to—

Section 27 (*e*) (distribution of executive powers and duties);

Section 28 (extraordinary powers of president and vice-president in case of emergency);

Sections 44 and 88 (powers to impose a scavenging-tax and to undertake the scavenging of private premises);

Sections 51-57 (special rules applicable to taxation of immoveable property);

Sections 60 and 61 (constitution and application of the municipal fund);

Sections 65-67 (provisions relating to municipal property);

Section 138 (settlement of disputes);

Sections 151-153 (relating to notices); and

Section 158 (which confers a power to exempt a municipality from any provisions of the Act which appear unsuitable to it).

This last section, we may observe, is specially necessary in view of the numerous and somewhat elaborate provisions now contained in Chapters VI and VII, some of which would probably be unsuitable in small municipalities.

6. We have now to notice such of the more important alterations of the Bill as are not accounted for by the foregoing remarks, or as otherwise seem to call for explanation.

7. Section 12 of the original Bill, which required a member of the municipal body to vacate his seat when appointed to a salaried municipal office, and section 29, which provided for the payment of fees to members for attendance at meetings, have been omitted; the former because it is not thought advisable that any person while a member of a committee should be appointed to a salaried office under the committee, and the latter because a municipal area can now comprise only a town and its immediate suburbs, and the members of the committee, being residents of that area and not having to travel any distance to the meetings, may reasonably be expected to give their services gratuitously.

8. We have, following the course taken in the Panjáb Bill, limited the rates to be imposed for water, lighting and scavenging only by providing (in effect) that they shall not exceed what is requisite to defray the cost of the services for which they are levied; and we have, as in the Panjáb Bill, provided that the proceeds of these rates shall be carried to the one municipal fund, separate accounts only being kept, instead of constituting separate funds.

9. We have substituted for section 47 of the original Bill, which required a municipal committee to make grants-in-aid to schools in accordance with such rules as the Government might make, a section (62) specifically appropriating to educational purposes the income for schools and all sums acquired by the committee in trust for educational purposes, and further requiring the assignment for educational purposes from the general municipal revenues of such sum annually, not being more than 5 per cent. of the gross annual income of the municipality, as the Local Government may fix.

This section has been suggested by the Chief Commissioner with the view of meeting practical difficulties which have occurred in British Burma, and is, in his opinion, indispensable for the purpose of carrying out the educational policy which has recently been established in that province, and under which the municipalities, whilst relieved of police-charges, have been required to provide for the maintenance of local schools. It will be observed that the section, while it compels the committee to devote a certain minimum of its funds to educational purposes, imposes no such restriction as might have been imposed under the original section as regards the particular objects on which the money shall be spent.

10. The Chief Commissioner has in an unofficial communication proposed certain modifications in and additions to the new provisions introduced from the Panjáb Bill in Chapters VI and VII. Most of these are of minor importance, and we have in general adopted them, omitting only such as appeared to us superfluous or unnecessarily stringent. In one instance we, however, have found it necessary to omit a section of considerable importance proposed by the Chief Commissioner, namely, a section similar to section 14 of Act XLVIII of 1860 giving a certain power of control over brothels and other disorderly houses; but that section we have omitted merely because we think the matter is one to be dealt with by the Magistrates and police rather than by a municipal committee.

11. The only other point which appears to call for notice in connection with this portion of the Bill is that we have substituted two sections (126 and 127) based on similar sections in the Public Health Act, 1875, for a section proposed by the Chief Commissioner, to guard against the spread of infectious diseases through the medium of public conveyances.

12. Sections 49 to 51 of the original Bill provided for the exercise by a municipal committee or its members of certain magisterial powers in nuisance cases. We have omitted these sections for the same reasons that have led to the omission of the corresponding sections of other Municipal Bills recently before the Council, namely, that a section like section 49 could have little practical effect, and that it is not desirable that the powers given by the other two sections should be conferred.

13. We have not thought it advisable to adopt a proposal made by the Chief Commissioner that the Local Government should be empowered to invest municipal officers with the powers of police-officers for the purposes of section 34 of the Police Act (V of 1861).

14. We have added a clause to section 133 providing that the powers of control over municipalities, conferred by that section on the Commissioner and Deputy Commissioner, shall, in the case of the municipalities of Rangoon, Moulmein, Akyab and Bassein, be exercised not by those officers but by the Local Government.

15. Lastly, we have to state that we have considered a proposal of the Chief Commissioner to the effect that the appropriation provisions of the Bill should be modified in such a manner as to admit of a municipal committee subscribing to a public band or contributing to fireworks or the like on great occasions. We have not adopted this proposal, because the objects in question appear to us to lie beyond the sphere of the purposes for which municipal taxation is raised in this country.

16. The publication ordered by the Council has been made as follows :—

In English.

Gazette.		*Date.*
Gazette of India	...	21st and 28th July, and 4th August, 1883.
British Burma Gazette	...	11th, 18th and 25th August, 1883.

In the Vernaculars.

Province.		*Language.*		*Date.*
British Burma	...	Burmese	...	25th August, and 1st and 8th September, 1883.

We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

C. P. ILBERT.

J. GIBBS.

T. C. HOPE.

J. W. QUINTON.

D. G. BARKLEY.

The 25th September, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Report of the Select Committee on the Bill to amend the law relating to Courts in the Panjáb was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884 :—

We, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Courts in the Panjáb was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Extract from the *Tribune* of 5th July, 1884 [Paper No. 1].
Extract from the *Tribune* of 12th July, 1884 [Paper No. 2].
Extract from the *Hindoo Patriot* of 14th July, 1884 [Paper No. 3].
Extract from the *Tribune* of 19th July, 1884 [Paper No. 4].
Extract from the *Tribune* of 26th July, 1884 [Paper No. 5].
Extract from the *Tribune* of 2nd August, 1884 [Paper No. 6].
Extract from the *Tribune* of 9th August, 1884 [Paper No. 7].
Extract from the *Tribune* of 16th August, 1884 [Paper No. 8].
From Officiating Secretary to Government, Panjáb, No. 407S., dated 26th August, 1884, and enclosures [Papers No. 9].
Extract from the *Civil and Military Gazette* of 21st August, 1884 [Paper No. 10].
From President, Indian Association, Lahore, dated 30th August, 1884, and enclosure [Papers No. 11].
Extract from the *Tribune* of 23rd August, 1884 [Paper No. 12].
Extract from the *Civil and Military Gazette* of 25th August, 1884 [Paper No. 13].
From Officiating Secretary to Government, Panjáb, No. 417S., dated 4th September, 1884, and enclosure [Papers No. 14].
From Officiating Secretary to Government, Panjáb, No. 415S., dated 6th September, 1884, and enclosure [Papers No. 15].
Endorsement by Officiating Under-Secretary to Government of India, Home Department, No. 1215, dated 15th September, 1884, and enclosures [Papers No. 16].

2. We have rearranged the provisions of the Bill in a manner which we trust will make them more readily intelligible; and in the following remarks we shall as far as possible take the sections in their new order.

CHAPTER II.

THE CHIEF COURT.

3. It will be observed that under the proviso to section 8, sub-section (1), a single Judge of the Chief Court is prohibited from revising or modifying any proceeding of a lower Court except an "order" within the meaning of the Code of Civil Procedure. The restriction thus imposed does not, we believe, differ to any important extent from that contained in the corresponding provision (section 21, proviso) of the original Bill, and it relieves us of the necessity of using the phrase "interlocutory order," to which some difficulty attached.

4. We have also modified the last sub-section of section 8 by placing in the hands of the Senior Judge the power of determining which Judges of the Chief Court shall sit alone and which shall constitute benches, instead of leaving the power to be delegated by the Court to such Judge as it might think fit.

5. We have in section 14 added to the matters in respect of which the Chief Court is empowered to make rules—

(1) the translation of papers filed in the Chief Court and copying or printing any such papers or translations, and the payment by parties of the expenses thereby incurred ; and

(2) the procedure in cases where a person is entitled to inspect a record of any Court or obtain a copy of it, and the fees payable for searches and copies.

We believe that these matters have long been dealt with by the Chief Court at its discretion, and we think it well that the power to deal with them should be placed on a legal basis.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

6. The enumeration of the subordinate Civil Courts in section 17* differs from that in section 4 of the original Bill, but the substantive changes involved are smaller than might at first sight be supposed.

* (a) The Divisional Court.
(b) The Court of the District Judge.
(c) The Court of the Subordinate Judge.
(d) The Court of the Munsif.

The Divisional Court corresponds, with certain modifications, which we shall presently have to notice, to the Divisional Court of the original Bill.

7. The District Judge corresponds to the Assistant Judge of the original Bill, but his position as controlling the administration of civil justice in the district in somewhat the same manner as the District Magistrate under the Criminal Procedure Code controls the administration of criminal justice is more clearly brought out; and (section 23) his Court is, subject to certain exceptions, made the District Court for the purposes of those Acts which confer special powers on a District Court.

8. The Subordinate Judge corresponds to the Subordinate Judge of the first class of the original Bill, but we have, instead of fixing a pecuniary limit to his jurisdiction as in section 36 of the original Bill, empowered the Local Government to do so (section 26). It will thus be in the power of the Local Government to limit the jurisdiction of a Subordinate Judge to any sum it thinks fit, or to confer upon him the unlimited jurisdiction exercised by a District Judge in original suits.

9. The Munsif of the amended Bill is intended to comprise the second, third and fourth classes of Subordinate Judges of the original Bill, and his powers in original suits have been dealt with in a manner similar to that just described; that is to say, it is left (section 26) to the Chief Court to invest each Munsif with such powers as it thinks fit, provided that the limit of value does not exceed Rs. 1,000, which was the limit for Subordinate Judges of the second class under section 36 of the original Bill.

10. It will be observed that section 19 introduces an important change as regards the constitution of the Divisional Court; but as that change will be more conveniently explained when we come to speak of the appellate jurisdictions, it only remains to notice here that we have in the proviso to section 21 put the restriction on the powers of one of several Judges of a Divisional Court sitting alone on the same footing as the similar restriction in the case of the Chief Court (*supra*, paragraph 3).

11. We have inserted a new section (29), similar to section 27 of the Bengal Courts Act, providing for the transfer to a Subordinate Judge or Munsif of business under Act XXVII of 1860, Act XL of 1858 and Act IX of 1861.

12. In the section (now 30) which empowers the Local Government to confer the powers of a Small Cause Court Judge on certain judicial officers, we have, as in other cases, omitted all minute specification of pecuniary limits, and simply provided that the Local Government may confer such powers as it thinks fit within the limit of Rs. 500.

13. In dealing with a Bill of this description it is impossible to overlook the difficulties which present themselves in connection with the valuation of certain classes of suits for the purpose of determining the original jurisdiction and the course of appeal. The question of the simplest mode of valuing suits for the recovery of land is at present under the consideration of the Government of India, and we have not accordingly felt ourselves called upon to take it up; but there are certain other classes of suits which in the absence of any special provision for their valuation would be left in a very unsatisfactory position, namely, suits the subject of which does not admit of valuation on any intelligible basis. Such suits are usually valued at some low figure, and consequently may be heard without any reference to their importance or difficulty by Courts of the inferior grades. The necessity for making some special provision for them on the present occasion is the greater, inasmuch as, under the present Bill, the course of appeal will depend to a greater extent than before on the valuation.

We have accordingly introduced a new section (32) providing that, where the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that such suits shall be treated as if the subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

14. The only other provision of this chapter which appears to call for notice is section 38. As we have explained, it is intended that the District Judge should have the general control of the administration of civil justice throughout his district; but there may be cases, as *e.g.*, that of Kulu, in which it would be convenient to delegate this control to a Subordinate Judge in some outlying portion of the district in somewhat the same way as certain powers of a District Magistrate are delegated to a Sub-divisional Officer under the Code of Criminal Procedure; and accordingly a power to effect such a delegation has been taken.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

15. We have omitted the words in the opening section of this chapter which conferred a power to place other classes of suits on the same footing as mufassal small causes for the

purposes of appeal, the object in view being now sufficiently met by the new definition of "small cause" (in section 3). which gives power to place small causes within the meaning of the Presidency-towns Small Cause Courts Act on the same footing as mufassal small causes.

16. We have, moreover, restricted this section, as we have the entire chapter, to appeals from decrees as distinguished from orders, the latter being sufficiently provided for by the Code of Civil Procedure.

17. The subject of further appeals, which is dealt with in the following section, is one which has given rise to much discussion, and which is surrounded on all sides with difficulties of a serious nature. We have given to it the most careful and prolonged consideration, and have come to the conclusion that the right of further appeal allowed by the Bill as introduced must be extended in some important particulars.

The Bill as introduced allowed a further appeal from the appellate decree of a Divisional Bench only in two cases, namely, if the Judges differed *or* if some question of law or custom or of general interest was involved; and in these cases it did not allow the appeal as a matter of right, but only if both Judges, or when one had left the Court, the remaining one, certified that the case was of sufficient importance to justify a further appeal. Under the Bill as now amended a further appeal will lie as a matter of right and without any certificate from a Divisional Bench in all cases where the Judges differ. There will, moreover, be a further appeal in all cases in which any one Judge certifies that there is a question of law or custom or general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal. And, lastly, there will be a further appeal in cases of a class altogether new and not contemplated in the original Bill, namely, where the value of the suit exceeds Rs. 500.

The proviso barring a further appeal in small causes when the value does not exceed Rs. 500 is retained.

18. We have, as already indicated, made another alteration which is of considerable importance, and which it is convenient to notice here.

The Bill as introduced required that the Divisional Courts should consist in all instances of at least two Judges, that except as expressly provided no decision should be reversed except by a bench of two Judges, and that the restrictions on further appeal which we have described should apply to all Divisional Courts. To that objection was taken on the ground that there may be a difficulty in finding in the Panjáb a sufficient number of competent officers to furnish two Judges for each of the Divisional Courts proposed. We need hardly say that if the objection were well-founded it would be a serious one, inasmuch as the strict limitations on the right of further appeal to the Chief Court imposed by the original Bill were framed in reliance on the strength of the Divisional Benches; and though those limitations have now been relaxed in the important particulars already described, the Bill still proceeds on the assumption that a Divisional Bench will be a stronger, more reliable and more satisfactory tribunal than the Court of a Commissioner ordinarily now is.

19. It is of course impossible for us to say whether the precise number of competent officers required to constitute Benches in all the proposed Divisions is to be found in the Panjáb at this moment, but we understand that the Lieutenant-Governor has no misgivings on the point, and we think it may be safely affirmed that the difficulty of procuring a sufficient number of competent officers for the Benches has been much exaggerated.

In order, however, to guard against every possibility of miscarriage, we have now modified the Bill in such a way that, if the Lieutenant-Governor finds, at any time, that the materials required for establishing a Bench in any particular Division are not immediately available, he can make the Divisional Court there consist of a single Judge (section 19), and in the event of his doing so a further appeal will, subject only to the proviso as to small causes contained in section 40, lie from that Judge's appellate decrees precisely as they lie at present from the appellate decrees of a Commissioner [section 40, clause (*b*)].

CHAPTER V.

REVENUE COURTS.

20. We have recast this chapter, assimilating it in form and arrangement to the portion of the Bill relating to Civil Courts, and supplying certain omissions in details, as, *e. g.*, provisions relating to ministerial officers, which it seems unnecessary to notice more particularly.

21. We have omitted from the list of suits cognizable by Revenue Courts given in the first section the so-called suits under section 49 of the Panjáb Tenancy Act, inasmuch as we find on reference to that Act that the proceedings in question are not suits but applications, and we think that the proper mode of dealing with them is to include them among the applications to be heard on the revenue side which are specified in section 42 of that Act, and from which they were apparently omitted by an oversight. We have accordingly added a section (75) to the Bill amending section 42 of the Tenancy Act so as to include them.

22. We have added to the list of suits cognizable by Revenue Courts "suits to determine disputes regarding boundaries of land" (*i.e.*, of agricultural land) "which have been fixed by

a Court or Revenue-officer." This addition has been advocated by several of the authorities consulted, and it appears to us to be a proper one, seeing that all that is ordinarily required for the decision of such disputes is the laying down on the ground of a boundary which is to be found in a map.

23. On the other hand, we have appended to the section a proviso which empowers the Local Government, after consulting the Chief Court, to retransfer to the Civil Courts the jurisdiction in any class of revenue cases cognizable in any part of the country where it appears desirable to do so.

24. We have for convenience sake divided the classes of suits into two groups, and at the instance of the Local Government included class (*d*), suits for ejectment of a tenant, in the group containing suits deemed to be of greater importance or difficulty.

25. We have in defining the powers of Assistant Commissioners and Tahsíldárs [section 46 (2)], following the same course as in the provisions relating to original civil jurisdiction, omitted all minute specification of pecuniary limits, and left it to the Local Government to fix those limits as it thinks fit.

26. We have for the same reason as in the preceding chapter omitted all reference to appeals from orders.

27. We have introduced a clause in the proviso to section 47, based on similar provisions in the Rent Laws of Bengal and the North-Western Provinces, giving power to bar appeals from decrees of certain classes of officers in money-suits when the amount involved does not exceed Rs. 100 and no question of importance, such as a question of title, is involved.

28. We have added a section (51) empowering the Local Government to confer on any person the judicial powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter.

29. We have, in order further to provide a means of relieving the Revenue Courts of the necessity of disposing of particular matters which may be found to be more proper for consideration by the Civil Courts, introduced two new sections (54 and 55).

The first of these is copied with certain modifications from section 208A of the North-Western Provinces Rent Act, 1881, and is intended to take the place of section 49 of the original Bill, which has been the subject of adverse criticism. It empowers a Revenue Court, when it considers that any question in issue before it is more proper for decision by a Civil Court, to require any party to institute a suit in the Civil Court with a view to obtaining a decision on the question. If he fails to comply with the requisition, the Revenue Court is empowered to decide the question against him, but is not bound to do so, as under the corresponding provision of the North-Western Provinces Act. If the party institutes the suit in the Civil Court, the Revenue Court will follow the decision of that Court.

30. It has been suggested that any provision of this sort is superfluous, inasmuch as a Revenue Court being a Court of limited jurisdiction, and its decision in one case being accordingly, under section 13 of the Code of Civil Procedure, binding in other cases only to a limited extent, it may safely be compelled to decide all questions arising incidentally in any suit before it, even though they may be questions which would be obviously more proper for the consideration of a Civil Court.

To this view of the matter we are unable to assent.

31. It is undoubtedly true that in many cases, probably in the great majority of cases, it is best for all parties that the Revenue Court should take upon itself to decide all questions incidentally arising in the suit, even though some of them might be of a nature more proper for the consideration of a Civil Court. This would clearly be the right course for the Revenue Court to take when the question is a simple one and can be quickly disposed of, or when it is one not likely to arise subsequently between the parties in any other connection; but it seems equally clear that when, as must occasionally happen, some complicated and difficult question arises in a revenue-suit, and is certain to arise again between the parties unless it is finally settled, a Revenue Court ought to be allowed some discretion of the sort proposed. For, if some such discretion is not allowed, what must be the result? The question must be tried out at a great expenditure of time and money to all concerned by the Revenue Court, which *ex hypothesi* is not the best Court to try it. It may then go in appeal to the higher Revenue Courts, probably in the last resort to the Financial Commissioner, and, after all, as the decision obtained will not be binding except for certain limited purposes, the whole litigation may commence *de novo* and run a similar course through the Civil Courts.

It is in order to provide a means of avoiding scandals of this sort that we have introduced the section in question.

32. We are quite aware that the power it confers might be abused by an indolent Revenue-officer if he were free to resort to it at pleasure, but we have guarded against this by making the sanction of the immediately superior Court a condition precedent to its exercise.

33. Section 55, to which there is nothing corresponding in the original Bill, empowers the Financial Commissioner to refer to the Chief Court a point of law which he considers that Court is more competent to decide.

34. We trust that these two sections and the proviso which we have appended to section 45 (see *supra*, paragraph 23) will suffice to remove the apprehensions which have been expressed in some quarters that the Bill may force upon the Revenue Courts duties which they will be incompetent to discharge.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

35. We have omitted section 63 of the original Bill, which provided for consultations between the two Financial Commissioners, as it is unnecessary to provide for such a matter by legislative enactment and the proposal to do so gave rise to some misapprehension.

36. We have likewise omitted section 66 of the original Bill, which expressly prohibited a judicial officer from disposing of a case in which he might appear to be interested. We are aware that such provisions have long found a place in our Courts Acts, but we think the matter is one on which legislation may well be dispensed with, the general principles applicable to it being perfectly well understood.

37. Section 68 of the original Bill, which reproduced section 48 of the present Panjáb Courts Act, gave power to the Government to appoint a single Judge to exercise the Chief Court's superintending functions. This power has never been exercised, and we are informed that the Government have no desire to retain it. We have accordingly omitted the section.

38. Sections 73 and 74 of the original Bill, which provide for the enhancement of the court-fees upon applications to the Chief Court for revision under section 622 of the Code of Civil Procedure, were introduced with a view to discouraging such applications. We fully approve of their provisions and have retained them in the revised Bill. From statistics put before us by our hon'ble colleague Mr. Barkley it appears that such applications have of late been increasing to a formidable extent in the Panjáb; and, as observed by him when he asked for leave to introduce the Bill, they are certain to increase with greater rapidity if the provisions of the Bill, which give greater finality to the decisions of the Lower Appellate Courts, become law. Moreover, from the circumstance that only about one-sixth of the applications now made to the Chief Court are successful, it may be gathered that Panjáb litigants when debarred from appealing are tempted to incur the serious trouble and expense involved in making such applications, even where there may not be the slightest prospect of success. This appears to us to be a serious evil, and the only question has been whether the increase of the court-fee proposed in the original Bill would be enough to check it. The better opinion appears to us to be that it would have but a slight effect in that direction, and that nothing short of an alteration of section 622 of the Code as applied to the Panjáb will suffice.

39. We find that a considerable divergence of opinion has arisen between some of the highest Courts in the country as to the nature of the grounds required to support an application under that section. A full bench of the Allahabad High Court has held (I. L. R. 3 All. 203) that any grounds on which a second appeal would lie are sufficient. The practical result of this, as admitted by two of the learned Judges, is that section 622 of the Code gives a second appeal in all those cases in which the earlier sections of the Code expressly deny it. It may, no doubt, be said that the Court has a discretion under section 622 to interfere or not as it thinks fit, but we apprehend that as a rule a High Court holding the opinion just referred to, and finding what would be a good ground for special appeal made out, would be in practically the same position as if it were considering a special appeal under section 551.

40. A view which is probably more in accordance with that of those who framed the section was taken by a full bench of the Bombay High Court in a case reported in I. L. R. 7 Bom. 341. The conclusion to which the Court came in that case may be stated to be that the jurisdiction conferred by section 622 of the Code is an extraordinary jurisdiction to be exercised only in extraordinary cases, and that the precise circumstances under which it is to be exercised is left to the discretion of the Court and cannot be defined.

The question has not yet come before a full bench of the Panjáb Chief Court. It is impossible to predict what the result of its being fully considered by that Court would be; and, having regard to its intimate connection with the working of the present Bill, we do not think the matter should be left in uncertainty.

41. The root of the difficulty which has sprung up in connection with the section appears to lie in that portion of the wording introduced into the Code by Act XII of 1879, which empowers the High Court to interfere on the ground that the Lower Court has acted "illegally." The Allahabad High Court has construed this as justifying the High Court's interference whenever the Court below has erred on a question of law, and it is on this point mainly that the Bombay Court has dissented from the Allahabad decision. The divergence of opinion will no doubt have eventually to be met by an amendment of the Code, but the matter is not very pressing, where, as in most parts of the country at present, the proportion of cases in which appeals to the High Court are barred is comparatively small and a tendency to resort recklessly to the section has not developed itself among litigants.

42. In the Panjáb, on the contrary, the question is already pressing, and will become more so if this Bill is passed. We are therefore compelled to deal with it separately for that province; and the conclusion to which we have come after the most careful consideration, and having regard to the special circumstances of the Province and the peculiar features of the appellate system now proposed, is that the extraordinary jurisdiction conferred by section 622 of the Code should be exerciseable only on the ground that the lower Court has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction with material irregularity. We propose, therefore (section 70 of the Bill), to limit the scope of section 622 of the Code in this way, and we believe that when so limited it will still be sufficiently wide to cover all cases which call for the exercise of revisional as distinguished from appellate jurisdiction.

43. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India ...	... 5th, 12th and 19th July, 1884.
Panjáb Government Gazette ...	... 10th, 17th and 24th July, 1884.

In the Vernacular.

Province.	*Language.*	*Date.*
Panjáb	... Urdu	... 28th July, and 4th and 11th August, 1884.

We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

D. G. BARKLEY.
J. GIBBS.
C. P. ILBERT.
S. C. BAYLEY.
J. W. QUINTON.

The 25th September, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Thursday, the 2nd October, 1884.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.
His Excellency the Commander-in-Chief, G.C.B., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble C. P. Ilbert, C.I.E.
The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.
The Hon'ble T. C. Hope, C.S.I., C.I.E.
The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.
The Hon'ble J. W. Quinton.
The Hon'ble D. G. Barkley.

STRAITS SETTLEMENTS EMIGRATION ACT, 1877, REPEAL, AND EMIGRATION ACT, 1883, AMENDMENT, BILL.

The Hon'ble SIR STEUART BAYLEY introduced the Bill to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, and moved that it be circulated for opinion.

The Motion was put and agreed to.

The Hon'ble SIR STEUART BAYLEY also moved that the Bill and Statement of Objects and Reasons be published in the local official Gazettes in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

BURMA GAMING BILL.

The Hon'ble MR. ILBERT moved that the Report of the Select Committee on the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma be taken into consideration. He said:—

"We have not made many alterations in this Bill. The authorities of British Burma do not think it necessary to make the game of *ti* a lottery within the meaning of the Penal Code, and consequently we have omitted the section to which my hon'ble friend Mr. Barkley took exception on the introduction of the Bill.

"The Chief Commissioner has suggested one or two minor amendments, all of which we have adopted with one exception. He suggests that we should extend the meaning of the term 'common gaming-house' by adding to the words 'house, walled enclosure, room or place' the words 'enclosed or unenclosed.' It is difficult to say precisely what the word 'place' would or would not include in this connection. The English Courts, in construing similar expressions in the English Lottery Acts, have given the word a very wide interpretation, and their decisions, though not binding on the Indian Courts, would probably be looked to

as a guide. *But I think that the addition proposed by the Chief Commissioner* would extend the meaning of the term 'common gaming-house' further than we are warranted in extending it, would be inconsistent with the mode in which the expression is used throughout the Act of 1867 and would lead to confusion. Nor is the addition necessary, because under the Bill the professional gambler can be punished wherever he carries on his operations. And there is a section of the Act of 1867 under which light but sufficient penalties can be imposed on ordinary players in places like highways. We have, however, altered the language of this section so as to give it a somewhat wider range in British Burma than elsewhere."

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

BURMA MUNICIPAL BILL.

The Hon'ble MR. ILBERT also moved that the Report of the Select Committee on the Bill to amend the law relating to Local Self-government in British Burma be taken into consideration. He said:—

"This measure has been for some time before a Select Committee, and it will be seen that there are some considerable differences between the Bill as introduced and the Bill as now amended. These differences are due mainly to three causes.

"In the first place, we have confined the scope of the measure to municipalities proper. The original Bill contained a provision inserted on the advice of the Chief Commissioner, Mr. Bernard, and of Mr. Crosthwaite when officiating in his place, which enabled the Local Government to include within the limits of a municipalty not merely a town but also any tract of country adjoining a town. The object of this provision was to meet the requirements of certain rural tracts until such time as it might be found possible to establish a system of local boards for rural districts.

"But it appears from the papers which have been submitted to us that on fuller consideration the weight of opinion is against the attempt to include in one municipality urban and rural tracts, and that the difficulty of framing provisions suitable both to town and to country is greater than had been anticipated. Accordingly we have adopted Mr. Bernard's recommendation that the Bill be confined, like other Municipal Acts, to urban tracts, the matter of local government in rural tracts being left to be dealt with hereafter.

"In the next place, we have followed the precedent set in the new Panjáb Municipal Act by substituting for a power to make bye-laws about nuisances detailed provisions on that subject. We submitted for the consideration of the Chief Commissioner the clauses for that purpose which had been settled by the Select Committee on the Panjáb Bill; and it is with his full approval that they have been inserted with a few modifications suggested by local circumstances. There is, as in the Panjáb Act, a power to exempt a municipality from such of the provisions as may be considered unsuitable to small places.

"And, lastly, we have further availed ourselves of the labours of the Committee on the Panjáb Bill by adopting several of the modifications and additions which had been suggested and approved in the course of the long discussions on that Bill. Most of these amendments are of minor importance, and, as they are noticed in our report, I need not dwell on them now. I will only say that they have not been adopted without full communication with the Chief Commissioner.

"There is, however, one section to which, as it deals with a subject of some importance, and as it does not follow quite the same lines as the provisions on the same subject in other Municipal Acts, I ought to direct the attention of the Council.

"By a section in the original Bill municipal committees were required to make grants-in-aid to schools in accordance with rules made by the Local Government. For this we have substituted a section specifically appropriating to

educational purposes the income from schools and all sums acquired by the committee or board for educational purposes, and further requiring the assignment for educational purposes of such sum annually, not being more than five per cent. of the gross annual income of the municipality, as the Local Government may direct. This section is, in the opinion of Mr. Bernard, indispensable for the purpose of carrying out the educational policy which has recently been established in British Burma, and under which municipalities, whilst relieved of police-charges, are required to provide for the maintenance of local schools. The same policy, as the Council are aware, has been carried out, or is in course of being carried out, in other parts of India, and the way in which it is carried out is usually to strike a bargain with the municipality and not to relieve it of its police-charges except on condition of its undertaking burdens for other objects. It may possibly be that, when Burma municipalities were relieved of their police-charges, sufficient care was not taken to impose a similar stipulation, or to make its meaning clear; but, however this may be, it appears from the papers which were laid before the Committee that in the case of one municipality practical difficulty has been experienced in securing the due appropriation of sufficient funds to educational purposes, and it is to meet difficulties of this kind that this section has been introduced."

The Motion was put and agreed to.

The Hon'ble Mr. Ilbert also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

RANGOON WATER-WORKS BILL.

The Hon'ble Mr. Ilbert also presented the Report of the Select Committee on the Bill to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

PANJÁB COURTS BILL.

The Hon'ble Mr. Barkley moved that the Report of the Select Committee on the Bill to amend the law relating to Courts in the Panjáb be taken into consideration. He said:—

"As little more than three months have elapsed since leave was given to introduce this Bill, I need not repeat the explanation I then gave of the purposes for which it was proposed to alter the law relating to Courts in the Panjáb; but, before proceeding to notice the changes in substance which the Select Committee have made in the Bill, it may be well to mention, as there seems to have been some misunderstanding on this point in some quarters, that the reference in the preamble to the previous sanction of the Secretary of State was not intended to preclude discussion of the principles involved in the Bill, but only to show that, in continuing the jurisdiction of the Chief Court over European British subjects in capital cases, this Council would not be exceeding the limits placed upon its legislative powers by section 22 of the Indian Councils Act, 1861, and section 46 of the Statute of 3 & 4 Wm. IV, c. 85. Possibly the words were not necessary, as the jurisdiction in question was conferred on the Chief Court in 1866; but when the Act constituting the Chief Court, which was passed in that year, was repealed and this jurisdiction continued by Act XVII of 1877, the sanction of the Secretary of State was recited in the preamble of that Act, and we have followed the same course in the present Bill, lest the omission of the words should give rise to misapprehension.

"Coming now to the changes made in the Bill by the Select Committee, the only point I need notice in the preliminary chapter is the power which the definition of 'small cause' gives to the Chief Court, with the sanction of the Local Government, to add for the purposes of appeal other classes of suits to those which are made cognizable by Small Cause Courts by Act XI of 1865. A power of this nature was proposed to be taken in section 42 of the Bill as introduced, the reason being that, while it appeared desirable to divide suits into two classes for the purpose of determining the course of appeal,

the definition of the suits cognizable by Small Cause Courts contained in section 6 of Act XI of 1865 did not form an altogether satisfactory basis for this division, and it was therefore thought expedient to provide a means of effecting the division on a different basis. It is probable that, when the Mufassal Small Cause Courts Act comes to be amended, it may not be necessary to retain this power; and in the meanwhile the definition adopted by the Select Committee indicates how the power is intended to be exercised by excluding those classes of suits in which the Presidency Small Cause Courts have not jurisdiction.

"In the chapter relating to the Chief Court, the principal change is that the proviso to the first sub-section of section 8 is now framed so as not to restrain the Chief Court from making rules allowing one Judge of the Court sitting alone to reverse any order within the meaning of the Civil Procedure Code. This was thought more convenient than to specify in the Bill the classes of orders which a single Judge might or might not be allowed to reverse.

"Section 19 of the original Bill has been omitted, as it appeared to be sufficiently provided for by sections 25 and 647 of the Civil Procedure Code, and a change in the language of section 12 has made it unnecessary to retain section 32, while it was thought that section 33 and a part of 31 would find a more appropriate place in a Bill amending the Civil Procedure Code than in that now before the Council.

"In the chapter relating to the Subordinate Civil Courts, the designations of those Courts have been changed so as to meet the wishes of the Local Government and give effect to the suggestions of a number of the officers whose opinions on the Bill were invited. The District Judge appeared to be a more appropriate title than the Assistant Judge for the officer whose Court will be the principal Court of original jurisdiction in a district, and who will control the other Courts of the district and hear appeals from them in certain cases; and it was thought better to retain the title of Munsif, which is borne by a large number of the officers who preside over Courts of first instance, than to designate the Courts of these officers as Courts of Subordinate Judges of particular grades.

"With regard, however, to the importance of some of the functions which the legislature has vested in the District Court, which in other Provinces is the highest Court subordinate to the High Court, section 23 makes the Divisional Court for the purposes of the Indian Divorce Act the District Court for all districts comprised in the division, and enables the Local Government to direct that any other functions of the District Court of any district should be exercised by the Divisional Court. The Bill as introduced made the Divisional Court the District Court, but provided for cases in which the powers of the District Court might more conveniently be exercised by a local Court by enabling the Local Government to confer any of the powers of a District Court upon a Deputy Commissioner or Assistant Judge. Under the section as now framed the same result may be attained, though it will be reached by a different route.

"A more important change is that the Divisional Court may consist of one or more Judges, the Bill as introduced having provided for its consisting in all cases of two Judges at least. The constitution of Appellate Courts subordinate to the Chief Court and consisting of more than one Judge is an experiment to this extent at least that we have hitherto had no experience of how such Courts may be expected to work; and, in addition to this, the sanction which has been given for the appointment of 13 Divisional Judges would not admit of the constitution of more than six Courts of two Judges each, unless some of the Judges are appointed in addition to other duties—an arrangement which may not always be found convenient. It therefore seemed desirable to give greater elasticity to the Bill by allowing a Divisional Court to consist of one Judge if, with reference to the circumstances of the case, the Local Government thinks this expedient or necessary. When it consists of more than one Judge, the Chief Court is enabled by section 24 to make rules for the exercise of the powers of the Court by one or more of the Judges, subject to a proviso similar to that which limits the exercise of the powers of the Chief Court by one Judge of that Court.

"As in the case of the Divisional Judges, the District Judge may be an officer holding that appointment in addition to other duties; for instance, the Deputy Commissioner of the district. This is necessary, as, while the scheme sanctioned by the Secretary of State for India provides 23 officers, any of whom, if considered fit to control the Subordinate Courts, might be appointed District Judge of one or more districts, some of the officers at present available for these appointments have not the training and acquirements which would admit of their being entrusted with advantage with the control of Subordinate Courts; and there are also some districts the judicial work of which is not enough to employ a separate District Judge, while they are not favourably situated for union with neighbouring districts for judicial purposes. As an instance of districts of this class I may mention Kohat, which is separated from Peshâwar, the district with which it has most affinity, by a pass situated in independent territory.

"The officers who could not be invested with controlling powers over all the Courts in a district will still be available as Subordinate Judges, and in addition to their original jurisdiction, which will be without limit as to value or amount, unless the Local Government thinks fit to impose a limit, they may be invested with the appellate jurisdiction of a District Court.

"The Chief Court is also enabled, by section 29, to authorize any District Court to transfer certain classes of proceedings which must be instituted before a District Court to a Court subordinate to it, and to withdraw them from such Court. The largest of these classes is that of applications for certificates for the collection of debts due to the estates of deceased persons—applications which are very numerous in some districts and which in most cases relate to comparatively small amounts of money. A more important class, however, is that of applications relating to the guardianship of minors, which numbered 375 in 1883, more than one-third of this total occurring in four districts.

"A power has also been taken, which may be convenient in outlying tracts, such as Kulu, where sub-divisional officers are posted, for District Courts, with the sanction of the Local Government, to delegate to a Subordinate Judge certain powers of control and transfer of business.

"While we have abstained from dealing with the mode of determining the value of suits for purposes of jurisdiction, which, in cases relating to land, is often very different from the value assessed for the purposes of the Court-fees Act, we have added a definition of 'value,' declaring it, in accordance with what has always been held by the Superior Courts where the pecuniary limits of jurisdiction are in question, to be the amount or value of the subject-matter of the suit; and we have by section 32 enabled the Chief Court, with the previous sanction of the Local Government, to regulate the jurisdiction over suits the subject-matter of which does not admit of being valued in money, such as suits relating to marriage or divorce, and suits for injunctions and for some other kinds of specific relief. This will provide a means of preventing Courts of the lowest grades from adjudicating upon suits the question involved in which is really of great importance, though, as no money-value can be fixed, they cannot be said to be beyond the pecuniary limits of the jurisdiction; and, as is pointed out in the Report of the Select Committee, the course of appeal will also in some measure depend upon the directions which may be given under this power.

"One of the greatest changes in the law which was proposed in the Bill as introduced consisted in the restrictions which it put on the right of appeal; and no part of the Bill has given rise to more discussion both in the public Press and in the opinions which have been received through the Local Government. The effect of the provisions of the chapter relating to appellate jurisdiction, as it originally stood, was that both the second appeals allowed by the general law, and the further appeals given in certain cases by the Panjáb Courts Act now in force, were taken away, while the Judges of the Divisional Court were empowered to permit a further appeal to the Chief Court when they were unable to concur in the decree to be passed, or when some question of law of custom or of general interest was involved, if they thought the case of sufficient importance

to justify a further appeal. *After considering the objections raised in various* quarters to these restrictions upon appeals from appellate decrees, the Select Committee has come to the conclusion that a further appeal must be allowed as of right in certain cases, one of which, that of a Divisional Court consisting of a single Judge, was not contemplated in the original Bill. In this case a further appeal is given if the decree in the original suit is varied or reversed by the Divisional Court, unless when the original suit was a small cause not exceeding Rs. 500 in value. This differs from the present law only in fixing a higher limit of value than Rs. 50 for the small causes, in regard to which no further appeal is admitted. The further appeal when the Judges of the Divisional Court differ as to the decree to be passed is also given as of right, and not made subject to the permission of that Court; and a further appeal is also given in all suits exceeding Rs. 500 in value or which directly involve claims to property exceeding that value. In cases of smaller value, not being small causes, a Judge of a Divisional Court is still enabled to permit a further appeal to the Chief Court, when he can certify that a question of law or custom or of general interest is involved, and that the case is in his opinion of sufficient importance to justify a further appeal. A period of thirty days has been prescribed within which this certificate must be applied for, unless sufficient cause can be shown for not presenting the application within that period.

"The next chapter, which transfers to Revenue Courts the jurisdiction now possessed by the Civil Courts in certain classes of cases, has been objected to in some quarters, especially by members of the legal profession. This transfer was, however, recommended by a Committee which sat at Lahore in 1882, of which one of the Judges of the Chief Court was president, and several other officers of great experience, including another Judge of the Chief Court and the Financial Commissioner, were members; and they made this recommendation 'after careful consideration of the agency in the Panjáb best fitted for the disposal of suits relating to land.' Of the many Judicial and Revenue Officers whose opinions have now been obtained, only one has objected to the proposed transfer; and as the classes of suits specified are those which can be most satisfactorily dealt with by officers possessing revenue experience, and exercising authority in revenue matters, and the procedure will be the same as if they were tried in the ordinary Civil Courts, unless so far as the Local Government, with the previous sanction of the Governor General in Council, may by rule prescribe any modification of that procedure, the transfer of jurisdiction does not appear to be open to any serious objection, but on the contrary has a good deal to recommend it. It is to be remembered also that it has not been proposed to deprive Tahsíldárs or Assistant or Extra Assistant Commissioners, by whom these cases will ordinarily be decided in the first instance, of their civil jurisdiction; and the officers trying the cases will therefore be officers who could have tried them if they had continued to be cognizable by the Civil Courts. The main difference then will be that the trial of these cases by officers possessing revenue experience will be secured, and that the appeals will lie to the superior Revenue authorities and not to Civil Courts of appeal.

"We have added one class of cases, namely, suits relating to boundary-disputes where the boundary has previously been determined by a Court or Revenue-officer, to those transferred to the Revenue Courts, as a local inspection is often necessary before such suits can be properly decided, and Revenue-officers in the course of their ordinary duties would have greater facilities for such an inspection than the more stationary Civil Courts.

"We have, however, qualified the transfer of jurisdiction by adding a power to the Local Government, after consulting the Chief Court, to direct that suits of any of the classes specified arising in any local area should be heard by the Civil and not by the Revenue Courts.

"We have also empowered the Local Government to bar appeals from the decrees of Assistant Commissioners in suits of certain of the classes specified when the claim is of a pecuniary nature and does not exceed one hundred rupees in amount, and no question of title or question the importance of which extends beyond the subject-matter of the particular suit is involved.

"*Instead of section 49 of the original Bill, which provided for staying proceedings* when a question of proprietary title or of the existence of the relation of landlord and tenant between the parties was involved, to enable the decision of a Civil Court upon the question to be obtained, as, on considering the criticisms which have been made on that section, there appeared to be objections to the course proposed, we have adopted a section (54) founded on section 208A of the North-Western Provinces Rent Act, 1881, but differing from that section in requiring the sanction of a superior Revenue Court to be obtained before a party is directed to sue in a Civil Court, and in not obliging the Revenue Court to decide the question against the party directed to sue if he fails to institute the suit within the time allowed for the purpose, though it is enabled to do so if it thinks fit. The first of these changes will furnish a check upon improper orders being passed under this section, such as an order directing a civil suit to be brought to decide a question which the Revenue Court might properly decide for the purposes of the suit before it, or directing a party to sue to establish his title to property when he might safely rely on his possession and leave any person contesting his title to sue him. The second leaves to the Court a discretion similar to that which it has under section 158 of the Civil Procedure Code. If, for example, the person directed to sue is advised that it would not be advisable for him to institute a civil suit within the time allowed for the purpose, he may apply for leave to withdraw the suit pending before the Revenue Court with permission to sue again, and that Court may then refrain from deciding the question and pass an order under section 373 of the Code. These changes to a great extent remove the objections which I felt to adopting the section as it stood in the North-Western Provinces Act, and there may be some cases, for instance, where a question of the fact or the validity of an adoption incidentally arises in a rent-suit, in which the power given by it will be useful.

"We have added another section (55) enabling the Financial Commissioner to make a reference to the Chief Court of the same nature as that which a subordinate Civil Court whose decree would be final may make under section 617 of the Civil Procedure Code. He will thus have the means of obtaining the decision of the Chief Court on difficult questions of law or usage having the force of law or of the construction of documents arising before him.

"We have not thought it necessary to retain section 58 of the original Bill, relating to the revisional jurisdiction of the Financial Commissioner, as he will have the powers of revision given by Part VII of the Civil Procedure Code in all cases falling under this chapter. It must be remembered that this chapter does not deal with all revenue jurisdiction, but only with jurisdiction in cases transferred by it from the Civil to the Revenue Courts; and, therefore, though a more extensive revisional authority may be required in some revenue-proceedings, it is not necessary to provide for this in the Bill now under consideration.

"Section 52, which provides for the appointment of a second Financial Commissioner and the distribution of business between the persons appointed to that office, is the only one which applies to any other business than what is cognizable by Revenue Courts under this chapter, it being necessary to arrange for the distribution of all the business of the Financial Commissioner when two officers are appointed to that office.

"We have not thought it necessary to retain section 63 of the original Bill, relating to consultations between the two Financial Commissioners, as, though such consultations may be useful to prevent the risk of conflicting decisions, there is no legal difficulty in the way of their being held when it appears advisable.

"The sections relating to special Settlement Courts, which have been placed in a separate chapter, as they provide for the transfer of the jurisdiction both of Civil and of Revenue Courts, are substantially unchanged.

"In the concluding chapter, the first section which calls for notice is section 70, which in part takes away the wider revisional jurisdiction given by section 622 of the Civil Procedure Code as amended in 1879 and re-enacted in 1882.

No such restriction was contemplated when the Bill was introduced, it having then been thought that the extension of the revisional jurisdiction went far to render the second appeals given by the Code of Civil Procedure unnecessary, and that the main question was how far the further appeals given by the local law could be restricted. The effect of the Bill as introduced, so far as second appeals under the Code were concerned, would therefore have been to substitute a power of revision in the discretion of the Court for a second appeal as of right, and the only restriction which it was proposed to place on applications for revision, which, as had been pointed out by the Committee which sat at Lahore in 1882, were often unnecessarily made, was to increase the court-fee chargeable on the application when the value of the matter in dispute exceeded twenty-five rupees.

"It was pointed out, however, that very different views of the scope of section 622 as amended in 1879 had been taken by the High Courts of Bombay and Allahabad, and that, as the Bill would increase the number of possible applicants for revision, not only by the number of persons deprived of a second or further appeal to the Chief Court, but also by the number of persons deprived of a further appeal to a Commissioner's Court, there were serious objections to relying upon section 622 as a substitute for the second appeals now allowed by law, while any modification in the direction of the wider interpretation might have the effect of giving what would be practically equivalent to a second appeal in cases where the law does not at present allow a second appeal.

"The result, indeed, of the modification made in 1879 had been greatly to increase the number of applications for revision, which rose to 707 in 1883, from about half the number in 1878, and are, it is understood, still continuing to increase.

"It was suggested by Mr. Justice Plowden, the Senior Judge of the Chief Court, with, I believe, the concurrence of his colleagues, that it would be better to cut down section 622 to its original dimensions by omitting the words added in 1879, and to give further appeals in most of the cases in which an appeal from an appellate decree is now allowed, refusing them only where a Divisional Court had heard the appeal in a suit of the small cause class not exceeding Rs. 500 or at most Rs. 1,000 in value.

"The Select Committee, however, while it decided to give a further appeal in all cases exceeding Rs. 500 in value, was unwilling to allow appeals from appellate decrees in other cases as freely as at present; and, as the principal source of difficulty in interpreting section 622 was found in the power given to the High Court to interfere on the ground that the Lower Court had acted illegally, it determined to withdraw this power, without further amending that section. The result of course will be that, when a Court whose decree is final has decided contrary to some positive rule of law, but cannot be said to have erred as to a question of jurisdiction, or to have acted with material irregularity, there will be no power to interfere; and the section, therefore, can no longer be held to cover the same ground which is at present covered by the law of second appeal.

"The increase in the court-fee on applications for revision has been objected to in some quarters, but this was recommended by the Lahore Committee of 1882, and was approved by all the Judges of the Chief Court last year; and, though there may be something to be said for reducing the court-fee now charged on particular classes of suits in Courts of first instance, there seems to be no good reason why a person applying to the highest Court of the Province for an order varying or setting aside the final decree of a lower Court should be allowed to do so without paying more than the fee prescribed for an ordinary petition to the Court. The increased court-fee may be some check upon applications which are often made without sufficient grounds, and is unlikely to have the effect of preventing applications when a real grievance exists which a Court of Revision can redress. When the application is successful, the Court is also empowered to direct a refund of so much of the fee as it thinks fit.

"I may now proceed to refer to a few of the suggestions put forward by critics of the Bill with which we have not dealt.

"It has been suggested that power should be taken in the Bill to appoint a qualified native of India to the Chief Court. This suggestion must have been made under a misapprehension of the effect of the present law, which the Bill follows in this respect. The only qualification prescribed by law is that one of the Judges must be a Barrister of not less than five years standing, and there is no legal obstacle to the appointment of a Native Judge either to the Chief Court or to any other Court under the Bill when a vacancy exists. But the passing of the Bill will not create any vacancies. It will merely enable a certain number of existing appointments to be replaced by a similar number of new appointments, while the same officers must be employed.

"It has similarly been suggested that what ought to have been aimed at was an improvement of the Courts of first instance. That this is an object to be aimed at no one will be disposed to deny, though the defects of these Courts have certainly been exaggerated. But the improvement of these Courts, as of Courts of any other grade, must be gradual, and it has not been shewn that any legislation is needed for this purpose. What is required is strict supervision by controlling authorities and care in selecting fit persons for new appointments or for promotion to higher grades, and this no legislation can secure. So far as my own experience goes, I have reason to believe that improvement in these Courts has been going on and is likely to continue, and that for the last ten years there has been more reason to doubt the competency of some of the Courts of a superior grade for the functions which they are called upon to exercise than there has been to doubt that of the great majority of the Courts of first instance.

"Another suggestion has been that an appeal should be given from the order of one Judge of the Chief Court rejecting an appeal to the Court; but, though apparently any order of a single Judge of one of the High Courts may be appealed against, a Judge of one of those Courts may be empowered by rules not merely to reject appeals but to exercise any appellate jurisdiction vested in the Court, and there is no reason to believe that appeals from orders rejecting appeals are often preferred or entertained. And it would be by no means consistent with the restrictions we are putting upon appeals in other cases to give an appeal from the order of a single Judge of the Chief Court where no appeal has hitherto been allowed by law.

"When I explained the provisions of the Bill on moving for leave to introduce it, I did not think the occasion an appropriate one for expressing any opinion of my own on the various changes in the law which it was proposed to make. Apparently this has led some of the critics of the Bill to assume that it was entirely in accordance with my own views. The Bill, however, was, as I stated at the time, based upon recommendations made by your Lordship's Government to the Secretary of State for India; and I think I may now properly mention that, before those recommendations were sent home, I had recorded my dissent from some of the proposals relating to the appellate system on which they were based. Though the provisions of the Bill on this subject have been modified in Select Committee to a much larger extent than under the circumstances I could have anticipated, and the changes made are in my opinion almost all for the better, I cannot say that it is even yet all that I could wish.

"I am aware of course that no member of a legislative body can expect to be able to get every portion of a large measure settled precisely in accordance with his own views, but at the same time I think it necessary to guard myself against being supposed to approve of all the changes in the law which this Bill will effect.

"I have never concealed my opinion that the constitution of the Divisional Benches proposed by this Bill involves a waste of power, and, though I look upon the greater liberty of appeal from their decisions now allowed as an improvement, this only makes the waste of power more apparent. As the Bill now stands, however, the Local Government will be at liberty to appoint a single Judge to the Divisional Court instead of a Bench, in any case in which it thinks proper to do so.

"A more serious objection to the Bill is that, having regard to the nature of the duties of the District Courts, whose appellate decisions are in cases of the nature of small causes made final, these Courts are at present as a class, notwithstanding individual exceptions, the weakest Courts we have, and any improvement in them must necessarily be gradual. Most of the Judges of the Chief Court had agreed to the proposal of the Lahore Committee that their decisions should be made final in small causes not exceeding Rs. 100 in value; but they are now made final in small causes not exceeding Rs. 500 in value. This, however, was agreed to by the Local Government last year after ascertaining the opinions of the Judges, and there was therefore no ground to hope for any change on this point, especially as second appeals in small causes not exceeding Rs. 500 in value are not allowed elsewhere in India.

"The finality in these cases in other provinces has, however, since 1879 been subject to a wider power of revision than will hereafter exist in the Panjáb; and the one respect in which I think the Bill has been altered for the worse is that, in amending section 622 of the Civil Procedure Code, that section was not made to cover cases where any substantial portion of the appellate decision is opposed to law or to any usage having the force of law. I presume that, where the Appellate Court has failed to determine any material issue of law properly raised before it, it will be held to have failed to exercise a jurisdiction vested in it, or to have acted with material irregularity. At the same time it is only because the right of appeal has been so largely restricted that I do not like the simultaneous restriction of the power of revision. I think that, if the suggestions for the improvement of the system of appeal made at a late stage by the Chief Court could have been accepted, section 622 might properly have been cut down to its original dimensions.

"It is no secret that one object of the recommendations made by your Lordship's Government last year was to reduce the work of the Chief Court. There seems to be an impression in some quarters that the Judges of that Court were opposed to this being done, and not merely to the particular plan which has been devised for the purpose. That this impression is mistaken is shown by the fact that the Judges in 1882 made proposals to effect the same object, which have been only partially accepted.

"I may be asked what the effect of the Bill as it now stands upon the work of the Chief Court is likely to be. My answer is that this cannot be foretold with much precision, but that the transfer of certain classes of cases to the Revenue Courts, which was originally proposed by some of the Judges, will certainly effect a considerable reduction. Of the appeals disposed of in 1883 nearly 12 per cent. related to occupancy-rights, one of the classes to be transferred, but nearly half of these belonged to a large group of cases from a single village. From information collected by Mr. Rivaz as to the classes of cases in which appeals were preferred to Commissioners and Deputy Commissioners in 1883, I gather that in 30 per cent. of the cases which, if the appellate system established by the new law had been in force, would have been appealable to Divisional Courts the appeal will now lie, if at all, to Revenue Courts. This may be above the average, and the same proportion may not apply to the appeals to the Chief Court after deducting those which will no longer lie, especially as most of these cases would be under Rs. 500 in value; but there will clearly be a substantial reduction from this cause of the number of cases in which an appeal would lie on certificate.

"Only 3 per cent. of the appeals decided by the Chief Court in 1883 were for money or moveable property not exceeding Rs. 500 in value, but there were at least 1,326 other cases (including of course a large proportion of the revenue cases) in which under the provisions of the Bill no appeal would lie to the Chief Court unless on certificate or when the Judges differ. This leaves at most 1,462 cases in which an appeal would lie as of right under the provisions of the Bill, and, as in 1883 disposals exceeded institutions, the number of appeals as of right in the course of a year would fall short of this. Some addition would be necessary for first appeals over Rs. 5,000 in value which would lie direct to the Chief Court instead of, as at present, to Commissioners, but many

of these cases have hitherto come before the Chief Court as second or further appeals. On the other hand, there will no doubt be some increase both in references under section 617, Civil Procedure Code, and in applications for revision, as the number of final appellate decrees in the Lower Appellate Courts, and therefore the number of cases in which these references or applications may be made, will be largely increased by the provisions of the Bill.

"On the whole, while there is more certainty of a large diminution of work in the Chief Court owing to the transfer of jurisdiction in certain classes of cases to Revenue Courts, than there is of much diminution of work owing to the changes made in the law of appeal and revision, it may fairly be anticipated that there will be some decrease arising from each of these causes, and that the civil judicial business will be considerably reduced."

His Honour THE LIEUTENANT-GOVERNOR said:—

"This is now the third time within ten years that extensive and radical changes have had to be made in the general administration and the judicial machinery of this province. With the restoration of peace and good order after the mutiny, the rapid development of the country and the enormous increase of material wealth and prosperity that followed, it very soon became evident that the old non-regulation machinery was no longer able to cope with the demands upon it. From that time to the present day there has been a growing and recognized necessity, arising on the one hand from the general progress of the province and on the other from the ever-increasing elaborateness and precision of our laws, for a more complete separation of judicial from executive functions, and for a closer approximation of our general administration to the system prevailing in our older provinces.

"Unfortunately, every time the much-needed reforms in this direction have been attempted, financial difficulties have intervened to prevent the complete acceptance of measures which experience had shown to be desirable, and to preclude the establishment once for all of what the Secretary of State described as 'a vigorous executive and an efficient judicial service in one of the most important Provinces of India.' The consequence has been a resort to makeshifts and temporary expedients, with the result that, as I have said, we are now for the third time within ten years forced to review our whole judicial and administrative arrangements, and to make extensive and very important changes. I need not, in this Council, point out how detrimental to the welfare of the people, to the interests of the province and the Government, and to the efficiency of the Courts of Justice, the unsettlement and uncertainty of law, procedure and agency caused by such recurring changes must necessarily be.

"The measures recently sanctioned by the Secretary of State to which this Bill is intended to give effect, so far as the sanction of the legislature is necessary for the purpose, are a greater advance than has ever been made before. But it would be sanguine to expect they will effect all that is needed. On the face of them they are incomplete. The financial grant has on this occasion been very liberal. Still we must, I fear, admit in the present case also that the financial and administrative conditions, necessarily imposed, have once more forced us to be content with measures which, though on the whole a great improvement on the existing state of things, are not free from objection, and are not acceptable to many to whose opinion the greatest weight is deservedly attached both by Government and the public.

"While therefore I welcome this Bill and the executive measures out of which it has arisen as a great boon to the province, I think it inevitable that, ere very long, further steps will have to be taken to improve the Subordinate Courts and to effect a more complete separation between the judicial and executive agency than we have been able to attempt under existing conditions. I by no means concur in the sweeping condemnation of the Lower Courts in which some critics of this Bill have indulged. At the same time I am too well aware how much they need to be reformed and improved. Hitherto the Judges of these Courts, on whose shoulders the bulk of the judicial work of the province falls, have had no adequate career opened up to them; and of this one thing I am sure, that no great improvement in the quality of the

Subordinate Courts is to be looked for until all obstacles are removed which intervene to bar the advancement of the Judges of these Courts from the lowest to the highest judicial offices, from the humble but honourable post of Munsif to the Bench of the Chief Court itself. It is in my estimation one of the merits of this Bill that it creates no obstacles to such a career, and that, so far as its provisions are concerned, there is nothing to prevent Native Uncovenanted Judges who distinguish themselves by knowledge of law and by skill and intelligence in the interpretation and application of it from rising to the highest judicial offices in the Province. For reasons which it would be out of place to enter upon here, it has not been possible at present to do all in this direction I could have wished. But it is matter for congratulation that, in connection with the present measures, the Secretary of State has declared it to be competent to the Lieutenant-Governor, with the approval of the Government of India, to appoint to district judgeships Natives in the Uncovenanted Service who show such eminent merit as to warrant giving them special promotion; and it is my intention to make a recommendation to the Government of India accordingly shortly after this Bill becomes law.

"As regards the details of the Bill, it is perhaps unnecessary that I should detain the Council with any remarks. The hon'ble the Law Member and my hon'ble colleague in charge of the Bill can speak on these with greater weight and authority than I can pretend to do. It will be sufficient for me—with reference to the very strong, and, I may say, for the most part valid, objections raised to the provisions of the original Bill, which largely curtailed the right of appeal—to express my satisfaction that the Bill has been so materially modified as substantially to meet the most important of those objections, and to state my opinion that, in this respect, the Bill as it now stands meets the reasonable requirements of the case."

The Hon'ble Mr. Ilbert said :—

"It was hardly to be expected that a measure which reorganizes the Civil Courts of a province, and which affects, or may be held to affect, the interests of a profession which is nothing if not critical, should pass without a good deal of unfavourable criticism; and this Bill has met with its fair share of criticism, favourable and unfavourable. Much of the criticism has been very sound and useful, and we have thankfully availed ourselves of it for the purpose of making alterations in the Bill which I hope and believe will be found to be material improvements. But some of it has been directed not against the detailed provisions of the Bill but against its principles, and has embodied proposals which we found ourselves unable to accept.

"Now this is not the proper stage for discussing the principle of a measure before the Council; but, with reference to some of the observations which have reached us since the date on which this Bill was referred to a Select Committee, I may be permitted to remind the Council what the objects of this measure are, and what were the circumstances and conditions under which the general scheme of administrative reorganization of which this Bill only forms a small part was framed and brought forward.

"The main objects of this Bill are, I take it, two. One is to effect a further separation between executive and judicial functions than exists at present in the province. The other is to improve the machinery for administering justice in the Civil Courts.

"Now, we have been told that in separating executive from judicial functions under this Bill we have not gone far enough, and that we have left to the Revenue Courts classes of business which might more appropriately and satisfactorily be disposed of in the ordinary Civil Courts. To this objection there are several answers. In the first place, we were afraid to heap more work on the Civil Courts, which are already overburdened. In the next place, many of the questions which we leave to the Revenue Courts, such as questions relating to the enhancement of rent, are only of a quasi-judicial character, and all of them require for their satisfactory determination knowledge of a kind which Revenue and Settlement Officers may from their peculiar experience be specially expected to possess, and which the Judges of Civil Courts would not

always—perhaps do not as a rule—possess. Then, if we have not gone quite so far as some of our friends would wish us to go, we have at least made a very great step in advance, and have assimilated in principle the system of judicial organization to that which prevails in what are known as the regulation provinces. And, lastly, we have inserted in the Bill a provision enabling a still further step to be taken if it should be found practicable and expedient to take it. I refer to the provision in section 45 which enables the Local Government to transfer certain classes of suits from the cognizance of the Revenue Courts to that of the Civil Courts.

"It must be borne in mind that this process of separating executive and judicial functions is a process which can only be carried out by gradual advances. In the earliest stage of a province like the Panjáb it is, as my hon'ble friend Mr. Barkley pointed out in moving for leave to introduce this Bill, inevitable and indispensable that large powers of various kinds should be concentrated in the hands of the same officer; as time goes on a further separation of functions becomes practicable and expedient; but even in the most advanced provinces we are hampered by serious financial and administrative difficulties in our efforts to give full effect to a principle which is, and I hope will always be, steadily kept in view.

"I now turn to the proposals for reorganizing the Civil Courts. And, in dealing with this branch of the subject, I must admit that our critics have one enormous advantage over us. They are not tied and fettered as we, the members of the Executive Government, are, by sordid considerations based on money. They are free to suggest and advise whatever they think best, and to criticize unsparingly anything which falls short of their standard of excellence. We are in a much less fortunate position. We are not living in a Republic of Plato, but in a country with limited resources. We have to cut our coat according to our cloth, and in providing an outfit for a province like the Panjáb the material at our disposal is not superfine broadcloth, but homely *patu*, and a scant supply of that.

"Let me remind my hon'ble friend Mr. Barkley and those other gentlemen who did me the honour of attending last autumn a conference on the scheme out of which this Bill arose, and whose valuable assistance on that occasion I take this opportunity of most thankfully and gratefully acknowledging—let me remind them what was the problem which we had to face, and what were the conditions under which we were allowed to approach it. The main fact with which we had to deal was that the Chief Court was hopelessly encumbered with work, and I may add that a very great part of the work with which it was encumbered was of an extremely petty character. And the problem was how to relieve them of their excess of work. But we did not approach this problem as free agents. We did not hold the purse-strings. We had behind us an authority, indeed two authorities, which dictated to us the maximum amount which we were to spend, though they left us considerable liberty within those limits. Those authorities were the Finance Department and the Secretary of State. I may remark in passing that the part which my hon'ble friend Sir Auckland Colvin, or whoever happens for the time being to hold his office, usually plays in the legislative discussions over which I have the honour to preside is the useful but not always popular part of Jorkins. I hope, however, he will not suppose that by ascribing to him this part I wish to shift exclusively on to his shoulders the responsibility for resisting popular proposals on economical grounds. There is no country in the world where it is more difficult to resist pressure for increased administrative expenditure than India; there is no country in the world where it is more important to resist that pressure. Our principal advisers are energetic and enthusiastic officials, sincerely anxious to do good and honest work, but crippled at every turn by the want of means. But the great mass of tax-payers is unrepresented, and the resources on which we can draw are limited and inelastic. Therefore, when the Finance Minister of the day takes a firm stand on economical grounds, he may always count on my honest support.

"Well, to return to our problem. There were before us two modes of relieving the Chief Court from its pressure of arrears. One was to increase its staff, the other was to reduce its work. A temporary addition had already been made to the numbers of the Chief Court, but we were told that a permanent increase was not under existing circumstances admissible, at all events (for I presume that this qualification may be inserted) not until other modes of relief had been tried and failed. As I have said, I do not wish to cast the responsibility for this decision exclusively on the Finance Department nor on the Secretary of State. There are obvious objections to increasing an expensive structure in its most expensive part. And you do not always add to the efficiency of the controlling authority by increasing its numbers. His Excellency the Commander-in-Chief will bear me out in saying that you may have too much even of that valuable commodity—Generals. I know it has been said that there ought not to have been any financial difficulty in the matter, because the accounts of the administration of justice in the Panjáb show a balance of receipts over expenditure, and that balance was enough to provide an adequate solution of our problem. Now, I do not know how far we can rely on the calculations which have been made as to this excess of receipts over expenditure, but I am quite willing to admit that I do not consider a surplus from court-fees a satisfactory source of revenue; and if my hon'ble friend Sir A. Colvin can see his way to dispense with it or to devise a satisfactory substitute for it, he will earn the gratitude of the country. But the practical question is, under existing circumstances, not whether this particular branch of Panjáb revenues shows a surplus, but whether on the Panjáb revenues as a whole there is such a surplus as would suffice for the extra expenditure which we wanted to meet. And I am afraid that His Honour the Lieutenant-Governor would reply—I see that he does reply—to this latter question with an ominous shake of the head.

"This then was how matters stood. Our mode of relief was negatived on financial grounds, and we had to make the best we could of the other mode. Not a satisfactory position you may say, but after all not worse than that of the hard-worked administrators all over this country who are daily engaged in the thankless task of making bricks without straw.

"How then were we to check the flow of petty appeals which was deluging the Chief Court? Few subjects have been more exhaustively discussed in India than the system of appeals, and we were not likely to be able to add much to all that had been said or written on the subject. On one or two matters of principle we were all pretty well agreed. One was that partial appeals were objectionable, and that where an appeal was granted the Court ought to be in a position to deal with the whole case. On the number of appeals which should be allowed in the same case there was less agreement. One appeal we agreed should always lie in ordinary cases, but no one ventured to defend on principle the present system of the Panjáb, which has been aptly described as 'sifting cases through a succession of bad Courts in the hope that they will come right in the end,' though there were some who were sceptical about the possibility of substituting anything better under existing circumstances. But all were agreed that, if greater finality was to be given to the decisions of Courts of First Appeal, something must be done towards strengthening those Courts. How then were they to be strengthened? The only feasible scheme that was suggested was to make provision for enabling an Appellate Judge to call in a colleague to his assistance—in fact, to provide for the constitution of Appellate Benches; and this was the suggestion which was ultimately adopted. The proposal has, as is natural enough, been a good deal canvassed on grounds good, bad and indifferent. Among the latter I may be permitted to class certain arguments which have a false mathematical ring about them. For instance, we have been told that as two negatives do not make an affirmative, so two unsound judges do not make a sound one, and again that the notion that greater aggregate power will result from the adoption of our proposals is almost on a par with the idea that the product of $\frac{1}{2} \times \frac{1}{2}$ is an increased quantity. I have myself far too much respect for Panjáb Judges to speak of them as negative or even as fractional quantities, and I do not quite know what would be the effect of multiplying one Judge by another. But, I suppose, I may safely assume that in the Panjáb as elsewhere the

product of 1+1 is an increased quantity, and, passing from the abstract to the concrete, that for a good many purposes two men are better than one. Do those purposes include the hearing of appeals? There are persons, whose opinions are entitled to much respect,—for instance, as you have just now heard, my hon'ble friend Mr. Barkley,—who will tell you that they do not, and that if you place two Judges to sit together one of them will content himself with saying ditto to the other. I have often heard this opinion expressed by Indian Civilians, and not the least competent among them; and it may perhaps be accounted for in their case by the fact that the training and experience which form and develope their most valuable qualities, the necessity which they are constantly under of acting alone and on their own responsibility, makes them less inclined to sit and act—perhaps less fitted to sit and act—in consultation with others. They undervalue the assistance with which they have learnt to dispense. There must, one would think, be some special reason for the prevalence of this opinion among Civilians, for there is certainly a very general prejudice among lawyers—a prejudice which I myself share—in favour of having appeals disposed of by a Bench. There may be Judges so strong as to need no assistance from a colleague, or so opinionated as to be incapable of deriving assistance from him, or so weak as to be unable to assert their own opinions against him, or so indolent as to let him bear their share of the work. But, taking the ordinary run of men, say Tom, Dick and Harry, who are neither much better nor much worse than their neighbours, or, I will add, than each other, I believe that an appeal from Tom to Dick and Harry sitting together is more satisfactory than an appeal to Dick or Harry sitting alone. It is more satisfactory to the suitor, who, if the decision is reversed on appeal, feels that the view which has prevailed is at all events that of the majority. It is more satisfactory to the Judge of first instance, who will often think, and may be entitled to think, that his own opinion is as good as the unaided opinion of the Judge above him. It is more satisfactory to the Court of Appeal, whose members have the advantage of consulting each other and clearing their minds by mutual argument before overruling the Court below.

"I believe then that if Benches can be satisfactorily constituted for hearing first appeals, it is desirable to constitute them. Can they be so constituted in the Panjáb? That is a question which it is rather for the Lieutenant-Governor to answer than for me, and it is a question which I understand—he will correct me if I am wrong—he has unhesitatingly answered in the affirmative. The provision under which Benches may be constituted has, as Mr. Barkley has pointed out, been given an experimental form, and I think that the experiment is, to say the least, worth trying.

"Having constituted the Courts of First Appeal, whether by Benches or otherwise, in what cases and to what extent should finality be given to their decisions? That is an extremely difficult question. I am aware that the Chief Court has won, and deservedly won, the confidence of the people of this province, and that any limitation on the right of access to it is not likely to be popular. I am aware also that the Chief Court is gradually doing a most useful and important work in comparing with each other the numerous laws and customs or alleged customs which come before it from different parts of the country, and in endeavouring to ascertain and formulate the common principles which underly their apparent variety. They are doing in this way the work which was done for England some six centuries ago by the King's Court,—the *Curia Regis*,—and by means of which the common law of England has been developed into a logical and consistent whole. For these reasons I am reluctant to limit the right of appeal to the Chief Court, especially in cases which involve important questions of law or custom. On the other hand, it must be borne in mind that the great mass of the cases which come before the Court—a large proportion I believe of those which under the existing system find their way up to the Chief Court—are of the most petty and simple description, involving no important question of law or custom whatever, and requiring for their disposal nothing more than a little common sense and patience. Having regard to the means at our disposal, are we justified in allowing the time of the most expensive Courts to be

occupied with cases of this description? As has been often said, no man has a right to unlimited draughts on judicial time and judicial power. To grant an unlimited right of appeal is not fair to the general tax-payer, and is a cruel kindness to the suitor himself. I am told by those on whose authority I am entitled to rely that among many classes of the Panjáb it is a point of honour to prosecute an appeal, however hopeless may be the case and however trifling may be the stake, to the utmost, and notwithstanding the knowledge that even if the appeal is successful the costs to be paid will far outweigh the stakes. The unsuccessful suitor feels himself disgraced if he does not carry his appeal as far as the law will allow him to go, and it is not until recently that he has, with the help of his legal advisers, found out how very far that is. If the law would in such cases interpose a friendly obstacle to his further progress in the path of appeal, his honour would be satisfied and his pocket would be benefited.

"I hold then that we are justified, both in the interest of the general tax-payer and in the interest of the particular suitor, in placing some limitation on the right of second appeal, and that this limitation may reasonably be framed with reference both to the nature of the suit and to the value of its subject-matter. About the particular limits to be selected there will naturally be much difference of opinion. The Committee have concurred with the view of the Local Government that the limitations on the right of further appeal proposed by the original Bill probably exceed the real requirements of the case, and it will have been seen that we have proposed to make some very important extensions of that right beyond the limits so fixed. In the case of ordinary money-claims, suits of the class called in the Bill small causes, where the value does not exceed Rs. 500, we think that one appeal should suffice, and that there should be no further appeal. In this, as Mr. Barkley has reminded us, we only follow the general law as laid down by the Civil Procedure Code for the rest of the country. In other cases we make the right of second appeal depend on the value of the suit and on the constitution of the Court by which the first appeal is heard. If the value exceeds Rs. 500, there is an absolute right of further appeal. If the Appellate Court consists of a single Judge, and he reverses or varies the decision of the Court below, then, there being one Judge against one, there is a further appeal. If, again, the appeal is heard by a Bench of two and the two do not agree, there is a further appeal. And, lastly, any one of the Judges composing a Bench may certify a case for appeal if in his opinion there is a question of law or custom or of general interest involved, and the case is of sufficient importance to justify a further appeal. We hope that this power will be exercised in such a way as to allow of all really important cases of law and custom finding their way up to the Chief Court.

"But, having settled the limitations on the right of appeal, we had to encounter another formidable difficulty. We were told that any limitation which might be imposed on this right would be illusory, because in cases where an appeal was barred a way would be found to the Chief Court under section 622 of the Civil Procedure Code, which provides for revision of the proceedings of inferior Courts. Now, it certainly was not the intention of the framers of that section that it should simply give a right of appeal in another form; but there is some reason for believing that the words which were inserted in the section in 1879 have obscured the line which was originally drawn between the class of cases in which an appeal was to lie and the class of cases in which the power of revision was to be exercisable. On referring to the Report of the Select Committee which inserted those words I find that they did so with some hesitation, for they remark—'The change is a serious one, and must be understood as made tentatively.' These doubts have been justified by the difficulty which some of the High Courts have found in interpreting the addition. Thus, the Allahabad High Court has construed the new words in such a way as would, if it were logically carried out, render nugatory any limitation on the right of appeal. The most careful consideration to which they have been subjected has been in the Bombay High Court, where Mr. Justice West in a very recent judgment has gone into the subject with all the thoroughness

which characterises his work, and has drawn a useful and instructive comparison between the revisional jurisdiction of the several High Courts and the analogous superintending and visitatorial jurisdiction exerciseable by the English Court of Queen's Bench, and its successor the High Court of Justice, under the prerogative writs of certiorari, mandamus and prohibition. Whilst insisting, very properly, on the necessity for such a jurisdiction, he remarks on the tendency which has manifested itself in recent times to confine its exercise within somewhat narrower limits than heretofore.

'In India, as in England,' he says, 'the grant of a rule under the extraordinary jurisdiction is discretional, and the power should be used only to sustain, and not further to disturb, the regular course of judicial administration, to prevent distortious or sham applications of the law, but not to promote uncertainty and restlessness, by an over-nice scrutiny of proceedings that aim at promptness rather than refinement.'

"He wisely abstains from an attempt to define precisely cases in which the power ought to be exercised, for, as he says, 'what is abnormal cannot be provided for precisely by rules'; but he makes it clear that in his opinion the jurisdiction under section 622 of the Code is an extraordinary jurisdiction, to be exercised only in extraordinary cases, and he lays down certain general principles as a guide to the discretion of the Court in exercising it. It is evident, however, that the word 'illegally' as used in the section has been a stumbling-block to him, and that he has found some difficulty in reconciling its presence with what he conceives—and, if I may venture to express an opinion, rightly conceives—to be the general scope of the jurisdiction exercisable under the section. For, as he says, 'in one sense every erroneous decision or order is illegal;' in other words, every slip on a question of law or fact would justify the interference of the High Court, which is very much the view that was taken by the late Chief Justice of the Allahabad High Court.

"Now, of course this judgment is not binding on the other High Courts, but it is the most instructive and exhaustive exposition that is to be found of the section with which we are dealing, and it is certain to be referred to whenever the meaning and intention of the section comes up to be considered in the Panjáb Chief Court or elsewhere.

"The limitations which we have considered it necessary to place on the right of appeal in the Panjáb make it eminently desirable that we should if possible prevent the revision section from being interpreted in such a way as to make those limitations nugatory. We have very carefully considered whether and how this can be effected; and the conclusion to which we have come is that we ought to strike out the word 'illegally' on which the advocates of the wider interpretation mainly rely. It is impossible to predict how a section which is of necessity expressed in wide and general terms will in practice be interpreted, but we believe that the omission of this word will materially facilitate the adoption of those views as to the scope and intention of the section which are to be found in the judgment of Mr. Justice West.

"I am sorry to have had to detain the Council so long on such a dry and technical subject, but I was anxious to show that we had not overlooked or made light of the serious difficulties which surround the subject with which we have had to deal.

"In conclusion, I will only say that I hope this measure will be accepted as what it is, namely, an honest endeavour to improve the administration of civil justice in the Pánjab to the extent to which our existing means allow us to improve it. It is an essential part, but only a part, of a much wider scheme for improving the administration of the province—a scheme which has been under consideration for many years, which makes reforms that are, and long have been, urgently required, but the introduction of which, if we were to wait until all possible objections to each of its features were removed, would be deferred until the Greek Kalends, or whatever day corresponds in the Indian calendar to that fleeting date."

The Motion was put and agreed to.

The Hon'ble MR. BARKLEY moved that in section 48, clause (b), for the words "amount or value of the subject-matter of the suit" the words "value of the suit" be substituted.

He explained that no previous notice had been given of this amendment, but that its object was merely to make an improvement in the language of the section which did not affect its substance in any way, the definition of "value" which had been added to section 3 having rendered the retention of the longer expression unnecessary.

The Motion was put and agreed to.

The Hon'ble MR. BARKLEY also moved the following amendments which he explained were necessary to make the law as to the court-fees payable on applications for revision under section 622 of the Civil Procedure Code the same in the Court of the Financial Commissioner as in the Chief Court:—

(1) That in section 71, after the words "Chief Court" the words "or the Court of the Financial Commissioner" be inserted.

(2) That in section 72, the word "Chief" be omitted.

The Motion was put and agreed to.

The Hon'ble MR. BARKLEY also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 9th October, 1884.

SIMLA;
The 9th October, 1884.

D. FITZPATRICK,
Secretary to the Government of India,
Legislative Department.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 8th OCTOBER 1884.

GENERAL REMARKS.—There was good rain in some districts of the Madras Presidency and prospects continue to improve, except in Bellary, Anantapur, and parts of Coimbatore and Madura where the south-west monsoon has generally failed. In Mysore there was more rain during the past week than has been recorded for some time past, and prospects are said to have improved, though the crops are generally in a very backward condition. In Coorg the south-west monsoon is breaking up, and in one taluk the *ragi* harvest has been a good one. Rain is again reported to have fallen throughout the Deccan and Southern Mahratta Country, but more is urgently wanted in several places. General prospects in Bombay are good.

In the Berars, the Nizam's territories, and in the Central India and Rajputana States the prospects of the crops continue good. Heavy rain continued to fall in most districts of the North-Western Provinces and Oudh during the week under report, causing extensive damage to the cut and standing crops, and retarding *rabi* operations. In the Punjab *kharif* prospects are very favourable, except in the Shahpur district. In the south-east of the province some damage has been caused to the crops by the recent rain. In Bengal the prospects of the *amun* paddy have been generally much improved by the rainfall of the week; and if rain falls in the end of October, a fair harvest will be ensured in many districts. In Assam agricultural prospects are generally good.

The last report, dated 9th instant, of the Meteorological Department states that little or no rain has fallen.

There is not much change to record in agricultural operations. Harvesting continues in Madras, and *rabi* operations are generally in progress throughout the country.

Cholera, small-pox, and fever are prevalent in most provinces; but the public health is generally good.

Prices are generally stationary, with local fluctuations.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Madras—(Oct. 8th)		
Bellary ...	·55 (average)	Pasture scanty. Prices rising.
Kurnool ...	2·01 (average)	Standing crops good; sowings of cotton and white *cholum* progressing. Some small-pox and cattle-disease prevalent.
Ganjam ...	2·62 (average)	Small-pox, cholera, and cattle-disease prevalent.
Kistna ...	3·01 (average)	Standing crops, outturn below average. River 7·40 feet over anicut. Small-pox, fever, and cattle-disease in places; one death from cholera.
Chingleput (Madras) ...	1·41 (average)	Standing crops generally good; harvest wet and dry crops, yield half the average. Small-pox in 3 taluks; 67 deaths from cholera.
Coimbatore ...	·18 (average)	Standing wet crops good in 5 and fading in 3 taluks; dry crops want rain everywhere; harvest dry crops, outturn below average. Cattle suffering from want of fodder.
Tanjore ...	·92 (average)	Standing crops generally good. Rivers 1 to 6 feet high. Harvest wet and dry crops, outturn average. 55 deaths from cholera.
Madura ...	·15 (average)	Prospects fair in 3 taluks; elsewhere crops fading from want of rain. Pasture scanty. 20 deaths from cholera.
Malabar ...	3·33 (average)	First crop paddy being harvested, outturn fair. Slight small-pox and fever; 9 deaths from cholera.
Travancore ...	·04	Fever and small-pox prevalent; 6 deaths from cholera. *General Remarks.*—General prospects fair except in Bellary, Anantapur, and parts of Coimbatore and Madura, where south-west monsoon has generally failed; elsewhere prospects are improving.
Bombay—(Oct. 8th)		
Karachi ...	No rain; average of 9 other stations ·64.	River at Kotri on 6th, 13 feet 2 inches against 9 feet 1 inch on same date last year. Fever in 9 talukas; cattle-disease in 5 talukas. Loss of 30 buffaloes, 127 cows and bullocks, and 120 sheep and goats. Harvesting going on. Small-pox prevalent in 9 villages in the districts, 13 fresh cases, no deaths, 12 remaining sick. Prices—wheat, red rice, and *bajri* in Karachi 28, 30, and 36; in Kotri 30 and 36; *jute* 24, 30, and 32; and in Ghorabari 22 and 32 pounds per rupee, respectively.
Hyderabad ...	*Nil*	River at Kotri on 6th, 13 feet 2 inches against 9 feet 1 inch last year. *Kharif* harvesting commenced; *juari* and *bajri* in Hala attacked by blight, and *til* in Moro by worms. Fever in 9, cattle-disease in 4, and small-pox in 3 talukas. Prices of grain steady.
Ahmedabad ...	......	*Bajri* and *juari* in Dholka, and *modassa* and cotton crops in Dhandhuka, slightly damaged by rain in other talukas; *kharif* crops ready for reaping. Cholera in Viramgaum, 2 cases fatal, in Parantij, 1 case fatal; fever in Dholka. Wheat 31 and *bajri* 33 pounds per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Bombay—*contd.*		
Baroda ...	......	Public health fair. Cattle-disease in Vadnagar. Crops in fair condition. Prices—*bajri* 33¼ and rice 23 pounds per rupee.
Surat ...	1·01	Total rainfall 39·91. Crops healthy. Slight fever in Pardi taluka. *Juari* 30, and *nagli* 40 pounds per rupee.
Nasik ...	Rain throughout the district.	*Kharif* crops flourishing; *rabi* sowing in progress. Public health generally good. 6 attacks and 6 deaths from cholera in Nasik; small-pox in Kalvan. Prices cheapening; wheat 40, *bajri* 33½, and rice 21 pounds per rupee.
Colaba (Bombay) ...	Light showers on three days; total of week ·20.	Total to date 71·68, being 2·45 above average; abnormal temperature 0° to 1° cool; vapour in air defective; wind normal; thunder and lightning on 6th and 7th.
Poona ...	Good fall of rain at Poona on 6th.	Light showers in six talukas during the week, but none at Junnar; more rain urgently wanted eastward. No improvement in *kharif* prospects; *rabi* sowing begun in eastern division; and in Junnar, *bajri* 32, and *juari* 33; in Poona, *bajri* 28, and *juari* 30 pounds per rupee.
Ahmednagar ...	Shogaon 1·10; Nagar, ·66; Jamkhed, ·58. none in the remaining talukas; very slight in Parner, Shrigonda, Karjat, Sangamner, and Akola.	Sowing of *rabi* in progress in all talukas except Nagar, where it is completed; *kharif* crops are in good condition. More rain would be beneficial. Slight fever in Sheogaon. *Juari* maximum 54 pounds in Sangamner, minimum 35 in Sheogoan; *bajri* maximum 54 pounds in Sangamner, minimum 30 in Shrigonda.
Sholapur ...	Sholapur, ·85; Barsi, ·54; Madha, none; Karmala, ·73; Pandharpur, 1·47; Sangola, ·57; Malsiras, ·23.	*Juari* 34 pounds 4 tolas and *bajri* 34 pounds 24 tolas per rupee. General prospects poor unless heavy rain fall shortly in Malsiras; prospects decidedly bad.
Dharwar ...	Maximum in Navalgund, 2·78; Kalghatgi, 1·30; Mundargi, ·96; Ron ·90; Gadaj and Kod, ·40; Mugud, Bankapur, and Ranibennur, ·25; Dharwar, Hubli, and Karajgi, ·10; Nargund, none.	More rain urgently required throughout the district. Rice and *juari* crops good; but they will suffer from drought if rain does not fall shortly in eastern talukas; scarcity of fodder is being felt; and cattle from Karajgi taluka are being removed to western talukas. Cholera abating. Rice 30 and *juari* 52 pounds per rupee.
Kanara ...	Karwar, 1·70; Kumpta, 7·6; Sirsi, 3·72; Haliyal, 1·13.	Total rainfall 93·36. Common rice in Karwar 15; districts average 15½ seers per rupee. Small-pox, 1 death in Supa. Rice plants in ear above Ghats; rice harvest on coast.
Rajkot ...	*Nil*	Weather warm; general health good. Fever in some places; cholera continues in Dhoraji. Sowing of late crops commenced in Halar; *bajri* 38 and *juari* 52 pounds per rupee.
		General Remarks.—Rain throughout the Deccan and Southern Mahratta Country; more rain urgently wanted in several places. General prospects unchanged. *Kharif* harvest in progress in parts of Sind, Kaira, Khandesh, and Ratnagiri; *rabi* being sown in parts of seven districts. Fever general, cholera, small-pox and cattle-disease in parts of several districts.
Bengal—(Oct. 8th)		
Chittagong ...	·53	Weather cool. Prospects of crops good. Prices stationary. General health good; cattle-disease still reported.
Dacca ...	1·23	Harvesting of *aushini* paddy begun; damage to crops anticipated owing to want of water; *mash*, *kalai*, and mustard being sown.
24-Pergunnahs (Calcutta)	2·31	Harvesting of *aus* paddy going on with an estimated outturn of 12 annas; prospects of *amun* paddy and sugarcane good; land being prepared for *rabi* crops. Price of common rice 11½ to 15½ seers per rupee. Public health generally good; fever as usual in this season in Barrackpore.
Moorshedabad ...	1·68	Weather cloudy and cool owing to general rainfall. Prospects of *amun* crop improved; in some parts progress made in transplanting, and if rain continues outlook will be more hopeful. Weather for *rabi* crops favourable. Rice 12 to 13 seers per rupee. Public health good.
Rajshahye ...	1·34	Rain done some good, but long drought has considerably prevented the transplanting of *amun*. Health fair.
Burdwan ...	·25	Prospects of crops in Cutwa and Raniguuge improved by late rain, especially in the latter; elsewhere still doubtful and in some thanas bad.
Rungpore ...	4·16	Weather fair; rain too late for much improvement in prospects of crops. Coarse rice selling at Rs. 4-4-0 per maund. Malarious fever prevalent.
Bhagalpur ...	5·95	Prospects of late paddy improved, and a fair harvest may now be expected. Rice 12 seers 10 chittacks per rupee.
Purneah ...	7·68	Rain done much good to standing crops; ploughing for *rabi* progressing. Common rice 15 seers per rupee. Very much fever. Ganges very high.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Bengal—*contd.*		
Patna ...	·31	Harvesting of *bhadoi* nearly completed; late rain done much good to standing paddy. Cholera still reported from Behar sub-division.
Durbhunga ...	3·83	*Rabi* being sown; late rain improved prospects of paddy. Prices falling. Public health good.
Hazaribagh ...	1·80	Weather bright and seasonable. Harvesting of *bhadoi* crop nearly over; early paddy being cut in places; prospects generally fair. Public health good.
Cuttack ...	1·39	Weather seasonable. Cutting of *beali* completed with average outturn; early *sarad* ripening; late *sarad* promising well. Price of rice stationary. Cholera rather bad in some parts of the district; cases of typical fever reported also.
		General Remarks.—The rainfall of the week has much improved the prospects of *aman* paddy generally, and rain in latter end of October will ensure fair harvest in many districts, but in a few more rain is still needed at present; harvesting of *bhadoi* crops and *aus* paddy and jute going on; lands are being prepared for *rabi* crops. Price of rice rising still in certain places. Cholera still prevalent in parts of 5 districts and fever in some.
N. W. Provinces and Oudh—		
Benares (Oct. 6th)	Average rainfall over 2·0.	Rice improved; *bajra* slightly injured by rain. Slight fever. Prices falling.
Allahabad („ „)	2·1	Rains now over apparently; sky clear. Land being prepared for *rabi*. Health excellent. Prices falling.
Gorakhpur („ 4th)	10·2 at Sadr; much heavier rain in north and east.	Fine weather wanted. Cholera decreasing. Prices stationary.
Jhansi („ 7th)	......	Some damage done to *kharif* by excessive rain: Ploughings for *rabi* commenced. Prices fluctuating. Fever prevalent; cholera decreasing.
Agra („ 4th)	Rain in all parganas, from 4·5 to 15·0.	The heavy rain has done damage to the *kharif* and deferred *rabi* ploughings. Prices steady. Fever very prevalent in all parganas.
Bareilly („ 6th)	......	Rain has done considerable damage; a few villages along Ramganga completely flooded. Health, &c., good.
Meerut („ „)	Extraordinary rain on 29th, 30th and 1st; rainfall from 4·7 to 13·2.	Great damage to crops, buildings, and roads. Fine weather now, with westward wind. Fever very prevalent; cholera—19 cases in Hapur, 5 deaths, 7 cases in Meerut, 2 deaths. Prices steady.
Kumaon („ „)	Heavy rain between the 29th and the 3rd.	Cut rice has been somewhat injured in valleys; stalks of millets used as food for animals have also been injured. General health good. Cattle-disease continues. Prices stationary.
Lucknow („ „)	Rain continued during the first five days of the week from 1·7 to 3·3.	*Juari*, *bajari* and *mash* crops damaged by the late heavy fall. *Rabi* sowings also delayed in consequence. No disease in men or cattle. Supplies ample. Prices steady.
Partabgarh („ 3rd)	Average rainfall for the week a litte over 3·5.	*Bajri* and *juari* have been injured by the late heavy rain. General health good. Prices almost stationary.
Sitapur („ 6	......	The harvest crops of *bajri*, *mash* and *tilli* are said to have suffered considerably by the late rains; but the mischief will probably be greatly repaired by the fair weather which set in on the 4th October.
Fyzabad („ „)	2·6 rain at Sadr and 2·0 to 4·4 elsewhere.	*Kharif* crops are being cut. Public health and condition of cattle good.
Rae Bareli („ 4th)	Rain all over the district.	Weather cloudy; wind variable. *Bajri*, *juari* and *mothi* somewhat injured by rain. Supplies abundant. Prices almost stationary.
Cawnpore („ 6th)	From 3·5 to 9·6 of rain fell during week.	Complaint general that crops have been injured by heavy rain. Fever and ague prevalent; and few cases of cholera in paragana Bhognipur. A little cattle-disease in paragana Ghatampur.
Farukhabad („ „)	Average rainfall of the week 6·4.	Rain now ceased, but much damage has been caused to crops, and many houses have fallen. The Ganga and Ramganga are in flood; and the low land in Aligarh tahsil is inundated. Fever increasing. Prices stationary.
		General Remarks.—There was heavy rain in most districts during the week; doing extensive damage to the cut and standing crops, and retarding *rabi* operations. Markets are well stocked, and prices so far show but slight variations. The health of the people and condition of cattle continue normal.
Punjab—(Oct. 1st)		
Delhi ...	3·0	Fever prevalent. Expected yield of *kharif* above average. Slight rise in prices.
Hissar ...	Rain at Rohtak	Excessive rain has done damage, but average or full crop expected in most places. Fever very prevalent; some cattle-disease in Rohtak.
Umballa ...	4·0	Fever still very prevalent throughout the district; *mukka* and rice being harvested; other *kharif* crops promising though much damaged by late rain; yield expected to be above average; gram sowing in progress. Prices gradually falling.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Punjab—*contd.*		
Jullundur ...	......	Crops and health good. Prospects of coming harvest favourable; *rabi* ploughing commenced. Prices stationary.
Amritsar ...	......	Health and *kharif* prospects good; *rabi* crops sown. Prices of grain and rice rising; other prices stationary.
Sialkot ...	·30	Health good. Harvest expected above average. Prices falling.
Ferozepore ...	·10 at Sadr	Fever prevalent in the district. Probable yield of *kharif* crops good. Prices fluctuating.
Lahore ...	......	General health good. Fair *kharif*; *rabi* prospects fair. Prices falling.
Rawalpindi ...	·70	Expected yield of *kharif* harvest above average in two and average in five tahsils. Fever in three and cattle-disease in three tahsils. Prices falling.
Mooltan ...	......	Fever prevailing in the district. Expected yield of *kharif* harvest good. Prices fluctuating.
Dera Ismail Khan ...	......	Health and prospects good. Expected yield of *kharif* harvest above average.
Peshawar ...	......	Slight fever prevalent. *Kharif* prospects good. Prices of wheat and *mukka* stationary, of *juar* rising, of rest falling.
		General Remarks.—Rain in many districts. Fever prevalent in the Delhi, Umballa, Ferozepore, Rawalpindi, Mooltan, and Peshawar district, and in Hissar division. Elsewhere the health of the province is good. Cattle-disease in the Rohtak district, and in three tahsils of the Rawalpindi district. *Kharif* prospects very favourable, except in the Shahpur district; but the recent rain has done damage to the crops in the south-east of the province; *rabi* sowings commenced in many districts. Prices of food-grains fluctuating, but with a falling tendency.
Central Provinces—(October 8th)		
Nagpur ...	·5	Weather clear. Prospects improving; *rabi* sowings commencing; *juari* somewhat damaged. Fever prevalent; small-pox and cattle-disease in parts. Prices steady.
Jubbulpore ...	1·71	Weather clear and cool, break beneficial. Reaping of rice commenced; poor outturn of cotton and other crops anticipated. Prices stationary.
Saugor (Oct. 7th)	·67	Weather clear for the last four days. Crops damaged; *rabi* sowings delayed from excessive moisture. Health fair. Prices rising.
Seoni ...	·21	Weather clear since 1st. Land being prepared for *rabi* sowings; rice prospects fair; wheat 30 and rice 16½ seers per rupee.
Hoshangabad ...	......	Rice being harvested; cotton and other crops damaged by excessive rain; land being prepared for *rabi*. Fever prevalent. Wheat 22 and rice 10 seers per rupee.
Khandwa ...	·82	Break beneficial. Prospects and health good. Prices falling.
Raipur ...	1·47	Weather clear and warm. Land being prepared for *rabi*. Fever prevalent. Prices falling.
Sambalpur (Oct. 4th)	......	Weather clearing. Rice excellent; other crops more or less injured Fever and cattle-disease prevalent. Common rice 26¼ seers per rupee.
		General Remarks.—There has been a general and beneficial break which will admit of *rabi* sowings commencing. Fever rather prevalent. Prices steady.
British Burma—(Oct. 8th)		
Akyab (Oct. 4th)	1·45	Total rainfall 176·44. Cholera still prevalent in town and district.
Bassein („ „)	3·64	Total rainfall 93·31. Cattle-disease in two townships.
Rangoon („ „)	1·84	Total rainfall 84·61.
Amherst (Moulmein) („ „)	2·34	Total rainfall 172·61. Prospect of crops good.
Tavoy („ „)	1·24	Total rainfall 157·42. Prospect of crops good.
Pegu (Sept. 27th)	5·81	Total rainfall 103·64. Season most favourable. Prospects everywhere better than last year.
„ (Oct. 4th)	8·38	Total rainfall 112·02.
Henzada ...	2·11	Total rainfall 85·33. Slight cattle-disease in one township.
Prome ...	......	Crop prospects good. Season most favourable.
Thoungoo ...	1·33	Total rainfall 69·77.
Thayetmyo ...	0·22	Total rainfall 30·73.
		General Remarks—Cholera still prevalent in parts of Arakan; elsewhere public health particularly good, health of cattle generally good. Crop prospects still excellent.
Assam—(Oct. 8th)		
Gauhati ...	1·25; rain during week ending 7th instant.	Mornings and nights cool, days hot. Prospects of crops and tea not very satisfactory. Cholera in the vicinity of Barpetta reported; public health fair.
Sylhet ...	2·55	State and prospects of crops, including tea, favourable. Cholera in Chhatak thana; public health good on the whole.
Cachar ...	6·49	Weather warm. Prospects of *sali* crops and tea good; common rice 15¼ seers per rupee. Public health good.
Dibrugarh ..	1·64	Weather cool. Prospects of *sail* crops fair. Public health good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Mysore and Coorg— (Oct. 8th)		
Bangalore ...	4·33	Standing crops much improved. Prospects more favourable.
Mysore ...	Slight rain in nine talukas; general rain, from ·54 to 2·72, has fallen in other districts.	Condition of crops and prospects of season still unfavourable. Prospects may be said to have improved, but crops generally in very backward condition. Public health good. Some cases of cholera have been reported. Prices stationary.
Mercara ...	1·99	*Ragi* crops in Nanjarajpatna taluk nearly all harvested; outturn good. South-west moonsoons breaking up at last; wind has varied.
Berar & Hyderabad— (Oct. 8th)		
Amraoti ...	1·77	Weather cloudy; breaks for four days. Crops in good condition; wheat 20 and *juari* 30 seers per rupee.
Akola ...	......	Weather cloudy. Prospects of crops good; cotton beginning to flower.
Hyderabad ...	Average rainfall during the week 1·2.	Total rainfall from 1st January 29·74. Standing crops good. No sickness. Prices—wheat 14, coarse rice 12, white *juari* 16½, yellow *juari* 20, and *tur* 19 seers per halli sicca rupee.
Central India States— (Oct. 8th)		
Indore ...	0·35	Total rainfall 36·56. Agricultural prospects excellent. Health good. Cold weather commencing with signs of close of the monsoon.
Morar (Gwalior) ...	2·79	Total rainfall 32·68. The late rains have somewhat injured the *bajri* crops. Fever prevalent. Nights cool. *Rabi* sowing commenced.
Sutna ...	3·94	Weather clear and dry. Health and prospects good.
Neemuch ...	0·15	Total rainfall 22·75. Public health good. *Makka* being reaped.
Goona ...	......	Weather clear. Health good. Total rainfall 40·73.
Agar ...	0·59	Health and prospects good.
Sehore ...	3·01	Weather cloudy. Prospects of crops and public health good.
Nowgong ...	1·96	Total rainfall 72·61. *Kharif* prospects damaged and *rabi* sowings interfered with by excessive rain. Public health good.
Manpur (Bhopawar) ...	1·97	Total rainfall 39·51. Fever increasing in Manpur; some cholera in Dhar territory, otherwise public health good.
Rajputana— (October 8th)		
Abu (Oct. 8th)	......	Weather clear, cool, and seasonable.
Sirohi („ 5th)	·30	Tanks, wells, health, and crop prospects good. Fine weather; cool at night.
Marwar („ 3rd)	......	In Jodhpore city tanks are all full. Fever still prevails. Crops in good condition. Clear week; getting cool. Prices stationary, with tendency to fall.
Meywar („ 5th)	......	Wells and tanks very good. Health fair. *Makka* harvested.
Harowti („ 4th)	Tonk, ·15; Shahpura, 1·29; Kotah previous week, 1·77.	Crops ripening. Weather fine. Health good.
Jhallawar („ 3rd)	1·64	Late rain caused harm to *makka* and delayed *rabi* sowings.
Ajmere („ 7th)	No rain	Prospects and health excellent.
Jeypore („ „)	*Nil*	*Kharif* harvesting commenced; good outturn expected. Prices steady. Fever prevalent.
Bhurtpore ...	......	No report received.
Ulwur (Oct. 7th)	3·24 (average)	Preparations for *rabi* in progress. Fever very prevalent.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF MAY 1884.

No. I.—As to Age and Sex.

	FIJI.				NATAL.				MAURITIUS.				TOTAL.		Grand Total.
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Under 2 years	12	8	20	43·65 women to every 100 men.	11	8	19	44·01 women to every 100 men.	10	19	29	46·64 women to every 100 men.	33	35	68
From 2 to 10 years	31	22	53		24	14	38		44	37	81		99	73	172
" 10 " 20 "	71	25	96		69	31	100		103	56	159		243	112	355
" 20 " 30 "	191	81	272		209	85	294		290	111	401		690	277	967
" 30 " 40 "	32	11	43		18	9	27		82	24	106		132	44	176
" 40 " 50 "	2	1	3		3	...	3		7	2	9		12	3	15
Above 50 "	...	...	...		...	...	...		...	1	1		...	1	1
GRAND TOTAL ...	339	148	487		334	147	481		536	250	786		1,209	545	1,754

No. II.—As to places whence emigrants come to Calcutta for embarkation.

	FIJI.			NATAL.			MAURITIUS.			TOTAL.		GRAND TOTAL.
Orissa	...	1	1	1	...	1	3	...	3	4	1	5
Western Bengal ...	37	28	65	9	2	11	10	22	32	56	52	108
Central ditto	15	9	24	...	...	...	...	2	2	15	11	26
Eastern ditto	1	...	1	...	...	...	1	1	2	2	1	3
Behar	104	55	159	90	36	126	180	82	262	374	173	547
North-Western Provinces ...	121	40	161	142	78	220	195	79	274	458	197	655
Oudh	45	10	55	49	16	65	20	9	29	114	35	149
Central India	1	2	3	5	...	5	4	7	11	10	9	19
Punjab	2	1	3	7	4	11	44	11	55	53	16	69
Nepal	9	2	11	10	1	11	3	...	3	22	3	25
Mixed, Madras and Bombay, &c.	4	...	4	21	10	31	76	37	113	101	47	148
GRAND TOTAL ...	339	148	487	334	147	481	536	250	786	1,209	545	1,754

No. III.—As to caste and religion.

	FIJI.			NATAL.			MAURITIUS.			TOTAL.		GRAND TOTAL.
Brahmins, high caste ...	53	27	80	69	24	93	78	28	106	200	79	279
Agriculturist ... } Hindoos ...	76	25	101	82	25	107	112	49	161	270	99	369
Artisans ... } Hindoos ...	48	19	67	56	30	86	82	48	130	186	97	283
Low castes ... } Hindoos ...	135	58	193	88	44	132	184	77	261	407	179	586
Musalmans	27	19	46	39	24	63	80	48	128	146	91	237
Christians	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL ...	339	148	487	334	147	481	536	250	786	1,209	545	1,754

Memo.

	Males.	Females.	Total.
1. Hindoos ...	1,063	454	1,517
2. Musalmans ...	146	91	237
3. Christians ...	...	...	...
TOTAL ...	1,209	545	1,754

Circular No. $\frac{108Ex.}{17\text{-}20}$.

Extract from the Proceedings of the Government of India, in the Revenue and Agricultural Department, (Museums and Exhibitions),—under date Simla, the 2nd October 1884.

Read—

Despatch from Her Majesty's Secretary of State for India, No. 105, dated 31st July 1884.

Despatch to Her Majesty's Secretary of State for India, No. 10, dated 30th August 1884.

Circular No. $\frac{102Ex.}{17\text{-}10}$, dated 5th September 1884, to Local Governments and Administrations.

Despatch to Her Majesty's Secretary of State for India, No. 13, dated 23rd September 1884.

Circular No. $\frac{106Ex.}{17\text{-}9}$, dated 29th September 1884, to Local Governments and Administrations.

Letter to the Government of Bengal, No. $\frac{1080Ex.}{17E\text{-}1}$, dated the 29th September 1884.

RESOLUTION.

The Government of India has accepted, through Her Majesty's Secretary of State, the invitation of His Royal Highness the Prince of Wales to take part in an Exhibition, to be held in London under a Royal Commission in 1886, the purpose of which, in the words of His Royal Highness, is to demonstrate on the fullest scale to the inhabitants of the British Islands the unbounded industrial resources at their command within the limits of Her Majesty's Colonial and Indian dominion.

2. The co-operation of Local Governments and Administrations in this project has already been invited, and the Government is now desirous that the general public throughout India should be made acquainted with the opportunity which will be afforded of displaying in a complete and comprehensive manner the produce, arts, and manufactures of the Empire.

3. The Exhibition will be opened at South Kensington early in May 1886, and all Indian exhibits should arrive in England before the 1st of January in that year.

4. The terms on which space can be granted, and the extent to which it will be available, cannot be made known until the receipt of further instructions from the Royal Commissioners. But it is desirable that provisional applications for space should be sent in by intending exhibitors at as early a date as possible to such address as may be determined by the local authorities. Preference will, therefore, be given to applications received before the 1st of March 1885 on the understanding that the area applied for will not necessarily be attained in full, and that the application may be subsequently withdrawn if the charge for space is not accepted.

5. All communications to the Government of India connected with the Exhibition should be addressed to the Officer in charge, Exhibition Branch, Revenue and Agriculture Office.

ORDER.—Ordered, that a copy of this Resolution be forwarded to Local Governments and Administrations noted on the margin, with a request that it may be published in Local *Gazettes* and communicated to newspapers, Vernacular and English, for general information, and with an intimation of the address to which applications for space should be submitted.

Madras.	Central Provinces.
Bombay.	British Burma.
Bengal.	Coorg.
North-Western Provinces and Oudh.	Assam.
Punjab.	Secretary for Berar to the Resident, Hyderabad.

Ordered also, that this Resolution be published in the Supplement to the *Gazette of India.*

E. C. BUCK,

Secretary to the Government of India.

Printed and Published for the GOVERNMENT OF INDIA *at the* GOVERNMENT CENTRAL BRANCH PRESS, SIMLA.





The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 11, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

By an order of Government, all subscriptions must be paid *in advance*.

	R	a	p.
Subscription for *Gazette* and Supplement per annum	15	0	0
Postage	5	8	0
Subscription for Supplement only	6	0	0
Postage	3	0	0
For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement		4	0

Postage on single copies varies according to weight.

E. J. DEAN,

Publisher, Gazette of India.

NOTICE TO PRINTERS.

Tenders will be received by the Superintendent of Government Printing, 166, Dhurrumtollah Street, Calcutta, up to the 10th October next, for printing, in Urdu and Devnagri characters, Bills, Statements of Objects and Reasons, Reports of Select Committees, Speeches in Council and Acts, from the 1st of January to the 31st December 1885. The work to be done will comprise about 600 copies of about 30 pages of matter of foolscap size monthly, and about 100 pages of each character will have to be kept standing in type.

Copies of the work can be seen at the Office of the Superintendent of Government Printing, No. 166, Dhurrumtollah Street, where full information regarding the nature of the work can be obtained.

The Superintendent of Government Printing will not bind himself to accept the lowest or any tender.

E. J. DEAN,

Supdt., Govt Printing, India

CALCUTTA,

The 16th September 1884

TELEGRAPH DEPARTMENT.

NOTIFICATION

Simla, the 3rd October 1884.

No. 5.—Mr. W. McGregor, a Superintendent of the 2nd Grade, is allowed furlough for one year under Section 50 of the Civil Leave Code, with effect from the forenoon of the 22nd September 1884.

A. J. LEPPOC CAPPEL

Director General of Telegraphs in India

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN.

NOTIFICATION.

Quetta, the 2nd October 1884.

No. 4505.—The Governor General's Agent is pleased to permit Lieutenant G. H. Lewis to resign his commission in the Biluchistan Volunteer Rifle Corps, with effect from the 26th September 1884.

By Order,

J. R. FITZGERALD,

1st Asst. Agent to the Govr. Genl.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATION.

Mount Abu, the 2nd October 1884.

No. 3087 *G.*—With reference to Foreign Department Notification No. 1761 G., dated the 13th of September 1884, Surgeon-Major D. N. Martin, M.D., assumed medical charge of the Eastern Rajputana States Residency from 1st Class Hospital Assistant Alleem-ooddeen, on the forenoon of the 14th idem.

By Order,

W. H. C. WYLLIE,

1st Asst. Agent to the Govr. Genl.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 4th October 1884.

No. 54.—With reference to Public Works Department Notification No. 231, dated 25th September 1884, Mr. C. Swappe, Executive Engineer, 2nd Grade, is posted to the Sind-Peshin State Railway, Northern Section.

No. 55.—With reference to Public Works Department Notification No. 230, dated 24th September 1884, Mr. B. W. Cantopher, Executive Engineer, 4th Grade, is posted to the Eastern Bengal State Railway.

The 6th October 1884.

No. 56.—With reference to Public Works Department Notification No. 232, dated 25th September 1884, Mr. J. A. A. Wallace, Assistant Engineer, 2nd Grade, is posted to the Bilaspur-Etawah Railway.

F. S. STANTON, *Colonel, R.E.,*

Director General of Railways.

RAJPUTANA-MALWA RAILWAY.

(Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATION.

Ajmere, the 7th October 1884.

No. 12.—Mr. C. E. Vining, District Traffic Superintendent in Class III of the State Railway Superior Revenue Establishment, is granted six months' leave out of India on medical certificate, and ten days' subsidiary leave, with effect from the 20th September 1884, or such subsequent date as he may avail himself of it.

H. DANGERFIELD,

Offg. Manager.

Report of a Deserter from the 2nd Battalion, East Yorkshire Regiment of Foot, dated at Colaba this 30th day of September 1884.

Number, Rank, and Name,—No. 5—2598, Lance Corporal James Stuart.	Parish and County in which Born,—North Renfrewshire.
Age,—28 years 4 months.	Marks,—Vaccinated on right arm, tattoo dot, back of left hand, tattoo dot, back of right thumb, scar inside right arm, and on right hip.
Size,—5 feet 5¾ inches.	Trade,—Labourer.
Colour of—Complexion, fresh; Hair, dark brown; Eyes, hazel.	Coat or Jacket,— . Waistcoat,— . Breeches or Trowsers,— . } Uniform.
Date of Desertion,—21st September 1884.	REMARKS,—Under 5 years' service.
Place of Desertion,—Camp Deesa.	
Date of Enlistment,—3rd August 1880.	
At what Place Enlisted,—Hull, Yorkshire.	

R. L. DASHWOOD, *Lieut.-Colonel,*

Comdg. 2nd Battn., East Yorkshire Regt.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. R	Name of Claimant.
10	D 17—71531	50	Abdul Wahid, Indore.

ALLAHABAD,
The 8th October 1884.

A. H. ANTHONY,
Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
149	P 78—03694	1,000	Tribhoobunchunder Bhattacharjee, 18, Srinath Roy's Lane, Calcutta.
	„ —03693	1,000	
152	P 45—36758	500	
157	P 77—88035	100	The Officiating Post Master General, Bengal.
158	P 77—67611	100	Mr. F. S. Barker, Forest Department, Assam.
	„ —67613	100	
159	R 9—77895	100	Mr H. W. Morriss, care of Assistant Superintendent of Police, Cachar.
	„ —77896	100	
160	R 10—15888	100	Gosto Behari Biswas, care of Bengal Coal Company, Limited, Raneegunge.
164	R 9—57262	100	Deocurndas Ramcoomer, 130, Cotton Street, Calcutta.
	„ —45105	100	
	„ —16078	100	

CALCUTTA,
The 10th October 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
20	E 20—82147	100	Sookha Singh, Clerk, Sind, Punjab, and Delhi Railway Audit Office, Lahore.
	„ —82931	100	
21	E 2—76861*	500	Major G. Whitehead, 1st South Lancashire Regiment, Chirat.
	„ —76862	500	

* Agency No. 6, Peshawar.

LAHORE,
The 4th October 1884.

W. H. EGERTON,
for *Depy. Commr. of Paper Currency.*

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th September 1884.

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans: Of 1832-33	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Total.	4½ per cent. Loans: Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.	Transfer Loan of 1879, seven shillings per cent. Portion.	5 per cent. Debenture Loan of 1867-68.	5 per cent. Loan of 1856-57.	GRAND TOTAL.
Balance of 15th September 1884	54,100	13,36,853	27,74,800	2,36,00,000	99,05,600	2,94,77,237	2,45,74,600	9,16,69,290	46,26,300	94,77,300	10,15,83,000	11,56,86,600	1,24,500	..	56,200	20,75,90,690
Add—																
Amount enfaced at Madras between 16th and 30th September 1884	..	....	....	....	....	....	....	....	....	....	....	....	....	..	....	....
Amount enfaced at Bombay between 16th and 30th September 1884	..	....	....	35,000	80,000	2,03,000	14,000	3,32,000	....	1,000	2,000	3,000	....	..	....	3,35,000
Amount enfaced at Calcutta between 16th and 30th September 1884	..	....	....	49,500	8,500	1,09,000	11,000	1,78,300	....	10,000	2,60,000	2,70,000	....	..	....	4,48,300
	54,100	13,36,853	27,74,800	2,36,84,500	99,94,400	2,97,89,237	2,45,99,600	9,21,79,590	46,26,300	94,88,300	10,18,45,000	11,59,59,600	1,24,500	..	56,200	20,83,73,990
Deduct—																
Amount written off in the London Registers	..	....	....	1,38,600	4,800	1,05,600	1,46,500	3,95,500	....	35,000	93,100	1,28,100	....	..	....	5,23,600
Balance on 30th September 1884	54,100	13,36,853	27,74,800	2,35,45,900	99,89,600	2,96,83,627	2,44,53,300	9,17,84,090	46,26,300	94,53,300	10,17,51,900	11,58,31,500	1,24,500	..	56,200	20,78,50,390

NOTE.—From 9th June 1867 to 31st July 1884, enfaced from India 5,004 lakhs; re-transferred from London 4,271 lakhs.

„ 1st Aug. 1884 to 15th Aug. „ „ „	15 „	„ „	32 „
„ 16th „ „ to 31st „ „ „ „	8 „	„ „	9 „
„ 1st Sept. „ to 15th Sept. „ „ „	10 „	„ „	5 „
„ 16th „ „ to 30th „ „ „ „	7 „	„ „	5 „
	5,044 lakhs.		4,322 lakhs.
	4,322 „		
Balance against India	722 lakhs.		

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 7th October 1884.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 23rd September 1884.

LIABILITIES.	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,351	4	4
Public Deposits at Head Office	81,07,427	7	0	1,73,68,973	11	0
Public Deposits at Branches	92,61,546	4	0			
Other Deposits at Head Office and Branches				2,14,54,039	6	5
Bank Post Bills, &c.				4,72,139	8	7
Sundries				12,40,652	11	2
RUPEES				6,46,95,156	9	6

ASSETS.	R	a.	p.	R	a.	p.
Government Securities				75,60,992	0	0
Other authorized Investments				39,87,662	8	0
Loans on Government and other authorized Securities				92,96,513	8	6
Accounts of Credit on Government and other authorized Securities				75,55,180	5	0
Bills discounted and purchased				1,48,79,418	1	1
Balances with other Banks				8,42,259	14	2
Bullion				34,634	4	6
Dead Stock				11,81,065	0	5
Stamps				8,587	14	0
Sundries				6,28,620	0	2
				4,59,74,933	7	10
Cash and Currency Notes at Head Office	72,57,428	0	10	1,87,20,223	1	8
Cash and Currency Notes at Branches	1,14,62,795	0	10			
RUPEES				6,46,95,156	9	6

By order of the Directors.

BANK OF BENGAL,
Calcutta, 7th October 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.

Percentage 46·1.

Statement of the Affairs of the Bank of Bengal for the week ending 7th October 1884.

LIABILITIES.	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,351	4	4
Public Deposits at Head Office	70,92,751	13	9	1,63,21,919	5	1
Public Deposits at Branches	92,29,167	7	4			
Other Deposits at Head Office and Branches				2,40,64,234	15	4
Bank Post Bills, &c.				5,71,882	12	8
Sundries				12,91,345	7	3
RUPEES				6,64,08,733	12	8

ASSETS.	R	a.	p.	R	a.	p.
Government Securities				73,16,792	0	0
Other authorized Investments				39,86,655	0	0
Loans on Government and other authorized Securities				86,31,648	14	3
Accounts of Credit on Government and other authorized Securities				75,56,957	12	10
Bills discounted and purchased				1,50,85,770	10	6
Balances with other Banks				8,18,081	9	4
Bullion				29,364	12	11
Dead Stock				11,84,940	11	10
Stamps				8,308	4	9
Sundries				6,29,182	12	1
				4,52,47,702	8	6
Cash and Currency Notes at Head Office	94,71,422	4	6	2,11,61,031	4	2
Cash and Currency Notes at Branches	1,16,89,608	15	8			
RUPEES				6,64,08,733	12	8

By order of the Directors,

BANK OF BENGAL,
Calcutta, 9th October 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.

Percentage 50·.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Sept. 22	1,75,942	. . .	12	5,77,887	1,21,19,333	1,02,76,368
" 23	. . .	. . .	. . .	5,77,887	1,21,19,333	1,02,76,368
" 24	Holidays.					
" 25						
" 26						
" 27						

R. V. RIDDELL, *Major, R.E.*,
Mint Master

CALCUTTA MINT.
The 6th October 1884.

POST OFFICE.

NOTIFICATIONS.

Simla, the 25th September 1884.

From 1st October 1884, a change will be made in the form of application for inland money orders, and a coupon, or slip, will be attached to each, which will be delivered with the money order to the payee without extra charge. The object of the coupon is to enable a remitter to write to the payee the purpose for which the money order is sent, or any other message he pleases. The coupon will be retained by the payee.

2. Forms can be obtained gratis at the Post Office as before. The remitter will have, as at present, to fill in the amount of the order, the payee's name and address and his own name and address on the receipt and acknowledgment. Remitters will continue to receive acknowledgments for their money orders signed by the payees.

3. Remitters must fill in the side of the form printed in black. The reverse printed in red ink is to be filled in by the Post Office only.

TELEGRAPHIC MONEY ORDERS.

With effect from 1st October 1884, Telegraphic Money Orders will be obtainable at all Money Order Offices.

2. A Telegraphic Money Order is an order granted by the Post Office for payment of a sum of money through the agency of the Post Office, the remittance being advised from one Post Office to another by telegraph, and payment being made at the payee's residence. Telegraphic Money Orders will be payable at any Money Order Office.

3. If there be no Government* Telegraph Office at the station of issue, the order will be sent by post to the nearest Government Telegraph Office for transmission onwards by telegraph. If there be no Goverument Telegraph Office at the station of payment, the order will be sent by post from the nearest Government Telegraph Office.

* Railway (Guaranteed or State) Telegraph Offices are not Government Telegraph Offices within the meaning of these rules.

4. The rates of commission on Telegraphic Money Orders are as follows :—

		R	a.
On sums not exceeding Rs. 25	.	0	8
" exceeding " 25 but not exceeding Rs. 50	.	0	12
" " " 50 " " " 75	.	1	2
" " " 75 " " " 100	.	1	8
" 100 " " " 125	.	1	14
" " " 125 " " " 150	.	2	4

5. A uniform charge of R2 is made for the telegram advising the remittance, irrespective of the amount of the remittance, provided the amount does not exceed R600, payable to the same payee. These telegrams are sent "urgent."

6. The remitter may write on the coupon attached to the Money Order form any private message he desires to communicate to the payee. Such private message will be added to the telegram advising the remittance, and will be charged for at the rate of 2 annas a word. The remitter may also prepay a reply under the ordinary rules of the Telegraph Department.

7. An official acknowledgment by telegraph of payment of the remittance can be obtained by the remitter. The charge for an acknowledgment is R1.

8. Payment of a Telegraphic Money Order will be made at the residence of the payee by the postman, immediately on receipt of the telegraphic advice by the Office of Payment. With the amount of the order a copy of the telegram will be delivered to the payee.

9. A copy of the detailed rules can be had on application at the Post Office.

BRITISH POSTAL ORDERS.

1. With effect from 1st October 1884, British Postal Orders for fixed sums from 1*s.* to £1, will be available for sale to the public at all Head Post Offices, and will be obtainable on application to any Sub-Post Office from its Head Office.

2. The following are the amounts for which British Postal Orders are issued, together with the cost of each order in Indian currency, including commission and exchange :—

Amounts of British Postal Orders.		Cost in Indian currency, including commission and exchange.			Amounts of British Postal Orders.		Cost in Indian currency, including commission and exchange.		
s.	*d.*	R	*a.*	*p.*	*s.*	*d.*	R	*a.*	*p.*
1	0	0	10	9	4	6	2	14	0
1	6	0	15	9	5	0	3	3	0
2	0	1	5	6	7	6	4	11	6
2	6	1	10	3	10	[illegible]	6	4	3
3	0	1	15	3	10	6	6	9	0
3	6	2	4	3	15	0	9	6	3
4	0	2	9	0	20	0	12	7	6

Note.—The cost of a British Postal Order is liable to vary slightly owing to fluctuations of exchange. The rate of exchange in force can be ascertained from the Post Office.

3. British Postal Orders issued from any Indian Post Office are payable at any Money Order Office in the United Kingdom (including the Channel Islands and the Isle of Man) and at Gibraltar and Constantinople.

4. The purchaser of a British Postal Order must, before parting with it, fill in the name of the person to whom the order is to be paid, and may fill in the name of the Money Order Office (in the United Kingdom, &c.) at which the amount is to be paid. If the name of a Money Order Office is not entered by the purchaser, the order will be payable at any Money Order Office named by the payee.

5. The purchaser should keep a record of the number and date and name of the Office of Issue of the order, to facilitate enquiry if the order should be lost.

6. After a British Postal Order has once been paid, to whomsoever it is paid, the British Post Office will not be liable for any further claim.

7. If any erasure or alteration be made, or if the order is cut, defaced, or mutilated, payment may be refused.

8. After the expiration of three months from the last day of the month of issue, a British Postal Order will be payable only on payment by the payee of a commission equal to the amount of the original British poundage marked on the order.

A. U. FANSHAWE,

Offg. Dir. Genl. of the Post Office of India.

Unclaimed Letters held in the Calcutta General Post Office on 9th October 1884.

Birner, S. R.
Colledge, L. D.
Dorken, Josua.
Duncan, B. F.
Frazer, J. Halt.
Guldisberg, Adolfe.
LeTourneux, E.
Lloyd, Captain.
Patton, T. G. C.
Phillips, E. A.
Smith, Thomas M.
Walker, F. P.

Letters marked "Care of Post Office"

A. V.
Alice, Mrs.
Andrews, J.
Botts, Douglas.
Bezbaron, G.
Boileau, Captain H.
Bowen, Mrs. M. A.
Braunstein, N.
Brigg, E. A.
Brooks, L.
Caurey, Captain.
C. G.
Chapman, Frank.
Cooper, H.
Davidson, A. G.
Dodd, Col. C. A.
E. S. H.
Evans, Peter.
Fredalis, Soni.
Garfield, John.
G. R.
Golding, Herbert.
Gill, F. N. G.
Gosset, E. A.
H. M. W.
Harman, J M.
Harrison, Lieut. E. B.
Howe, J. K.
Hoskins, A C.
Hurst, W. H.
Jackson, J. A.
Kalberer, A. R.
King, W.
Lawless, Hiram.
Livingston, Archibald.
Lopez, E.
Lynum, R.
M. A. G.
Matson, E.
Mawson, J. R.
Meij, H.
"Merchant."
Morris, Pierce M.
Nigomar, Victor.
Piot, Monsieur.
Reed, Willoughby.
"Regina"
Robinson, Ellen.
Schomerully, Mr.
Selous, Edmund.
Sestan, S.
"Stanhope."
Stobie, J. C.
Tabone, Govanni.
Thomann, Harry.
Thompson, James.
Uren, Thomas.
Whymper, F.
Williams, Mostyn.
X. Y. Z.
X. Z. G.

Registered Letters.

Bisnee, S. R.
Cherkes, Laya.
Forofourd, Duglass.
Fernandes, Francis.
King, Mrs.
Rustomjee, S.
Weiss, Samuel.

E. HUTTON,

Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 6th October 1884.

Beardsmore, T. C.
Bhattacharjee, Sasodhor.
Jones, W. M.
Leighton, Mrs. Kuydeth.
Mittra, Dr. A.
Plott, F. J.
Russell, J.
Show, Ockoy Coomar.
Sorkor, Loknath.
Upton, R L.
Walker, P. G.
Walker, H.
Wyatt, A. W. L.

A. P. GHOSAL,

Postmaster, Barrackpore.

Calcutta, the 11th October 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	18th Oct.	P. & O. Str. *Bokhara.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	14th "	From Bombay.
Foreign Mails *viâ* Bombay	14th "	From Bombay.*
Do. Book Post and Pattern Packets	13th "	From Bombay.
Rangoon and Moulmein	15th "	Str. *Pemba.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	15th "	Str. *Commilla.*

* Also for Cape Colonies through United Kingdom can be forwarded.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,

Presidency Post Master

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The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts .	8	0	0
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The Gazette of India.

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CALCUTTA, SATURDAY, OCTOBER 11, 1884.

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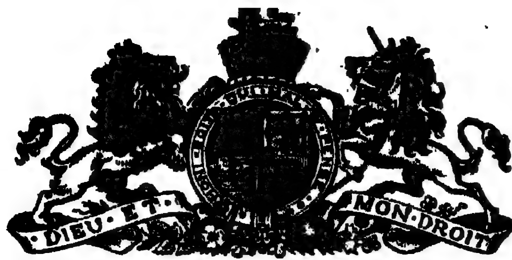
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SUPPLEMENT TO
The Gazette of India.

No. 41.} CALCUTTA, SATURDAY, OCTOBER 11, 1884.

OFFICIAL PAPERS.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY ESTABLISHMENTS.

EMPLOYMENT OF NATIVES AS DRIVERS AND SHUNTERS.

Circular No. XXIV Railway, dated Simla, 13th September 1884.

RESOLUTION—By the Government of India, Public Works Department.

Read again—

Railway Circular No. XVI, dated the 5th July 1883.

Read also—

Reports on Native Drivers and Shunters employed on the several Railways in India for the year 1883.

OBSERVATIONS.—The reports received for the year 1883 show that the numbers of Natives employed as drivers and shunters have increased from 327 and 304 to 391 and 325 respectively. No returns have been received from the Mysore, Darjeeling-Himalayan and Assam Railways, and it is probable that no facilities yet exist on these lines for the training of Natives for such employment.

2. The extracts given below show the progress made in the numbers employed, and the system of training which has been adopted on the several Railways.

East Indian Railway.

3. In his letter to the Agent, the Locomotive Superintendent reports as follows :—

"I beg to report that on 31st December 1883, we had a staff of 236 Native drivers and shunters employed in working goods and ballast trains on the usual sections of the main line, as well as mail and mixed trains on the Gya State line, and mixed trains on all the branch lines of the Undertaking.

"This number is 14 short of what we had in the same class in December 1882, and is chiefly due to reductions in grade caused by slackness of traffic during the latter part of the year. It may be remarked, however, that the 14 men in question were not lost to the service but remained *in reserve* ready for utilisation as train drivers at any moment, and in fact were promoted early this year to their former standing as soon as the traffic admitted of it.

"Very great care and discrimination continued to be exercised in selecting men for promotion to the grade of engine-drivers, none but intelligent and duly qualified men being selected for that work, the condition as to their possessing a technical knowledge of the parts of a locomotive, coupled with a proficiency in one of the vernaculars, being, as usual, a *sine qua non*, as regards their employment on the foot-plate.

"The traffic having continued slack for some time past has prevented our recruiting our staff of Native drivers with *fresh* accessions from the lower ranks, but we possess the necessary element though the opportunity for promotion may be wanting.

"Daily instruction continues to be given at all the locomotive running sheds on this line between Howrah and Ghaziabad, at set intervals during the day as well as in the evenings (as the men can be spared from their work), and these schools are appreciated by the Native staff in general, though I must point out that at large centres, such as Howrah and Asansol, we have great difficulty in inducing men in the lower grades to attend to daily instruction, seeing that in the neighbouring jute-mills, warehouses and collieries, &c., they can readily obtain employment and earn the same amount of wages, if not more, without the obligation of attending school after hours, or submitting to any demands on their spare time.

"Further, at stations, where the Locomotive staff are not provided with quarters *close to the running shed*, and have to live away in the bazar, it is a matter of considerable difficulty to get the men to attend school after they are once released from work. Notwithstanding these drawbacks, the attendance at the Native adult schools during the year was maintained at a fair average, and the teachers were fully employed.

"I have pleasure in enclosing a memorandum showing the number of Natives (with their respective rates of pay) on our running shed staff on 31st December 1883, compared with the number on 31st December 1882, as also a statement showing the saving effected through the employment of Native drivers from April 1875 up to 31st December last, from which it will be seen that the total amounted to over thirty-one lakhs on the latter date."

Comparative Statement of Natives employed in the several Running Sheds on the 31st December 1882 and 31st December 1883, with their Rates of Pay.

December 1882.	December 1883.
Native Drivers.	*Native Drivers.*
17 Branch Drivers @ 0-11-0 per day.	21 Branch Drivers @ Rs. 21 per month.
108 Main line Drivers @ 0-12-0, 0-14-0, and 1-0-0 per day.	95 Main line Drivers @ Rs. 22-8, 26, and 30 per month.
125	116
Native Shunters.	*Native Shunters.*
53 Shunters @ 0-9-0 and 0-9-6 per day.	50 Shunters @ Rs. 17 and 18 per month.
72 Assistant Shunters @ 0-8-0 and 0-8-6 per day.	70 Assistant Shunters @ Rs. 15 and 16 per month.
125	120

Saving in the Cost of Drivers, Shunters, and Firemen's Wages effected through the Introduction of Native Drivers and Shunters, &c., from April 1875.

Period.		Gross amount.	Net Savings.	REMARKS.
		Rs. A. P.	Rs. A. P.	
From April 1875 to June 1883		28,59,881 13 9		
Less amount of good conduct money paid to Native Drivers and yard Shunters	Rs. 6,139	7,801 0 0		
Ditto, premium paid to Foremen for testing Native Drivers	„ 1,662			
			28,52,080 13 9	
July 1883		46,190 1 6		
August „		43,685 8 0		
September „		40,347 6 7		
October „		39,087 7 4		
November „		42,619 6 7		
December „		42,565 7 6		
		2,54,495 5 6		
Less amount of good conduct money paid to Native Drivers and yard Shunters for the half-year ended 31st December 1883	Rs. 695	970 0 0		
Ditto, premium paid to Foremen for testing Native Drivers	„ 275			
			2,53,525 5 6	
TOTAL		...	31,05,606 3 3	

Madras Railway.

4. The Locomotive Superintendent in his letter to the Agent and Manager, Madras Railway, reports as follows:—

"Natives of good physique and possessing a fair knowledge of English are sent out as second firemen on the engine to pick up their trade as all other trades are picked up, by constantly practising it, and as soon as they are fit they are promoted respectively to first firemen, shunters and drivers.

"The following table shows the number of men of each grade in employ and their rates of pay on the 31st December for the last three years:—

	On 31st December 1881.		On 31st December 1882.		On 31st December 1883.	
	Number of men.	Rate of pay per day.	Number of men.	Rate of pay per day.	Number of men.	Rate of pay per day.
Drivers	...	...	1	Rs. 1-8	2	Rs. 1-4 to 1-8
Shunters	2	Rs. 1-2 to 1-4	3	Rs. 0-12 to 1-2	4	" 0-12 to 1-2
Specially engaged firemen	6	" 0-4 to 0-8	8	" 0-6 to 0-8	15	" 0-6 to 0-8

"During the year 1883 twenty-one English-speaking firemen, selected from among many candidates, were engaged with a view to their being promoted in the course of time to drivers. A moonshee was also provided at Madras to teach, free of cost, some of the old and experienced Native firemen who already knew a little English, so that these might learn enough English to understand the time-tables and usual telegrams.

"The difficulty experienced in the last report, *viz.*, the want of pluck or strength on the part of these men to stand the work, has been experienced again this year, and out of twenty-one selected men, engaged since the 1st January 1883, twelve had disappeared within two months as follows:—

4 lost heart at the last moment and failed to join.
3 left after doing a day's work.
2 absconded after working one month.
2 absconded after working two months.
1 resigned after working two months.

12"

South Indian Railway.

5. On the South Indian Railway there were 18 drivers on salaries ranging from Rs. 20 to Rs. 30 per mensem, and 16 shunters from Rs. 12 to Rs. 18 per mensem, as against 12 drivers on salaries varying from Rs. 17 to Rs. 30 and 19 shunters from Rs. 12 to Rs. 20 per mensem during 1882. The system for training Native lads remained the same as reported previously.

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	12	18
Shunters	19	16
Total	31	34

Great Indian Peninsula Railway.

6. Extract from the Locomotive Superintendent's letter No. $\frac{A.489}{D.4306}$, dated the 2nd April 1884, to the Agent of the Company:—

"I have to say that this office letter No. $\frac{A.514}{D.4306}$ of 14th April 1883 may be considered as the annual report for the year under review, as our system has undergone no change whatever, and has been fully explained in my report quoted above. I herewith send you a statement* giving the information required, and from which it will be seen that there has been a steady improvement in the training of Natives of this country to serve as engine-drivers."

* This statement includes Turners, Firemen and Angwallahs, who are not shown in the comparative table which follows.

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers Shunters	60	79
TOTAL	60	79

Bombay, Baroda, and Central India Railway.

7. The Locomotive Superintendent states that the scale of pay and promotion in force was the same as in January 1883, but the Agent adds that the question of pay for these classes of employés is under his consideration in communication with the Agent of the Great Indian Peninsula Railway Company.

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	23	24
Shunters	8	12
TOTAL	31	36

Eastern Bengal Railway.

8. In his report to the Agent the Locomotive Superintendent states that "three Native firemen were promoted to pilotmen in 1883 on a consolidated pay of Rs. 30 per mensem each, and have thus far worked tolerably satisfactorily, but it should be borne in mind that they were engaged and have been working during the slack season; therefore their energies have never sufficiently been put to the test to admit of my giving an opinion as to their fitness under pressure of work or during an emergency."

Comparative Table showing Numbers employed.

	1882.	1883.	
Drivers	*Nil*	*Nil*	These are pilotmen.
Shunters	*Nil*	3	
TOTAL	*Nil*	3	

Sind, Punjab, and Delhi Railway.

9. In submitting the report on Native drivers, the Consulting Engineer observes as follows :—

"The Locomotive Superintendent's report is valuable, as showing how the variation in the price of coal affects the question of the rate of pay in regard to economy of fuel. At the same time there is no reason why the Native driver should not in time learn to be as economical of fuel as the European.

"The Consulting Engineer has several times expressed his opinion to the Locomotive Superintendent that, if an increase of pay would tempt a superior class of men to take service as drivers, it would be desirable to give it, as the present rate of pay is decidedly low for the skilled labor required. The present opinion, however, seems to be that a higher rate of pay would not attract a better stamp of men, and that it is better to offer inducements to them to educate themselves and to train their sons at as early an age as possible.

"Mr. Sandiford, the Locomotive Superintendent, has taken considerable interest in his schools and in the training of Native drivers generally, and the question as regards this line may safely be left in his hands."

The Locomotive Superintendent's report referred to above is as follows :—

"The total number of Europeans and Eurasians has now fallen to 88, and the number of Natives risen from 547 to 636. The once numerous class of European and Eurasian

firemen has all but disappeared, which, considering that till lately they were the material from which drivers were made, is significant. The actual number of Natives employed as drivers has risen from 10 to 30, and this number is now capable of expansion, the men employed as shunters being practically drivers, and so used within station limits. The larger number of Native firemen also give more men to draw from.

Designation.	31st December 1882.		31st December 1883.	
European drivers	63	105	59	88
„ shedmen	3		3	
„ firemen	12		4	
Eurasian drivers	18		15	
„ shedmen	3		3	
„ firemen	6		4	
Native drivers	10	547	30	636
„ shunters	36		27	
„ firemen	229		299	
„ cleaners and jemadars	272		280	
Grand Total	652		724	

"Comparing the European staff as at present constituted with that required before Natives were introduced, it will be seen that, instead of 74, there would have been 104 drivers, or taking the whole European class "88" together, they would require to be increased to 214; a clear saving of the difference in pay between 126 Natives and that number of Europeans, which cannot be taken at less than Rs. 1,50,000 for the twelve months under review. The Native drivers now form about 30 per cent. of the total number employed; 95 per cent. of the firemen are Natives, and all the shunters. Further increase in traffic must be met by development of the Native element in the staff.

"*Effect on working.*—The general results on the whole have been satisfactory. A very considerable saving in expenditure has been made, and, although more expensive than European enginemen in fuel, stores and repairs, the men are improving, and if only more diligent in attending in school would leave little to be complained of. Confidence, which can only be gained by experience will work its own progression.

"When the short time this movement has been under way is taken into consideration, the progress and outlook is highly satisfactory, and tested by the levelling rule—economy—has given excellent results.

"*Training.*—The system followed is that described in a previous report. The most promising men are selected from among the staff and trained as firemen, shunters and drivers, rising through the different grades; and as all Natives in connection with the train service are offered every inducement to attend school, and in addition, are especially rewarded when they display aptitude, it is believed the best men come to the front. Although so far successful as to have produced the men now working, the advancement made in education is not great, and can only be traced to the class of men from which the staff is drawn being extremely illiterate. They are capable of acquiring the purely mechanical knowledge absolutely necessary to allow of their employment on locomotives, yet make very little progress in the school provided for their mental training. Efforts have been made to induce the better class of Natives to join, but up to the present the greasy duty and laborious nature of the occupation has deterred them from doing so. But Locomotive Superintendent feels that a weak point is the lowness of education, which, although to be regretted and combated, is not surprising and can only be overcome by perseverance. The total number of scholars on the roll was 198 for the 12 months, the average attendance 78, and of these—

36 can read a little English,
32 „ „ vernacular,
130 are learning the alphabets and spelling.

"Remuneration offered has not differed from that in force during 1882 and detailed in last report—

Native drivers	Rs. 20, 25, 30
„ shunters	
„ jemadars	
„ firemen	„ 8, 10, 12, 14
„ cleaners	„ 7 to 10
„ fuel coolies	„ 6 to 10

"As the seduction of cheap labor is likely to mislead, it may be useful to formulate the condition and extent to which it can be carried on purely commercial grounds. The following illustration can be applied to the exact circumstances of any case. Taking the total emoluments of a European and a Native at Rs 300 and Rs. 50 respectively, it is evident that the European must be prepared to save Rs. 250, before he can compete with his rival, allowing other advantages, if any, not to be considered. Applied to a few different districts the cost of fuel on which is given, and for example, say, a driver runs on an average 2,500 miles per month:—

		Rs.	
Fuel on the East Indian Railway	costs	2·15	per ton of coal.
„ „ Eastern Bengal Railway	„	8·37	„ „
„ „ Great Indian Peninsula Railway	„	12·81	„ „
„ „ Sind, Punjab, and Delhi Railway	„	19·39	„ „
„ „ Punjab Northern State Railway	„	28·61	„ „
„ „ Rajputana-Malwa Railway	„	22·42	„ „

Then on East Indian Railway a European driver would have to save more than a Native by lbs. 104 per train-mile.

„	Eastern Bengal Railway	do.	do.	26·75	do.	do.
„	Great Indian Peninsula Railway	do.	do.	17·49	do.	do.
„	Sind, Punjab, and Delhi Railway	do.	do.	11·55	do.	do.
„	Punjab Northern State Railway	do.	do.	7·83	do.	do.
„	Rajputana-Malwa Railway	do.	do.	9·63	do.	do.

"In Bengal, Rs. 250, the amount by which the European is handicapped, will purchase 116 tons of coal, so that on the above mileage a man would have to save that quantity (over 100 lbs. per mile run). On the Punjab Northern State Railway Rs. 250 will only purchase 8¾ tons of coal, and on the same mileage the European need only save 7·83 lbs. per mile to stand level with the Native. These examples abundantly prove that in Bengal and places where fuel is cheap, at the present rates of labor, Europeans cannot compete with Natives at all, while in districts where fuel is very expensive the difference between the men is reduced to conditions where the highly skilled European can easily excel his less careful and expert rival.

"*Conduct.*—The general conduct of the men in the execution of their work has been satisfactory. They have been attentive and gave little trouble."

In forwarding the above report to the Consulting Engineer, the Agent makes the following remarks:—

"It is said that, by the introduction of this movement, the substitution of Natives in lieu of Europeans in the Running Department is saving at the present time at the rate of 1½ lakhs rupees annually, but paragraph 8 points out that beyond a certain limit it may not, on commercial grounds, be prudent to extend the system.

"The East Indian Railway has always been held up as the initiator of cheap (Native) labor, and the system has largely developed on that line, but it is the low rate at which their fuel is obtained which enables them to extend the measure. In fact, to save 10 per cent. in the price of labor, the East Indian Railway can afford to consume 20 per cent. extra fuel, whereas on this Railway, where fuel is nine times the cost of what it is on the East Indian Railway, we can afford to pay 37 per cent. extra wages to save 10 per cent. of fuel.

"Now at present the Native driver is certainly more than 12 per cent. more extravagant in fuel than the skilled European, but, as his services are confined to such work as will not admit of his unskilfulness affecting the revenues of the Company, it does not much matter.

"That it is quite possible for the Native to become as adept as the trained European I have no doubt, but it will take time, and I would much rather see a steady healthy development of the system than a rapid growth which might land both men and masters in difficulties.

"On the Punjab Northern State Railway, where fuel is 13 times more expensive than on the East Indian Railway, Native labor would never pay, and as a matter of fact there are very few Native drivers on that line."

Oudh and Rohilkhand Railway.

10. In his letter No. $\frac{A}{453}$ of the 11th July 1884 the Locomotive and Carriage Superintendent reports as follows:—

"I beg to report that on the 31st December 1883 we had 32 Native drivers and 42 shunters on the line, and they have given general satisfaction. There is nothing special to report on them. The men who have lately come forward as shunters and drivers are more educated than the older hands; and in most cases they have found it to their interest to try and learn to read and write some language."

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	29	32
Shunters	40	42
TOTAL	69	74

Punjab Northern Railway.

11. In his letter No. 432, dated the 21st January 1884, to the Director General of Railways, the manager reports as follows:—

"Native drivers are now working all trains on the Salt Branch (main line), Khewra Extension, Khusalgarh and Sialkot Branches, or a total of 180 miles. Before the Attock Bridge was opened the line from Khairabad to Peshawar was worked by Native drivers, but this has been discontinued since the engines have run through from Rawalpindi to Peshawar.

"All shunting on the line is done by Natives.

"All firemen on the line are Natives.

"The proportion of Native to European drivers on the line on the 31st December 1883 was 1 to 3

"The general results of the employment of Natives as drivers, shunters, and firemen continue to be satisfactory."

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	11	14
Shunters	5	7
TOTAL	16	21

12. The following is the report of the Locomotive Superintendent on the subject:—

Indus Valley Railway.

"There has been no change in the system of training reported last year: the classes for English at Sukkur and Jacobabad continue to be attended fairly, but the progress in learning has not been so satisfactory as could be wished. Only one Native driver has been found able to pass a sufficiently good examination in English to entitle him to the additional Rs. 5 per month allowed by the rules. The progress of the class at Jacobabad is on the whole better than at Sukkur, which is to be attributed to the facts that the Kandahar Branch line is not affected by the heavy traffic on the main line, which causes irregular attendance, and that the school room is close to the engine shed and to the Native quarters, so that the men can be readily found out and collected at any hour that is most suitable; whereas in Sukkur the school room is at a very considerable distance from both the quarters and the shed, and the men, who unfortunately are ready enough to find any excuse for not attending the school, find this one ready made. It also precludes the shed clerk from getting to it in the middle of the day, which is often a convenient time for collecting the men together. It is strongly recommended that a class room with the necessary rough furniture be provided near the engine shed, and that prizes be offered as an inducement to the scholars to improve. But it cannot be lost sight of that the small progress made is mainly due to the fact that no persons of any good social standing, and very few of any education at all offer for the employment.

"Out of a total number of 139 on the muster roll, 122 have attended the classes, and the daily attendance averages 50.

"There are 10 Native drivers employed on the following rates of pay:—

1 on Rs. 45 per month }
3 on „ 40 „ } consolidated,
1 on „ 35 „ }
2 on „ 1 per day } with overtime,
3 on „ 0-14 „ }

and 13 Native shunters on the following rates:—

1 on Rs. 35 per month, consolidated,
2 on annas 13 per day } with overtime.
10 on „ 12 „ }

"One of the best drivers has been lost on account of being connected with a robbery, and one of the shunters has had to be reduced to fireman for carelessness.

"Three of the drivers are working goods trains between Sukkur and Radhan, and seven on the mail trains between Rindli and Ruk, and on the fast local service between Jacobabad and Sukkur.

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	8	10
Shunters	12	13
TOTAL	20	23

"The increase of the staff continues to receive the most careful attention, and men are pushed on as soon as they show themselves to be reliable and skilful."

The Manager states that the question of building a school at Sukkur is under discussion with the Locomotive Superintendent.

13. In his letter No. 2251E., dated the 17th June 1884, to the Director General of Railways, the Manager reports as follows:—

Rajputana-Malwa Railway.

"*System of training adopted.*—The Locomotive Superintendent reports that a school has for some short time past been maintained at Phalera, where Native boy shunters and drivers attend as their duties allow. Besides being taught to read and write at the school, the present and any new rules and orders for working the traffic are explained to them.

"*Numbers employed.* -The following statement compares the numbers employed respectively on the 31st December 1882 and 31st December 1883:—

	On 31st December 1882.	On 31st December 1883.
Drivers	13	18
Shunters	31	41
TOTAL	44	59

"*General Remarks.*—The relative advantages and disadvantages of employing this class of labor are summed up as follows by the Locomotive Superintendent:—

"*Advantages.*—Lower salary paid to Native drivers as compared with that paid to Europeans

"*Disadvantages.*—(1) Larger consumption of coal and stores, the ratio of coal consumption of Native drivers to Europeans per engine mile being as 34·7 to 29·64, which becomes a serious consideration owing to the high cost of coal on this line.

"(2) Ignorance of the English language, in which language the line clear messages and any endorsements are written; this being so, the driver has to trust to the statements of the guard and station master.

"(3) In cases of accidents Natives are less ready of resources than Europeans. The percentage of loss of time in the case of Natives is 126 against 39 in that of Europeans, and the percentage of engine failures is 43 for Natives and 16 for Europeans.

"In conclusion I have the honor to state that, all things considered, there is no advantage to be gained in the employment of Natives as drivers and shunters on the Rajputana-Malwa Railway.'

State Railways in Central Provinces.

14. The Manager of the Wardha Coal and Nagpur and Chhattisgarh State Railways states as follows:—

"As reported last year, *vide* this office No. 5554M., dated 28th December 1882, schools for training Native lads for enginemen and shunters were not opened either for the Nagpur and Chhattisgarh or the Wardha Coal State Railway. On the former it was not necessary to establish such a school, as the requirements of the line could be met from other sources; and the Wardha Coal line being so short (only 45 miles), new men were not required; hence the necessity of establishing a school at any expense is not warranted; as, however, none of the firemen and shunters now on this line can read or write in any language, the Assistant Manager has recently opened a school for teaching them to do so in their vernacular.

"As required by Government of India Circular No. 1 Railway of 1882, a statement of the number of Native drivers and shunters employed on both these lines during the busy season of 1882-83, showing also the corresponding numbers employed during 1881-82, is enclosed.

"The statement shows an increase of the number of Natives on both lines; and on the Nagpur and Chhattisgarh, there were, during the period under reference, several men, who, although Europeans by name, were either East Indians or Natives.

"General character and the ability of the men employed on the Nagpur and Chhattisgarh State Railway are given in Locomotive Superintendent's letter No. 4025 of 31st July 1884 (copy enclosed).

"The four men on the Wardha Coal line were engaged shunting in the colliery sidings and Warora Station yard; one of them was, until recently, allowed to drive goods trains on the main line, but as he cannot read any language this has been discontinued."

Statement of Native Drivers and Shunters employed on Nagpur and Chhattisgarh and Wardha Coal State Railways during the busy Seasons of 1882-83 and 1881-82.

	Salary.	Number employed in 1882-83.	Number employed in 1881-82.	REMARKS.
	Rs.			
NAGPUR AND CHHATTISGARH RAILWAY.				
Drivers	60	1(*a*)	...	(*a*) Parsee.
"	30	2	2	
"	24	...	1	
Shunters	30	2(*b*)	...	(*b*) One Parsee.
"	20	1	...	
"	25	1	1	
"	18	1	...	
WARDHA COAL STATE RAILWAY.				
Drivers	...	...	...	
Shunters	29	1	1	
"	17	1	1	
"	25	1	...	
"	12	1	...	

The following is an extract from the letter of the Locomotive and Carriage Superintendent, reporting on the Native drivers and shunters employed on the Nagpur and Chhattisgarh State Railway during the year 1883, referred to in the Manager's letter:—

"Driver J. Manuel was appointed on this line as a Native shunter on Rs. 25 per mensem on the 7th March 1881, and from 1st January 1883 was promoted to driver on Rs. 30. During the year he was employed in shunting at the station yard, and occasionally in driving local trains between Nagpur and Kamptee. He works fairly well as a shunter, but, being unable to read or write in any language, he is not likely to be employed as a main line driver.

"Driver Khandoo Baloo was appointed as a fireman on Rs. 11 per mensem on the 1st of April 1880, and promoted to driver on 1st May 1882 on Rs. 20, and further promotion to Rs. 30 on the 1st January 1883. During the year he worked as driver of local trains between Nagpur and Kamptee, and occasionally on goods trains on main line. He can read and write a little, and may eventually become a good engineman.

"Driver Mancherjee Framjee was appointed on Rs. 60 per mensem on the 29th January 1883 and worked on goods trains on the main line, but was dismissed on the 23rd May 1883 for allowing his boiler to run so low in water as to drop the lead plug. He can read and write English.

"Shunter Gulab was appointed on Rs. 18 per mensem on the 1st January 1882, and promoted to Rs. 25 on the 1st January 1883. During this time he was employed in yard shunting and driving local trains between Nagpur and Kamptee, and occasionally goods trains on the main line. He was fined ½ month's pay on the occasion of a collision, on the 7th April 1883, between his and another engine at Amgaon station, as he had not got his head lamp lighted; also fined ⅛ month's pay on the 6th April 1883 for careless and violent shunting in Nagpur station. He can read time tables and line clears. He resigned his appointment in May 1883.

"Shunter Doctor was appointed on Rs. 32 per mensem on the 8th December 1882, and was employed in yard shunting. He is pretty well up in his work and has on one or two occasions run local trains between Nagpur and Kamptee. He can read and write English.

"Shunter Inayat Hossain was appointed on Rs. 20 per mensem on the 16th March 1883, and discharged on the 19th August 1883 on account of reduction of establishment. He was employed in yard shunting and local trains between Nagpur and Kamptee. He can read very little except time tables and line clears, and cannot write.

"Shunter Cawagee Pestonjee was appointed as a fireman on Rs. 15 per mensem on the 23rd November 1881, and promoted to shunter on Rs. 30 on the 1st January 1883. He was employed in shunting at the station yard and driving local trains between Nagpur and Kamptee, and occasionally goods trains on the main line. He can read and write English. He resigned on the 24th June 1883.

"Shunter P. Baloo was employed as a fireman on Rs. 11 per mensem on the 24th November 1880, and promoted to shunter on Rs. 18 on the 1st December 1882. During the year he was employed in yard shunting and driving Raj-Nandgaon local trains and occasionally goods trains on the main line. He can read very little except time tables and line clears, but is likely to become a good engineman."

In submitting the above reports the Chief Commissioner remarks that he is not quite satisfied that as much as possible has been done to train Native lads as drivers and shunters, and that immediate attention will be given to the matter.

Bengal Provincial Railways.

15. The Government of Bengal has issued the following Resolution, No. 1329R.E., dated the 25th March 1884, on the subject:—

"OBSERVATIONS.—In Resolution No. 1023R.E. of the 28th February 1883, noted above, it was stated: 'The progress made in the employment of Native drivers and shunters is considered on the whole satisfactory. The real difficulty still is to obtain men with the necessary qualifications, and to overcome the aversion the men have to attend the night schools provided for them.

* * * * * *

"'They should, however, be employed to the fullest extent on goods trains, and the Lieutenant-Governor trusts that the officers in charge of lines will not relax their efforts to see that this order is carried into effect.'

"2. The reports for the year 1883 show that the following progress has been made in the employment of Native drivers and shunters on the railways under the orders of this Government:—

Northern Bengal State Railway.

16. "The Locomotive Superintendent reports as follows:—

"'There are now two teachers attached to the school—one to teach Bengali and the other Hindi.

"'The numbers of pupils on the rolls are 25, of whom five learn Bengali and twenty Hindi: the average daily attendance is 12.

"'The comparative statement showing the number of Native drivers employed in the various grades during the year 1882-83, and the salaries drawn in each grade, is as under:—

1882.

Grade. Rs.	No. of men.	Salary. Rs.	
20 to 40	1	38	7 drivers, 9 shunters, and 1 assistant shunter.
	1	30	
	1	26	
	3	24	
	4	22	
	3	20	
	2	17	
	1	16	
	1	14	

1883.

Grade. Rs.	No. of men.	Salary. Rs.	
20 to 40	1	38	12 drivers, 7 shunters, and 1 assistant shunter.
	1	30	
	1	28	
	3	26	
	1	24	
	3	22	
	5	20	
	1	18	
	3	16	
	1	14	

"'Of the 12 drivers, one was transferred from this Railway to the Calcutta and South-Eastern State Railway line in May last; two are employed in the Kaunia and Dharlla Railway line; and two in running trains in the Rungpore Branch, and seven in the main line, working goods trains.

"'The seven shunters are employed as yard shunters at Saidpur, Sara, and Siliguri.

"'The assistant shunter is employed at this station.

"'All these men, except one, are working in a satisfactory manner. They are regular in attendance.

"'The two drivers of the Kaunia and Dharlla Railway line have been awarded a reward of Rs. 5 each at the end of last half-year for keeping their engines clean and in good order.'

Tirhoot State Railway.

17. "The Assistant Locomotive Superintendent states as follows in his letter No. 632D., dated 30th December 1883, to the Manager:—

"'The number of of men employed for the years 1881, 1882, and 1883 compare as follows:—

	Grade. Rs. Rs.	1881.	1882	1883.
Drivers	15 to 40	...	2	5
Shunters		3	2	5*
Assistant shunters		...	1	2
		3	5	12

"'From these figures you will see that the number of available enginemen and shunters has been doubled in the last year. You will also note that we have now eight men capable of working trains, and two others who should be fit to go out on the line in another six or eight months' time.

"'No alteration in the mode of supplying men has been made during the year, the old rule of promoting cleaners to firemen, firemen to shunters, and shunters to drivers having been pursued, each man undergoing a careful examination before he is promoted to shunter, and again when he is promoted to driver. At the present time there are some five men having worked their way up to posts of first firemen and shed tindals, who are fit to be promoted to shunters whenever they may be required, two of whom are now actually employed in shunting in the Somastipur yard during the present increase in the number of working trains.

"'As regards the progress made to teach the men to read and write, a night school has been started here since March last, and a schoolmaster purposely employed to conduct the same. The attendance has been satisfactory on the whole.

"'During the year eight failures have occurred to engines under the charge of Native drivers. Since the 1st of this month no Europeans have been employed on goods, local or material trains, the work having been entirely and satisfactorily performed by Natives; an up and down local, an up and down goods, two ballast and one material train having been regularly running.

"'It is therefore clear that our present staff of Native enginemen is sufficient for our requirements until the line opens out or the traffic increases; and I consider that they have performed the work allotted to them for the year in question in a satisfactory manner.'

Calcutta and South-Eastern and Nalhati State Railways.

18. "The Locomotive Superintendent reports:—

"'Arrangements have been made to establish a night school on the Calcutta and South-Eastern State Railway, similar to that established at Saidpur, with a view to give a rudimentary education in Bengali and Hindi to these men, as well as to the workshop apprentices.

"'The comparative statement showing the number of Native drivers employed in various grades on the Calcutta and South-Eastern and Nalhati State Railways during the year 1882-83, and the salaries drawn in each grade, is as under:—

Calcutta and South-Eastern State Railway.

1882. Grade. Rs.	No. of men.	Salary. Rs.	1883. Grade. Rs.	No. of men.	Salary. Rs.	
20 to 40	3	30	20 to 40	1	34	7 drivers, 4 shunters, and 1 assistant shunter.
	1	20		2	30	
				2	24	
				2	20	
				4	15	
				1	12	

"'The seven drivers are employed in running trains.

"'Of the four shunters, one died in June last, and the three are employed as yard shunters at Calcutta and Diamond Harbour.

"'The assistant shunter is employed at Calcutta.

Nalhati State Railway.

1882. Grade. Rs.	No. of men.	Salary. Rs.	1883. Grade. Rs.	No. of men.	Salary. Rs.
20 to 40	2	30	20 to 40	2	30
	1	15		1	15

"'All these men have given little trouble. They are regular in attendance and careful in the performance of their duties.

"'Three drivers of the Nalhati line, and two of the Calcutta and South-Eastern State Railway line, can read and write.'

"RESOLUTION.—The large increase in the number of Native drivers and shunters employed during 1883, as compared with the number during 1882, and the favorable reports, with referenc

* Three of these men are actually working trains at the present time.

to the attendance of the men and the satisfactory performance of the duties entrusted to them, are a sufficient proof that the training of Natives for employment on locomotive engines has now passed beyond the experimental stage, and that the difficulties at first experienced in carrying out the measure have been fairly overcome.

"It is noted, however, that the men are as yet employed only on goods, local or material trains, and though, with the class of men now obtained, this limitation may be advisable for the present and for some time to come, the Lieutenant-Governor trusts that every endeavour will be made to obtain the services of a class of men of somewhat superior intelligence, who, with the necessary experience, might reasonably be expected to become competent for the working of fast mail trains. With that object in view, the night schools now provided (the attendance at which is still somewhat unsatisfactory) should be made as efficient as possible by granting prizes for regular attendance, and by regulating the pay of the men on promotion according to the result of their examination."

Comparative Table showing Total Numbers employed.

	1882.	1883.
Drivers	16*	27
Shunters	13*	20
TOTAL	29	47

North-Western Provinces and Oudh Provincial Railways.

19. The following is an extract from the report of the Locomotive Superintendent:—

"Lads of about 13 years of age are engaged and employed in assisting Native workmen in the workshops, and as engine cleaners in the running shed. They are compelled to attend school from 7 to 9 A.M. daily, Sundays excepted.

"A school was started on a small scale at the Cawnpore workshops in the month of March last with seven lads on the roll, and before the end of the year their number increased to 14. The average daily attendance was 10·2. Those of the lads who are constant in attendance during the whole period of school's existence made a very fair progress in reading Urdu, Nagri, and English, and some of the elder ones can write a little.

"A trial was again made in giving good encouragement to several youths of the better class to train for drivers, all of whom liked the free school attendance but got tired of work, and in a few days all disappeared."

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	13	13
Shunters	..	..
TOTAL	13	13

Burma State Railway.

20. The Locomotive Superintendent in his letter to the Manager reports as follows:—

"I have the honor to acknowledge receipt of your endorsement No. 1831-6 E. R. of 18th July 1884, forwarding British Burma Public Works Department No. 4519, dated 17th July 1884, and in reply to state that the night school organised at Rangoon and alluded to in my No. 1205 of 18th April 1883, when writing on the same subject now under notice, has been abolished for the following reasons:—

"(1) that the Natives attending the school gradually decreased in number;

"(2) the schoolmaster having resigned his appointment through his having obtained a more lucrative one.

"Steps have, however, since been taken to reorganise the school in conjunction with the Traffic Department in order to train Natives as brakesmen, guards, and drivers.

"During the last busy season two ballast trains have been successfully worked on the open lines by Natives, and it is my intention to put these men in charge of goods trains north of Latpadan during the next busy season. I regret to state that the skilled firemen who are entertained during

* These numbers do not correspond with those shown in the Report for 1882. Please see foot-notes to the general statement inserted in this Resolution.

"'Of the 12 drivers, one was transferred from this Railway to the Calcutta and South-Eastern State Railway line in May last; two are employed in the Kaunia and Dharlla Railway line; and two in running trains in the Rungpore Branch, and seven in the main line, working goods trains.

"'The seven shunters are employed as yard shunters at Saidpur, Sara, and Siliguri.

"'The assistant shunter is employed at this station.

"'All these men, except one, are working in a satisfactory manner. They are regular in attendance.

"'The two drivers of the Kaunia and Dharlla Railway line have been awarded a reward of Rs. 5 each at the end of last half-year for keeping their engines clean and in good order.'

Tirhoot State Railway.

17. "The Assistant Locomotive Superintendent states as follows in his letter No. 632D., dated 30th December 1883, to the Manager:—

"'The number of of men employed for the years 1881, 1882, and 1883 compare as follows:—

	Grade.	1881.	1882	1883.
Drivers	Rs. Rs. 15 to 40	...	2	5
Shunters		3	2	5*
Assistant shunters		...	1	2
		3	5	12

"'From these figures you will see that the number of available enginemen and shunters has been doubled in the last year. You will also note that we have now eight men capable of working trains, and two others who should be fit to go out on the line in another six or eight months' time.

"'No alteration in the mode of supplying men has been made during the year, the old rule of promoting cleaners to firemen, firemen to shunters, and shunters to drivers having been pursued, each man undergoing a careful examination before he is promoted to shunter, and again when he is promoted to driver. At the present time there are some five men having worked their way up to posts of first firemen and shed tindals, who are fit to be promoted to shunters whenever they may be required, two of whom are now actually employed in shunting in the Somastipur yard during the present increase in the number of working trains.

"'As regards the progress made to teach the men to read and write, a night school has been started here since March last, and a schoolmaster purposely employed to conduct the same. The attendance has been satisfactory on the whole

"'During the year eight failures have occurred to engines under the charge of Native drivers. Since the 1st of this month no Europeans have been employed on goods, local or material trains, the work having been entirely and satisfactorily performed by Natives; an up and down local, an up and down goods, two ballast and one material train having been regularly running.

"'It is therefore clear that our present staff of Native enginemen is sufficient for our requirements until the line opens out or the traffic increases; and I consider that they have performed the work allotted to them for the year in question in a satisfactory manner.'

Calcutta and South-Eastern and Nalhati State Railways.

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"'Arrangements have been made to establish a night school on the Calcutta and South-Eastern State Railway, similar to that established at Saidpur, with a view to give a rudimentary education in Bengali and Hindi to these men, as well as to the workshop apprentices.

"'The comparative statement showing the number of Native drivers employed in various grades on the Calcutta and South-Eastern and Nalhati State Railways during the year 1882-83, and the salaries drawn in each grade, is as under:—

Calcutta and South-Eastern State Railway.

1882. Grade. Rs.	No. of men.	Salary. Rs.	1883. Grade. Rs	No. of men.	Salary. Rs.	
20 to 40	3	30	20 to 40	1	34	7 drivers, 4 shunters, and 1 assistant shunter.
	1	20		2	30	
				2	24	
				2	20	
				4	15	
				1	12	

"'The seven drivers are employed in running trains.

"'Of the four shunters, one died in June last, and the three are employed as yard shunters at Calcutta and Diamond Harbour.

"'The assistant shunter is employed at Calcutta.

Nalhati State Railway.

1882. Grade. Rs.	No. of men.	Salary. Rs.	1883. Grade. Rs.	No. of men.	Salary. Rs
20 to 40	2	30	20 to 40	2	30
	1	15		1	15

"'All these men have given little trouble. They are regular in attendance and careful in the performance of their duties.

"'Three drivers of the Nalhati line, and two of the Calcutta and South-Eastern State Railway line, can read and write.'

"RESOLUTION.—The large increase in the number of Native drivers and shunters employed during 1883, as compared with the number during 1882, and the favorable reports, with referenc

* Three of these men are actually working trains at the present time.

to the attendance of the men and the satisfactory performance of the duties entrusted to them, are a sufficient proof that the training of Natives for employment on locomotive engines has now passed beyond the experimental stage, and that the difficulties at first experienced in carrying out the measure have been fairly overcome.

"It is noted, however, that the men are as yet employed only on goods, local or material trains, and though, with the class of men now obtained, this limitation may be advisable for the present and for some time to come, the Lieutenant-Governor trusts that every endeavour will be made to obtain the services of a class of men of somewhat superior intelligence, who, with the necessary experience, might reasonably be expected to become competent for the working of fast mail trains. With that object in view, the night schools now provided (the attendance at which is still somewhat unsatisfactory) should be made as efficient as possible by granting prizes for regular attendance, and by regulating the pay of the men on promotion according to the result of their examination."

Comparative Table showing Total Numbers employed.

	1882.	1883.
Drivers	16*	27
Shunters	13*	20
TOTAL .	29	47

19. The following is an extract from the report of the Locomotive Superintendent:—

North-Western Provinces and Oudh Provincial Railways.

"Lads of about 13 years of age are engaged and employed in assisting Native workmen in the workshops, and as engine cleaners in the running shed. They are compelled to attend school from 7 to 9 A.M. daily, Sundays excepted.

"A school was started on a small scale at the Cawnpore workshops in the month of March last with seven lads on the roll, and before the end of the year their number increased to 14. The average daily attendance was 10·2. Those of the lads who are constant in attendance during the whole period of school's existence made a very fair progress in reading Urdu, Nagri, and English, and some of the elder ones can write a little.

"A trial was again made in giving good encouragement to several youths of the better class to train for drivers, all of whom liked the free school attendance but got tired of work, and in a few days all disappeared."

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	13	13
Shunters	..	..
TOTAL .	13	13

20. The Locomotive Superintendent in his letter to the Manager reports as follows:—

Burma State Railway.

"I have the honor to acknowledge receipt of your endorsement No. 1831-6 E. R. of 18th July 1884, forwarding British Burma Public Works Department No. 4519, dated 17th July 1884, and in reply to state that the night school organised at Rangoon and alluded to in my No. 1205 of 18th April 1883, when writing on the same subject now under notice, has been abolished for the following reasons:—

"(1) that the Natives attending the school gradually decreased in number;

"(2) the schoolmaster having resigned his appointment through his having obtained a more lucrative one.

"Steps have, however, since been taken to reorganise the school in conjunction with the Traffic Department in order to train Natives as brakesmen, guards, and drivers.

"During the last busy season two ballast trains have been successfully worked on the open lines by Natives, and it is my intention to put these men in charge of goods trains north of Latpadan during the next busy season. I regret to state that the skilled firemen who are entertained during

* These numbers do not correspond with those shown in the Report for 1882. Please see foot-notes to the general statement inserted in this Resolution.

the busy season generally leave this line for India during the slack season, consequently the training and promotion of these men to shunters or drivers have been hindered.

"We have now six shunters and two head jemadars who are able to do shunting, and I hope to make a more favorable report on this matter in my next.

"None of the Karen lads have as yet been sent out firing for reasons already explained in paragraph 8 of my last report.

"In conclusion I beg to state that every effort is being made to meet the wishes of the Local Government on the subject."

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	*Nil*	*Nil*
Shunters	4	8(*a*)
TOTAL	4	8(*a*)

Bhavnagar-Gondal Railway.

21. The Manager and Engineer-in-Chief reports as follows:—

"During the past year three Native shunters have been employed in the Locomotive Department, and one of them has lately been advanced to a probationer engine driver and is doing well.

"A statement showing the progress made in training the Natives as firemen, shunters, and engine drivers on the Bhavnagar-Gondal Railway from the beginning is herewith attached for information."

YEAR.	No. of Native Firemen employed.	No. of Native Shunters employed.	No. of Native Drivers employed.	REMARKS.
1st and 2nd half-years, 1881	40	*Nil*	*Nil*	
1st half-year, 1882	34	*Nil*	*Nil*	
2nd half-year, 1882	20	2	*Nil*	
1st half-year, 1883	33	2	*Nil*	
2nd half-year, 1883	16	2	*Nil*	
1st half-year, 1884	16	3*	1*	* 1 promoted to driver at end of March.

His Highness the Nizam's Railway.

22. The Locomotive Superintendent states that no change has been introduced in the system of training Natives as engine-men since the submission of the last report.

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	4	5
Shunters	2	1
TOTAL	6	6

(*a*) Two of these men are head jemadars who are able to do shunting.

Resolution.—From the foregoing observations the numbers of Native drivers and shunters employed on the several Indian Railways appear to be as follows:—

Railways.	Drivers.		Shunters.	
	1882.	1883.	1882.	1883.
East Indian	125	116	125	120
Guaranteed.				
Madras	1	2	3	4
South Indian	12	18	19	16
Great Indian Peninsula	60	79	*Nil*	*Nil*
Bombay, Baroda, and Central India	23	24	8	12
Eastern Bengal	*Nil*	*Nil*	*Nil*	3(*a*)
Sind, Punjab, and Delhi	10	30	36	27
Oudh and Rohilkhand	29	32	40	42
Imperial State.				
Punjab Northern	11	14	5	7
Indus Valley	8	10	12	13
Rajputana-Malwa	13	18	31	41
Wardha Coal	*Nil*	*Nil*	2	4(*b*)
Provincial State.				
Calcutta and South-Eastern	4	7	*Nil*	5
Nalhati	3	3	*Nil*	*Nil*
Northern Bengal	7(*c*)	12	10(*c*)	8
Tirhoot	2	5	3(*d*)	7(*e*)
Cawnpore-Achnera	13	13	*Nil*	*Nil*
Nagpur and Chhattisgarh	2	3(*b*)	2	5(*b*)
Rangoon and Irrawaddy Valley	*Nil*	*Nil*	4	8(*f*)
Native States.				
Bhavnagar-Gondal	*Nil*	*Nil*	2	2
Nizam's	4	5	2	1
Mysore	Return not received.			
Assisted Companies.				
Darjeeling-Himalayan	Returns not received.			
Assam				
Total	327	391	304	325

(*a*) Pilotmen.
(*b*) Employed during the busy seasons of 1882 and 1883.
(*c*) The number of drivers shown in the previous return was 6 and that of shunters 8.
(*d*) Four shunters were shown in the return for 1883 as employed on both the Tirhoot and Patna-Gya State Railways. The latter Railway is now worked by the East Indian Railway Company.
(*e*) Three of these men are actually working trains at present time.
(*f*) Two of these men are head jemadars who are able to do shunting.

2. The Government of India notices with satisfaction that there has been an increase of 64 in the number of Native drivers and of 21 in the number of Native shunters, and that the subject of training Natives for such employment continues to receive the attention of the authorities concerned.

Order.—Ordered, that this Resolution be communicated to the Governments, Administrations and officers noted in the margin for information.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners, Central Provinces, Assam, and British Burma.
The Residents, Hyderabad and Mysore.
The Agents to the Governor-General for Rajputana, Central India, and Biluchistan.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways.
The Accountant General, Public Works Department.

Ordered also, that this Resolution be published in the Supplement to the *Gazette of India.*

F. FIREBRACE, *Major, R.E.,*
Under-Secretary.

GOVERNM

DEPARTMENT OF I

PRICES CURRENT OF FOOD-GRAINS THROUGH

QUANTITIES PER RU

(S. Ch. = seers and chittacks)

Provinces	Districts	Wheat: Present fortnight	Wheat: Past fortnight	Wheat: Corresponding fortnight of 1883	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar), Holcus Sorghum: Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bulrush Millet (Cumboo, Bajra), Penicillaria Sp.: Present fortnight	Bulrush Millet: Past fortnight
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Madras	Ganjam	11 13	11 13	8 13	...	...	...	13 0	13 0	17 0	13 13	13 13	17 14	...	...	...	...	...
	Vizagapatam	14 0	14 0	9 8	...	...	...	9 8	10 2	9 0	11 5	12 6	11 5	...	21 10	24 13	27 11	21 13
	Godavery	13 8	13 8	9 14	...	...	...	12 14	13 11	12 14	14 0	15 13	15 0	26 14	26 14	23 0	...	...
	Kistna	13 11	13 11	8 13	...	...	...	13 0	13 8	14 0	13 10	15 3	14 11	21 13	21 13	20 13	...	...
	Nellore	14 13	14 13	10 13	...	...	...	12 14	13 6	13 14	14 0	14 0	15 0	23 0	24 0	21 10	...	...
	Cuddapah	14 0	14 0	13 10	...	...	...	11 8	12 6	12 6	12 0	13 5	18 5	22 2	26 14	31 10	28 3	29 0
	Anantapur	14 6	14 6	13 6	...	...	...	11 3	12 13	12 13	13 0	14 0	14 0	25 11	28 13	33 0	22 10	23 8
	Bellary	15 6	16 5	17 5	...	...	...	11 13	12 5	11 13	13 0	13 8	18 0	22 11	33 0	46 5	16 14	22 10
	Kurnool	11 2	13 10	12 2	...	...	...	11 0	11 6	10 10	11 6	12 2	11 6	20 8	24 11	37 0	17 8	23 11
	Madras	10 5	10 5	11 0	...	...	...	11 8	13 2	13 8	14 2	14 5	15 2	23 13	23 13	22 5	20 8	20 8
	Chingleput	...	...	...	...	...	...	14 3	13 8	13 8	15 2	15 2	15 2	...	...	...	...	18 8
	North Arcot	10 3	10 3	9 11	...	...	...	13 8	14 6	13 8	14 8	16 0	16 14	...	...	41 14	...	...
	South Arcot	10 2	10 14	9 6	...	...	...	13 0	12 10	14 13	13 10	13 10	15 11	...	...	...	22 5	23 2
	Tanjore	9 8	11 6	11 0	...	...	...	12 14	12 14	17 6	...	...	...	...	21 8	31 13	25 6	24 10
	Trichinopoly	8 14	...	9 3	...	...	...	13 0	12 10	15 2	13 0	12 11	15 14	...	28 0	30 13	24 2	25 6
	Madura	10 14	11 5	12 8	...	...	...	11 8	12 3	14 5	12 3	12 0	14 13	23 8	21 14	37 5	28 8	22 0
	Tinnevelly	9 10	9 10	10 10	...	...	...	10 11	10 11	16 5	11 10	11 10	16 13	18 6	18 6	...	19 2	19 2
	Coimbatore	11 8	11 8	13 2	...	...	...	12 10	13 0	14 6	13 10	14 0	15 6	24 6	20 14	27 13	28 10	22 5
	Nilgiris	9 3	8 8	10 10	...	...	...	9 10	9 10	11 8	11 8	11 3	12 0	20 0	20 13	20 0	18 3	18 14
	Salem	13 10	12 11	12 11	...	...	...	13 10	13 10	14 0	14 2	14 2	14 11	26 6	27 5	32 13	23 13	24 10
	South Canara	8 10	8 13	7 8	...	...	...	9 11	9 11	9 11	13 3	13 3	13 8	...	...	...	...	...
	Malabar	8 10	8 10	8 10	...	...	...	13 13	13 6	15 6	14 10	14 3	16 3	...	...	...	...	...
Bombay	Bombay	11 12	12 6	10 0	19 9	17 0	18 10	7 8	7 8	7 8	11 10	10 12	12 6	16 0	16 3	13 11	15 12	13 1
	Ahmedabad	17 0	17 0	12 0	25 0	25 0	19 8	6 8	6 8	6 8	11 0	11 0	12 0	20 0	17 8	14 0	20 0	20 0
	Kaira	13 8	13 5	10 10	24 10	24 10	20 0	9 0	8 8	9 11	12 0	11 7	13 0	18 0	18 0	13 5	19 4	18 8
	Surat	13 10	13 10	11 4	12 8	14 13	12 4	7 5	7 5	7 6	8 3	8 3	8 5	14 8	14 3	10 4	13 10	13 10
	Broach	12 0	12 0	12 4	...	...	...	9 12	9 12	9 15½	12 12	12 12	12 12	16 0	16 0	16 0	13 14	13 12
	Tanna (Salsette)	10 10	10 10	10 5	10 8	10 8	12 14	8 0	8 0	9 0	9 4	9 4	10 9	12 14	12 14	18 10	12 13	12 13
	Colába (Alibág)	8 0	8 0	8 8	...	...	...	6 0	6 0	7 8	10 8	11 0	12 8	...	...	...	...	...
	Khandesh (Dhulia)	18 12	18 12	14 14	...	...	...	7 2	7 2	7 9	10 12	10 12	10 13	20 6	20 6	17 11	17 10	17 10
	Násik	17 0	17 0	14 4	...	...	...	6 0	6 0	7 7	10 6	10 6	12 0	...	...	...	14 8	14 8
	Ahmednagar	15 11	15 8	13 4	...	...	...	7 11	8 4	8 11	10 6	10 3	9 15	18 1	17 12	23 6	15 9	15 11
	Poona	12 10	12 10	12 10	9 4	9 4	9 4	8 9	8 9	9 13	8 14	9 3	11 0	15 4	15 4	20 11	13 13	13 13
	Sholápur	14 15	15 6	14 8	...	...	...	9 12	9 8	10 15	10 10	10 6	11 12	15 15	15 15	27 9	17 14	18 6
	Kaladgi (Bagalkot)	19 0	20 0	19 8	12 8	15 12	16 8	7 12	7 12	6 8	10 12	11 12	11 8	22 0	24 0	31 8	22 0	24 12
	Satara	13 6	13 6	13 6	...	...	...	8 3	8 3	8 14	10 0	10 0	11 7	15 5	15 5	20 0	14 4	14 14
	Belgaum	18 10	20 0	15 15	13 5	14 0	14 0	14 0	14 0	11 8	14 8	14 8	12 0	19 5	19 5	17 13	21 5	22 0
	Dharwar (Hubli)	23 0	23 0	23 0	...	...	...	13 0	13 0	13 0	15 0	15 0	16 0	24 0	25 0	26 0	23 0	24 0
	Ratnágiri	10 9	10 9	9 4	...	...	...	8 9	8 9	8 9	9 14	9 14	13 7	13 0	13 0	...	12 4	21 4
	Kanara (Karwar)	9 0	9 0	9 0	...	...	...	7 0	7 0	8 0	12 0	12 0	12 0	16 0	16 0	16 0	13 0	13 0
	Pánch Maháls (Godhra)	12 4	11 6	10 8	...	...	...	10 0	10 0	11 6	11 6	11 6	13 5	17 12	17 12	20 0	17 12	17 0
	Aden	7 0	7 0	7 0	...	...	...	5 10	5 10	6 3	6 8	6 3	7 0	9 5	9 5	12 7	7 8	8 0
	Asirgarh	16 13	16 0	13 12	...	...	...	11 0	11 0	11 12	13 8	13 4	14 0	22 0	21 4	19 0	25 0	25 0
	Baroda	12 13	11 10	9 15	18 10	17 8	13 7	7 9	7 9	7 9	10 8	10 8	10 8	18 10	16 4	15 12	16 5	16 4
	Disa	18 4	17 12	12 12	...	...	...	6 10	6 10	6 14	8 2	8 10	9 0	21 0	21 10	14 4	23 0	22 4
	Nimach	21 0	21 8	17 4	37 0	35 0	23 0	9 0	9 0	9 0	10 0	10 0	10 0	35 0	35 0	25 0	16 0	16 0
	Nasirabad	19 8½	17 15½	17 6½	25 7½	23 9½	23 12½	6 0	6 0	6 0	7 0	7 0	7 0	23 0	22 6	18 0	16 0	16 0
	Rajkot	18 8	18 0	13 6	...	...	...	6 6	6 6	6 8	8 0	8 0	9 0	25 0	23 8	16 12	18 14	18 8
	Upper Sindh Frontier	14 0	14 8	13 12	21 4	22 0	28 8	10 0	10 0	10 8	11 4	11 4	12 4	22 12	22 12	27 12	20 12	21 0
	Karachi	14 2	14 0	12 13	20 0	21 0	24 0	8 0	8 0	9 0	14 0	14 0	15 0	19 0	19 0	23 0	20 0	18 0
	Haidarabad (Nakur)	16 0	15 0	15 0	25 0	26 0	26 0	11 0	11 0	12 0	14 8	14 0	16 0	26 0	24 0	26 0	24 0	22 0
	Shikarpur	14 8	14 0	13 0	21 8	21 0	23 0	11 8	11 8	11 8	12 2	12 6	16 0	21 0	20 8	25 12	25 0	25 0
	Sukkur	16 8	16 0	13 8	24 0	24 0	25 8	10 0	10 8	10 0	12 0	14 0	15 0	24 0	24 0	26 8	22 0	22 0
	Thar & Parkar (Umarkot)	16 7	14 12	12 6	...	...	...	...	...	...	13 6	13 8	12 8	...	...	...	10 0	19 0
Bengal	*Western Districts.*																	
	Burdwan	14 8	15 0	14 8	22 0	22 8	25 0	12 0	11 0	17 8	14 4	14 0	24 12	...	...	...	...	...
	Bancoorah	15 0	15 0	13 0	16 0	16 0	16 0	13 0	12 8	20 0	14 8	15 0	25 0	...	...	...	...	...
	Beerbhoom	16 8	16 8	15 0	...	...	...	12 0	12 0	16 8	14 0	13 8	21 0	...	...	...	...	...
	Midnapore	12 0	12 0	13 0	20 0	20 0	17 0	15 0	14 0	18 0	18 0	18 0	24 0	...	...	...	...	...
	Hooghly	15 0	15 0	13 0	...	...	...	8 0	8 0	9 0	12 8	12 8	18 0	...	...	...	...	...
	Howrah	14 8	14 0	13 4	...	...	...	11 4	11 8	14 0	13 4	13 4	19 0	...	...	...	...	...

a In the sub-divisions the retail prices of salt per rupee were:—Culna 14 seers, Cutwa 12 seers, and Raneegunge 13-4 seers.
b In the interior the retail price of salt ranged from 11 to 16 seers per rupee.
c In the interior the retail price of salt ranged from 11-8 to 13-8 seers per rupee.

NDIA.

CE AND COMMERCE.

A FOR THE 1st HALF OF SEPTEMBER 1884.

ERS OF 80 TOLAHS.

Districts	Millets, Ragi, &c., ... Panicum ..., &c.: Past fortnight	Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883	Provinces
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Ganjam	...	32 8	30 0	30 0	33 5	215 13	215 13	215 13	...	...	...	13 13	13 13	13 13	Madras
Vizagapatam	24 8	23 8	32 13	32 13	35 2	93 5	93 5	93 5	14 0	14 0	14 10	12 14	12 14	14 0	
Godavery	31 13	29 2	31 8	32 8	33 10	194 6	145 13	194 6	14 10	14 10	14 10	14 10	14 10	14 10	
Kistna	28 6	25 0	30 13	30 13	29 10	145 13	145 13	145 13	15 11	15 11	15 11	14 10	14 10	15 3	
Nellore	25 0	25 8	23 2	25 11	24 2	93 5	93 5	93 5	14 13	14 13	14 13	14 13	14 13	14 13	
Cuddapah	31 8	30 0	25 13	32 11	33 8	194 6	194 6	194 6	17 2	17 2	16 10	16 10	16 10	16 3	
Anantapur	31 0	32 0	28 0	35 13	37 0	...	...	...	14 5	14 5	14 5	14 5	14 5	14 5	
Bellary	31 0	34 14	25 13	30 13	35 13	94 13	94 13	94 13	15 8	15 13	15 13	14 14	15 8	15 8	
Kurnool	...	...	10 8	26 3	31 8	140 14	140 14	157 0	14 13	14 13	14 0	14 6	14 13	13 10	
Madras	28 2	24 11	26 2	26 2	26 2	83 13	83 13	85 0	17 5	17 5	16 14	16 8	16 8	16 8	
Chingleput	27 6	26 11	25 11	25 11	25 11	92 5	92 5	92 5	17 6	17 5	17 5	17 0	17 0	17 0	
North Arcot	34 3	32 8	26 10	26 10	28 10	140 0	140 0	140 0	15 6	15 6	15 6	14 13	14 13	14 13	
South Arcot	28 10	31 13	30 3	29 11	26 8	213 13	213 13	201 11	18 14	18 14	19 5	18 0	18 0	18 6	
Tanjore	29 2	39 5	26 3	26 3	28 0	170 2	170 2	194 6	16 10	17 0	15 3	16 2	16 10	15 3	
Trichinopoly	30 2	34 2	26 14	27 11	31 10	97 3	97 3	97 3	16 10	16 10	17 13	16 3	16 3	17 0	
Madura	27 14	37 8	26 11	26 11	35 10	111 13	121 8	145 13	17 5	17 5	17 5	16 13	16 13	16 5	
Tinnevelly	21 2	...	26 0	26 0	31 5	70 0	70 0	70 0	17 13	17 13	18 11	17 6	17 6	18 5	
Coimbatore	26 3	32 13	32 5	30 6	34 3	97 3	97 3	131 3	15 2	15 2	15 2	14 10	14 10	14 10	
Nilgiris	20 8	21 10	21 10	21 10	28 3	161 13	161 13	161 13	13 0	13 8	13 0	12 0	12 0	12 0	
Salem	32 8	30 13	33 8	34 8	35 10	151 10	151 10	151 10	18 0	17 8	17 8	16 14	15 11	16 14	
South Canara	21 2	18 8	18 11	20 3	21 3	109 5	109 5	109 5	14 14	14 14	18 6	13 13	13 13	17 3	
Malabar	21 3	21 14	26 14	26 14	26 14	121 8	121 8	121 8	15 5	15 5	14 6	14 6	14 6	13 8	
Bombay	10 0	14 11	18 6	16 8	16 2	62 6	62 6	62 6	14 6	14 6	14 6	12 9	12 9	12 9	Bombay
Ahmedabad	...	...	16 0	16 8	15 0	80 0	80 0	80 0	16 8	16 8	16 0	16 0	16 0	16 0	
Kaira	20 0	...	16 8	16 8	16 0	80 0	80 0	80 0	...	...	...	16 0	16 0	16 0	
Surat	...	...	14 14	14 13	14 0	80 0	80 0	80 0	13 10	13 10	13 9	13 10	13 10	13 9	
Broach	...	...	12 8	12 8	12 12	106 0	106 0	106 0	14 8½	14 8½	14 8½	14 8½	14 8½	14 8½	
Tanna (Salsette)	13 5	25 11	15 10	15 10	13 4	70 0	70 0	71 0	15 3	15 8	13 12	13 5	13 5	15 10	
Colába (Alibág)	...	...	12 0	11 8	12 0	120 0	120 0	120 0	14 0	15 0	13 0	13 8	14 8	12 8	
Khandesh (Dhulia)	...	...	23 2	22 5	14 4	140 0	140 0	140 0	14 0	14 0	13 0	13 14	13 12	12 14	
Násik	20 11	18 6	21 0	21 0	17 0	128 0	128 0	128 0	15 10	15 10	15 8	15 8	15 8	15 5	
Ahmednagar	...	...	22 2	23 1	18 6	87 0	91 4	79 12	14 6	13 15	13 6	14 4	13 11	13 4	
Poona	15 6	15 6	19 9	19 9	16 2	68 0	68 0	68 0	13 10	13 10	13 10	13 6	13 6	13 6	
Sholápur	...	...	21 0	23 4	20 1	75 4	75 4	71 0	13 8	13 8	13 8	13 4	13 4	13 4	
Kaládgi (Bagalkot)	...	...	21 0	22 0	18 8	100 0	100 0	100 0	12 4	12 5	11 0	12 0	12 0	10 8	
Satara	...	...	18 3	20 2	17 9	116 8	116 8	116 8	13 13	13 13	13 2	13 2	13 2	12 6	
Belgaum	25 0	19 0	19 0	19 0	16 8	60 0	60 0	65 0	11 8	11 8	12 3	11 0	11 0	11 3	
Dharwar (Hubli)	31 0	28 0	21 0	21 0	16 0	80 0	80 0	80 0	8 0	8 0	8 6	8 0	8 0	8 0	
Ratnágiri	14 2	18 13	14 0	17 8	14 11	120 0	120 0	120 0	12 15	12 15	13 2	12 15	12 15	12 15	
Kanara (Karwar)	21 0	18 0	15 0	16 0	12 8	213 5	213 5	213 5	12 0	11 8	11 8	11 0	11 0	10 8	
Pánch Mahály (Godhra)	20 0	20 0	22 13	22 13	20 0	160 0	160 0	200 0	16 0	16 0	16 0	15 4	15 4	15 4	
Aden	...	...	9 5	9 5	9 5	65 5	65 5	65 5	...	...	...	32 0	32 0	32 0	
Asirgarh	...	...	21 8	21 8	17 8	150 0	150 0	160 0	12 0	12 0	11 0	12 0	12 0	11 0	
Baroda	18 10	17 6	15 12	16 4	14 0	70 0	70 0	80 0	14 10	14 10	13 9	14 9	14 9	13 7	
Disa	...	...	14 4	15 8	13 8	137 8	137 8	137 8	13 8	13 8	12 8	13 0	13 0	12 0	
Nimach	...	...	24 8	24 8	20 0	160 0	160 0	160 0	...	...	...	14 0	14 0	13 0	
Nasirabad	...	...	24 0	22 8	25 6½	90 0	90 0	80 0	16 14	16 14	16 0½	15 14	15 13½	15 7½	
Rajkot	...	...	21 4	21 0	14 2	60 0	60 0	70 0	48 0	42 0	50 0	32 0	32 0	[illegible]	
Upper Sindh Frontier	60 0	70 0	20 8	20 8	20 12	200 0	200 0	160 0	*12 11	*12 11	*12 12½	12 10*	12 10*	12 8*	
Karachi	11 0	10 0	19 0	18 0	16 0	80 0	90 0	90 0	17 11	17 11	17 12	17 0	17 0	16 0	
Haidarabad (Nakur)	20 0	26 0	17 0	20 0	21 0	320 0	320 0	320 0	14 8	15 0	14 4	14 0	14 8	14 4	
Shikarpur	...	...	20 4	20 4	20 0	200 0	210 0	240 0	14 0	13 14	14 0	13 12	13 8	13 12	
Sukkur	...	...	22 0	22 0	19 0	120 0	120 0	110 0	14 0	14 0	12 8	13 0	13 0	12 0	
Thar and Parkar (Umarkot)	...	...	...	...	...	160 0	160 0	160 0	14 12	14 12	14 12	14 12	14 12	14 12	
									Prices per md. of 40 seers. R a. p.	R a. p.	R a. p.				
Western Districts.															Bengal
Burdwan	...	...	19 0	18 0	20 0	120 0	120 0	120 0	2 14 8	3 0 0	3 0 0	13 0a	13 4	12 13	
Bancoorah	...	...	17 8	17 12	17 0	240 0	240 0	240 0	3 2 6	3 3 0	3 3 6	13 0b	12 0	13 0	
Beerbhoom	...	...	18 12	19 0	21 0	160 0	160 0	160 0	3 2 6	3 2 6	3 5 3	12 0c	12 0	11 4	
Midnapore	...	...	16 0	16 0	16 0	155 0	155 0	155 0	3 0 3	3 0 3	2 14 0	12 12d	12 12	12 8	
Hooghly	...	...	17 0	17 0	17 0	120 0	120 0	120 0	2 14 0	2 14 0	2 14 0	13 9e	13 9	13 9	
Howrah	...	...	17 8	18 0	17 12	80 0	80 0	80 0	3 0 0	3 0 0	3 0 0	13 0	13 0	13 0	

d In the sub-divisions the retail prices of salt per rupee were:—Contai 12-8 seers, and Ghatal 14-4 seers.
e In the sub-divisions the retail prices of salt per rupee were:—Serampore 13 seers and Jehanabad 14-3 seers.

* In common use.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF SEPTEMBER 1884—*continued.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

BENGAL—*continued.*

Districts	Wheat: Present fortnight (S. Ch.)	Wheat: Past fortnight (S. Ch.)	Wheat: Corresponding fortnight of 1883 (S. Ch.)	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar), *Holcus sorghum*: Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bajra (Cumboo, Bajra), *Penicillaria spicata*: Present fortnight	Bajra: Past fortnight	Bajra: Corresponding fortnight of 1883
Central Districts.																		
Calcutta	17 10	17 10	15 0	26 12	26 12	20 10	8 6	8 6	10 12	10 12	10 12	16 0	11 7	11 7	10 10	11 8	11 8	21
24-Pergunnahs	14 0	14 0	13 5	17 8	17 8	16 0	8 0	8 0	8 0	14 8	13 5	14 8	...	...	...	...	...	...
Nuddea	16 0	16 0	14 8	20 0	20 0	22 15	11 3½	11 6	14 8	12 0	12 4	17 4	...	...	...	...	...	...
Khoolna	...	...	...	...	...	...	12 8	13 0	16 0	17 0	18 0	22 0	...	...	...	...	...	...
Jessore	14 0	14 0	13 0	...	...	...	12 0	12 4	15 0	16 0	16 0	21 4	...	...	...	...	...	...
Moorshedabad	18 8	18 0	16 0	...	...	...	10 0	11 0	15 0	13 0	13 0	22 0	...	...	...	...	...	...
Dinagepore	14 0	17 4	17 4	17 8	17 12	16 0	12 0	13 0	14 4	13 0	16 0	23 0	...	...	...	...	...	...
Rajshahye	16 8 to 19 3	19 4	15 4	24 0	26 4	29 0	9 0 to 13 8	12 8	15 4	15 0	16 0	22 0	...	...	...	...	...	...
Rungpore	18 0	20 0	13 5	...	...	...	9 6	9 10	13 5	11 10	13 0	19 0	...	...	...	...	...	...
Bogra	16 2	16 8	24 0	...	...	...	9 12	9 12	12 12	13 8	15 0	21 12	...	...	...	...	...	...
Pubna	19 8	21 12	18 12	...	...	...	8 4	8 4	8 4	13 8	16 0	19 0	...	...	...	...	...	...
Darjeeling	...	9 0	8 0	...	10 0	8 0	5 0	5 0	5 0	11 0	10 0	12 0	...	...	...	...	...	...
Jalpáiguri	10 0	10 0	10 0	20 0	20 0	20 0	11 0	11 0	12 8	...	13 0	18 0	...	...	...	...	...	...
Eastern Districts.																		
Dacca	16 0	16 0	13 5	23 0	23 0	22 10	11 10	13 0	17 0	14 0	16 0	20 0	...	...	...	...	...	...
Furreedpore	20 0	20 0	21 0	34 0	34 0	30 0	12 0	14 0	20 0	13 0	16 0	22 0	...	...	...	...	...	...
Backergunge	...	...	...	...	...	...	13 0	13 0	18 0	16 0	16 0	21 0	...	...	...	...	...	...
Mymensing	12 0	13 0	11 8	...	...	...	10 0	12 4	13 4	13 8	16 0	19 0	...	...	...	...	...	...
Chittagong	15 0	14 0	11 4	...	...	...	13 0	13 0	16 0	16 0	16 0	18 0	...	...	...	...	...	...
Noakholly	...	...	...	...	...	...	13 0	15 0	19 0	14 0	16 0	21 0	...	...	...	...	...	...
Tipperah	13 5	13 5	12 14	...	...	...	12 12	12 10	18 0	16 0	17 6	25 12	...	...	...	...	...	...
Chittagong Hill Tracts	...	...	...	...	...	...	13 5	13 5	13 0	16 0	16 0	14 0	...	...	...	...	...	...
Hill Tipperah	12 0	12 0	10 0	...	...	...	12 0	12 0	16 0	14 0	16 0	22 0	...	...	...	...	...	...
Behar.																		
Patna	21 0	20 0	21 0	25 0	22 0	29 0	11 4	11 4	15 0	12 0	13 0	18 0	...	...	...	...	...	...
Gya	18 0	17 0	17 8	21 0	20 0	21 0	9 0	9 8	12 0	11 4	12 0	16 0	...	...	...	...	...	...
Shahabad	19 0	18 0	15 0 to 15 8	19 0	20 0	25 0	8 0	9 0	10 0 to 11 0	12 8	12 8	15 0 to 16 0	...	...	...	20 0	20 0	35
Durbhunga	17 9	17 0	15 0	20 15	19 6	...	9 15	9 6	12 0	13 3	11 9	15 0	...	...	...	...	...	...
Mozufferpore	17 0	17 0	18 0	...	19 0	25 0	9 0	9 0	11 0	13 0	13 0	15 0	...	...	...	...	...	...
Sarun	19 0	18 0	16 0	25 0	21 0	27 0	8 0	8 0	10 0	13 0	12 0	18 8	24 0	23 0	27 0	...	...	...
Chumparun	15 0	16 0	19 0	...	...	31 0	11 0	11 0	14 0	14 8	14 0	17 8	...	...	...	...	...	...
Monghyr	18 14	18 9	17 9	21 0	19 11	24 2½	9 7	10 8	13 2	10 8	11 9	15 12	...	...	...	...	...	...
Bhágalpur	18 4	17 15	15 8	20 3	20 3	22 11	10 1	10 6	15 2	12 10	12 10	17 10	...	...	...	...	...	...
Purneah	16 0	17 0	18 0	...	...	...	12 0	13 0	16 0	13 0	14 0	18 0	...	...	...	...	...	...
Maldah	20 0	20 0	18 0	...	...	...	11 0	13 8	16 0	14 0	15 0	20 0	...	...	...	...	...	...
Sonthal Pergunnahs	16 0	13 0	18 0	...	...	...	11 0	12 0	18 0	14 8	14 0	23 8	...	...	...	...	...	...
Orissa.																		
Cuttack	18 6	18 6	11 13	...	...	...	13 2	13 2	13 2	18 6	18* 6	21 0	...	...	...	...	...	...
Pooree	14 7	13 2	10 8	...	...	...	13 12	13 12	21 0	15 1	18 6	23 10	...	...	...	...	...	...
Balasore	16 0	17 0	16 0	11 0	11 0	...	13 0	13 0	16 0	19 0	20 0	28 0	...	...	...	...	...	...
CHOTA NAGPORE. *South-Western Frontier Agency.*																		
Hazáribágh	18 8	13 0	14 0	15 0	15 0	17 0	10 8	10 0	9 0	11 12	11 8	15 0	...	...	...	...	...	...
Lohardugga	12 0	12 0	15 0	...	...	20 0	12 0	12 0	18 0	14 0	14 0	22 0	...	...	...	...	...	...
Singbhoom	18 0	18 0	18 0	22 0	22 0	24 0	20 0	20 0	32 0	24 0	24 0	36 0	...	...	...	...	...	...
Maubhoom	13 0	13 0	13 0	...	...	...	13 0	13 0	16 0	19 0	18 0	26 0	...	...	...	...	...	...

* In the interior the retail price of rice ranged from 17-1 to 26-4 seers per rupee.
f In the sub-divisions the retail prices of salt per rupee were :—Baraset 13 seers, Barrackpore 12-12 seers, and Dum-Dum 13-4 seers.
g In the sub-divisions the retail prices of salt per rupee were :—Kooshtea 13 seers, Meherpore 12 seers, Chooadanga 14 seers, and Ranaghat 12-14 seers.
h In the sub-divisions the retail price of salt per rupee was :—Satkhira and Bagirhat 11 seers.
i In the sub-divisions the retail prices of salt per rupee were :—Jheuidah and Narail 12 seers, Magurah 10-12 seers, and Bongong 13 seers.
j In the sub-divisions the retail prices of salt per rupee were :—Lalbagh 11 seers and Kandi and Jungypore 12 seers.
k The retail price of salt at Raigunge was 11-8 seers and at Nitpore 10 seers.
l In the sub-divisions the retail prices of salt per rupee were :—Nilphamari 12 seers, and Gaibanda 13 seers.
m The retail price of salt at Serajgunge was 13 seers per rupee.
n In the sub-divisions the retail prices of salt per rupee were :—Kurseong 8 seers, and Silligoree 10 seers.
o The retail price of salt at Falacotta in Alipur sub-division was 10 seers per rupee.
p In the sub-divisions the retail prices of salt per rupee were :—Manickgunge 13 seers, Moonshegunge 10 seers 10½ chittacks, and Naraingunge 13 seers.
q In the sub-divisions the retail prices of salt per rupee were :—Goalundo 13 seers, and Madaripore 12 seers.
r In the sub-divisions the retail prices of salt per rupee were :—Perozepore 11 seers, Bhola 10 seers, and Patuakhali 10-10 seers.
s In the sub-divisions the retail prices of salt per rupee were :—Attea 12 seers, Jamalpore 11-4 seers, Netrokona 12-8 seers, and Kishoregunge 10-10 seers.

Districts	Other Millets (Ragi, &c.): Present fortnight (Ch.)	Other Millets: Past fortnight (S. Ch.)	Other Millets: Corresponding fortnight of 1883 (S. Ch.)	Gram: Present fortnight (S. Ch.)	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight (S. Ch.)	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, wholesale prices per maund of 40 seers: Present fortnight (R a. p.)	Salt wholesale: Past fortnight	Salt wholesale: Corresponding fortnight of 1883	Salt retail: Present fortnight (S. Ch.)	Salt retail: Past fortnight	Salt retail: Corresponding fortnight of 1883
Central Districts.															
Calcutta	...	...	...	22 0	22 0	18 13	100 0	100 0	90 0	2 11 6	2 11 3	2 12 0	12 14	13 0	13 5
24-Pergunnahs	...	...	...	17 8	17 8	17 8	90 0	90 0	80 0	3 0 0	3 0 0	3 0 0	12 13f	12 13	12 13
Nuddea	...	...	...	21 5½	21 5½	18 13	...	...	...	...	...	3 1 11	11 10½g	11 10½	11 10½
Khoolna	...	...	...	16 0	16 0	16 0	200 0	180 0	180 0	3 2 0	3 2 0	3 4 0	12 0h	12 0	10 8
Jessore	...	...	...	18 0	21 4	16 0	120 0	120 0	120 0	3 2 0	3 2 0	3 2 0	10 12i	10 12	11 0
Moorshedabad	...	...	...	21 0	23 0	22 0	120 0	120 0	120 0	3 8 0	3 2 6	3 2 0	12 0j	11 9	12 8
Dinagepore	...	...	...	17 0	17 12	20 0	160 0	120 0	80 0	3 2 0	3 4 0	3 6 0	12 8k	12 0	11 0
Rajshahye	...	...	...	21 0	22 3	22 8	240 0	240 0	240 0	3 0 0	3 2 6	3 0 0	12 12	12 11	12 0
Rungpore	...	...	...	15 4	18 0	17 3	100 0	100 0	110 0	3 5 0	3 14 0	...	11 14l	9 0	11 14
Bogra	...	...	...	18 0	16 8	19 2	75 0	60 0	62 8	3 5 4	3 5 4	...	12 0	12 0	12 0
Pubna	...	...	...	17 4	21 12	18 12	200 0	200 0	200 0	3 1 6	3 1 6	3 4 0	12 6m	12 6	12 0
Darjeeling	0	15 0	12 0	10 0	10 0	8 0	102 8	102 8	106 8	4 8 0	4 4 0	4 8 0	8 0n	8 0	8 0
Jalpáiguri	...	...	...	16 0	16 0	16 0	128 0	128 0	128 0	3 4 0	3 4 0	3 4 0	12 4o	12 4	12 0
Eastern Districts.															
Dacca	...	...	...	16 0	19 0	18 0	110 0	80 0	97 0	3 0 0	3 0 0	...	13 0p	13 0	12 10
Furreedpore	...	...	...	16 0	17 0	18 0	120 0	120 0	120 0	3 2 0	3 2 0	3 5 0	12 0q	12 0	12 0
Backergunge	...	...	...	17 0	17 0	18 0	120 0	120 0	120 0	...	...	2 11 0	13 0r	13 0	13 0
Mymensingh	...	...	...	14 8	15 8	15 0	...	...	...	3 2 0	3 4 0	3 4 0	12 4s	12 4	12 4
Chittagong	...	...	...	14 0	14 0	13 0	...	120 0	40 0	4 12 0	4 12 0	...	8 0t	8 0	10 0
Noakholly	...	...	...	12 0	12 0	12 0	...	...	...	3 6 0	3 6 0	3 2 0	10 0u	10 0	10 0
Tipperah	...	...	...	16 0	16 0	16 0	...	...	...	3 2 0	3 3 0	3 2 0	12 8v	12 0	12 4
Chittagong Hill Tracts	...	...	...	...	...	...	320 0	320 0	320 0	5 8 0	4 8 0	6 0 0	6 6	8 0	6 4
Hill Tipperah	...	...	...	14 0	14 0	14 0	...	...	...	3 4 0	3 4 0	3 4 0	11 0	11 0	11 0
Behar.															
Patna	...	...	...	24 0	21 0	28 0	100 0	100 0	130 0	3 2 0	3 2 0	3 0 0	10 8	10 8	9 12
Gya	...	...	...	22 0	21 0	21 0	220 0	220 0	180 0	3 4 0	3 4 0	3 5 0	11 0w	11 0	11 0
Shahabad	...	...	...	23 8	24 0 to 25 0	24 0 to 25 0	140 0	140 0	100 0	3 1 0	3 1 0	3 1 0	12 0x	12 0	12 8
Durbhunga	5	23 1	20 0	22 0	20 15	20 0	176 0	176 0	160 0	3 3 3	3 0 0	3 10 0	12 1y	13 6	10 0
Mozufferpore	...	...	...	20 0	20 0	28 0	140 0	140 0	140 0	3 4 0	3 4 0	3 4 0	12 0z	12 0	12 0
Sarun	0	22 8	30 0	21 0	20 0	25 0	160 0	160 0	160 0	3 3 0	3 3 0	3 4 0	11 0z1	11 0	11 0
Chumparun	...	...	...	17 0	18 0	24 0	...	...	...	3 4 0	3 10 0	3 6 0	12 0z2	11 0	11 0
Monghyr	...	...	...	23 1	23 9	24 3	126 0	126 0	120 0	2 14 6	3 2 6	2 15 0	12 9z3	12 1	12 9
Bhágalpur	...	...	...	22 1	22 1	22 11	151 8	151 8	151 14	3 0 0	2 15 0	3 2 0	12 10z4	12 10	12 10
Purneah	...	...	...	18 0	20 0	20 0	160 0	160 0	160 0	3 13 6	3 13 6	4 0 0	10 12z5	10 12	9 0
Maldah	...	...	...	20 0	20 0	20 0	200 0	160 0	160 0	3 2 6	3 2 0	3 4 0	12 0	12 0	13 0
Sonthal Pergunnahs	...	...	...	18 0	17 0	17 0	200 0	200 0	200 0	3 4 6	3 5 6	3 12 0	11 12z6	11 12	10 0
Orissa.															
Cuttack	12	15 12	18 6	21 0	21 0	18 6	80 0	80 0	80 0	2 12 0	2 12 0	2 12 0	14 0	14 0	14 0
Pooree	...	...	...	18 6	18 6	17 6	105 0	105 0	100 0	...	2 7 0	2 12 0	...	14 0	13 0
Balasore	...	...	...	16 0	16 0	16 0	120 0	120 0	120 0	3 6 0	3 6 0	4 2 0	10 12z7	10 12	9 3
CHOTA NAGPORE. *South-Western Frontier Agency.*															
Hazáribágh	0†	17 0	33 0	17 0	15 0	16 0	240 0	240 0	240 0	3 11 0	3 11 0	3 8 6	10 0z8	10 0	10 0
Lohardugga	0	24 0	28 0	12 0	12 0	14 0	120 0	120 0	100 0	4 4 0	4 4 0	4 0 0	9 0	9 0	9 0
Singbhoom	...	...	...	13 0	13 0	24 0	180 0	180 0	180 0	4 0 0	4 7 0	4 7 0	9 0	8 0	8 0
Maubhoom	...	...	...	16 4	16 0	16 0	240 0	240 0	120 0	...	3 10 0	3 7 0	10 10z9	10 10	10 0

† New.
t The retail price of salt at Cox's Bazar was 7 seers per rupee.
u In the interior the retail price of salt ranged from 9 to 12-4 seers per rupee.
v In the sub-divisions the retail prices of salt per rupee were :—Brahmanbariah 12-12 seers and Chandpore 12-8 seers.
w The retail price of salt at Aurungabad was 12 seers per rupee.
x In the sub-divisions the retail prices of salt per rupee were :—Bhabhua 11 seers, and Buxar 12 seers.
y In the sub-divisions the retail prices of salt per rupee were :—Tajpore 11-8 seers, and Madhubani 11 seers.
z In the interior the retail price of salt ranged from 11 to 12 seers per rupee.
z1 In the sub-divisions the retail price of salt per rupee was :—Sewan and Gopalgunge 12 seers.
z2 In the interior the retail prices of salt ranged from 8 to 14 seers per rupee.
z3 In the sub-division of Begusarai the retail price of salt was 11 seers per rupee.
z4 In the sub-divisions the retail prices of salt per rupee were :—Banka 12-8 seers, Madhupura 10-8 seers, and Soopole 11 seers.
z5 In the sub-divisions the retail prices of salt per rupee were :—Kissengunge 10 seers, and Raneegunge in Arrareah sub-division 13 seers.
z6 In the sub-divisions the retail prices of salt per rupee were :—Deoghur 13 seers, Godda 11 seers, and Rajmehal 12 seers.
z7 The retail price of salt at Bhuddruck was 8 seers per rupee.
z8 The retail price of salt at Chatra was 11 seers, and at Kharagdiha 11-8 seers per rupee.
z9 In the sub-division of Govindpore the retail price of salt was 11 seers per rupee.

PRICES CURRENT OF FOOD-GRAINS THROUGHOU[T IN]DIA FOR THE 1st HALF OF SEPTEMBER 1884—*continued*.

QUANTITIES PER RUP[EE IN] SEERS OF 80 TOLAHS.

Districts	Wheat: Present fortnight	Wheat: Past fortnight	Wheat: Corresponding fortnight of 1883	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar), *Holcus Sorghum*: Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bajrah Millet (Cumboo, Bajra), *Penicillaria Spicata*: Present fortnight	Bajrah Millet: Past fortnight	Bajrah Millet: Corresponding fortnight of 1883
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
ASSAM.																		
Sylhet	13 4	14 12	10 0	...	...	...	11 4	11 4	10 0	16 0	16 0	15 0	...	...	...	...	...	...
Cachar	11 4	9 0	10 0	8 0	8 0	12 13	10 10	8 0	14 8	16 0	12 12	16 13	...	...	...	...	...	...
Goálpará	18 0	18 0	20 0	...	...	...	8 0	8 0	13 5	12 4	13 4	22 0	...	...	...	...	...	...
Gáro Hills	4 0	4 0	4 0	...	...	...	8 0	8 0	5 0	14 0	14 0	18 0	...	...	...	...	...	...
Kámrúp	16 0	16 0	18 0	...	...	...	10 0	10 0	12 4	13 8	13 8	17 0	...	...	...	...	...	...
Darrang	...	...	...	...	...	...	8 0	8 0	8 0	11 0	10 0	13 0	...	...	...	...	...	...
Nowgong	...	...	...	...	...	...	8 0	8 0	8 0	13 0	13 0	16 0	...	...	...	...	...	...
Sibságar	...	...	...	...	...	...	7 0	7 0	6 8	16 0	12 0	16 0	...	...	...	...	...	...
Lakhimpur	9 0	9 0	8 0	8 0	10 0	8 0	8 0	8 0	7 8	12 0	11 0	13 0	...	...	...	...	...	...
Khási & Jaintiá Hills	...	...	6 10	...	...	...	6 0	5 8	9 0	9 0	8 0	10 0	...	...	...	...	...	...
Nága Hills	...	...	...	...	...	...	4 0	4 0	4 0	8 0	8 0	5 0	...	...	...	...	...	...
N.-W. PROVINCES.																		
Dehra Dún	19 0	19 0	17 0	26 0	26 0	26 0	6 8	6 8	6 8	10 0	10 0	10 0	26 0	22 0	24 0	21 0	20 0	20
Sahāranpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Muzaffarnagar	23 10	23 2	17 10	29 11	28 11	33 0	6 9	6 9	6 9	11 0	11 0	11 0	26 6	26 6	28 11	22 0	22 0	22
Meerut	22 0	22 0	17 8	26 8	25 0	25 0	6 8	6 0	6 0	12 0	12 0	13 0	26 0	24 0	19 0	22 0	21 0	19
Bulandshahr	22 4	21 0	18 8	28 10	26 9	26 0	6 0	6 0	6 0	9 0	9 0	9 11	27 8	26 8	26 0	20 9	20 0	16
Aligarh	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Kumaun	11 8	11 8	15 0	15 0	15 0	18 0	8 0	8 0	10 0	8 8	8 8	12 0	...	...	...	...	...	...
Garhwál	14 0	14 0	20 0	17 8	17 8	22 0	8 0	8 0	9 0	11 0	11 0	15 0	...	...	...	22 0	22 0	30
Bijnor	19 6	18 9	18 14	23 6	23 10	29 4	8 7	8 7	9 9	9 4	9 4	10 11	...	...	22 8	...	...	...
Moradabad	21 0	20 5	20 0	27 0	26 0	28 2	9 8	9 0	9 0	11 12	11 8	13 0	27 0	26 0	25 8	28 0	27 0	15
Budaun	20 11	20 11	20 6	30 0	30 0	30 0	9 9½	9 9½	6 0	12 0	12 0	13 3	...	...	...	...	22 12½	...
Bareilly	20 0	20 0	19 6	26 14	26 14	24 6	5 0	5 0	7 8	11 14	11 14	13 2	23 12	23 13	26 4	25 0	25 0	20
Sháhjahánpur	24 0	23 4	19 6	33 4	33 0	33 0	8 4	8 4	9 12	16 4	14 0	15 4	...	...	...	...	...	...
Taráí Pergunnahs	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Muttra	19 12	19 8	17 8	27 0	26 0	23 0	7 0	7 0	7 0	11 8	10 8	11 0	26 0	24 0	22 0	25 0	23 0	18
Agra	19 4	19 4	16 8	26 8	26 8	23 0	5 0	5 0	5 8	10 0	10 0	11 8	23 0	24 8	22 0	24 0	24 8	18
Farukhabad	22 8	21 7	17 15	30 8½	29 15	24 7	7 0	7 0	7 4	12 9½	11 8	12 8	24 8	24 8	24 2	27 4	27 4	22
Mainpuri	21 0	21 0	17 0	29 0	28 8	22 8	4 0	4 0	4 0	9 0	9 0	10 0	...	...	...	...	...	...
Etáwah	21 0	21 0	17 8	26 0	25 8	22 0	6 0	6 0	6 0	11 0	11 0	12 0	25 0	25 0	24 0	25 0	25 0	19
Etah	22 3	22 0	16 8	29 5	28 11	25 4	7 11	7 11	6 8	11 0	11 11	11 8	...	...	18 0	...	...	18
Jalaun	23 0	23 0	18 0	24 0	24 0	20 0	9 0	9 0	10 0	10 0	10 0	11 0	26 0	26 0	25 0	25 0	25 0	22
Jhánsi	22 14	22 8	19 7½	25 14	26 0	28 10	7 0	7 0	7 8	12 0	12 0	11 2½	26 0	26 0	27 2½	17 8	17 8	...
Lalitpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Cawnpore	22 8	22 0	18 8	30 8	31 0	27 0	9 0	9 0	10 0	12 0	12 0	13 8	28 8	27 0	27 0	28 8	28 0	24
Fatehpur	[illegible] 4	20 4	16 10	28 0	27 12	25 4	10 0	9 8	10 12	13 8	13 0	13 8	...	...	...	...	...	...
Bánda	25 0	24 0	22 0	33 0	30 0	31 0	7 8	7 8	8 0	12 0	12 0	12 0	31 0	31 0	37 0	31 0	30 0	30
Allahabad	19 8	19 0	17 4	25 8	25 8	28 0	8 0	8 0	10 8	14 8	14 0	15 0	26 0	25 0	31 0	24 0	24 0	29
Hamírpur	22 2	21 14	18 4	...	...	...	9 0	9 0	9 0	11 4	11 4	...	28 2	29 4	24 12	29 4	27 0	23
Jaunpur	21 11	19 8	19 18	28 15	25 0	31 1	7 0	7 1	7 12	11 0	11 4	12 12	...	...	...	19 0	19 8	...
Gorakhpur	19 13	19 13	18 0	24 5	24 5	27 0	13 8	11 4	11 12	16 3	14 5	14 5½	33 8	28 6½	39 9½	14 5	14 5	...
Basti	19 8	19 12	18 0	21 8	23 0	30 0	10 0	11 0	12 0	12 4	12 8	16 0	...	...	...	...	...	...
Azamgarh	18 1	18 1	17 4	22 8	22 14	25 13	11 1	11 1	10 5	13 0	13 0	13 4	29 8	29 8	29 8	30 10	20 10	...
Mirzapur	17 0	17 0	16 0	23 0	22 0	25 0	8 0	8 0	10 0	12 0	12 0	12 0	23 0	22 0	26 0	22 0	20 0	24
Benares	19 8	18 6	16 13	24 6	23 5	25 8½	9 3	8 15	10 13½	12 3	12 3	17 1	24 6	24 6	20 0	22 12	22 12½	26
Ghāzipur	18 0	18 0	18 10½	23 8	21 4	27 0½	6 7	6 7	9 0	12 4	12 4	15 7	...	...	33 7½	19 5	19 5	23
Balia	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Philibhít	19 0	19 0	20 8	30 0	27 12	35 8	10 4	10 0	13 13	13 0	12 8	15 4	...	...	...	...	...	...
Almora	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
OUDH.																		
Sultánpur	22 0	22 0	20 0	30 0	26 0	32 0	11 0	11 0	11 0	16 0	15 0	16 0	...	...	...	...	...	...
Partábgarh	21 9	21 14	19 14	30 11	29 12	32 5	14 0	13 8	15 5	15 5	15 4	17 2	...	...	...	...	...	...
Fyzabad	20 6	18 12	18 0	24 8	24 8	28 0	9 0	8 0	10 0	15 8	12 4	15 12	...	...	38 12	...	...	...
Kheri	23 0	22 8	21 0	32 0	31 0	34 8	7 0	7 0	7 0	17 0	11 8	13 8	36 0	34 0	41 0	30 0	30 0	...
Lucknow	23 0	22 1	17 11	30 8	28 2	26 14	6 0	6 0	6 0	13 4	13 0	12 2	27 0	28 0	27 0	29 12	23 6	23
Bára Banki	22 0	21 0	18 0	28 0	27 0	24 0	6 0	6 0	9 0	13 0	11 0	14 0	44 0	27 0	32 0	28 0	23 0	21
Bahraich	21 0	21 0	16 0	28 0	29 0	34 0	12 8	12 8	10 0	14 0	14 0	14 0	26 0	26 0	34 0	...	...	22
Rai Bareli	22 12	22 8	18 12	27 12	28 0	26 8	...	...	...	15 0	14 8	15 8	...	...	...	...	...	23
Sitapur	25 0	25 0	20 12	34 4	33 4	32 11	8 0	8 0	8 0	17 0	13 8	14 0	29 0	29 0	28 0	27 0	27 0	25
Gonda	22 4	22 0	20 15	24 8	24 8	42 0	13 0	12 8	14 4	14 12	14 4	15 10	25 8	25 10	39 0	24 8	23 14	23
Unáo	22 8	22 0	18 0	30 0	29 0	26 0	8 0	8 0	11 0	13 0	13 0	13 0	28 0	28 0	23 0	23 0	23 0	21
Hardui	22 8	21 8	16 14	32 0	30 0	27 11	5 10	6 0	5 10	12 0	10 0	11 4	...	...	...	...	...	16
PUNJAB.																		
Gujránwála, Lahore, Ferozepore, Sirsa, Hissar, Rohtak, Gurgaon, Delhi, Karnál, Umballa, Ludhiana, Simla	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Districts	Other Millets (Kavaru, Varagu, Chena, Coraloo, Nuglee), *Panicum Miliaceum*, &c.: Past fortnight	Other Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R a. p.	R a. p.	R a. p.	S. Ch.	S. Ch.	S. Ch.
ASSAM.														
Sylhet	...	...	14 12	16 0	15 0	108 0	108 0	108 0	3 5 0	3 4 0	3 4 0	12 12	12 8	11 0
Cachar	...	...	14 0	12 13	12 13	80 0	80 0	80 0	3 8 0	3 8 0	3 8 0	11 0	10 12	10 10
Goálpará	...	...	12 4	12 4	14 8	80 0	80 0	64 0	3 4 0	3 4 0	3 6 0	12 4	12 4	12 4
Gáro Hills	...	...	8 0	8 0	8 0	160 0	160 0	160 0	5 0 0	5 0 0	5 6 0	8 0	8 0	6 6
Kámrúp	...	...	12 0	11 0	13 4	200 0	200 0	200 0	3 8 0	3 4 0	3 8 0	13 0	13 8	11 0
Darrang	...	...	9 12	9 8	9 13	160 0	160 0	160 0	4 4 0	4 4 0	4 8 0	9 0	9 0	8 0
Nowgong	...	...	8 0	8 0	8 0	120 0	120 0	120 0	3 12 0	3 12 0	4 0 0	10 0	10 0	8 0
Sibságar	...	...	9 0	8 0	10 0	80 0	80 0	80 0	4 4 0	4 4 0	4 8 0	9 0	9 0	8 0
Lakhimpur	...	...	12 0	12 0	11 0	160 0	160 0	160 0	4 0 0	4 0 0	4 8 0	10 0	10 0	9 0
Khási & Jaintiá Hills	...	...	...	...	...	...	...	...	4 12 0	4 8 0	5 0 0	8 0	8 0	8 0
Nága Hills	...	...	...	...	2 0	120 0	120 0	120 0	16 0 0	13 0 0	16 0 0	2 8	3 0	2 8
N. W. PROVINCES.														
Dehra Dún	...	...	23 12	20 8	19 0	160 0	160 0	160 0	11 8	11 8	11 0	11 0	11 0	10 8
Saháranpur	...	...	...	...	...	...	...	...	...	...	...	No return received		
Muzaffarnagar	...	...	28 11	27 8	22 8	132 0	132 0	110 0	12 10	12 10	12 6	12 2	12 2	11 8
Meerut	...	...	26 8	25 8	26 0	110 0	110 0	110 0	13 0	13 0	12 8	12 8	12 8	13 0
Bulandshahr	...	...	24 2	22 0	21 0	160 0	140 0	140 0	13 0	12 8	11 8	...	...	...
Aligarh	...	...	...	...	...	...	...	...	...	...	...	No return received		
Kumaun	...	...	11 0	11 0	12 0	200 0	200 0	200 0	8 0	7 8	9 0	7 0	7 0	8 0
Garhwál	...	...	8 0	8 0	10 0	280 0	280 0	280 0	7 0	7 0	8 8	6 4	6 4	7 13
Bijnor	...	...	23 10	21 2	21 6	135 0	135 0	135 0	...	...	...	11 4	11 4	11 4
Moradabad	...	...	24 0	22 8	21 14	125 0	125 0	125 0	13 4	13 4	12 10	13 0	13 0	12 8
Budaun	...	...	20 6	20 6	24 0	192 0	192 0	192 0	12 0	12 0	11 6	11 6	11 11	11 1½
Bareilly	...	...	21 14	21 14	22 8	125 0	125 9	125 0	13 2	12 8	12 3	12 8	12 3	11 14
Sháhjahánpur	...	...	23 8	22 8	22 12	160 0	160 0	160 0	13 6	13 6	13 0	11 6	11 6	10 12
Taráí Pergunnahs	...	...	...	...	...	...	...	...	...	...	...	No return received		
Muttra	...	...	22 8	22 0	21 8	110 0	100 0	120 0	14 8	14 0	13 0	14 0	13 8	12 8
Agra	...	...	23 0	23 8	22 8	100 0	100 0	100 0	14 0	14 0	13 8	13 8	13 8	13 0
Farukhabad	...	...	23 3	22 10	23 0	114 8	114 8	150 0	12 12	12 10½	12 4	11 12	11 12	11 10
Mainpuri	...	...	20 8	20 0	21 0	160 0	160 0	160 0	13 0	12 0	11 8	12 8	12 8	11 0
Etáwah	...	...	24 8	23 8	24 0	100 0	100 0	100 0	13 0	13 0	12 0	12 0	12 0	11 0
Etah	...	...	22 0	21 5	21 0	140 0	153 0	180 0	13 8	12 8	12 0	12 2	11 13	11 0
Jalaun	...	...	29 0	29 0	28 0	140 0	140 0	140 0	12 0	12 0	11 0	11 0	11 0	10 0
Jhánsi	...	...	24 8	25 0	27 9½	200 0	200 0	200 0	11 12	11 12	11 0	10 12	10 12	10 0
Lalitpur	...	...	...	...	...	...	...	...	...	...	...	No return received		
Cawnpore	...	...	28 0	27 8	27 0	130 0	135 0	145 0	14 0	14 0	13 8	13 8	13 8	13 0
Fatehpur	...	...	26 8	26 8	27 12	160 0	160 0	200 0	11 0	11 0	11 0	10 12	10 12	10 12
Bánda	...	...	33 0	33 0	37 0	160 0	160 0	160 0	11 8	11 8	12 0	11 0	11 0	11 0
Allahabad	...	...	26 12	26 4	29 0	120 0	120 0	140 0	12 0	12 0	12 0	11 0	11 0	11 0
Hamírpur	...	...	33 9	33 12	29 13	140 0	140 0	140 0	11 0	11 0	11 4	10 0	10 4	10 0
Jaunpur	...	...	23 12	21 0	29 10	130 0	130 0	148 12	10 12	10 12	10 12	10 10	10 10	10 10
Gorakhpur	...	...	23 0	22 8	27 14	160 0	160 0	160 0	11 0	11 0	10 9½	10 13	10 13	10 6½
Basti	...	...	20 8	21 0	27 0	180 0	180 0	150 0	10 8	10 8	8 8	9 12	9 12	8 0
Azamgarh	...	...	21 0	21 0	25 15	177 8	177 8	147 8	11 2	11 2	10 8	10 8	10 8	9 14
Mirzapur	...	...	22 0	21 0	24 0	100 0	100 0	70 0	10 0	10 0	10 0	8 0	8 0	8 8
Benares	...	...	22 12	22 12	28 14	90 0	100 0	90 0	10 11	10 7	10 6½	9 13½	9 13½	10 2
Ghāzipur	...	...	21 14	21 4	27 0½	128 12	128 12	128 12	11 9	11 9	10 15½	10 5	10 5	10 5
Balia	...	...	...	...	...	...	...	...	...	...	...	No return received		
Philibhít	...	...	19 12	19 8	24 7	157 0	150 0	150 0	13 0	13 0	13 0	12 8	12 8	12 8
Almora	...	...	...	...	...	...	...	...	...	...	...	No return received		
OUDH.														
Sultánpur	...	...	24 0	24 0	31 0	160 0	160 0	160 0	12 8	12 12	12 4	11 12	11 12	12 0
Partabgarh	...	...	23 8	22 12	26 10½	190 0	190 0	200 0	12 0	12 0	11 0	11 2	10 8	10 10
Fyzabad	...	...	22 8	22 4	27 8	120 0	120 0	120 0	11 0	10 8	11 8	10 8	10 0	11 0
Kheri	...	...	23 0	24 0	26 8	140 0	140 0	120 0	10 8	11 8	11 0	10 0	10 8	10 8
Lucknow	...	...	24 8	24 0	23 0	120 0	120 0	115 0	11 8	11 8	11 2½	11 0	11 0	10 10½
Bára Banki	...	...	26 0	24 0	25 0	120 0	120 0	130 0	12 0	12 0	12 0	11 0	11 0	11 0
Bahraich	...	...	25 0	25 0	30 0	160 0	160 0	160 0	...	...	...	11 0	11 0	9 8
Rai Bareli	...	...	26 8	26 8	24 0	200 0	200 0	160 0	...	...	...	9 12	10 0	9 0
Sitapur	...	...	27 8	27 0	27 1½	160 0	160 0	160 0	12 8	12 8	12 8	12 0	12 0	11 8
Gonda	...	...	23 12	23 12	33 8	200 0	200 0	200 0	11 8	11 8	11 4	11 4	11 4	11 0
Unáo	...	...	26 8	26 8	25 0	160 0	160 0	100 0	...	...	...	11 0	11 8	12 0
Hardui	...	...	25 0	23 8	20 14	160 0	160 0	200 0	11 0	10 8	9 6	7 8	7 8	7 8
PUNJAB.														
Gujránwála, Lahore, Ferozepore, Sirsa, Hissar, Rohtak, Gurgaon, Delhi, Karnál, Umballa, Ludiana, Simla	...	...	...	...	...	...	...	...	...	...	No return received			

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF SEPTEMBER 1884—*continued.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowari, *Holcus Sorghum*). Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Bajra Millet (Cumboo, Bajra) *Penicillaria Spicata*. Present fortnight.	Bajra Millet. Past fortnight.	Bajra Millet. Corresponding fortnight
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
PUNJAB—*continued.*	Kángra																		
	Jullundur																		
	Hoshiárpur																		
	Gurdáspur																		
	Amritsar																		
	Siálkot																		
	Gujrát																		
	Jhelum																		
	Ráwalpindi																		
	Shahpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Jhang																		
	Montgomery																		
	Mooltan																		
	Muzaffargarh																		
	Dera Gházi Khán																		
	Dera Ismail Khán																		
	Bannu																		
	Kohát																		
	Peshâwár																		
	Hazára																		
CENTRAL PROVINCES.	Saugor	27 8	27 8	20 8	...	...	...	10 0	10 0	8 0	11 0	11 0	11 0	...	...	...	...	...	...
	Damoh	32 0	32 0	26 8	...	...	...	13 8	13 8	10 12	15 8	14 8	12 0	...	...	...	...	...	...
	Jubbulpore	22 8	22 12	19 0	23 8	24 0	20 0	9 0	9 0	10 0	13 0	12 8	15 0	24 0	24 8	23 0	19 0	18 0	17
	Mandla	32 0	32 0	25 0	...	...	...	14 8	14 0	15 0	17 0	18 0	18 8	...	...	...	...	...	...
	Seoni	28 0	27 0	21 0	...	...	...	13 0	13 0	12 8	18 0	17 0	16 0	...	...	...	...	...	...
	Narsinghpur	21 0	22 0	17 8	...	...	...	9 0	9 0	9 0	11 8	11 8	11 8	...	...	...	...	...	...
	Hoshangabad	20 4	20 4	15 6	...	...	...	4 0	4 0	4 0	10 2	9 8	9 12	...	...	21 0	...	...	19
	Nimár	22 11	21 10	16 8	...	...	...	11 9	11 7	12 9	14 14	13 13	14 14	26 4	26 0	20 10	28 0	26 0	20
	Betúl	27 0	27 0	18 0	...	...	...	11 0	11 0	10 8	12 0	12 0	11 0	22 0	22 0	19 8	...	...	...
	Chhindwára	25 4	26 8	25 8	...	...	...	7 8	7 8	8 8	12 8	12 8	14 8	27 8	27 8	31 0	...	...	...
	Wardha	27 0	25 0	20 0	...	...	...	8 8	8 0	10 0	13 0	10 0	12 0	27 0	18 0	26 0	...	...	...
	Nágpur	25 4	23 4	18 12	...	...	...	9 12	9 12	9 0	14 12	14 12	16 0	27 12	27 1	29 0	...	...	...
	Chánda	26 0	24 0	19 0	...	...	...	...	...	...	17 8	17 0	15 0	26 0	26 0	27 8	...	...	...
	Bhandára	25 0	24 8	20 0	...	...	...	10 0	9 8	10 0	18 0	17 0	20 0	25 0	23 8	35 0	...	...	...
	Bálaghát	28 0	28 0	18 0	...	...	...	15 0	15 0	15 0	21 0	21 0	23 0	...	...	...	...	...	...
	Raipur	28 0	28 0	21 0	...	...	...	15 0	15 0	17 8	23 0	23 0	31 8	...	...	...	...	...	...
	Biláspur	39 15	42 0	25 0	...	...	...	21 14	33 0	33 4	31 15	44 0	44 0	...	...	...	...	...	...
	Sambalpur	24 8	28 0	16 8	...	...	...	22 12	22 12	29 5	29 5	24 8	32 11	...	...	...	...	...	...
BRITISH BURMA.	*Arakan Division.*																		
	Akyab	...	...	6 6	...	...	...	9 8	9 0	7 0	13 0	12 8	9 8	...	...	...	...	...	...
	Northern Arakan	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kyoukpyoo	...	...	...	...	...	...	12 7	11 13	8 11	13 15	18 6	10 8	...	...	...	...	...	...
	Sandoway	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Pegu Division.																		
	Rangoon Town	15 0	16 0	11 0	...	...	...	13 0	11 4	11 10	14 2	12 2	12 8	...	...	...	...	...	...
	Hanthawady	...	...	...	...	...	...	7 1	7 9	...	9 14	10 1	...	...	...	...	...	...	...
	Pegu	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tharrawaddy	...	...	...	...	...	...	8 6	8 6	8 6	9 6	9 6	10 7	...	...	...	...	...	...
	Prome	...	...	...	...	...	...	10 4	10 4	11 15	15 10	15 10	15 10	...	...	...	...	...	...
	Irrawaddy Division.																		
	Bassein	14 9	14 9	9 11	...	...	...	10 12	10 12	13 8	12 7	12 7	13 1	...	...	...	...	...	...
	Henzada	...	...	...	...	...	...	12 6	13 5	12 4	14 1	14 14	14 0	...	...	...	...	...	...
	Thonegwa	...	...	...	...	...	...	7 2	7 2	7 2⅞	7 14	7 14	7 14⅜	...	...	...	...	...	...
	Thayetmyo	15 1	15 1	9 4	...	...	...	9 6	9 6	10 3	10 6	10 6	11 13	...	...	...	...	...	...
	Tenasserim Division.																		
	Moulmein Town & Amherst	9 0	9 0	12 2	...	...	...	9 11	9 11	9 0	12 2	12 2	12 3	...	...	...	...	...	...
	Tavoy	...	...	...	...	...	...	13 0	13 0	12 0	17 15	17 15	17 15	...	...	...	...	...	...
	Mergui	...	...	...	...	...	...	13 13	12 0	14 9	14 14	14 2	16 10	...	...	...	...	...	...
	Toungoo	...	...	...	...	...	...	10 10	11 7	14 3	12 13	12 13	16 1	...	...	...	...	...	...
	Shwaygyin	...	...	...	...	...	...	9 13	10 10	9 1	10 6	12 7	11 5	...	...	...	...	...	...
	Salween	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
HYDERABAD ASSIGNED DISTRICTS.	Secunderabad	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Bolarum																		
	Chudderghat																		
	Amráoti	23 0	22 0	16 0	11 8	11 8	10 0	9 0	9 0	8 0	10 0	10 0	10 0	27 0	26 0	26 0	18 0	18 0	18
	Akola	24 0	21 0	16 0	...	...	...	7 8	7 8	7 0	11 0	11 0	13 0	26 0	26 0	24 0	20 0	20 0	21
	Ellichpur	19 8	19 8	16 0	6 0	6 0	14 0	8 0	8 0	10 0	10 0	10 0	14 0	24 12	24 12	27 0	15 2	15 0	19
	Buldána	24 0	23 0	18 0	...	...	...	...	...	...	11 0	11 0	11 0	25 0	24 0	26 0	24 0	24 0	24
	Wún	21 0	20 0	18 0	...	...	...	7 0	7 0	8 0	11 8	11 8	13 0	32 8	22 8	31 8	...	...	...
	Básim	26 0	25 0	21 0	...	...	...	6 0	6 0	5 12	10 0	12 4	13 0	30 0	27 8	27 0	...	...	...

Districts.	Other Millets, Ragi (Kavaru, Varagu, … Cheena, Coraloo, … Nagli(?), *Panicum Miliaceum*, &c.). Present fortnight.	Other Millets. Past fortnight.	Other Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.	Provinces.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Kángra																PUNJAB—*continued.*
Jullundur																
Hoshiárpur																
Gurdáspur																
Amritsar																
Siálkot																
Gujrát																
Jhelum																
Ráwalpindi																
Shahpur		...	...	...	...	...	...	...	...	...	...	No return received				
Jhang																
Montgomery																
Mooltan																
Muzaffargarh																
Dera Ghází Khán																
Dera Ismail Khán																
Bannu																
Kohát																
Peshâwár																
Házára																
Saugor	...	...	...	27 0	29 0	26 0	140 0	140 0	160 0	9 12	9 12	9 8	9 8	9 8	9 0	CENTRAL PROVINCES.
Damoh	...	...	...	32 0	34 0	37 0	200 0	200 0	200 0	10 0	10 4	10 0	9 8	9 12	9 12	
Jubbulpore	...	...	...	29 0	28 0	26 0	110 0	110 0	120 0	11 0	11 10	11 4	10 8	11 4	10 12	
Mandla	[illegible] 0	25 0	25 0	45 0	45 0	10 0	256 0	256 0	256 0	...	...	...	10 0	10 0	8 0	
Seoni	...	...	...	32 0	29 0	26 0	220 0	220 0	220 0	10 8	10 8	10 8	10 4	10 4	10 0	
Narsinghpur	...	...	...	31 0	34 0	24 8	140 0	140 0	140 0	11 0	11 0	11 0	10 8	10 8	10 8	
Hoshangabad	...	...	...	36 0	33 12	26 7	140 0	160 0	160 0	11 12	11 12	11 8	11 0	11 0	10 8	
Nimár	...	...	...	25 13	26 14	20 4	120 0	160 0	160 0	13 13	13 13	18 13	13 0	13 0	13 0	
Betúl	[illegible] 8	18 8	15 0	26 0	26 0	18 0	320 0	320 0	320 0	10 8	10 8	8 8	10 0	10 0	8 0	
Chhindwára	[illegible] 0	17 0	16 0	31 0	31 8	30 0	200 0	200 0	200 0	9 0	9 8	9 0	8 0	9 0	8 0	
Wardha	...	...	...	21 0	17 0	19 0	...	160 0	120 0	11 8	11 8	11 8	11 0	11 0	11 0	
Nágpur	...	...	...	22 12	22 12	20 8	150 0	150 0	120 0	12 0	11 12	12 0	11 12	11 8	11 12	
Chánda	...	...	...	27 0	26 0	21 8	360 0	360 0	360 0	...	...	...	11 0	11 0	10 0	
Bhandára	...	...	...	23 0	23 8	21 0	180 0	18[illegible] 0	96 0	11 0	10 8	10 0	10 8	10 0	9 12	
Bálaghát	...	...	...	26 0	26 0	25 0	275 0	275 0	275 0	10 0	9 8	9 4	9 8	9 0	8 8	
Raipur	...	...	...	20 0	21 0	28 8	64 0	64 0	64 0	10 0	11 0	13 0	9 0	10 0	9 0	
Bilâspur	[illegible] 0	120 0	123 4	36 0	38 0	31 0	120 0	120 0	120 0	...	...	...	9 0	8 0	8 0	
Sambalpur	...	...	...	18 0	18 0	16 13	125 0	125 0	120 0	12 0	12 0	10 8	11 0	11 0	8 15	
Arakan Division.																BRITISH BURMA.
Akyab	...	...	...	10 0	10 0	10 0	240 0	240 0	160 0	35 0	35 0	40 0	30 0	30 0	35 0	
Northern Arakan	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Kyoukpyoo	...	...	...	4 0	4 0	4 0	50 0	50 0	50 0	...	...	...	30 0	30 0	30 0	
Sandoway	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Pegu Division.																
Rangoon Town	...	...	...	21 2	17 10	19 2	320 0	320 0	320 0	50 11	50 11	50 11	22 10	22 10	22 10	
Hanthawaddy	...	...	...	10 1	10 1	...	46 9	46 9	...	8 2	7 7	...	6 4	5 8	...	
Pegu	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Tharrawaddy	...	...	...	18 8	18 3	16 13	147 10	147 10	246 0	39 6	39 6	33 12	35 0	35 0	32 4	
Prome	...	...	...	...	...	...	183 8	183 8	183 8	29 9	29 9	29 9	29 9	29 9	29 9	
Irrawaddy Division.																
Bassein	...	...	...	12 7	15 9	15 0	167 9	167 9	139 11	29 9	29 0	25 5	18 10	18 10	16 9	
Henzada	...	...	...	13 12	13 12	10 15	205 15	225 11	273 4	26 9	28 6	28 2	25 1	26 12	21 4	
Thonegwa	...	...	...	8 14	8 14	7 13⅞	535 11	535 11	535 11⅞	...	...	...	22 5	27 7	27 7⅞	
Thayetmyo	...	...	...	13 13	13 13	13 13	245 0	245 0	245 0	29 9	29 9	25 5	18 15	18 15	18 15	
Tenasserim Division.																
Moulmein Town & Amherst	...	...	...	12 2	12 2	12 3	220 0	220 0	220 0	30 8	30 8	35 8	30 15	30 15	25 5	
Tavoy	...	...	...	...	...	...	399 3	399 3	399 3	24 2	24 2	24 2	16 1	16 1	16 1	
Mergui	...	...	...	...	...	...	428 0	428 0	428 0	36 8	36 8	24 5	29 3	29 8	16 4	
Toungoo	...	...	...	9 1	9 1	12 9	23 12	24 0	24 0	25 0	22 0	3 3	18 12	[illegible]4 1	[illegible]2 10	
Shwaygyin	...	...	...	...	...	...	150 0	150 0	250 0	35 6	35 6	35 6	18 14	18 14	18 14	
Salween	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Secunderabad	...	...	...	...	...	...	...	...	...	...	...	...	No return received			HYDERABAD ASSIGNED DISTRICTS.
Bolarum																
Chudderghat																
Amráoti	...	...	...	20 0	20 0	18 0	70 0	75 0	64 0	13 0	13 0	12 8	12 8	12 8	12 0	
Akola	...	...	...	20 0	20 0	18 0	64 0	64 0	64 0	12 0	11 0	10 0	11 0	10 0	10 0	
Ellichpur	...	...	...	17 4	17 8	17 0	60 0	60 0	64 0	...	...	...	11 0	11 0	11 0	
Buldána	...	...	...	20 0	20 0	16 0	...	...	...	...	...	...	10 0	10 0	11 0	
Wún	...	...	...	18 0	18 0	18 0	200 0	175 0	200 0	...	...	...	11 0	11 0	11 0	
Básim	...	...	...	41 0	22 8	20 0	64 0	64 0	64 0	11 0	10 0	10 8	10 0	9 0	10 0	

PRICES CURRENT OF FOOD-GRAINS THROUGH[illegible]

QUANTITIES PER RU[illegible]

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Bulrush Mill[et] (Cumboo, Baj[ra]), *Penicillaria Sp[icata]*. Present fortnight.	Bulrush Millet. Past fortnight.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Mysore.	Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...
Coorg	Coorg	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...
Rajpootana.	Jeypore	17 8	17 4	16 0	25 0	24 0	22 8	6 0	6 0	6 0	7 8	8 0	8 8	22 0	23 0	20 0	22 0	19 0
	Kishengurh	17 4	17 4	16 12	25 8	23 8	23 4	9 0	9 0	9 0	10 0	10 0	10 0	17 8	17 0	22 8	17 8	16 0
	Kerrowlee	*	21 4	16 14	*	26 4	25 10	*	9 4	10 0	*	10 11	11 4	*	23 12	25 10	*	23 2
	Ulwur	20 0	19 7	17 5	27 5	25 14	22 14	6 12	7 4	8 10	10 5	10 5	10 8	22 8	21 1	22 0	23 3	20 15
	Bhurtpore (City)	19 3	19 3	17 11	27 4	26 7	25 8	7 3	7 12	7 12	8 9	9 12	9 10	22 3	22 3	22 0	23 15	24 11
	Ajmere	18 0	17 0	15 8	26 0	23 8	22 0	3 0	3 0	5 0	8 0	8 0	8 0	24 0	21 0	16 0	20 0	16 0
	Deoli Cantonment	24 0	21 12	17 3	34 0	29 8	24 15	...	...	...	9 4	9 4	8 4	30 0	30 0	[illegible]	22 0	22 0
	Erinpura	17 13	17 18	13 12	24 6	24 6	20 12	...	...	...	7 0	7 0	7 13	21 0	21 0	19 0	20 0	20 0
	Sirohee	15 4	15 8	11 8	25 0	25 0	20 0	6 0	6 12	6 8	8 0	8 4	7 8	18 8	18 8	14 0	19 0	19 0
	Abu	15 4	14 12	11 12	20 0	20 0	16 14	6 0	6 0	7 0	7 4	7 4	8 4	...	...	...	15 12	15 12
	Anadra	17 0	15 10	11 14	23 0	23 0	17 14	6 8	6 8	6 14	8 0	8 0	8 2	...	...	...	18 0	23 0
	Bálmere	14 8	14 12	15 0	...	...	...	5 0	5 0	6 0	7 0	7 0	8 8	...	...	...	29 0	28 8
	Jeysalmere	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Hilly Tracts of Meywar	18 0	18 0	21 0	20 8	20 0	25 0	...	...	...	11 0	11 0	15 0	...	...	...	...	...
	Meywar (Oodeypore)	21 1½	20 11½	13 13½	29 11	28 8½	17 9½	8 8½	8 9½	9 6	...	...	...	...	...	...	...	...
	Bánswára (Meywar Agency)	25 0	27 0	21 4	...	...	...	10 0	10 0	21 14	15 0	16 4	15 0	...	...	...	...	...
	Partábgarh („)	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Marwar (Jodhpore)	17 12	17 12	15 10	22 8	20 0	20 0	6 4	5 0	6 4	7 12	6 14	7 8	20 0	17 12	21 9	20 0	30 0
	Bikaneer	18 4	12 0	10 6	...	...	...	3 11	3 11	3 6	6 12	6 5	5 12	...	...	...	15 8	15 2
	Boondee	12 3	27 12	23 0	50 0	42 0	32 0	6 8	7 0	10 0	7 0	8 0	11 0	48 0	38 8	30 0	...	...
	Kotah	30 0	29 0	21 0	40 0	35 0	25 0	7 0	7 0	8 0	7 8	8 0	11 0	40 0	38 0	25 0	18 0	18 0
	Tonk	22 12	21 8	19 8	31 0	28 12	26 0	7 8	7 8	6 7	8 8	8 0	8 9	33 12	31 0	26 6	...	...
	Jhallawar	25 14	25 3	17 5	40 0	40 0	20 0	...	...	...	10 3½	10 8½	7 1	40 14	37 0	22 6	16 6½	15 14
	Shahpoora	21 4	20 6	18 8	23 8	30 0	25 0	7 8	7 8	10 0	9 8	9 8	15 0	25 0	23 12	22 0	19 8	19 0
	Dholpur	18 7	18 0	16 10	25 5	25 1½	24 4	9 0	9 0	10 2	10 2	10 2	10 15	22 9	22 13	21 1	22 8	22 1½
Central India.	Indore	19 3	19 12	14 8	...	...	...	9 3	9 3	8 9	10 0	10 0	10 0	26 10	26 0	19 3	24 0	23 0
	Gwalior	18 12	18 6	15 9	21 0	20 9	19 11	7 5	7 5	7 7	8 11	8 12	8 13	22 8	21 4	21 15	20 1	20 1
	Goona	30 0	30 0	23 0	21 0	21 0	20 0	8 0	8 0	8 8	9 0	9 0	9 0	45 0	45 0	35 0	20 0	20 0
	Baghelkhand (Sutna)	24 4	23 8	24 3	33 8	32 0	39 0	8 0	8 0	7 0	17 12	18 0	17 6	...†	...†	37 0	19 8	21 0

* Not received. † No [illegible]

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

[...]IA FOR THE 1st HALF OF SEPTEMBER 1884—*concluded.*

[...]EERS OF 80 TOLAHS.

Districts.	[Oth]er Millets. Ragi, (Kavaru, Veragu, [...]co, Cheena, Coralee, [...]rhwa, Nugler), Pani[cum] Miliaceum, &c. Past fortnight.	Other Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.	Provinces.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	...	...	...	...	...	...	...	...	...	...	...	No return received			Mysore.
Coorg	...	...	...	...	...	...	...	...	...	...	...	No return received			Coorg
Jeypore	...	...	22 0	22 0	21 8	...	...	...	16 0	16 0	15 0	15 12	15 12	14 12	Rajpootana.
Kishengurh	...	...	20 4	20 8	23 8	...	...	...	...	...	...	16 0	16 8	16 0	
Kerrowlee	...	...	*	22 8	26 0	...	...	...	*	14 0	13 5	*	13 14	13 0	
Ulwur	...	...	24 7	23 8	22 11	...	...	...	16 4	16 4	15 7	15 8	15 8	14 12	
Bhurtpore (City)	...	...	22 7	22 11	23 8	...	...	...	12 4	12 4	12 4	12 0	12 0	12 0	
Ajmere	...	...	22 8	21 8	23 0	80 0	80 0	80 0	17 0	17 8	17 8	15 8	15 8	15 0	
Deoli Cantonment	...	...	28 6	27 0	25 8	...	...	...	13 6	13 8	13 6	12 0	12 0	12 12	
									R a. p.	R a. p. per md.	R a. p.				
Erinpura	...	...	21 2	21 2	18 7	160 0	160 0	160 0	3 0 4	3 0 4	3 1 3	13 0	13 0	12 0	
Sirohee	...	...	21 0	21 0	16 0	180 0	180 0	160 0	...	2 12 0	3 0 0	13 5	13 5	12 5	
Abu	...	...	17 8	17 8	15 4	160 0	160 0	160 0	3 1 3	3 1 3	3 8 0	13 0	13 0	11 8	
Anadra	...	...	20 0	20 0	15 8	...	...	...	2 13 3	2 13 3	3 4 0	14 4	14 4	12 4	
Bálmere	...	...	13 0	13 0	15 8	280 0	280 0	300 0	2 7 0	2 6 0	2 5 0	16 0	16 4	17 0	
Jeysalmere	...	...	...	...	...	...	...	...	...	...	...	No return received			
Hilly Tracts of Meywar	...	...	20 0	19 0	20 0	‡	‡	‡	3 10 0	3 10 0	3 10 0	11 0	11 0	11 0	
									S. Ch.	S. Ch.	S. Ch.				
Meywar (Oodeypore)	...	...	21 14	22 4½	15 3½	200 0	200 0	200 0	12 1½	12 1½	9 9	11 11½	11 11½	9 6	
									R a. p.	R a. p. per md.	R a. p.				
Bánswára (Meywar Agency)	...	...	35 0	37 8	37 8	...	...	...	3 5 9	...	...	12 8	12 8	10 0	
Partábgarh („)	...	...	...	...	...	...	...	...	...	...	...	No return received			
Marwar (Jodhpore)	...	...	18 12	17 12	20 0	120 0	100 0	...	2 10 9	2 10 9	2 10 0	15 0	15 0	15 0	
									S. Ch.	S. Ch.	S. Ch.				
Bikaneer	...	...	17 4	16 0	17 12	...	...	...	...	...	...	11 8	11 8	11 8	
Boondee	...	...	45 0	36 12	31 0	160 0	160 0	160 0	11 8	11 0	11 8	11 0	10 8	11 4	
Kotah	...	...	37 0	36 0	27 0	240 0	240 0	240 0	11 0	11 0	12 8	10 8	10 8	12 0	
Tonk	...	...	28 0	26 10	27 0	90 0	90 0	160 0	13 4	13 8	13 6	13 0	13 4	13 2	
Jhallawar	...	...	32 12	31 6	22 4	...	...	...	10 3½	10 7½	10 2	9 15½	10 3½	9 14	
Shahpoora	...	...	26 8	25 5	24 4	160 0	160 0	160 0	13 12	13 9	13 6	13 10	13 7	13 4	
Dholpur	...	...	20 13	20 15	23 9	...	...	...	13 12	13 12	13 8	12 14	12 14	12 10	
Indore	...	...	21 14	22 0	17 12	100 0	100 0	100 0	11 8	11 8	12 0	11 0	11 0	11 5	Central India.
Gwalior	...	...	18 8	19 1	21 0	127 12	127 12	109 8	12 9	12 7	...	11 14	11 14	11 7	
Goona	...	...	34 0	34 0	32 0	200 0	200 0	200 0	12 12	12 8	12 8	12 8	12 0	12 0	
Baghelkhand (Sutna)	...	...	32 0	29 8	33 10	160 0	160 0	160 0	11 10	11 9	11 15	11 2	10 12	11 4	

‡ Eight pies per bundle.

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

...MENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALVES OF JUNE AND JULY AND 1st HALF OF AUGUST 1884, PUBLISHED IN ... 1118, 1119, 1120, 1121, 1208, 1209, 1334 AND 1335 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 26th JULY, 23rd AUGUST, AND 13th SEPTEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

...TRICTS.	Wheat.			Barley			Rice. Best sort			Rice. Common.			Great Millet (Choimm, Jowar), *Holcus Sorghum*.			Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*.			Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nugree, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c.			Gram			Firewood.			Salt. Wholesale.			Salt. Retail.			AVERAGE WAGES PER MONTH.		
	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Able-bodied Agricultural Labourer.	Syce or Horse-keeper.	Common Mason, Carpenter, or Blacksmith.
	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	R a.	R a.	R a.
...f of June ...84.																																				
...rabad	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6 0	6 0	13 8
	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5-15-9	14-14-8
...ghat	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7 8	7 0	15 0
	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 0	3 to 6	8 0
...ntonment	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5 10	..	...
...ar	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 to 5	4 to 6	7 to 12
	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 8	4-8 to 5	10 to 20
...lf of July ...884.																																				
...ore	11 8	11 14	11 3	12 11	12 13	12 12	10 7	10 8	10 2	11 7	11 8	11 0	23 4	...	21 10	...	...	...	31 3	35 5	29 11	25 9	25 5	30 2	84 0	84 0	84 0	12 8	12 8	13 0	12 0	12 0	12 12	...	...	...
	...	...	...	11 0	13 0	10 10	13 0	13 0	12 14	14 0	16 0	15 3	...	...	...	...	...	...	32 0	38 0	37 2	28 0	28 0	31 15	156 0	168 0	172 6	12 4	12 4	13 8	12 0	12 0	13 3	...	...	...
...r.	14 0	14 0	14 0	12 0	13 0	12 0	12 8	14 0	13 0	13 8	15 0	13 8	...	...	...	...	...	...	40 0	44 0	40 0	27 0	32 0	34 0	340 0	340 0	340 0	11 8	11 8	11 0	11 0	11 0	10 8	...	...	...
	11 4	10 8	11 0	...	...	...	12 0	11 0	10 4	12 12	12 8	11 12	...	...	...	...	...	...	27 0	28 0	27 0	25 0	25 0	33 0	78 0	78 0	75 0	9 12	9 8	8 12	9 8	9 0	8 8	...	...	...
...a	13 10	13 10	14 11	14 11	14 11	14 11	12 10	12 10	14 11	18 14	17 14	16 13	29 6	29 6	37 13	...	...	...	37 4	37 4	36 12	26 12	27 5	31 8	480 0	480 4	480 0	10 8	10 8	10 8	10 8	10 8	10 8	...	...	...
	10 0	10 0	14 0	11 0	11 0	15 0	16 0	15 0	14 0	18 0	17 0	18 0	...	...	...	...	...	...	40 0	40 0	32 0	28 0	28 0	30 0	64 0	64 0	64 0	...	...	...	9 0	10 0	10 0	...	...	...
...lf of Aug. ...884.																																				
...re	11 8	11 8	10 5	12 6	12 11	11 4	9 9	10 7	9 8	10 14	11 7	10 8	23 14	23 4	...	...	...	...	30 6	31 3	28 3	24 1	25 9	28 7	84 0	84 0	84 0	12 8	12 8	12 4	12 0	12 0	12 0	...	...	...
	...	...	...	12 0	11 0	10 10	13 0	13 0	12 14	14 8	14 0	15 3	...	...	...	...	...	...	40 0	32 0	37 2	28 0	28 0	31 15	168 0	156 0	172 6	12 4	12 4	13 8	12 [illegible]	12 0	13 3	...	...	...
	14 0	14 0	14 0	12 8	12 0	12 0	12 8	12 8	13 0	13 8	13 8	13 8	...	...	...	...	...	...	35 0	40 0	40 0	24 0	27 0	34 0	340 0	340 0	340 0	11 8	11 8	11 0	11 0	11 0	10 8	...	...	...
	11 4	11 4	11 0	...	...	...	12 8	12 0	10 4	13 0	12 12	12 0	...	...	...	...	...	...	26 0	27 0	30 0	24 0	25 0	33 0	78 0	78 0	75 0	10 4	9 12	8 12	10 0	9 8	8 8	...	...	...
...a	13 10	13 10	14 11	14 11	14 11	15 12	12 10	12 10	13 10	16 13	18 14	16 13	29 6	29 6	37 13	...	...	...	36 12	37 4	37 4	35 3	26 12	33 10	480 0	480 0	480 0	10 8	10 8	...	10 8	10 8	10 8	...	...	...
	10 0	10 0	14 0	11 0	11 0	15 0	16 0	16 0	16 0	18 0	18 0	18 0	...	...	...	...	...	...	40 0	40 0	34 0	28 0	28 0	30 0	64 0	64 0	64 0	...	...	...	10 0	9 [illegible]	10 0	...	...	...

...NT OF FINANCE AND COMMERCE,
(Statistical Branch.)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL KHARIF, NORTH-WESTERN PROVINCES, 1884, UP TO 31st AUGUST 1884.

Canal Division.	Water distributed during August 1884 — Depth in canal at regulating gauge in feet — Full supply.	Actual average throughout.	Gross consumption, cubic feet per second — Allotted discharge.	Actual average throughout.	Total area of irrigation during current fasl.	Total area for the corresponding period of last year.
					Acres.	Acres.
Upper Ganges. Northern	10·00	7·08	850	300	49,758	48,319
Upper Ganges. Anúpshahr	7·00	5·03	1,100	394*	58,324	54,089
Upper Ganges. Meerut	8·10	5·39	850	245	67,801	69,452
Upper Ganges. Bulandshahr	7·20	5·85	900	241	75,412	78,303
Upper Ganges. Aligarh	5·50	4·64	1,200	583	87,783	82,952
Total, Upper Ganges Canal	. .	. .	4,900	1,763	339,078	333,115
Lower Ganges. Narora	9·00	4·49	1,000	. .	19,819	14,592
Lower Ganges. Mainpuri	7·00	1·78	700	53	27,472	32,531
Lower Ganges. Cawnpore	. .	3·3	1,300	. .	44,768	47,768
Lower Ganges. Etáwah	. .	2·0	1,050	71	59,170	63,836
Lower Ganges. Bhognipur	6·70	1·93	1,050	. .	37,817	25,759
Total Lower Ganges Canal	. .	. .	5,100	124	189,046	184,486
Eastern Jumna Canal	4·74	2·65	1,300	424	89,056	93,302
Agra Canal	8·50	3·31	1,300	775	63,755	50,392
Rohilkhand	. .	. .	. .	. .	28,363	26,096
Bijnor	. .	. .	. .	. .	3,025	1,616
Dún	. .	. .	. .	. .	4,947	4,585
Jhánsi	. .	. .	. .	. .	2	36
Hamírpur	. .	. .	. .	. .	9	51
Total	. .	. .	. .	. .	717,281	693,579

Zila.	Land irrigated (approximate) — Sugarcane.	Indigo.	Rice.	Cotton.	Other food-grains.	Fodder crops.	Miscellaneous.	Total.	Rainfall — Total from 1st April to end of August 1884.	Average of ten previous years for the same period.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	In.	In.
Sahâranpur	17,828	2,529	26,280	617	319	292	1,894	49,759	34·3	24·2
Muzaffarnagar	39,519	8,558	22,467	2,147	390	816	4,378	78,305	22·9	20·9
Meerut	65,087	29,523	7,375	10,509	4,396	4,296	2,363	123,549	23·1	19·6
Bulandshahr	5,268	59,916	108	13,749	7,150	2,466	1,364	90,021	12·1	18·4
Aligarh	314	46,225	293	8,333	5,260	360	1,324	62,109	23·2	17·7
Muttra	301	14,305	. .	8,389	220	257	3,170	26,642	13·7	15·4
Agra	495	9,399	. .	1,092	172	208	935	12,301	16·3	17·4
Etah	83[illegible]	30,384	243	3,365	2,123	95	1,233	38,275	14·1	19·7
Mainpuri	1,960	34,863	279	1,323	1,372	94	701	40,592	21·5	22·5
Fatehgarh	2,033	16,840	50	123	447	12	345	19,850	19·4	24·4
Etáwah	2,827	47,835	700	115	958	458	432	53,325	15·1	18·1
Cawnpore	3,469	53,425	839	. .	1,286	4	1,488	60,511	35·2	18·9
Delhi	. .	19	. .	166	. .	. .	. .	185	18·1	16·9
Gurgaon	171	12,753	. .	10,767	220	1,479	121	25,511	18·4	16·0
Dehra Dún	563	. .	3,937	3	17	. .	367	4,947	59·0	55·1
Bijnor	2,361	. .	664	. .	. .	. .	. .	3,025	35·2	27·6
Tarái	731	. .	1,749	. .	. .	. .	. .	2,480	27·6	35·7
Pilibhít	2,241	. .	3,150	. .	. .	. .	. .	5,391	23·5	33·3
Bareilly	8,916	. .	11,576	. .	. .	. .	. .	20,492	36·2	28·6
Jhánsi	1	. .	. .	. .	. .	. .	1	2	31·2	22·4
Hamírpur	1	. .	1	. .	. .	. .	7	9	39·1	21·3
Total	154,948	366,574	79,771	60,698	24,330	10,837	20,123	717,281	. .	. .
Total for the same period last year	157,900	301,410	82,791	57,467	60,576	14,322	19,113	693,579	. .	. .
Increase	. .	65,164	. .	3,231	. .	. .	1,010	23,702	. .	. .
Decrease	2,952	. .	3,[illegible]20	. .	36,246	3,485	. .	. .	. .	. .

Remarks.

				Cubic feet per second.
Supply—				
Entering head of Ganges Canal				4,158
" of Lower Ganges Canal				1,615
			Total	5,773
Expended—				
Ganges Canal		1,763		
Lower Ganges Canal		124		
			1,887	
Escaped—				
Anúpshahr Dn., G. C.,	Siyana escape	285		
Ditto ditto	Tail escape	6		
Meerut ditto	Jani escape	79*		
Bulandshahr ditto	Kot escape	355		
Aligarh ditto	Percolation below Sikandra Rao and Suraha gauges	41		
Narora Dn., L. G. C.,	Percolation, Fatehgarh Branch head	5		
Ditto ditto	Fatehgarh Branch, Manickpur escape	45		
Ditto ditto	Main Canal, Nadrai escape	758		
Ditto ditto	Main Canal, mile 34	191		
Mainpuri ditto	Bewar Branch, tail	115		
Cawnpore ditto	Tail	558		
Etáwah ditto	Escapes	392		
Ditto ditto	Tail	90		
Bhognipur ditto	ditto series escape	265		
			3,125	
Add difference between the quantity passed down by 1st Circle, 1,629, and quantity acknowledged by 2nd Circle, 725, due to closure of canals at different periods			904	
				5,916
Deduct drainage water				143
				5,773

* Passed down to supplement the Agra Canal.

Executive Engineer, Northern Division, Ganges Canal, reports—Very good rain during the month. Canal closed for repairs on afternoon of 9th. River high. All crops very good.

Executive Engineer, Meerut Division, Ganges Canal, reports—In the 1st sub-division there was a light demand for water for rice during the first week but after the heavy rain on the 9th and 10th all demand ceased.

Executive Engineer, Bulandshahr Division, Ganges Canal, reports—There was slight demand on two rajbahas up till 8th, when rain fell and al demand ceased.

Executive Engineer, Aligarh Division, Ganges Canal, reports—Heavy and general rain on the 3rd of August stopped demand for water entirely.

Executive Engineer, Mainpuri Division, Lower Ganges Canal, reports—There has been no demand and plentiful rain throughout the division all through the month. The decrease compared with last year is due to the plentiful rain compared with last year, and is almost entirely under the head of Other food-grains.

Executive Engineer, Cawnpore Division, Lower Ganges Canal, reports—An increase of 1,938 acres in indigo, which is the chief irrigated crop in this division. Food-grains have fallen off owing to the successively heavy rain, *i.e.*, 25·4 inches in August, against 3·3 in the same month last year.

Executive Engineer, Etawah Division, Lower Ganges Canal, reports—Abnormally heavy rain throughout the month, and consequently no water was taken for irrigation of rain crops. There has been an increase in indigo, but a falling off in sugarcane, as explained last month.

Executive Engineer, Eastern Jumna Canal, reports—The ample rainfall stopped all demand after the 10th August: hence the decrease in area. The decrease is chiefly in rice and other food-grains. There is an increase in sugarcane and indigo. Crops in low lands injured by excessive rain. Demand for crops previously irrigated commenced on 27th August.

Executive Engineer, Agra Canal, reports.—With the exception of one distributary, Shergarh, no irrigation was effected during August. The excess of escaped volume over supply entering division is explained by a quantity of water entering the canal by inlets, &c.

Executive Engineer, Rohilkhand Canals, reports—A very wet month; not much demand for water. Moderately heavy floods came down most of the rivers on the 10th and breached most of the earthen dams. Crops are looking very well.

Collector, Bijnor, Executive Engineer, Dun Canals, Deputy Commissioner, Jhansi, and Collector of Hamirpur, report. that—no irrigation was effected during the month of August 1884.

H. W. CONDUITT,
Offg. Asst. Secy. to Govt., N.-W. P. and Oudh, P. W. D., Irrigation Branch.

ALLAHABAD.
The 16th September 1884.

STATEMENT OF TRAFFIC ON THE AGRA CANAL FOR THE MONTH OF AUGUST 1884.

AGRA CANAL. — PRINCIPAL ITEMS OF TRAFFIC.

Nature of Traffic.	Up. Mds.	Up. No.	Down. Mds.	Down. No.	Total Up and Down. Mds.	Total Up and Down. No.
Grains—						
Wheat	...	...	...	...	...	...
Gram	...	...	1,272	...	1,272	...
Rice	...	...	...	...	...	...
Paddy or dhán	...	...	...	...	...	...
Bejhar or mixed grain	...	...	...	...	...	...
Dál—						
Urd	...	...	...	...	...	...
Múng	...	...	...	...	...	...
Arhar	...	...	...	...	...	...
Masúri	...	...	...	...	...	...
Juár	...	...	...	...	...	...
Bajra	...	...	...	...	...	...
Maize or Indian-corn	...	...	...	...	...	...
Barley	...	...	...	...	...	...
TOTAL	...	...	1,272	...	1,272	...
Cotton	...	...	...	...	...	...
Oil-seeds	...	...	...	...	...	...
Salt	...	...	...	...	...	...
Metals	...	...	...	...	...	...
Building materials	...	...	...	...	...	...
Miscellaneous goods	...	...	...	...	...	...
Firewood	...	...	1,000	...	1,000	...
Bamboos	...	...	...	...	...	...
Timber—						
Poles and unsquared timber	...	...	...	...	...	...
Karis and squared timber	...	...	...	...	...	...
Logs	...	...	...	...	...	...
Miscellaneous timber	...	...	...	...	...	...
Live-stock	...	...	...	...	...	...
GRAND TOTAL	...	...	2,272	...	2,272	...
TOTAL DURING CORRESPONDING PERIOD OF LAST YEAR	2,900	...	5,670	...	8,570	...
INCREASE	...	...	...	...	...	...
DECREASE	2,900	...	3,398	...	6,298	...

REMARKS.

Particulars.	Agra Canal. 1884.	Agra Canal. 1883.
Tonnage, including weight of timber and bamboos	83	315
Ton mileage	4,195	31,339
Value of goods R	1,906	13,500
Number of passengers	...	...

ALLAHABAD,
The 16th September 1884.

H. W. CONDUITT,

	UPPER GANGES CANAL.						LOWER GANGES CANAL.						UPPER AND LOWER GANGES CANALS.						UPPER AND LOWER GANGES CANALS.						REMARKS.
	PRINCIPAL ITEMS OF LOCAL TRAFFIC.						PRINCIPAL ITEMS OF LOCAL TRAFFIC.						PRINCIPAL ITEMS OF THROUGH TRAFFIC.						PRINCIPAL ITEMS OF LOCAL AND THROUGH TRAFFIC.						
	Up.		Down.		Total up and down.		Up.		Down.		Total up and down.		Up.		Down.		Total up and down.		Up.		Down.		Total up and down.		
GRAINS.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	
heat	225		2,765		2,990				900		900				675		675		225		4,340		4,565		
ram	1,000				1,000		300				300								1,300				1,300		
ice																									
addy or dhán																									
ejhar or mixed grain																									
al Urd																									
al Múng																									
al Arhar							203				203								203				203		
al Masúri																									
uár																									
ájra																									
aize or Indian-corn																									
arley																									
TOTAL	1,225		2,765		3,990		503		900		1,403				675		675		1,728		4,340		6,068		
otton									66		66				428		428				694		494		
il-seeds									4,706		4,706				40		40				4,746		4,746		
alt	300				300		74				74				14		14		374		14		388		
etals	6,896				6,896		56		2,030		2,086								6,952		2,030		8,982		
uilding materials	12,874		4,779		17,653		8,043		50,855		58,898								20,917		55,634		76,551		
iscellaneous goods	170		200		370		73		53		126				4,907		4,907		243		5,160		5,403		
irewood	5,564		6,470		12,034		1,525		9,560		11,085								7,089		16,030		23,119		
amboos	20	400	36	720	56	1,120	10	200			10	200							30	600	36	720	66	1,320	
Poles and un-squared timber.							140	280	170	340	310	620							140	280	170	340	310	620	
Karis and squared timber.	840	840	900	1,200	1,740	2,040													840	840	900	1,200	1,740	2,040	
Logs																									
iscellaneous timber									100	200	100	200									100	200	100	200	
ive-stock																									
GRAND TOTAL	27,889	1,240	15,150	1,920	43,039	3,160	10,424	480	68,440	540	78,864	1,020			6,064		6,064		38,313	1,720	89,654	2,460	127,967	4,180	
OTAL DURING CORRESPONDING PERIOD OF LAST YEAR.	13,179	10	22,471	10,368	35,650	10,378	16,639	1,436	77,161		93,800	1,436	1,493	3	11,367	50	12,860	53	31,311	1,449	110,999	10,418	142,310	11,867	
INCREASE	14,710	1,230			7,389					540									7,002	271					
DECREASE			7,321	8,448		7,218	6,215	956	8,721		14,936	416	1,493	3	5,303	50	6,796	53			21,345	7,958	14,343	7,687	

Particulars.	Upper Ganges Canal (local).		Lower Ganges Canal (local).		Upper and Lower Ganges Canals (through).		Total, Upper and Lower Ganges Canals.	
	1883.	1884.	1883.	1884.	1883.	1884.	1883.	1884.
Tonnage, including weight of timber and bamboos	1,310	1,580	3,445	2,897	473	222	5,228	4,699
Ton mileage	58,558	59,697	92,011	43,244	92,385	51,592	242,954	154,533
Value of goods . . . R	39,471	38,695	34,856	45,661	23,256	21,085	97,583	1,05,441
Number of passengers	64	127	106	88	1	3	171	218

ALLAHABAD,
16th September 1884.

H. W. CONDUITT,
Offg. Asst. Secy. to Govt., N.-W. P. & Oudh, P. W. D., Irrigation Branch.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

No. XXIII of 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	Receipts for week ending 15th September 1883.		Total mean length open.	Receipts for week ending 13th September 1884.		Total receipts from 1st April to 15th September 1883.		Total receipts from 1st April to 13th September 1884.		Total Increase in 1884-85.	Total Decrease in 1884-85.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	Guaranteed.		R	R		R	R	R	R	R	R	R	R
6th Sept. 1884	Oudh and Rohilkhund	547	94,569	173	. .	(a)	.	(b)25,99,870	207	(c)22,99,446	185	. . .	3,00,42
13th ditto	Sind, Punjab and Delhi	735	1,48,464	202	706	1,46,954	208	52,15,667	293	48,59,115	279	. . .	3,56,55
13th ditto	Madras	861	1,30,032	151	861	1,16,277	135	31,10,434	151	32,55,245	160	1,44,811	. .
6th ditto	South Indian	655	84,195	129	. .	(a)	.	(b)17,92,473	119	(c)20,19,267	136	2,26,794	. . .
13th ditto	Great Indian Peninsula	1,450	3,66,174	252	1,450	4,40,522	304	1,57,16,057	451	1,55,77,681	452	. . .	1,38,376
6th ditto	Bombay, Baroda and Central India	461	1,45,611	316	. .	(a)	.	(b)51,39,979	485	(c)52,75,067	504	1,35,088	. . .
	TOTAL	4,709	9,69,015	206	(d)3,017	7,03,753	233	3,35,74,480	296	3,32,85,821	298	. . .	2,88,65
	State.												
13th Sept. 1884	East Indian	1,509	8,81,829	584	1,509	6,28,183	416	2,36,74,626	654	1,87,27,625	523	. . .	49,47,001
13th ditto	Eastern Bengal (e)	228	1,20,850	530	233	1,59,552	685	21,89,798	400	19,42,950	351	. . .	2,46,848
20th ditto	Nalhati	27	1,392	51	27	1,434	53	38,656	59	37,287	57	. . .	1,369
13th ditto	Northern Bengal	239	41,818	175	249	46,080	185	9,32,811	166	8,75,165	149	. . .	57,676
13th ditto	Kaunia Dharla	32	2,243	70	37	2,316	63	44,901	58	56,707	70	11,806	. . .
20th ditto	Tirhoot	166	?7,859	108	193	18,135	94	3,94,798	100	5,54,733	121	1,59,935	. . .
13th ditto	Patna-Gya	57	17,227	302	57	14,180	249	1,93,694	141	2,25,597	167	31,903	. . .
13th ditto	Cawnpore-Achnera	138	9,382	68	240	15,429	64	2,50,008	75	3,99,061	69	1,49,053	. . .
13th ditto	Dildarnagar-Ghazipur	12	575	48	12	565	47	22,208	77	24,375	85	2,167	. . .
20th ditto	Rajputana-Malwa	1,117	1,51,044	135	1,120	1,51,380	135	56,03,476	209	53,07,121	200	. . .	2,96,355
20th ditto	Rewari Ferozpur	89	6,625	74	140	8,520	61	1,90,051	89	3,32,983	100	1,42,932	. . .
13th ditto	Wardha Coal	45	15,207	338	45	10,573	235	3,31,059	307	2,41,070	226	. . .	89,989
13th ditto	Nagpur and Chhattisgarh	149	7,274	49	149	8,176	55	6,21,412	174	6,03,670	171	. . .	17,772
13th ditto	Burma	161	22,196	138	254	26,950	106	6,34,357	164	8,50,664	158	2,16,307	. . .
13th ditto	Sindia	75	4,716	63	75	4,983	66	1,41,4 8	79	1,55,617	88	14,149	. . .
13th ditto	Punjab Northern	421	58,704	139	417	50,564	113	14,71,364	146	13,47,460	127	. . .	1,23,904
13th ditto	Indus Valley and Kandahar	660	85,239	129	660	98,300	119	35,11,806	222	33,42,454	214	. . .	1,69,352
13th ditto	Amritsar-Pathankot	. . .	. . . .	.	66	2,742	42	. . . .	. .	90,046	64	90,046	. . .
	TOTAL	3,616	5,62,357	156	4,004	6, 9,909	155	1,65,71,927	191	1,63,86,960	174	. . .	1,84,967
	Assisted Companies.												
13th Sept. 1884	Bengal Central	35	1,691	48	126	8,036	64	50,831	60	2,17,928	74	1,67,097	. . .
13th ditto	Assam	39	3,127	80	70	4,010	53	(f)19,462	56	86,643	57	67,181	. . .
13th ditto	Southern Mahratta	. . .	. . .	.	214	4,114	19	. . . .	. .	59,988	29	59,988	. . .
6th ditto	Bengal and North-Western	. . .	. . .	.	. .	(a)	.	. . . .	. .	(g)36,807	23	36,807	. . .
	TOTAL	74	4,818	65	(h)410	16,190	39	70,293	60	4,00,866	49	3,30,573	. . .
	Native States.												
6th Sept. 1884	Bhavnagar-Gondal	193	10,306	53	. .	(a)	.	(b)4,57,929	108	(c)5,72,197	130	1,14,268	. . .
20th ditto	Jodhpur	19	530	28	44	670	15	18,659	41	22,909	30	4,250	. . .
13th ditto	Nizam's	121	15,138	125	121	15,750	130	3,58,670	123	4,51,563	157	92,893	. . .
6th ditto	Mysore	86	4,910	25	. .	(a)	.	(b)1,18,238	60	(c)1,38,306	68	20,068	. . .
	TOTAL	419	30,884	74	(j)165	16,420	100	9,53,496	95	11,84,975	113	2,31,479	. . .
	GRAND TOTAL	10,827	24,48,933	237	(k)9,105	19,84,455	218	7,48,44,822	308	6,99,86,247	269	. . .	48,58,575
	GROSS ESTIMATED EXPENSES	. .	. . . .	.	. .	. . . .	.	3,57,91,126	144	3,43,91,452	132	. . .	. . .
	NET RECEIPTS	. .	. . . .	.	. .	. . . .	.	3,90,53,696	159	3,55,94,795	137	. . .	34,58,901

(a) Return not received.
(b) Total receipts from 1st April to 8th September 1883.
(c) Total receipts from 1st April to 6th September 1884.
(d) Exclusive of the mileages of Oudh and Rohilkhund, South Indian and Bombay, Baroda and Central India Railways (547+651+461).
(e) Excludes share of the earnings of the Bengal Central Railway, but includes the receipts of the late Calcutta and South-Eastern State Railway.
(f) Total receipts from 16th July to 15th September 1883.
(g) Total receipts from 2nd April to 6th September 1884.
(h) Exclusive of the mileage of Bengal and North-Western Railway (69).
(j) Exclusive of the mileages of Bhavnagar-Gondal and Mysore State Railways.
(k) Exclusive of the mileages of Oudh and Rohilkhund, South Indian, Bombay, Baroda and Central India, Bengal and North-Western, Bhavnagar-Gondal and Mysore Railways (547+654+461+69+193+130).

PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR THE OFFICIAL YEAR 1884-85.

Areas leased for Irrigation up to the end of July 1884.

Circle.	District.	Canal.	Estimated full discharge.	Average discharge in month.	Discharge utilized.	Approximate area of land irrigated during the year up to the end of the month.	Approximate area of land under irrigation up to the same date last year.	Details of areas leased: Five years. All crops.	Five years. Khurreef.	Annual leases: Khurreef.	Rubbee.	Sugar-cane.	Bhadoi.	Hot weather.	Total.	Grand Total.	Rainfall, 1884-85: During month.	Up to end of month.	Rainfall, 1883-84: During month.	Up to end of month.	Remarks.
			C. ft.	C. ft.	C. ft.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	In.	In.	In.	In.	
Orissa	Cuttack	Kendrapara	1,269	458·58	209·86	14,185	5,951	. . .	18,710	. .	391	2	. .	. .	393	19,103					
		Gobri	373·62	87·60	14·86	180	. . .	. . .	. . .	. .	. .	. .	. .	. .	. . .	. . .					
		Pattamoondee	1,042	196·38	114·73	3,188	. . .	. . .	4,648	. .	7	. .	. .	. .	7	4,655					
		High Level, Section I.	675	217·51	217·51	9,696	627	. . .	12,144	. .	131	1	. .	2	134	12,278					
		Taldunda, 1st Reach.	1,342	189	189	2,669 (Taldunda, 1st and 2nd Reach)	9,954	. . .	1,083	. .	133	17	. .	. .	150	1,233	11·18 (Cuttack)	34·84	11·06	33·64	
		Taldunda, 2nd Reach.	566	18	18																
		Matchgong	776	40	40	5,195	22,309	. . .	8,740	. .	. .	4	. .	. .	4	8,744					
	Balasore	High Level, Section II.	727·16	37·43	37·43	575	111	. . . (Sections II and III)	2,270 (Sections II and III)	. .	. .	78	. .	. .	78	2,348					
		High Level, Section III.	727·16	11·85	11·85	3,241	241														
		Total	. . .	. . .	. . .	38,869	39,193	. . .	47,595	. .	662	102	. .	2	766	48,361	. .	. .	. .	. .	
	Total of the corresponding period of last year.		. . .	. . .	. . .	. . .	. . .	. . .	8,929	. .	1,153	523	. .	97	1,773	10,702	. .	. .	. .	. .	
South-Western	Midnapore	Midnapore	1,411	607	624	57,281	69,014	. . .	57,154	. .	. .	. .	. .	. .	. . .	57,154	22·80	34·88	10·03	21·50	Whole month discharging.
	Howrah	Panchkoorah	522	110	76	4,254	9,844	. . .	3,404	. .	. .	. .	. .	. .	. . .	3,404	10·82	24·80	18·61	30·69	20 days discharging.
		Tidal Reaches, Ranges I and II.	. . .	. . .	. . .	275	50	. . .	277	. .	. .	. .	. .	. .	. . .	277	. .	. .	. .	. .	
		Total	. . .	. . .	. . .	61,810	78,908	. . .	60,835	. .	. .	. .	. .	. .	. . .	60,835	. .	. .	. .	. .	
	Total of the corresponding period of last year.		. . .	. . .	. . .	. . .	. . .	. . .	82,601	. .	. .	. .	. .	. .	. . .	82,601	. .	. .	. .	. .	
						in the Arrah and Buxar Canals.															
Sone	Shahabad	Western Main	4,343	1,762 / 910	1,453 / 816	33,983 (Western Main and Buxar)	5,570	8,401	. . .	3,018	. .	391	. .	. .	3,409	11,810	6·99 (Western Main and Buxar)	12·18	14·83	21·17	
		Buxar	1,226	380	292		18,032	24,507	. . .	15,645	. .	1,909	25	. .	17,579	42,086					
		Arrah	1,660	1,332	1,160	46,215	41,611	59,748	. . .	10,088	. .	1,313	. .	. .	11,401	71,149	6·79	12·53	8·91	20·33	
	Patna and Gya	Eastern Main	1,466 (Eastern Main and Patna)	750	436	370	. . .	48	. . .	430	. .	3	. .	14	447	695	7·53 (Patna and Gya)	16·31	12·53	24·49	
		Patna				29,939	648	20,052	. . .	7,515	. .	161	12	724	8,412	28,464					
		Total	. . .	. . .	. . .	110,507	65,661	112,956	. . .	36,696	. .	3,777	37	739	41,348	154,204	. .	. .	. .	. .	
	Total of the corresponding period of last year.		. . .	. . .	. . .	. . .	. . .	82,974	. . .	14,146	. .	3,823	154	7,139	25,262	108,236	. .	. .	. .	. .	
		Grand Total	. . .	. . .	. . .	211,186	183,962	112,956	108,430	36,696	662	3,879	37	740	42,014	263,400	. .	. .	. .	. .	
	Grand total of the corresponding period of last year.		. . .	. . .	. . .	. . .	. . .	82,974	91,530	14,146	1,153	4,346	154	7,236	27,035	201,539	. .	. .	. .	. .	

The 16th September 1884.

G. F. E. S. NEILL, *Major, M.S.C.,*
Under-Secy. to the Govt. of Bengal,
P. W. Department.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 11, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next. till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

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For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement	0	4	0

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E. J. DEAN,

Publisher, Gazette of India.

NOTICE TO PRINTERS.

Tenders will be received by the Superintendent of Government Printing, 166, Dhurrumtollah Street, Calcutta, up to the 10th October next, for printing, in Urdu and Devnagri characters, Bills, Statements of Objects and Reasons, Reports of Select Committees, Speeches in Council and Acts, from the 1st of January to the 31st December 1885. The work to be done will comprise about 600 copies of about 50 pages of matter of foolscap size monthly, and about 100 pages of each character will have to be kept standing in type.

Copies of the work can be seen at the Office of the Superintendent of Government Printing, No. 166, Dhurrumtollah Street, where full information regarding the nature of the work can be obtained.

The Superintendent of Government Printing will not bind himself to accept the lowest or any tender.

E. J. DEAN,

Supdt., Govt. Printing, India.

CALCUTTA,

The 16th September 1884.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 3rd October 1884.

No. 5.—Mr. W. McGregor, a Superintendent of the 2nd Grade, is allowed furlough for one year under Section 50 of the Civil Leave Code, with effect from the forenoon of the 22nd September 1884.

A. J. LEPPOC CAPPEL.

Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN.

NOTIFICATION.

Quetta, the 2nd October 1884.

No. 4505.—The Governor General's Agent is pleased to permit Lieutenant G. H. Lewis to resign his commission in the Biluchistan Volunteer Rifle Corps, with effect from the 26th September 1884.

By Order,

J. R. FITZGERALD,

1st Asst. Agent to the Govr. Genl.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATION.

Mount Abu, the 2nd October 1884.

No. 3087 *G.*—With reference to Foreign Department Notification No. 1761 G., dated the 13th of September 1884, Surgeon-Major D. N. Martin, M.D., assumed medical charge of the Eastern Rajputana States Residency from 1st Class Hospital Assistant Alleem-ooddeen, on the forenoon of the 14th idem.

By Order,

W. H. C. WYLLIE,

1st Asst. Agent to the Govr. Genl.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 4th October 1884.

No. 54.—With reference to Public Works Department Notification No. 231, dated 25th September 1884, Mr. C. Swappe, Executive Engineer, 2nd Grade, is posted to the Sind-Peshin State Railway, Northern Section.

No. 55.—With reference to Public Works Department Notification No. 230, dated 24th September 1884, Mr. B. W. Cantopher, Executive Engineer, 4th Grade, is posted to the Eastern Bengal State Railway.

The 6th October 1884.

No. 56.—With reference to Public Works Department Notification No. 232, dated 25th September 1884, Mr. J. A. A. Wallace, Assistant Engineer, 2nd Grade, is posted to the Bilaspur-Etawah Railway.

F. S. STANTON, *Colonel, R.E.,*

Director General of Railways.

RAJPUTANA-MALWA RAILWAY.
(Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATION.

Ajmere, the 7th October 1884.

No. 12.—Mr. C. E. Vining, District Traffic Superintendent in Class III of the State Railway Superior Revenue Establishment, is granted six months' leave out of India on medical certificate, and ten days' subsidiary leave, with effect from the 20th September 1884, or such subsequent date as he may avail himself of it.

H. DANGERFIELD,

Offg. Manager.

Report of a Deserter from the 2nd Battalion, East Yorkshire Regiment of Foot, dated at Colaba this 30th day of September 1884.

Number, Rank, and Name,—No. 5—2598, Lance Corporal James Stuart. Age,—28 years 4 months. Size,—5 feet 5¾ inches. Colour of— Complexion, fresh; Hair, dark brown; Eyes, hazel. Date of Desertion,—21st September 1884. Place of Desertion,—Camp Deesa. Date of Enlistment,—3rd August 1880. At what Place Enlisted,—Hull, Yorkshire.	Parish and County in which Born,—North Renfrewshire. Marks,—Vaccinated on right arm, tattoo dot, back of left hand, tattoo dot, back of right thumb, scar inside right arm, and on right hip. Trade,—Labourer. Coat or Jacket,— . } Uniform. Waistcoat,— . } Breeches or Trowsers,— . } REMARKS,—Under 5 years' service.

R. L. DASHWOOD, *Lieut.-Colonel,*

Comdg. 2nd Battn., East Yorkshire Regt.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. R	Name of Claimant.
10	D 17—71531	50	Abdul Wahid, Indore.

ALLAHABAD,
The 8th October 1884.

A. H. ANTHONY,

Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
149	P 78—03694	1,000	Tribhoobunchunder Bhattacharjee, 13, Srinath Roy's Lane, Calcutta.
	„ —03693	1,000	
152	P 45—36758	500	
157	P 77—88035	100	The Officiating Post Master General, Bengal.
158	P 77—67611	100	Mr. F. S. Barker, Forest Department, Assam.
	„ —67613	100	
159	R 9—77895	100	Mr H. W. Morriss, care of Assistant Superintendent of Police, Cachar.
	„ —77896	100	
160	R 10—15888	100	Gosto Behari Biswas, care of Bengal Coal Company, Limited, Raneegunge.
164	R 9—57262	100	Doocurndas Ramcoomer, 130, Cotton Street, Calcutta.
	„ —45105	100	
	„ —16078	100	

CALCUTTA,
The 10th October 1884.

J. TAYLOR,

Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
20	E 20—82147	100	Sookha Singh, Clerk, Sind, Punjab, and Delhi Railway Audit Office, Lahore.
	„ —82931	100	
21	E 2—76861*	500	Major G. Whitehead, 1st South Lancashire Regiment, Chirat.
	„ —76862	500	

* Agency No. 6, Peshawar.

LAHORE,
The 4th October 1884.

W. H. EGERTON,

for Depy. Commr. of Paper Currency.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th September 1884.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1853-54.	4 PER CENT. LOANS							4½ PER CENT. LOANS				TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PORTION.	5 PER CENT. DEBENTURE LOAN OF 1867-68.	5 PER CENT. LOAN OF 1856-57.	GRAND TOTAL.
		Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent Loan of 1879.	TOTAL.	Of 1870.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TOTAL.				
Balance of 15th September 1884	54,100	13,36,853	27,74,800	2,36,00,000	99,05,600	2,94,77,237	2,45,74,800	9,16,69,290	46,26,300	94,77,300	10,15,83,000	11,56,86,600	1,24,500	..	56,200	20,75,90,690
Add—																
Amount enfaced at Madras between 16th and 30th September 1884	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...
Amount enfaced at Bombay between 16th and 30th September 1884	...	...	...	35,000	80,000	2,03,000	14,000	3,32,000	...	1,000	2,000	3,000	...	..	...	3,35,000
Amount enfaced at Calcutta between 16th and 30th September 1884	...	...	...	49,500	8,800	1,09,000	11,000	1,78,300	...	10,000	2,60,000	2,70,000	...	..	...	4,48,300
	54,100	13,36,853	27,74,800	2,36,84,500	99,94,400	2,97,89,237	2,45,99,800	9,21,79,590	46,26,300	94,58,300	10,18,45,000	11,59,59,600	1,24,500	..	56,200	20,83,73,990
Deduct—																
Amount written off in the London Registers	...	...	...	1,38,600	4,800	1,05,600	1,46,500	3,95,500	...	35,000	93,100	1,28,100	...	..	...	5,23,600
Balance on 30th September 1884	54,100	13,36,853	27,74,800	2,35,45,900	99,89,600	2,96,53,627	2,44,53,300	9,17,84,090	46,26,300	94,53,300	10,17,51,900	11,58,31,500	1,24,500	..	56,200	20,78,50,390

NOTE.—From 9th June 1867 to 31st July 1884, enfaced from India 5,004 lakhs; re-transferred from London 4,271 lakhs.

,, 1st Aug. 1884 to 15th Aug. ,, ,, ,,	15 ,, ,, ,,	32 ,,
,, 16th ,, ,, to 31st ,, ,, ,, ,,	8 ,, ,, ,,	9 ,,
,, 1st Sept. ,, to 15th Sept. ,, ,, ,,	10 ,, ,, ,,	5 ,,
,, 16th ,, ,, to 30th ,, ,, ,, ,,	7 ,, ,, ,,	5 ,,
	5,044 lakhs.	4,322 lakhs.
	4,322 ,,	
Balance against India	722 lakhs.	

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 7th October 1884.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 23rd September 1884.

LIABILITIES	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,351	4	4
Public Deposits at Head Office	81,07,427	7	0	1,73,68,973	11	0
Public Deposits at Branches	92,61,546	4	0			
Other Deposits at Head Office and Branches				2,14,54,039	6	5
Bank Post Bills, &c.				4,72,139	8	7
Sundries				12,40,652	11	2
RUPEES				6,46,95,156	9	6

ASSETS	R	a.	p.	R	a.	p.
Government Securities				75,60,992	0	0
Other authorized Investments				39,87,662	8	0
Loans on Government and other authorized Securities				92,96,513	8	6
Accounts of Credit on Government and other authorized Securities				75,55,180	5	0
Bills discounted and purchased				1,48,79,418	1	1
Balances with other Banks				8,42,259	14	2
Bullion				34,634	4	6
Dead Stock				11,81,065	0	5
Stamps				8,587	14	0
Sundries				6,28,620	0	2
				4,59,74,933	7	10
Cash and Currency Notes at Head Office	72,57,428	0	10	1,87,20,223	1	8
Cash and Currency Notes at Branches	1,14,62,795	0	10			
RUPEES				6,46,95,156	9	6

By order of the Directors.

BANK OF BENGAL,
Calcutta, 7th October 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.

Percentage 46·1.

Statement of the Affairs of the Bank of Bengal for the week ending 7th October 1884.

LIABILITIES.	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,351	4	4
Public Deposits at Head Office	70,92,751	13	9	1,63,21,919	5	1
Public Deposits at Branches	92,29,167	7	4			
Other Deposits at Head Office and Branches				2,40,64,234	15	4
Bank Post Bills, &c.				5,71,882	12	8
Sundries				12,91,345	7	3
RUPEES				6,64,08,733	12	8

ASSETS.	R	a.	p.	R	a.	p.
Government Securities				73,16,792	0	0
Other authorized Investments				39,86,655	0	0
Loans on Government and other authorized Securities				86,31,648	14	3
Accounts of Credit on Government and other authorized Securities				75,50,957	12	10
Bills discounted and purchased				1,50,85,770	10	6
Balances with other Banks				8,18,081	9	4
Bullion				29,364	12	11
Dead Stock				11,84,940	11	10
Stamps				8,308	4	9
Sundries				6,29,182	12	1
				4,52,47,702	8	6
Cash and Currency Notes at Head Office	94,71,422	4	6	2,11,61,031	4	2
Cash and Currency Notes at Branches	1,16,89,608	15	8			
RUPEES				6,64,08,733	12	8

By order of the Directors,

BANK OF BENGAL,
Calcutta, 9th October 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.

Percentage 50·.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Sept. 22	1,75,942	. . .	12	5,77,887	1,21,19,333	1,02,76,368
„ 23	. . .	. . .	. . .	5,77,887	1,21,19,333	1,02,76,368
„ 24	Holidays.					
„ 25						
„ 26						
„ 27						

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT,
The 6th October 1884.

POST OFFICE.

NOTIFICATIONS.

Simla, the 25th September 1884.

From 1st October 1884, a change will be made in the form of application for inland money orders, and a coupon, or slip, will be attached to each, which will be delivered with the money order to the payee without extra charge. The object of the coupon is to enable a remitter to write to the payee the purpose for which the money order is sent, or any other message he pleases. The coupon will be retained by the payee.

2. Forms can be obtained gratis at the Post Office as before. The remitter will have, as at present, to fill in the amount of the order, the payee's name and address and his own name and address on the receipt and acknowledgment. Remitters will continue to receive acknowledgments for their money orders signed by the payees.

3. Remitters must fill in the side of the form printed in black. The reverse printed in red ink is to be filled in by the Post Office only.

TELEGRAPHIC MONEY ORDERS.

With effect from 1st October 1884, Telegraphic Money Orders will be obtainable at all Money Order Offices.

2. A Telegraphic Money Order is an order granted by the Post Office for payment of a sum of money through the agency of the Post Office, the remittance being advised from one Post Office to another by telegraph, and payment being made at the payee's residence. Telegraphic Money Orders will be payable at any Money Order Office.

3. If there be no Government* Telegraph Office at the station of issue, the order will be sent by post to the nearest Government Telegraph Office for transmission onwards by telegraph. If there be no Government Telegraph Office at the station of payment, the order will be sent by post from the nearest Government Telegraph Office.

* Railway (Guaranteed or State) Telegraph Offices are not Government Telegraph Offices within the meaning of these rules.

4. The rates of commission on Telegraphic Money Orders are as follows:—

	R	a.
On sums not exceeding Rs. 25	0	8
„ exceeding „ 25 but not exceeding Rs. 50 .	0	12
„ „ „ 50 „ „ „ 75 .	1	2
„ „ „ 75 „ „ „ 100 .	1	8
„ „ „ 100 „ „ „ 125 .	1	14
„ „ „ 125 „ „ „ 150 .	2	4

5. A uniform charge of R2 is made for the telegram advising the remittance, irrespective of the amount of the remittance, provided the amount does not exceed R600, payable to the same payee. These telegrams are sent "urgent."

6. The remitter may write on the coupon attached to the Money Order form any private message he desires to communicate to the payee. Such private message will be added to the telegram advising the remittance, and will be charged for at the rate of 2 annas a word. The remitter may also prepay a reply under the ordinary rules of the Telegraph Department.

7. An official acknowledgment by telegraph of payment of the remittance can be obtained by the remitter. The charge for an acknowledgment is R1.

8. Payment of a Telegraphic Money Order will be made at the residence of the payee by the postman, immediately on receipt of the telegraphic advice by the Office of Payment. With the amount of the order a copy of the telegram will be delivered to the payee.

9. A copy of the detailed rules can be had on application at the Post Office.

BRITISH POSTAL ORDERS.

1. With effect from 1st October 1884, British Postal Orders for fixed sums, from 1*s.* to £1, will be available for sale to the public at all Head Post Offices, and will be obtainable on application to any Sub-Post Office from its Head Office.

2. The following are the amounts for which British Postal Orders are issued, together with the cost of each order in Indian currency, including commission and exchange:—

Amounts of British Postal Orders.	Cost in Indian currency, including commission and exchange.	Amounts of British Postal Orders.	Cost in Indian currency, including commission and exchange.
s. *d.*	R *a.* *p.*	*s.* *d.*	R *a.* *p.*
1 0	0 10 9	4 6	2 14 0
1 6	0 15 9	5 0	3 3 0
2 0	1 5 6	7 6	4 11 6
2 6	1 10 3	10 0	6 4 3
3 0	1 15 3	10 6	6 9 0
3 6	2 4 3	15 0	9 6 3
4 0	2 9 0	20 0	12 7 6

Note.—The cost of a British Postal Order is liable to vary slightly owing to fluctuations of exchange. The rate of exchange in force can be ascertained from the Post Office.

3. British Postal Orders issued from any Indian Post Office are payable at any Money Order Office in the United Kingdom (including the Channel Islands and the Isle of Man) and at Gibraltar and Constantinople.

4. The purchaser of a British Postal Order must, before parting with it, fill in the name of the person to whom the order is to be paid, and may fill in the name of the Money Order Office (in the United Kingdom, &c.) at which the amount is to be paid. If the name of a Money Order Office is not entered by the purchaser, the order will be payable at any Money Order Office named by the payee.

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A. U. FANSHAWE,

Offg. Dir. Genl. of the Post Office of India.

Unclaimed Letters held in the Calcutta General Post Office on 9th October 1884.

Bisnee, S. R.
Colledge, L. D.
Dorken, Josua.
Duncan, B. F.
Frazer, J. Halt.
Guldivberg, Adolfe.
LeTourneux, E.
Lloyd, Captain.
Patton, T. G. C.
Phillips, E. A.
Smith, Thomas M.
Walker, F. P.

Letters marked "Care of Post Office"

A. V.
Alice, Mrs.
Andrews, J.
Betts, Douglas.
Bezbaron, O.
Bolleau, Captain H.
Bowen, Mrs. M. A.
Braunstein, N.
Brigg, E. A.
Brooks, L.
Caurey, Captain.
C. G.
Chapman, Frank.
Cooper, H.
Davidson, A. G.
Dodd, Col. C. A.
E. S. H.
Evans, Peter.
Fredalis, Soni.
Garfield, John.
G. K.
Golding, Herbert.
Gill, F. N. G.
Gosset, E. A.
H. M. W.
Harman, J. M.
Harrison, Lieut. E. B.
Howe, J. E.
Hoskins, A. C.
Hurst, W. H.
Jackson, J. A.
Kalberer, A. R.
King, W.
Lawless, Hiram.
Livingston, Archibald.
Lopez, E.
Lynum, B.
M. A. G.
Matson, E.
Mawson, J. R.
Meij, H.
"Merchant."
Morris, Pierce M.
Nigomar, Victor.
Plot, Monsieur.
Reed, Willoughby.
"Regina"
Robinson, Ellen.
Schomerully, Mr.
Selous, Edmund.
Sestan, S.
"Stanhope."
Stoble, J. C.
Tabone, Govanni.
Thomaun, Harry.
Thompson, James.
Uren, Thomas.
Whymper, F.
Williams, Mostyn.
X. T. Z.
X. Z. G.

Registered Letters.

Bisnee, S. R.
Cherkes, Laya.
Ferefourd, Duglass.
Fernandes, Francis.
King, Mrs.
Rustomjee, S.
Weiss, Samuel.

E. HUTTON,

Presidency Postmaster, Calcutta.

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Beardsmore, T. O.
Bhattacharjee, Sasodhor.
Jones, W. M.
Leighton, Mrs. Kuydeth.
Mittra, Dr. A.
Plott, F. J.
Russell, J.
Show, Ockoy Coomar.
Serker, Loknath.
Upton, R. L.
Walker, P. G.
Walker, H.
Wyatt, A. W. L.

A. P. GHOSAL,

Postmaster, Barrackpore.

Calcutta, the 11th October 1884.

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	1884.	
Madras and Ceylon	18th Oct.	P. & O. Str. *Bokhara.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	14th „	From Bombay.
Foreign Mails *via* Bombay	14th „	From Bombay.*
Do. Book Post and Pattern Packets	13th „	From Bombay.
Rangoon and Moulmein	15th „	Str. *Pemba.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	15th „	Str. *Commillu.*

* Also for Cape Colonies through United Kingdom can be forwarded.

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E. HUTTON,

Presidency Post Master

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 059534, of the 4½ per cent. of 1879, for R25,000, originally standing in the name of the Chartered Bank of India, Australia, and China, has been lost. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application made for the issue of a duplicate in favour of the proprietor, Mr. C. O. Eaton, Tolethorpe Hall, Stamford.

GISBORNE & Co.



SUPPLEMENT TO

The Gazette of India.

No. 41.] CALCUTTA, SATURDAY, OCTOBER 11, 1884.

OFFICIAL PAPERS.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY ESTABLISHMENTS.

EMPLOYMENT OF NATIVES AS DRIVERS AND SHUNTERS.

Circular No. XXIV Railway, dated Simla, 13th September 1884.

RESOLUTION—By the Government of India, Public Works Department.

Read again—

Railway Circular No. XVI, dated the 5th July 1883.

Read also—

Reports on Native Drivers and Shunters employed on the several Railways in India for the year 1883.

OBSERVATIONS.—The reports received for the year 1883 show that the numbers of Natives employed as drivers and shunters have increased from 327 and 304 to 391 and 325 respectively. No returns have been received from the Mysore, Darjeeling-Himalayan and Assam Railways, and it is probable that no facilities yet exist on these lines for the training of Natives for such employment.

2. The extracts given below show the progress made in the numbers employed, and the system of training which has been adopted on the several Railways.

East Indian Railway.

3. In his letter to the Agent, the Locomotive Superintendent reports as follows :—

"I beg to report that on 31st December 1883, we had a staff of 236 Native drivers and shunters employed in working goods and ballast trains on the usual sections of the main line, as well as mail and mixed trains on the Gya State line, and mixed trains on all the branch lines of the Undertaking.

"This number is 14 short of what we had in the same class in December 1882, and is chiefly due to reductions in grade caused by slackness of traffic during the latter part of the year. It may be remarked, however, that the 14 men in question were not lost to the service but remained *in reserve* ready for utilisation as train drivers at any moment, and in fact were promoted early this year to their former standing as soon as the traffic admitted of it.

"Very great care and discrimination continued to be exercised in selecting men for promotion to the grade of engine-drivers, none but intelligent and duly qualified men being selected for that work, the condition as to their possessing a technical knowledge of the parts of a locomotive, coupled with a proficiency in one of the vernaculars, being, as usual, a *sine qua non*, as regards their employment on the foot-plate.

"The traffic having continued slack for some time past has prevented our recruiting our staff of Native drivers with *fresh* accessions from the lower ranks, but we possess the necessary element though the opportunity for promotion may be wanting.

"Daily instruction continues to be given at all the locomotive running sheds on this line between Howrah and Ghaziabad, at set intervals during the day as well as in the evenings (as the men can be spared from their work), and these schools are appreciated by the Native staff in general, though I must point out that at large centres, such as Howrah and Asansol, we have great difficulty in inducing men in the lower grades to attend to daily instruction, seeing that in the neighbouring jute-mills, warehouses and collieries, &c., they can readily obtain employment and earn the same amount of wages, if not more, without the obligation of attending school after hours, or submitting to any demands on their spare time.

"Further, at stations, where the Locomotive staff are not provided with quarters *close to the running shed*, and have to live away in the bazar, it is a matter of considerable difficulty to get the men to attend school after they are once released from work. Notwithstanding these drawbacks, the attendance at the Native adult schools during the year was maintained at a fair average, and the teachers were fully employed.

"I have pleasure in enclosing a memorandum showing the number of Natives (with their respective rates of pay) on our running shed staff on 31st December 1883, compared with the number on 31st December 1882, as also a statement showing the saving effected through the employment of Native drivers from April 1875 up to 31st December last, from which it will be seen that the total amounted to over thirty-one lakhs on the latter date."

Comparative Statement of Natives employed in the several Running Sheds on the 31st December 1882 and 31st December 1883, with their Rates of Pay.

December 1882.	December 1883.
Native Drivers.	*Native Drivers.*
17 Branch Drivers @ 0-11-0 per day.	21 Branch Drivers @ Rs. 21 per month.
108 Main line Drivers @ 0-12-0, 0-14-0, and 1-0-0 per day.	95 Main line Drivers @ Rs. 22-8, 26, and 30 per month.
125	116
Native Shunters.	*Native Shunters.*
53 Shunters @ 0-9-0 and 0-9-6 per day.	50 Shunters @ Rs. 17 and 18 per month.
72 Assistant Shunters @ 0-8-0 and 0-8-6 per day.	70 Assistant Shunters @ Rs. 15 and 16 per month.
125	120

Saving in the Cost of Drivers, Shunters, and Firemen's Wages effected through the Introduction of Native Drivers and Shunters, &c., from April 1875.

Period.		Gross amount.	Net Savings.	REMARKS.
		Rs. A. P.	Rs. A. P.	
From April 1875 to June 1883		28,59,881 13 9		
Less amount of good conduct money paid to Native Drivers and yard Shunters	Rs. 6,139			
Ditto, premium paid to Foremen for testing Native Drivers	„ 1,662	7,801 0 0	28,52,080 13 9	
July 1883		46,190 1 6		
August „		43,685 8 0		
September „		40,347 6 7		
October „		39,087 7 4		
November „		42,619 6 7		
December „		42,565 7 6		
		2,54,495 5 6		
Less amount of good conduct money paid to Native Drivers and yard Shunters for the half-year ended 31st December 1883	Rs. 695			
Ditto, premium paid to Foremen for testing Native Drivers	„ 275	970 0 0	2,53,525 5 6	
TOTAL		...	31,05,606 3 3	

4. The Locomotive Superintendent in his letter to the Agent and Manager, Madras Railway, reports as follows:—

Madras Railway.

"Natives of good physique and possessing a fair knowledge of English are sent out as second firemen on the engine to pick up their trade as all other trades are picked up, by constantly practising it, and as soon as they are fit they are promoted respectively to first firemen, shunters and drivers.

"The following table shows the number of men of each grade in employ and their rates of pay on the 31st December for the last three years —

	On 31st December 1881		On 31st December 1882		On 31st December 1883	
	Number of men	Rate of pay per day	Number of men	Rate of pay per day	Number of men	Rate of pay per day
Drivers	.	...	1	Rs 1-8	2	Rs 1-4 to 1-8
Shunters	2	Rs. 1-2 to 1-4	3	Rs 0-12 to 1-2	4	„ 0-12 to 1-2
Specially engaged firemen	6	„ 0-4 to 0-8	8	„ 0-6 to 0-8	15	„ 0-6 to 0-8

"During the year 1883 twenty-one English-speaking firemen, selected from among many candidates, were engaged with a view to their being promoted in the course of time to drivers A moonshee was also provided at Madras to teach, free of cost, some of the old and experienced Native firemen who already knew a little English, so that these might learn enough English to understand the time-tables and usual telegrams.

"The difficulty experienced in the last report, *viz*, the want of pluck or strength on the part of those men to stand the work, has been experienced again this year, and out of twenty-one selected men, engaged since the 1st January 1883, twelve had disappeared within two months as follows —

4 lost heart at the last moment and failed to join
3 left after doing a day's work
2 absconded after working one month
2 absconded after working two months
1 resigned after working two months.

12"

5. On the South Indian Railway there were 18 drivers on salaries ranging from Rs. 20 to Rs. 30 per mensem, and 16 shunters from Rs. 12 to Rs. 18 per mensem, as against 12 drivers on salaries varying from Rs. 17 to Rs. 30 and 19 shunters from Rs. 12 to Rs. 20 per mensem during 1882. The system for training Native lads remained the same as reported previously.

South Indian Railway.

Comparative Table showing Numbers employed

	1882.	1883
Drivers	12	18
Shunters	19	16
TOTAL	31	34

6. Extract from the Locomotive Superintendent's letter No. $\frac{A\ 460}{D\ 4808}$, dated the 2nd April 1884, to the Agent of the Company:—

Great Indian Peninsula Railway.

"I have to say that this office letter No. $\frac{A\ 514}{D\ 4808}$ of 14th April 1883 may be considered as the annual report for the year under review, as our system has undergone no change whatever, and has been fully explained in my report quoted above. I herewith send you a statement* giving the information required, and from which it will be seen that there has been a steady improvement in the training of Natives of this country to serve as engine-drivers"

* This statement includes Turners, Firemen and Augwallahs, who are not shown in the comparative table which follows

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	60	79
Shunters		
TOTAL .	60	79

7. The Locomotive Superintendent states that the scale of pay and promotion in force was the same as in January 1883, but the Agent adds that the question of pay for these classes of employés is under his consideration in communication with the Agent of the Great Indian Peninsula Railway Company.

Bombay, Baroda, and Central India Railway.

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	23	24
Shunters	8	12
TOTAL .	31	36

8. In his report to the Agent the Locomotive Superintendent states that "three Native firemen were promoted to pilotmen in 1883 on a consolidated pay of Rs. 30 per mensem each, and have thus far worked tolerably satisfactorily, but it should be borne in mind that they were engaged and have been working during the slack season; therefore their energies have never sufficiently been put to the test to admit of my giving an opinion as to their fitness under pressure of work or during an emergency."

Eastern Bengal Railway.

Comparative Table showing Numbers employed.

	1882.	1883.	
Drivers	*Nil*	*Nil*	These are pilotmen.
Shunters	*Nil*	3	
TOTAL .	*Nil*	3	

9. In submitting the report on Native drivers, the Consulting Engineer observes as follows :—

Sind, Punjab, and Delhi Railway.

"The Locomotive Superintendent's report is valuable, as showing how the variation in the price of coal affects the question of the rate of pay in regard to economy of fuel. At the same time there is no reason why the Native driver should not in time learn to be as economical of fuel as the European.

"The Consulting Engineer has several times expressed his opinion to the Locomotive Superintendent that, if an increase of pay would tempt a superior class of men to take service as drivers, it would be desirable to give it, as the present rate of pay is decidedly low for the skilled labor required. The present opinion, however, seems to be that a higher rate of pay would not attract a better stamp of men, and that it is better to offer inducements to them to educate themselves and to train their sons at as early an age as possible.

"Mr. Sandiford, the Locomotive Superintendent, has taken considerable interest in his schools and in the training of Native drivers generally, and the question as regards this line may safely be left in his hands."

The Locomotive Superintendent's report referred to above is as follows :—

"The total number of Europeans and Eurasians has now fallen to 88, and the number of Natives risen from 547 to 636. The once numerous class of European and Eurasian

firemen has all but disappeared, which, considering that till lately they were the material from which drivers were made, is significant. The actual number of Natives employed as drivers has risen from 10 to 30, and this number is now capable of expansion, the men employed as shunters being practically drivers, and so used within station limits. The larger number of Native firemen also give more men to draw from.

Designation.	31st December 1882.		31st December 1883.	
European drivers	63	105	59	88
„ shedmen	3		3	
„ firemen	12		4	
Eurasian drivers	18		15	
„ shedmen	3		3	
„ firemen	6		4	
Native drivers	10	547	30	636
„ shunters	36		27	
„ firemen	229		299	
„ cleaners and jemadars	272		280	
Grand Total	652		724	

"Comparing the European staff as at present constituted with that required before Natives were introduced, it will be seen that, instead of 74, there would have been 104 drivers, or taking the whole European class "88" together, they would require to be increased to 214; a clear saving of the difference in pay between 126 Natives and that number of Europeans, which cannot be taken at less than Rs. 1,50,000 for the twelve months under review. The Native drivers now form about 30 per cent. of the total number employed; 95 per cent. of the firemen are Natives, and all the shunters. Further increase in traffic must be met by development of the Native element in the staff.

"*Effect on working.*—The general results on the whole have been satisfactory. A very considerable saving in expenditure has been made, and, although more expensive than European enginemen in fuel, stores and repairs, the men are improving, and if only more diligent in attending in school would leave little to be complained of. Confidence, which can only be gained by experience will work its own progression.

"When the short time this movement has been under way is taken into consideration, the progress and outlook is highly satisfactory, and tested by the levelling rule—economy—has given excellent results.

"*Training.*—The system followed is that described in a previous report. The most promising men are selected from among the staff and trained as firemen, shunters and drivers, rising through the different grades; and as all Natives in connection with the train service are offered every inducement to attend school, and in addition, are especially rewarded when they display aptitude, it is believed the best men come to the front. Although so far successful as to have produced the men now working, the advancement made in education is not great, and can only be traced to the class of men from which the staff is drawn being extremely illiterate. They are capable of acquiring the purely mechanical knowledge absolutely necessary to allow of their employment on locomotives, yet make very little progress in the school provided for their mental training. Efforts have been made to induce the better class of Natives to join, but up to the present the greasy duty and laborious nature of the occupation has deterred them from doing so. But Locomotive Superintendent feels that a weak point is the lowness of education, which, although to be regretted and combated, is not surprising and can only be overcome by perseverance. The total number of scholars on the roll was 198 for the 12 months, the average attendance 78, and of these—

36 can read a little English,
32 „ „ vernacular,
130 are learning the alphabets and spelling.

"Remuneration offered has not differed from that in force during 1882 and detailed in last report—

Native drivers	Rs. 20, 25, 30
„ shunters	
„ jemadars	
„ firemen	„ 8, 10, 12, 14
„ cleaners	„ 7 to 10
„ fuel coolies	„ 6 to 10

"As the seduction of cheap labor is likely to mislead, it may be useful to formulate the condition and extent to which it can be carried on purely commercial grounds. The following illustration can be applied to the exact circumstances of any case. Taking the total emoluments of a European and a Native at Rs 300 and Rs. 50 respectively, it is evident that the European must be prepared to save Rs. 250, before he can compete with his rival, allowing other advantages, if any, not to be considered. Applied to a few different districts the cost of fuel on which is given, and for example, say, a driver runs on an average 2,500 miles per month:—

		Rs.	
Fuel on the East Indian Railway	costs	2·15	per ton of coal.
„ „ Eastern Bengal Railway	„	8·37	„ „
„ „ Great Indian Peninsula Railway	„	12·81	„ „
„ „ Sind, Punjab, and Delhi Railway	„	19·39	„ „
„ „ Punjab Northern State Railway	„	28·61	„ „
„ „ Rajputana-Malwa Railway	„	22·42	„ „

Then on	East Indian Railway a European driver would have to save more than a Native by lbs.			104	per train-mile.	
"	Eastern Bengal Railway	do.	do.	26·75	do.	do.
"	Great Indian Peninsula Railway	do.	do.	17·49	do.	do.
"	Sind, Punjab, and Delhi Railway	do.	do.	11·55	do.	do.
"	Punjab Northern State Railway	do.	do.	7·83	do.	do.
"	Rajputana-Malwa Railway	do.	do.	9·63	do.	do.

"In Bengal, Rs. 250, the amount by which the European is handicapped, will purchase 116 tons of coal, so that on the above mileage a man would have to save that quantity (over 100 lbs. per mile run). On the Punjab Northern State Railway Rs. 250 will only purchase 8¾ tons of coal, and on the same mileage the European need only save 7·83 lbs. per mile to stand level with the Native. These examples abundantly prove that in Bengal and places where fuel is cheap, at the present rates of labor, Europeans cannot compete with Natives at all, while in districts where fuel is very expensive the difference between the men is reduced to conditions where the highly skilled European can easily excel his less careful and expert rival.

"*Conduct.*—The general conduct of the men in the execution of their work has been satisfactory. They have been attentive and gave little trouble."

In forwarding the above report to the Consulting Engineer, the Agent makes the following remarks:—

"It is said that, by the introduction of this movement, the substitution of Natives in lieu of Europeans in the Running Department is saving at the present time at the rate of 1½ lakhs rupees annually, but paragraph 8 points out that beyond a certain limit it may not, on commercial grounds, be prudent to extend the system.

"The East Indian Railway has always been held up as the initiator of cheap (Native) labor, and the system has largely developed on that line, but it is the low rate at which their fuel is obtained which enables them to extend the measure. In fact, to save 10 per cent. in the price of labor, the East Indian Railway can afford to consume 20 per cent. extra fuel, whereas on this Railway, where fuel is nine times the cost of what it is on the East Indian Railway, we can afford to pay 37 per cent. extra wages to save 10 per cent. of fuel.

"Now at present the Native driver is certainly more than 12 per cent. more extravagant in fuel than the skilled European, but, as his services are confined to such work as will not admit of his unskilfulness affecting the revenues of the Company, it does not much matter.

"That it is quite possible for the Native to become as adept as the trained European I have no doubt, but it will take time, and I would much rather see a steady healthy development of the system than a rapid growth which might land both men and masters in difficulties.

"On the Punjab Northern State Railway, where fuel is 13 times more expensive than on the East Indian Railway, Native labor would never pay, and as a matter of fact there are very few Native drivers on that line."

Oudh and Rohilkhand Railway.

10. In his letter No. $\frac{A}{453}$ of the 11th July 1884 the Locomotive and Carriage Superintendent reports as follows:—

"I beg to report that on the 31st December 1883 we had 32 Native drivers and 42 shunters on the line, and they have given general satisfaction. There is nothing special to report on them. The men who have lately come forward as shunters and drivers are more educated than the older hands; and in most cases they have found it to their interest to try and learn to read and write some language."

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	29	32
Shunters	40	42
TOTAL	69	74

Punjab Northern Railway.

11. In his letter No. 432, dated the 21st January 1884, to the Director General of Railways, the manager reports as follows:—

"Native drivers are now working all trains on the Salt Branch (main line), Khewra Extension, Khusalgarh and Sialkot Branches, or a total of 180 miles. Before the Attock Bridge was opened the line from Khairabad to Peshawar was worked by Native drivers, but this has been discontinued since the engines have run through from Rawalpindi to Peshawar.

"All shunting on the line is done by Natives.

"All firemen on the line are Natives.

"The proportion of Native to European drivers on the line on the 31st December 1883 was 1 to 3.

"The general results of the employment of Natives as drivers, shunters, and firemen continue to be satisfactory."

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	11	14
Shunters	5	7
TOTAL	16	21

12. The following is the report of the Locomotive Superintendent on the subject :—

Indus Valley Railway.

"There has been no change in the system of training reported last year: the classes for English at Sukkur and Jacobabad continue to be attended fairly, but the progress in learning has not been so satisfactory as could be wished. Only one Native driver has been found able to pass a sufficiently good examination in English to entitle him to the additional Rs. 5 per month allowed by the rules. The progress of the class at Jacobabad is on the whole better than at Sukkur, which is to be attributed to the facts that the Kandahar Branch line is not affected by the heavy traffic on the main line, which causes irregular attendance, and that the school room is close to the engine shed and to the Native quarters, so that the men can be readily found out and collected at any hour that is most suitable; whereas in Sukkur the school room is at a very considerable distance from both the quarters and the shed, and the men, who unfortunately are ready enough to find any excuse for not attending the school, find this one ready made. It also precludes the shed clerk from getting to it in the middle of the day, which is often a convenient time for collecting the men together. It is strongly recommended that a class room with the necessary rough furniture be provided near the engine shed, and that prizes be offered as an inducement to the scholars to improve. But it cannot be lost sight of that the small progress made is mainly due to the fact that no persons of any good social standing, and very few of any education at all offer for the employment.

"Out of a total number of 139 on the muster roll, 122 have attended the classes, and the daily attendance averages 50.

"There are 10 Native drivers employed on the following rates of pay:—

1 on Rs. 45 per month }
3 on „ 40 „ } consolidated,
1 on „ 35 „ }
2 on „ 1 per day } with overtime,
3 on „ 0-14 „ }

and 13 Native shunters on the following rates:—

1 on Rs. 35 per month, consolidated,
2 on annas 13 per day } with overtime.
10 on „ 12 „ }

"One of the best drivers has been lost on account of being connected with a robbery, and one of the shunters has had to be reduced to fireman for carelessness.

"Three of the drivers are working goods trains between Sukkur and Radhan, and seven on the mail trains between Rindli and Ruk, and on the fast local service between Jacobabad and Sukkur.

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	8	10
Shunters	12	13
TOTAL	20	23

"The increase of the staff continues to receive the most careful attention, and men are pushed on as soon as they show themselves to be reliable and skilful."

The Manager states that the question of building a school at Sukkur is under discussion with the Locomotive Superintendent.

13. In his letter No. 2251E., dated the 17th June 1884, to the Director General of Railways, the Manager reports as follows:—

Rajputana-Malwa Railway.

"*System of training adopted.*—The Locomotive Superintendent reports that a school has for some short time past been maintained at Phalera, where Native boy shunters and drivers attend as their duties allow. Besides being taught to read and write at the school, the present and any new rules and orders for working the traffic are explained to them.

"*Numbers employed.* -The following statement compares the numbers employed respectively on the 31st December 1882 and 31st December 1883 :—

	On 31st December 1882.	On 31st December 1883.
Drivers	13	18
Shunters	31	41
TOTAL .	44	59

"*General Remarks.*—The relative advantages and disadvantages of employing this class of labor are summed up as follows by the Locomotive Superintendent:—

"*Advantages.*—Lower salary paid to Native drivers as compared with that paid to Europeans

"*Disadvantages.*—(1) Larger consumption of coal and stores, the ratio of coal consumption of Native drivers to Europeans per engine mile being as 34·7 to 29·64, which becomes a serious consideration owing to the high cost of coal on this line.

"(2) Ignorance of the English language, in which language the line clear messages and any endorsements are written; this being so, the driver has to trust to the statements of the guard and station master.

"(3) In cases of accidents Natives are less ready of resources than Europeans. The percentage of loss of time in the case of Natives is 126 against 39 in that of Europeans, and the percentage of engine failures is 43 for Natives and 16 for Europeans.

"In conclusion I have the honor to state that, all things considered, there is no advantage to be gained in the employment of Natives as drivers and shunters on the Rajputana-Malwa Railway.'

State Railways in Central Provinces.

14. The Manager of the Wardha Coal and Nagpur and Chhattisgarh State Railways states as follows :—

"As reported last year, *vide* this office No. 5554M., dated 28th December 1882, schools for training Native lads for enginemen and shunters were not opened either for the Nagpur and Chhattisgarh or the Wardha Coal State Railway. On the former it was not necessary to establish such a school, as the requirements of the line could be met from other sources; and the Wardha Coal line being so short (only 45 miles), new men were not required; hence the necessity of establishing a school at any expense is not warranted; as, however, none of the firemen and shunters now on this line can read or write in any language, the Assistant Manager has recently opened a school for teaching them to do so in their vernacular.

"As required by Government of India Circular No. 1 Railway of 1882, a statement of the number of Native drivers and shunters employed on both these lines during the busy season of 1882-83, showing also the corresponding numbers employed during 1881-82, is enclosed.

"The statement shows an increase of the number of Natives on both lines; and on the Nagpur and Chhattisgarh, there were, during the period under reference, several men, who, although Europeans by name, were either East Indians or Natives.

"General character and the ability of the men employed on the Nagpur and Chhattisgarh State Railway are given in Locomotive Superintendent's letter No. 4025 of 31st July 1884 (copy enclosed).

"The four men on the Wardha Coal line were engaged shunting in the colliery sidings and Warora Station yard; one of them was, until recently, allowed to drive goods trains on the main line, but as he cannot read any language this has been discontinued."

Statement of Native Drivers and Shunters employed on Nagpur and Chhattisgarh and Wardha Coal State Railways during the busy Seasons of 1882-83 and 1881-82.

	Salary.	Number employed in 1882-83.	Number employed in 1881-82.	Remar
	Rs.			
NAGPUR AND CHHATTISGARH RAILWAY.				
Drivers	60	1(*a*)	. . .	(*a*) Parsee.
"	30	2	2	
"	24	. . .	1	
Shunters	30	2(*b*)	. . .	(*b*) One Parsee.
"	20	1	. . .	
"	25	1	1	
"	18	1	. . .	
WARDHA COAL STATE RAILWAY.				
Drivers	. . .	. . .	. . .	
Shunters	29	1	1	
"	17	1	1	
"	25	1	. . .	
"	12	1	. . .	

The following is an extract from the letter of the Locomotive and Carriage Superintendent, reporting on the Native drivers and shunters employed on the Nagpur and Chhattisgarh State Railway during the year 1883, referred to in the Manager's letter:—

"Driver J. Manuel was appointed on this line as a Native shunter on Rs. 25 per mensem on the 7th March 1881, and from 1st January 1883 was promoted to driver on Rs. 30. During the year he was employed in shunting at the station yard, and occasionally in driving local trains between Nagpur and Kamptee. He works fairly well as a shunter, but, being unable to read or write in any language, he is not likely to be employed as a main line driver.

"Driver Khandoo Baloo was appointed as a fireman on Rs. 11 per mensem on the 1st of April 1880, and promoted to driver on 1st May 1882 on Rs. 20, and further promotion to Rs. 30 on the 1st January 1883. During the year he worked as driver of local trains between Nagpur and Kamptee, and occasionally on goods trains on main line. He can read and write a little, and may eventually become a good engineman.

"Driver Mancherjee Framjee was appointed on Rs. 60 per mensem on the 29th January 1883 and worked on goods trains on the main line, but was dismissed on the 23rd May 1883 for allowing his boiler to run so low in water as to drop the lead plug. He can read and write English.

"Shunter Gulab was appointed on Rs. 18 per mensem on the 1st January 1882, and promoted to Rs. 25 on the 1st January 1883. During this time he was employed in yard shunting and driving local trains between Nagpur and Kamptee, and occasionally goods trains on the main line. He was fined ½ month's pay on the occasion of a collision, on the 7th April 1883, between his and another engine at Amgaon station, as he had not got his head lamp lighted; also fined ½ month's pay on the 6th April 1883 for careless and violent shunting in Nagpur station. He can read time tables and line clears. He resigned his appointment in May 1883.

"Shunter Doctor was appointed on Rs. 32 per mensem on the 8th December 1882, and was employed in yard shunting. He is pretty well up in his work and has on one or two occasions run local trains between Nagpur and Kamptee. He can read and write English.

"Shunter Inayat Hossain was appointed on Rs. 20 per mensem on the 16th March 1883, and discharged on the 19th August 1883 on account of reduction of establishment. He was employed in yard shunting and local trains between Nagpur and Kamptee. He can read very little except time tables and line clears, and cannot write.

"Shunter Cawagee Pestonjee was appointed as a fireman on Rs. 15 per mensem on the 23rd November 1881, and promoted to shunter on Rs. 30 on the 1st January 1883. He was employed in shunting at the station yard and driving local trains between Nagpur and Kamptee, and occasionally goods trains on the main line. He can read and write English. He resigned on the 24th June 1883.

"Shunter P. Baloo was employed as a fireman on Rs. 11 per mensem on the 24th November 1880, and promoted to shunter on Rs. 18 on the 1st December 1882. During the year he was employed in yard shunting and driving Raj-Nandgaon local trains and occasionally goods trains on the main line. He can read very little except time tables and line clears, but is likely to become a good engineman."

In submitting the above reports the Chief Commissioner remarks that he is not quite satisfied that as much as possible has been done to train Native lads as drivers and shunters, and that immediate attention will be given to the matter.

Bengal Provincial Railways.

15. The Government of Bengal has issued the following Resolution, No. 1329R.E., dated the 25th March 1884, on the subject:—

"OBSERVATIONS.—In Resolution No 1023R.E. of the 28th February 1883, noted above, it was stated: 'The progress made in the employment of Native drivers and shunters is considered on the whole satisfactory. The real difficulty still is to obtain men with the necessary qualifications, and to overcome the aversion the men have to attend the night schools provided for them.

* * * * * *

"'They should, however, be employed to the fullest extent on goods trains, and the Lieutenant-Governor trusts that the officers in charge of lines will not relax their efforts to see that this order is carried into effect.'

"2. The reports for the year 1883 show that the following progress has been made in the employment of Native drivers and shunters on the railways under the orders of this Government:—

Northern Bengal State Railway.

16. "The Locomotive Superintendent reports as follows:—

"'There are now two teachers attached to the school—one to teach Bengali and the other Hindi.

"'The numbers of pupils on the rolls are 25, of whom five learn Bengali and twenty Hindi: the average daily attendance is 12.

"'The comparative statement showing the number of Native drivers employed in the various grades during the year 1882-83, and the salaries drawn in each grade, is as under:—

1882.

Grade. Rs.	No. of men.	Salary. Rs.	
20 to 40	1	38	7 drivers, 9 shunters, and 1 assistant shunter.
	1	30	
	1	26	
	3	24	
	4	22	
	3	20	
	2	17	
	1	16	
	1	14	

1883.

Grade. Rs.	No. of men.	Salary. Rs.	
20 to 40	1	38	12 drivers, 7 shunters, and 1 assistant shunter.
	1	30	
	1	28	
	3	26	
	1	24	
	3	22	
	5	20	
	1	18	
	3	16	
	1	14	

"'Of the 12 drivers, one was transferred from this Railway to the Calcutta and South-Eastern State Railway line in May last; two are employed in the Kaunia and Dharlla Railway line; and two in running trains in the Rungpore Branch, and seven in the main line, working goods trains.

"'The seven shunters are employed as yard shunters at Saidpur, Sara, and Siliguri.

"'The assistant shunter is employed at this station.

"'All these men, except one, are working in a satisfactory manner. They are regular in attendance.

"'The two drivers of the Kaunia and Dharlla Railway line have been awarded a reward of Rs. 5 each at the end of last half-year for keeping their engines clean and in good order.'

Tirhoot State Railway.

17. "The Assistant Locomotive Superintendent states as follows in his letter No. 632D., dated 30th December 1883, to the Manager:—

"'The number of of men employed for the years 1881, 1882, and 1883 compare as follows:—

	Grade.	1881.	1882	1883.
Drivers	Rs. Rs. 15 to 40	...	2	5
Shunters		3	2	5*
Assistant shunters		...	1	2
		3	5	12

"'From these figures you will see that the number of available enginemen and shunters has been doubled in the last year. You will also note that we have now eight men capable of working trains, and two others who should be fit to go out on the line in another six or eight months' time.

"'No alteration in the mode of supplying men has been made during the year, the old rule of promoting cleaners to firemen, firemen to shunters, and shunters to drivers having been pursued, each man undergoing a careful examination before he is promoted to shunter, and again when he is promoted to driver. At the present time there are some five men having worked their way up to posts of first firemen and shed tindals, who are fit to be promoted to shunters whenever they may be required, two of whom are now actually employed in shunting in the Somastipur yard during the present increase in the number of working trains.

"'As regards the progress made to teach the men to read and write, a night school has been started here since March last, and a schoolmaster purposely employed to conduct the same. The attendance has been satisfactory on the whole.

"'During the year eight failures have occurred to engines under the charge of Native drivers. Since the 1st of this month no Europeans have been employed on goods, local or material trains, the work having been entirely and satisfactorily performed by Natives; an up and down local, an up and down goods, two ballast and one material train having been regularly running.

"'It is therefore clear that our present staff of Native enginemen is sufficient for our requirements until the line opens out or the traffic increases; and I consider that they have performed the work allotted to them for the year in question in a satisfactory manner.'

Calcutta and South-Eastern and Nalhati State Railways.

18. "The Locomotive Superintendent reports:—

"'Arrangements have been made to establish a night school on the Calcutta and South-Eastern State Railway, similar to that established at Saidpur, with a view to give a rudimentary education in Bengali and Hindi to these men, as well as to the workshop apprentices.

"'The comparative statement showing the number of Native drivers employed in various grades on the Calcutta and South-Eastern and Nalhati State Railways during the year 1882-83, and the salaries drawn in each grade, is as under:—

Calcutta and South-Eastern State Railway.

1882. Grade. Rs.	No. of men.	Salary. Rs.	1883. Grade. Rs	No. of men.	Salary. Rs.	
20 to 40	3	30	20 to 40	1	34	7 drivers, 4 shunters, and 1 assistant shunter.
	1	20		2	30	
				2	24	
				2	20	
				4	15	
				1	12	

"'The seven drivers are employed in running trains.

"'Of the four shunters, one died in June last, and the three are employed as yard shunters at Calcutta and Diamond Harbour.

"'The assistant shunter is employed at Calcutta.

Nalhati State Railway.

1882. Grade. Rs.	No. of men.	Salary. Rs.	1883. Grade. Rs.	No. of men.	Salary. Rs.
20 to 40	2	30	20 to 40	2	30
	1	15		1	15

"'All these men have given little trouble. They are regular in attendance and careful in the performance of their duties.

"'Three drivers of the Nalhati line, and two of the Calcutta and South-Eastern State Railway line, can read and write.'

"RESOLUTION.—The large increase in the number of Native drivers and shunters employed during 1883, as compared with the number during 1882, and the favorable reports, with referenc

* Three of these men are actually working trains at the present time.

to the attendance of the men and the satisfactory performance of the duties entrusted to them, are a sufficient proof that the training of Natives for employment on locomotive engines has now passed beyond the experimental stage, and that the difficulties at first experienced in carrying out the measure have been fairly overcome.

"It is noted, however, that the men are as yet employed only on goods, local or material trains, and though, with the class of men now obtained, this limitation may be advisable for the present and for some time to come, the Lieutenant-Governor trusts that every endeavour will be made to obtain the services of a class of men of somewhat superior intelligence, who, with the necessary experience, might reasonably be expected to become competent for the working of fast mail trains. With that object in view, the night schools now provided (the attendance at which is still somewhat unsatisfactory) should be made as efficient as possible by granting prizes for regular attendance, and by regulating the pay of the men on promotion according to the result of their examination."

Comparative Table showing Total Numbers employed.

	1882.	1883.
Drivers	16*	27
Shunters	13*	20
TOTAL	29	47

19. The following is an extract from the report of the Locomotive Superintendent:—

North-Western Provinces and Oudh Provincial Railways.

"Lads of about 13 years of age are engaged and employed in assisting Native workmen in the workshops, and as engine cleaners in the running shed. They are compelled to attend school from 7 to 9 A.M. daily, Sundays excepted.

"A school was started on a small scale at the Cawnpore workshops in the month of March last with seven lads on the roll, and before the end of the year their number increased to 14. The average daily attendance was 10·2. Those of the lads who are constant in attendance during the whole period of school's existence made a very fair progress in reading Urdu, Nagri, and English, and some of the elder ones can write a little.

"A trial was again made in giving good encouragement to several youths of the better class to train for drivers, all of whom liked the free school attendance but got tired of work, and in a few days all disappeared."

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	13	13
Shunters	..	..
TOTAL	13	13

20. The Locomotive Superintendent in his letter to the Manager reports as follows:—

Burma State Railway.

"I have the honor to acknowledge receipt of your endorsement No. 1831-6 E. R. of 18th July 1884, forwarding British Burma Public Works Department No. 4519, dated 17th July 1884, and in reply to state that the night school organised at Rangoon and alluded to in my No. 1205 of 18th April 1883, when writing on the same subject now under notice, has been abolished for the following reasons:—

"(1) that the Natives attending the school gradually decreased in number;

"(2) the schoolmaster having resigned his appointment through his having obtained a more lucrative one.

"Steps have, however, since been taken to reorganise the school in conjunction with the Traffic Department in order to train Natives as brakesmen, guards, and drivers.

"During the last busy season two ballast trains have been successfully worked on the open lines by Natives, and it is my intention to put these men in charge of goods trains north of Latpadan during the next busy season. I regret to state that the skilled firemen who are entertained during

* These numbers do not correspond with those shown in the Report for 1882. Please see foot-notes to the general statement inserted in this Resolution.

the busy season generally leave this line for India during the slack season, consequently the training and promotion of these men to shunters or drivers have been hindered.

"We have now six shunters and two head jemadars who are able to do shunting, and I hope to make a more favorable report on this matter in my next.

"None of the Karen lads have as yet been sent out firing for reasons already explained in paragraph 8 of my last report.

"In conclusion I beg to state that every effort is being made to meet the wishes of the Local Government on the subject."

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	*Nil*	*Nil*
Shunters	4	8(a)
TOTAL .	4	8(a)

Bhavnagar-Gondal Railway.

21. The Manager and Engineer-in-Chief reports as follows:—

"During the past year three Native shunters have been employed in the Locomotive Department, and one of them has lately been advanced to a probationer engine driver and is doing well.

"A statement showing the progress made in training the Natives as firemen, shunters, and engine drivers on the Bhavnagar-Gondal Railway from the beginning is herewith attached for information."

YEAR.	No. of Native Firemen employed.	No. of Native Shunters employed.	No. of Native Drivers employed.	REMARKS.
1st and 2nd half-years, 1881 . .	40	*Nil*	*Nil*	
1st half-year, 1882	34	*Nil*	*Nil*	
2nd half-year, 1882	20	2	*Nil*	
1st half-year, 1883	33	2	*Nil*	
2nd half-year, 1883	16	2	*Nil*	
1st half-year, 1884	16	3*	1*	* 1 promoted to driver at end of March.

His Highness the Nizam's Railway.

22. The Locomotive Superintendent states that no change has been introduced in the system of training Natives as engine-men since the submission of the last report.

Comparative Table showing Numbers employed.

	1882.	1883.
Drivers	4	5
Shunters	2	1
TOTAL .	6	6

(a) Two of these men are head jemadars who are able to do shunting.

Resolution.—From the foregoing observations the numbers of Native drivers and shunters employed on the several Indian Railways appear to be as follows:—

Railways.	Drivers.		Shunters	
	1882.	1883.	1882.	1883.
East Indian	125	116	125	120
Guaranteed.				
Madras	1	2	3	4
South Indian	12	18	19	16
Great Indian Peninsula	60	79	*Nil*	*Nil*
Bombay, Baroda, and Central India	23	24	8	12
Eastern Bengal	*Nil*	*Nil*	*Nil*	3(*a*)
Sind, Punjab, and Delhi	10	30	36	27
Oudh and Rohilkhand	29	32	40	42
Imperial State.				
Punjab Northern	11	14	5	7
Indus Valley	8	10	12	13
Rajputana-Malwa	13	18	31	41
Wardha Coal	*Nil*	*Nil*	2	4(*b*)
Provincial State.				
Calcutta and South-Eastern	4	7	*Nil*	5
Nalhati	3	3	*Nil*	*Nil*
Northern Bengal	7(*c*)	12	10(*c*)	8
Tirhoot	2	5	3(*d*)	7(*e*)
Cawnpore-Achnera	13	13	*Nil*	*Nil*
Nagpur and Chhattisgarh	2	3(*b*)	2	5(*b*)
Rangoon and Irrawaddy Valley	*Nil*	*Nil*	4	8(*f*)
Native States.				
Bhavnagar-Gondal	*Nil*	*Nil*	2	2
Nizam's	4	5	2	1
Mysore	Return not received.			
Assisted Companies.				
Darjeeling-Himalayan	Returns not received.			
Assam				
Total	327	391	304	325

(*a*) Pilotmen.
(*b*) Employed during the busy seasons of 1882 and 1883.
(*c*) The number of drivers shown in the previous return was 5 and that of shunters 8.
(*d*) Four shunters were shown in the return for 1882 as employed on both the Tirhoot and Patna-Gya State Railways. The latter Railway is now worked by the East Indian Railway Company.
(*e*) Three of these men are actually working trains at present time.
(*f*) Two of these men are head jemadars who are able to do shunting.

2. The Government of India notices with satisfaction that there has been an increase of 64 in the number of Native drivers and of 21 in the number of Native shunters, and that the subject of training Natives for such employment continues to receive the attention of the authorities concerned.

Order.—Ordered, that this Resolution be communicated to the Governments, Administrations and officers noted in the margin for information.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners, Central Provinces, Assam, and British Burma.
The Residents, Hyderabad and Mysore.
The Agents to the Governor-General for Rajputana, Central India, and Biluchistan.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways.
The Accountant General, Public Works Department.

Ordered also, that this Resolution be published in the Supplement to the *Gazette of India.*

F. FIREBRACE, *Major, R.E.,*
Under-Secretary.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF SEPTEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces	Districts	Wheat: Present fortnight (S. Ch.)	Wheat: Past fortnight (S. Ch.)	Wheat: Corresponding fortnight of 1883 (S. Ch.)	Barley: Present fortnight (S. Ch.)	Barley: Past fortnight (S. Ch.)	Barley: Corresponding fortnight of 1883 (S. Ch.)	Rice (best sort): Present fortnight (S. Ch.)	Rice (best sort): Past fortnight (S. Ch.)	Rice (best sort): Corresponding fortnight of 1883 (S. Ch.)
Madras	Ganjam	11 13	11 13	8 13	...	...	...	13 0	13 0	17 0
	Vizagapatam	14 0	14 0	9 8	...	...	...	9 8	10 2	9 0
	Godavery	13 8	13 8	9 14	...	...	...	12 14	13 11	12 14
	Kistna	13 11	13 11	8 13	...	...	...	13 0	13 8	14 0
	Nellore	14 13	14 13	10 13	...	...	...	12 14	13 6	13 14
	Cuddapah	14 0	14 0	13 10	...	...	...	11 8	12 6	12 6
	Anantapur	14 6	14 6	13 6	...	...	...	11 3	12 13	12 13
	Bellary	15 6	16 5	17 5	...	...	...	11 13	12 5	11 13
	Kurnool	11 2	13 10	12 2	...	...	...	11 0	11 6	10 10
	Madras	10 5	10 5	11 0	...	...	...	11 8	13 2	13 8
	Chingleput	...	...	...	...	...	...	14 3	13 8	13 8
	North Arcot	10 3	10 3	9 11	...	...	...	13 8	14 6	13 8
	South Arcot	10 2	10 14	9 6	...	...	...	13 0	12 10	14 13
	Tanjore	9 8	11 6	11 0	...	...	...	12 14	12 14	17 6
	Trichinopoly	8 14	...	9 3	...	...	...	13 0	12 10	15 2
	Madura	10 14	11 5	12 8	...	...	...	11 8	12 3	14 5
	Tinnevelly	9 10	9 10	10 10	...	...	...	10 11	10 11	16 5
	Coimbatore	11 8	11 8	13 2	...	...	...	12 10	13 0	14 6
	Nilgiris	9 3	8 8	10 10	...	...	...	9 10	9 10	11 3
	Salem	13 10	12 11	12 11	...	...	...	13 10	13 10	14 0
	South Canara	8 10	8 13	7 8	...	...	...	9 11	9 11	9 11
	Malabar	8 10	8 10	8 10	...	...	...	13 13	13 6	15 6
Bombay	Bombay	11 12	12 6	10 0	19 9	17 0	18 10	7 8	7 8	7 8
	Ahmedabad	17 0	17 0	12 0	25 0	25 0	19 8	6 8	6 8	6 8
	Kaira	13 8	13 5	10 10	24 10	24 10	20 0	9 0	8 8	9 11
	Surat	13 10	13 10	11 4	12 8	14 13	12 4	7 5	7 5	7 6
	Broach	12 0	12 0	12 4	...	...	...	9 12	9 12	9 15½
	Tanna (Salsette)	10 10	10 10	10 5	10 8	10 8	12 14	8 0	8 0	9 0
	Colába (Alibag)	8 0	8 0	8 8	...	...	...	6 0	6 0	7 8
	Khandesh (Dhulia)	18 12	18 12	14 14	...	...	...	7 2	7 2	7 9
	Násik	17 0	17 0	14 4	...	...	...	6 0	6 0	7 7
	Ahmednagar	15 11	15 8	13 4	...	...	...	7 11	8 4	8 11
	Poona	12 10	12 10	12 10	9 4	9 4	9 4	8 9	8 9	9 13
	Sholápur	14 15	15 6	14 8	...	...	...	9 12	9 8	10 15
	Kaladgi (Bagalkot)	19 0	20 0	19 8	12 8	15 12	16 8	7 12	7 12	6 8
	Satara	13 6	13 6	13 6	...	...	...	8 3	8 8	8 14
	Belgaum	18 10	20 0	15 15	13 5	14 0	14 0	14 0	14 0	11 8
	Dharwar (Hubli)	23 0	23 0	23 0	...	...	...	13 0	13 0	13 0
	Ratnágiri	10 9	10 9	9 4	...	...	...	8 9	8 9	8 9
	Kanara (Karwar)	9 0	9 0	9 0	...	...	...	7 0	7 0	8 0
	Pánch Mahals (Godhra)	12 4	11 6	10 8	...	...	...	10 0	10 0	11 6
	Aden	7 0	7 0	7 0	...	...	...	5 10	5 10	6 3
	Asirgarh	16 13	16 0	13 12	...	...	...	11 0	11 0	11 12
	Baroda	12 13	11 10	9 15	18 10	17 8	13 7	7 9	7 9	7 9
	Disa	18 4	17 12	12 12	...	...	...	6 10	6 10	6 14
	Nimach	21 0	21 8	17 4	37 0	35 0	23 0	9 0	9 0	9 0
	Nasirabad	19 8¼	17 15¼	17 6¼	25 7¼	23 9¼	23 12¼	6 0	6 0	6 0
	Rajkot	18 8	18 0	13 6	...	...	...	6 6	6 6	6 8
	Upper Sindh Frontier	14 0	14 8	13 12	21 4	22 0	23 8	10 0	10 0	10 8
	Karachi	14 2	14 0	12 13	20 0	21 0	24 0	8 0	8 0	9 0
	Haidarabad (Nakur)	16 0	15 0	15 0	25 0	26 0	26 0	11 0	11 0	12 0
	Shikarpur	14 8	14 0	13 0	21 8	21 0	23 0	11 8	11 8	11 8
	Sukkur	16 8	16 0	13 8	24 0	24 0	25 8	10 0	10 8	10 0
	Thar & Parkar (Umarkot)	16 7	14 12	13 6	...	...	...	...	...	...
Bengal	*Western Districts.*									
	Burdwan	14 8	15 0	14 8	22 0	22 8	25 0	12 0	11 0	17 8
	Bancoorah	15 0	15 0	13 0	16 0	16 0	16 0	13 0	12 8	20 0
	Beerbhoom	16 8	16 8	15 0	...	...	...	12 0	12 0	16 8
	Midnapore	12 0	12 0	13 0	20 0	20 0	17 0	15 0	14 0	18 0
	Hooghly	15 0	15 0	13 0	...	...	...	8 0	8 0	9 0
	Howrah	14 8	14 0	13 4	...	...	...	11 4	11 8	14 0

Provinces	Districts	Rice (common): Present fortnight (S. Ch.)	Rice (common): Past fortnight (S. Ch.)	Rice (common): Corresponding fortnight of 1883 (S. Ch.)	Great Millet (Cholum, Jowar), Holcus Sorghum: Present fortnight (S. Ch.)	Great Millet: Past fortnight (S. Ch.)	Great Millet: Corresponding fortnight of 1883 (S. Ch.)	Bulrush Millet (C[um]boo, Bajra), Penicillaria Spic[ata]: Present fortnight (S. Ch.)	Bulrush Millet: Past fortnight (S. Ch.)	Bulrush Millet: Corresponding fortnight of 1883 (S. ...)
Madras	Ganjam	13 13	13 13	17 14	...	...	...	...	...	
	Vizagapatam	11 5	12 6	11 5	...	21 10	24 13	27 11	21 13	23
	Godavery	14 0	15 13	15 0	26 14	26 14	23 0	...	...	
	Kistna	13 10	15 3	14 11	21 13	21 13	20 13	...	...	
	Nellore	14 0	14 0	15 0	23 0	24 0	21 10	...	...	
	Cuddapah	12 0	13 5	13 5	22 2	26 14	31 10	28 3	29 0	31
	Anantapur	13 0	14 0	14 0	25 11	28 13	33 0	22 10	23 8	30
	Bellary	13 0	13 8	13 0	22 11	33 0	46 5	16 14	22 10	28
	Kurnool	11 6	12 2	11 6	20 8	24 11	37 0	17 8	23 11	33
	Madras	14 2	14 5	15 2	23 13	23 13	22 5	20 8	20 8	23
	Chingleput	15 2	15 2	15 2	...	...	...	...	18 8	26
	North Arcot	14 8	16 0	16 14	...	...	41 14	...	...	31
	South Arcot	13 10	13 10	15 11	...	...	...	22 5	23 2	30
	Tanjore	...	...	...	...	21 8	31 13	25 6	24 10	40
	Trichinopoly	13 0	12 11	15 14	...	28 0	30 13	24 2	25 6	27
	Madura	12 3	12 0	14 13	23 8	21 14	37 5	23 8	23 0	29
	Tinnevelly	11 10	11 10	16 13	18 6	18 6	...	19 2	19 2	
	Coimbatore	13 10	14 0	15 6	24 6	20 14	27 13	28 10	22 5	31
	Nilgiris	11 8	11 3	12 0	20 0	20 13	20 0	18 3	18 14	21
	Salem	14 2	14 2	14 11	26 6	27 5	32 13	23 13	24 10	29
	South Canara	13 3	13 3	13 8	...	...	...	...	...	
	Malabar	14 10	14 3	16 8	...	...	...	...	...	
Bombay	Bombay	11 10	10 12	12 6	16 0	16 8	18 11	15 12	13 1	14
	Ahmedabad	11 0	11 0	12 0	20 0	17 8	14 0	20 0	20 0	14
	Kaira	12 0	11 7	13 0	18 0	18 0	13 5	19 4	18 8	13
	Surat	8 3	8 3	8 5	14 3	14 3	19 4	13 10	13 10	14
	Broach	12 12	12 12	12 12	16 0	16 0	16 0	18 12	13 12	13
	Tanna (Salsette)	9 4	9 4	10 9	12 14	12 14	18 10	12 13	12 13	14
	Colába (Alibag)	10 8	11 0	12 8	...	...	...	...	...	
	Khandesh (Dhulia)	10 12	10 12	10 13	20 6	20 6	17 11	17 10	17 10	15
	Násik	10 6	10 6	12 0	...	...	...	14 8	14 8	15
	Ahmednagar	10 6	10 3	9 15	18 1	17 12	23 6	15 9	15 11	17
	Poona	8 14	9 3	11 0	15 4	15 4	20 11	18 13	18 13	17
	Sholápur	10 10	10 6	11 12	15 15	15 15	27 9	17 14	18 6	22
	Kaladgi (Bagalkot)	10 12	11 12	11 8	23 0	24 0	31 8	22 0	24 12	30
	Satara	10 0	10 0	11 7	15 5	15 5	20 0	14 4	14 14	18
	Belgaum	14 6	14 8	12 0	19 5	19 5	17 13	21 5	22 0	19
	Dharwar (Hubli)	15 0	15 0	16 0	24 0	25 0	26 0	23 0	24 0	21
	Ratnágiri	9 14	9 14	13 7	13 0	13 0	...	12 4	21 4	13
	Kanara (Karwar)	12 0	12 0	12 0	16 0	16 0	16 0	13 0	13 0	
	Pánch Mahals (Godhra)	11 6	11 6	13 5	17 12	17 12	20 0	17 12	17 0	12
	Aden	6 3	6 3	7 0	9 5	9 6	13 7	7 8	8 0	11
	Asirgarh	13 8	13 4	14 0	23 0	21 4	19 0	25 0	25 0	17
	Baroda	10 8	10 8	10 8	18 10	16 4	15 12	16 5	16 4	13
	Disa	8 2	8 10	9 0	21 0	21 10	14 4	23 0	23 4	15
	Nimach	10 0	10 0	10 0	35 0	35 0	25 0	16 0	19 0	12
	Nasirabad	7 0	7 0	7 0	23 0	22 6	18 0	16 0	16 0	14
	Rajkot	8 0	8 0	9 0	25 0	23 8	16 12	18 14	18 8	13
	Upper Sindh Frontier	11 4	11 4	12 4	22 12	22 13	27 12	20 12	21 0	23
	Karachi	14 0	14 0	15 0	19 0	19 0	23 0	20 0	18 0	17
	Haidarabad (Nakur)	14 8	14 0	16 0	26 0	24 0	26 0	24 0	22 0	23
	Shikarpur	12 2	12 6	16 0	21 0	20 8	25 12	25 0	25 0	25
	Sukkur	12 0	14 0	15 0	24 0	24 0	26 8	22 0	22 0	23
	Thar & Parkar (Umarkot)	13 6	13 8	12 3	...	...	...	19 0	19 0	17
Bengal	*Western Districts.*									
	Burdwan	14 4	14 0	24 12	...	...	...	...	...	
	Bancoorah	14 8	15 0	25 0	...	...	...	...	...	
	Beerbhoom	14 0	13 8	21 0	...	...	...	...	...	
	Midnapore	18 0	18 0	24 0	...	...	...	...	...	
	Hooghly	12 8	12 8	18 0	...	...	...	...	...	
	Howrah	13 4	13 4	19 0	...	...	...	...	...	

Provinces	Districts	[L]esser Millets, Rari, &c. (Kavaru, Varagu, Sawee, Cheena, Coralee, Murh[w]a, Kodo, Panicum Miliaceum, &c.): Present fortnight (... Ch.)	Lesser Millets: Past fortnight (S. Ch.)	Lesser Millets: Corresponding fortnight of 1883 (S. Ch.)	Gram: Present fortnight (S. Ch.)	Gram: Past fortnight (S. Ch.)	Gram: Corresponding fortnight of 1883 (S. Ch.)	Firewood: Present fortnight (S. Ch.)	Firewood: Past fortnight (S. Ch.)	Firewood: Corresponding fortnight of 1883 (S. Ch.)
Madras	Ganjam	7 10	...	32 3	30 0	30 0	33 5	215 13	215 13	215 13
	Vizagapatam	4 8	24 8	23 3	32 13	32 13	35 2	93 5	93 5	93 5
	Godavery	1 15	31 13	29 2	31 8	32 8	33 10	194 6	145 13	194 6
	Kistna	8 6	28 6	25 0	30 13	30 13	29 10	145 13	145 13	145 13
	Nellore	5 8	25 0	25 8	23 2	25 11	24 2	93 5	93 5	93 5
	Cuddapah	8 8	31 8	30 0	25 13	32 11	33 8	194 6	194 6	194 6
	Anantapur	5 3	31 0	32 0	28 0	35 13	37 0	...	...	...
	Bellary	2 5	31 0	34 14	25 13	30 13	35 13	94 13	94 13	94 13
	Kurnool	...	...	...	19 8	26 3	31 8	140 14	140 14	157 0
	Madras	8 2	28 2	24 11	26 2	26 2	26 2	83 13	83 13	85 0
	Chingleput	7 6	27 6	26 11	25 11	25 11	25 11	92 5	92 5	92 5
	North Arcot	4 3	34 3	32 8	26 10	26 10	28 10	140 0	140 0	140 0
	South Arcot	9 6	28 10	31 13	30 8	29 11	26 8	213 13	213 13	201 11
	Tanjore	8 11	29 2	39 5	26 3	26 3	28 0	170 3	170 2	194 6
	Trichinopoly	0 2	30 2	34 2	26 14	27 11	31 10	97 3	97 3	97 3
	Madura	7 14	27 14	37 8	26 11	26 11	35 10	111 13	121 8	145 13
	Tinnevelly	1 2	21 2	...	26 0	26 0	31 5	70 0	70 0	70 0
	Coimbatore	6 3	26 3	32 13	32 5	30 6	34 3	97 3	97 3	131 3
	Nilgiris	0 3	20 3	21 10	21 10	21 10	23 3	161 13	161 13	161 13
	Salem	0 13	32 8	30 13	33 8	34 8	35 10	151 10	151 10	151 10
	South Canara	1 2	21 2	18 8	18 11	20 3	21 3	109 5	109 5	109 5
	Malabar	0 6	21 3	21 14	26 14	26 14	26 14	121 8	121 8	121 8
Bombay	Bombay	1 15	10 0	14 11	18 5	16 8	16 2	62 6	62 6	62 6
	Ahmedabad	...	...	...	16 0	16 8	15 0	80 0	80 0	80 0
	Kaira	0 4	20 0	...	16 8	16 8	16 0	80 0	80 0	80 0
	Surat	...	...	...	14 14	14 13	14 0	80 0	80 0	80 0
	Broach	...	...	...	12 8	12 8	12 12	106 0	106 0	106 0
	Tanna (Salsette)	3 5	13 5	25 11	15 10	15 10	13 4	70 0	70 0	71 0
	Colába (Alibág)	...	...	...	12 0	11 8	12 0	120 0	120 0	120 0
	Khandesh (Dhulia)	...	...	...	23 2	22 5	14 4	140 0	140 0	140 0
	Násik	0 11	20 11	18 6	21 0	21 0	17 0	128 0	128 0	128 0
	Ahmednagar	...	...	...	22 2	23 1	18 6	87 0	91 4	79 12
	Poona	5 6	15 6	15 6	19 9	19 9	16 2	68 0	68 0	68 0
	Sholápur	...	...	...	21 0	23 4	20 1	75 4	75 4	71 0
	Kaládgi (Bagalkot)	...	...	...	21 0	22 0	18 8	100 0	100 0	100 0
	Satara	...	...	...	18 3	20 2	17 9	116 8	116 8	116 8
	Belgaum	3 10	25 0	19 0	19 0	19 0	16 8	60 0	60 0	65 0
	Dharwar (Hubli)	9 0	31 0	28 0	21 0	21 0	16 0	80 0	80 0	80 0
	Ratnágiri	4 2	14 2	18 13	14 0	17 8	14 11	120 0	120 0	120 0
	Kanara (Karwar)	0 0	21 0	18 0	15 0	16 0	12 8	213 5	213 5	213 5
	Pánch Mahals (Godhra)	0 0	20 0	20 0	22 13	22 13	20 0	160 0	160 0	200 0
	Aden	...	...	...	9 5	9 5	9 5	65 5	65 5	65 5
	Asirgarh	...	...	...	21 8	21 8	17 8	150 0	150 0	160 0
	Baroda	18 10	18 10	17 6	15 12	16 4	14 0	70 0	70 0	80 0
	Disa	...	...	...	14 4	15 3	13 8	137 8	137 8	137 8
	Nimach	...	...	...	24 8	24 8	20 0	160 0	160 0	160 0
	Nasirabad	...	...	...	24 0	22 8	25 6½	90 0	90 0	80 0
	Rajkot	...	...	...	21 4	21 0	14 2	60 0	60 0	70 0
	Upper Sindh Frontier	0 0	60 0	70 0	20 8	20 8	20 13	200 0	200 0	160 0
	Karachi	10 0	11 0	10 0	19 0	18 0	16 0	80 0	90 0	90 0
	Haidarabad (Nakur)	20 0	20 0	26 0	17 0	20 0	21 0	320 0	320 0	320 0
	Shikarpur	...	...	...	20 4	20 4	20 0	200 0	210 0	240 0
	Sukkur	...	...	...	22 0	22 0	19 0	120 0	120 0	110 0
	Thar and Parkar (Umarkot)	...	...	...	...	...	...	160 0	160 0	160 0
Bengal	*Western Districts.*									
	Burdwan	...	...	...	19 0	18 0	20 0	120 0	120 0	120 0
	Bancoorah	...	...	...	17 8	17 12	17 0	240 0	240 0	240 0
	Beerbhoom	...	...	...	18 12	19 0	21 0	160 0	160 0	160 0
	Midnapore	...	...	...	16 0	16 0	16 0	155 0	155 0	155 0
	Hooghly	...	...	...	17 0	17 0	17 0	120 0	120 0	120 0
	Howrah	...	...	...	17 8	18 0	17 12	80 0	80 0	80 0

Districts	Salt, Wholesale: Present fortnight (S. Ch.)	Salt, Wholesale: Past fortnight (S. Ch.)	Salt, Wholesale: Corresponding fortnight of 1883 (S. Ch.)	Salt, Retail: Present fortnight (S. Ch.)	Salt, Retail: Past fortnight (S. Ch.)	Salt, Retail: Corresponding fortnight of 1883 (S. Ch.)	Provinces
Ganjam	...	...	...	13 13	13 13	13 13	Madras
Vizagapatam	14 0	14 0	14 10	12 14	13 14	14 0	
Godavery	14 10	14 10	14 10	14 10	14 10	14 10	
Kistna	15 11	15 11	15 11	14 10	14 10	15 3	
Nellore	14 13	14 13	14 13	14 13	14 13	14 13	
Cuddapah	17 2	17 2	16 10	16 10	16 10	16 3	
Anantapur	14 5	14 5	14 5	14 5	14 5	14 5	
Bellary	15 3	15 13	15 13	14 14	15 8	15 8	
Kurnool	14 13	14 13	14 0	14 6	14 13	13 10	
Madras	17 5	17 5	16 14	16 8	16 8	16 8	
Chingleput	17 6	17 5	17 5	17 0	17 0	17 0	
North Arcot	15 6	15 6	15 6	14 13	14 13	14 13	
South Arcot	18 14	18 14	19 5	18 0	18 0	18 6	
Tanjore	16 10	17 0	15 3	16 2	16 10	15 3	
Trichinopoly	16 10	16 10	17 13	16 3	16 3	17 0	
Madura	17 5	17 5	17 5	16 13	16 13	16 5	
Tinnevelly	17 13	17 13	18 11	17 6	17 6	18 5	
Coimbatore	15 2	15 2	15 2	14 10	14 10	14 10	
Nilgiris	13 0	13 8	13 0	12 0	12 0	12 0	
Salem	18 0	17 8	17 8	16 14	15 11	16 14	
South Canara	14 14	14 14	18 6	13 13	13 13	17 3	
Malabar	15 5	15 5	14 6	14 6	14 6	13 8	
Bombay	14 6	14 6	14 6	12 9	12 9	12 9	Bombay
Ahmedabad	16 8	16 8	16 0	16 0	16 0	16 0	
Kaira	...	...	...	16 0	16 0	16 0	
Surat	13 10	13 10	13 9	13 10	13 10	13 9	
Broach	14 8½	14 8½	14 8½	14 8½	14 8½	14 8½	
Tanna (Salsette)	15 3	15 3	15 12	13 5	13 5	13 10	
Colába (Alibág)	14 0	15 0	13 0	13 8	14 8	12 8	
Khandesh (Dhulia)	14 0	14 0	13 0	13 14	13 12	12 14	
Násik	15 10	15 10	15 8	15 8	15 8	15 5	
Ahmednagar	14 6	13 15	13 6	14 4	13 11	13 4	
Poona	13 10	13 10	13 10	13 6	13 6	13 6	
Sholápur	13 8	13 8	13 8	13 4	13 4	13 4	
Kalá́dgi (Bagalkot)	12 4	12 5	11 0	12 0	12 0	10 8	
Satara	13 13	13 13	13 2	13 2	13 2	12 6	
Belgaum	11 8	11 8	12 3	11 0	11 0	11 3	
Dharwar (Hubli)	8 0	8 0	8 6	8 0	8 0	8 0	
Ratnágiri	12 15	12 15	13 2	12 15	12 15	12 15	
Kanara (Karwar)	12 0	11 8	11 8	11 0	11 0	10 8	
Pánch Mahals (Godhra)	16 0	16 0	16 0	15 4	15 4	15 4	
Aden	...	...	...	32 0	32 0	33 0	
Asirgarh	12 0	12 0	11 0	12 0	12 0	11 0	
Baroda	14 10	14 10	13 9	14 9	14 9	13 7	
Disa	13 8	13 8	12 8	13 0	13 0	13 0	
Nimach	...	...	...	14 0	14 0	13 0	
Nasirabad	16 14	16 14	16 0½	15 14	15 13½	15 7½	
Rajkot	48 0	42 0	50 0	33 0	33 0	40 0	
Upper Sindh Frontier	*12 11	*12 11	*12 12½	12 10*	12 10*	12 8*	
Karachi	17 11	17 11	17 12	17 0	17 0	16 0	
Haidarabad (Nakur)	14 8	15 0	14 4	14 0	14 8	14 4	
Shikarpur	14 0	13 14	14 0	13 12	13 8	13 12	
Sukkur	14 0	14 0	12 8	13 0	13 0	12 0	
Thar and Parkar (Umarkot)	14 12	14 12	14 12	14 12	14 12	14 12	
	Prices per md. of 40 seers. (R a. p.)	(R a. p.)	(R a. p.)				
Western Districts.							Bengal
Burdwan	2 14 8	3 0 0	3 0 0	13 0a	13 4	12 13	
Bancoorah	3 2 6	3 3 0	3 3 6	13 0b	12 0	12 0	
Beerbhoom	3 2 6	3 2 6	3 5 3	13 0c	12 0	11 4	
Midnapore	3 0 3	3 0 8	2 14 0	12 12d	13 13	12 8	
Hooghly	2 14 0	2 14 0	2 14 0	13 9e	13 9	13 9	
Howrah	3 0 0	3 0 0	3 0 0	13 0	13 0	13 0	

a In the sub-divisions the retail prices of salt per rupee were:—Culna 14 seers, Cutwa 12 seers, and Raneegunge 13-4 seers.
b In the interior the retail price of salt ranged from 11 to 16 seers per rupee.
c In the interior the retail price of salt ranged from 11-8 to 13-8 seers per rupee.
d In the sub-divisions the retail prices of salt per rupee were:—Contai 12-8 seers, and Ghatal 14-4 seers.
e In the sub-divisions the retail prices of salt per rupee were:—Serampore 13 seers and Jehanabad 13-8 seers.
* In common use.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF SEPTEMBER 1884—continued.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Province: BENGAL—continued.

Districts	Wheat: Present fortnight	Wheat: Past fortnight	Wheat: Corresponding fortnight of 1883	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Chólum, Jowar), *Holcus Sorghum*: Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*: Present fortnight	Bulrush Millet: Past fortnight	Bulrush Millet: Corresponding fortnight
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Central Districts.																		
Calcutta	17 10	17 10	15 0	26 12	26 12	20 10	8 6	8 6	10 12	10 12	10 12	16 0	11 7	11 7	20 10	11 8	11 8	21
24-Pergunnahs	14 0	14 0	13 5	17 8	17 8	16 0	8 0	8 0	8 0	14 8	13 5	14 8	...	...	...	...	...	...
Nuddea	16 0	16 0	14 8	20 0	20 0	22 15	11 3½	11 6	14 8	12 0	12 4	17 4	...	...	...	...	...	...
Khoolna	...	...	...	...	...	...	12 8	13 0	16 0	17 0	18 0	22 0	...	...	...	...	...	...
Jessore	14 0	14 0	13 0	...	...	...	12 0	12 4	15 0	16 0	16 0	21 4	...	...	...	...	...	...
Moorshedabad	18 8	18 0	16 0	...	...	...	10 0	11 0	15 0	13 0	13 0	22 0	...	...	...	...	...	...
Dinagepore	14 0	17 4	17 4	17 8	17 12	16 0	12 0	13 0	14 4	13 0	16 0	23 0	...	...	...	...	...	...
Rajshahye	16 8 to 19 3	19 4	15 4	24 0	26 4	29 0	9 0 to 13 8	12 8	15 4	15 0	16 0	22 0	...	...	...	...	...	...
Rungpore	18 0	20 0	13 5	...	...	...	9 6	9 10	13 5	11 10	13 0	19 0	...	...	...	...	...	...
Bogra	16 2	16 8	24 0	...	...	...	9 12	9 12	12 12	13 8	15 0	21 12	...	...	...	...	...	...
Pubna	19 8	21 12	18 12	...	...	...	8 4	8 4	8 4	13 8	16 0	19 0	...	...	...	...	...	...
Darjeeling	...	9 0	8 0	...	10 0	8 0	5 0	5 0	5 0	11 0	10 0	12 0	...	...	...	...	...	...
Jalpáiguri	10 0	10 0	10 0	20 0	20 0	20 0	11 0	11 0	12 8	...	13 0	13 0	...	...	...	...	...	...
Eastern Districts.																		
Dacca	16 0	16 0	13 5	23 0	23 0	22 10	11 10	13 0	17 0	14 0	16 0	20 0	...	...	...	...	...	...
Furreedpore	20 0	20 0	21 0	34 0	34 0	30 0	12 0	14 0	20 0	13 0	16 0	22 0	...	...	...	...	...	...
Backergunge	...	...	...	...	...	...	13 0	13 0	13 0	16 0	16 0	21 0	...	...	...	...	...	...
Mymensing	12 0	13 0	11 8	...	...	...	10 0	12 4	13 4	13 8	16 0	19 0	...	...	...	...	...	...
Chittagong	15 0	14 0	11 4	...	...	...	13 0	13 0	16 0	16 0	16 0	18 0	...	...	...	...	...	...
Noakholly	...	...	...	...	...	...	13 0	15 0	19 0	14 0	16 0	21 0	...	...	...	...	...	...
Tipperah	13 5	13 5	12 14	...	...	...	12 12	12 10	18 0	16 0	17 6	25 12	...	...	...	...	...	...
Chittagong Hill Tracts	...	...	...	...	...	...	13 5	13 5	18 0	16 0	16 0	14 0	...	...	...	...	...	...
Hill Tipperah	12 0	12 0	10 0	...	...	...	12 0	12 0	16 0	14 0	16 0	22 0	...	...	...	...	...	...
Behar.																		
Patna	21 0	20 0	21 0	25 0	22 0	29 0	11 4	11 4	15 0	12 0	13 0	18 0	...	...	...	...	...	...
Gya	18 0	17 0	17 8	21 0	20 0	21 0	9 0	9 8	12 0	11 4	12 0	16 0	...	...	...	...	...	...
Shahabad	19 0	18 0	15 0 to 15 8	19 0	20 0	25 0	8 0	9 0	10 0 to 11 0	12 8	12 8	15 0 to 16 0	...	...	...	20 0	20 0	25
Durbhunga	17 9	17 0	15 0	20 15	19 6	...	9 15	9 6	12 0	13 3	11 9	15 0	...	...	...	...	...	...
Mozufferpore	17 0	17 0	18 0	...	19 0	25 0	9 0	9 0	11 0	13 0	13 0	15 0	...	...	...	...	...	...
Sarun	19 0	18 0	16 0	25 0	21 0	27 0	8 0	8 0	10 0	12 0	12 0	18 8	24 0	23 0	37 0	...	...	...
Chumparun	15 0	16 0	19 0	...	...	31 0	11 0	11 0	14 0	14 8	14 0	17 8	...	...	...	...	...	...
Monghyr	18 14	18 9	17 9	21 0	19 11	24 2½	9 7	10 8	13 2	10 8	11 9	15 12	...	...	...	...	...	...
Bhágalpur	18 4	17 15	15 8	20 8	20 8	22 11	10 1	10 6	15 2	12 10	12 10	17 10	...	...	...	...	...	...
Purneah	16 0	17 0	18 0	...	...	...	12 0	13 0	16 0	13 0	14 0	18 0	...	...	...	...	...	...
Maldah	20 0	20 0	18 0	...	...	...	11 0	13 8	16 0	14 0	15 0	20 0	...	...	...	...	...	...
Sonthal Pergunnahs	16 0	13 0	18 0	...	...	...	11 0	12 0	18 0	14 8	14 0	23 8	...	...	...	...	...	...
Orissa.																		
Cuttack	18 6	18 6	11 13	...	...	...	13 2	13 2	13 2	18 6	18* 6	21 0	...	...	...	...	...	...
Pooree	14 7	13 2	10 8	...	...	...	13 12	13 12	21 0	15 1	13 6	23 10	...	...	...	...	...	...
Balasore	16 0	17 0	16 0	11 0	11 0	...	13 0	13 0	16 0	19 0	20 0	28 0	...	...	...	...	...	...
CHOTA NAGPORE.																		
South-Western Frontier Agency.																		
Hazáribágh	13 8	13 0	14 0	15 0	15 0	17 0	10 8	10 0	9 0	11 12	11 8	15 0	...	...	...	...	...	...
Lohardugga	12 0	12 0	15 0	...	...	20 0	12 0	12 0	13 0	14 0	14 0	22 0	...	...	...	...	...	...
Singbhoom	18 0	18 0	18 0	22 0	22 0	24 0	20 0	20 0	32 0	24 0	24 0	36 0	...	...	...	...	...	...
Manbhoom	13 0	13 0	13 0	...	...	...	13 0	13 0	16 0	19 0	18 0	26 0	...	...	...	...	...	...

* In the interior the retail price of rice ranged from 17-1 to 26-4 seers per rupee.
f In the sub-divisions the retail prices of salt per rupee were :—Baraset 13 seers, Barrackpore 12-13 seers, and Dum-Dum 12-4 seers.
g In the sub-divisions the retail prices of salt per rupee were :—Kooshtea 13 seers, Meherpore 12 seers, Choosdanga 14 seers, and Ranaghat 12-14 seers.
h In the sub-divisions the retail price of salt per rupee was :—Satkhira and Bagirhat 11 seers.
i In the sub-divisions the retail prices of salt per rupee were :—Jhenidah and Narail 12 seers, Magurah 10-12 seers, and Bongong 13 seers.
j In the sub-divisions the retail prices of salt per rupee were :—Lalbagh 11 seers and Kandi and Jungypore 12 seers.
k The retail price of salt at Raigunge was 11-8 seers and at Nitpore 10 seers.
l In the sub-divisions the retail prices of salt per rupee were :—Nilphamari 12 seers, and Gaibanda 12 seers.
m The retail price of salt at Serajgunge was 13 seers per rupee.
n In the sub-divisions the retail prices of salt per rupee were :—Kurseong 8 seers, and Silligoree 10 seers.
o The retail price of salt at Falacotta in Alipur sub-division was 10 seers per rupee.
p In the sub-divisions the retail prices of salt per rupee were :—Manickgunge 12 seers, Moonshegunge 10 seers 10½ chittacks, and Naraingunge 12 seers.
q In the sub-divisions the retail prices of salt per rupee were :—Goalundo 13 seers, and Madaripore 12 seers.
r In the sub-divisions the retail prices of salt per rupee were :—Perozepore 11 seers, Bhola 10 seers, and Patuakhali 10-10 seers.
s In the sub-divisions the retail prices of salt per rupee were :—Attea 12 seers, Jamalpore 11-4 seers, Netrokona 12-8 seers, and Kishoregunge 10-10 seers.

Other Millets, Ragi, &c., (Kavaru, Veragu, Sawee, Keeno, Coralee, Murhua, Nuglee, *Panicum Miliaceum*, &c.): Present fortnight	Other Millets: Past fortnight	Other Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale prices per maund of 40 seers: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883	Districts
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R a. p.	R a. p.	R a. p.	S. Ch.	S. Ch.	S. Ch.	
															Central Districts.
	...	...	22 0	22 0	18 13	100 0	100 0	90 0	2 11 6	2 11 3	2 12 0	12 14	13 0	13 5	Calcutta
	...	...	17 8	17 8	17 8	90 0	90 0	80 0	3 0 0	3 0 0	3 0 0	12 13f	12 13	12 13	24-Pergunnahs
	...	...	21 5½	21 5½	18 13	...	...	...	...	...	3 1 11	11 10½g	11 10½	11 10½	Nuddea
	...	...	16 0	16 0	16 0	200 0	180 0	180 0	3 2 0	3 2 0	3 4 0	12 0h	12 0	10 8	Khoolna
	...	...	18 0	21 4	16 0	120 0	120 0	120 0	3 2 0	3 2 0	3 2 0	10 12i	10 12	11 0	Jessore
	...	...	21 0	23 0	22 0	120 0	120 0	120 0	3 3 0	3 2 6	3 2 0	12 0j	11 9	12 8	Moorshedabad
	...	...	17 0	17 12	20 0	160 0	120 0	80 0	3 2 0	3 4 0	3 6 0	12 8k	12 0	11 0	Dinagepore
	...	...	21 0	22 3	22 8	240 0	240 0	240 0	3 0 0	3 2 6	3 0 0	12 12	12 11	12 0	Rajshahye
	...	...	15 4	18 0	17 3	100 0	100 0	110 0	3 5 0	3 14 0	...	11 14l	9 0	11 14	Rungpore
	...	...	18 0	16 8	19 2	75 0	60 0	63 8	3 5 4	3 5 4	...	12 0	12 0	12 0	Bogra
	...	...	17 4	21 12	18 12	200 0	200 0	200 0	3 1 6	3 1 6	3 4 0	12 6m	12 6	12 0	Pubna
[illegible]	15 0	12 0	10 0	10 0	8 0	102 8	102 8	106 8	4 8 0	4 4 0	4 8 0	8 0n	8 0	8 0	Darjeeling
	...	...	16 0	16 0	16 0	128 0	128 0	128 0	3 4 0	3 4 0	3 4 0	12 4o	12 4	12 0	Jalpáiguri
															Eastern Districts.
	...	...	16 0	19 0	18 0	110 0	80 0	97 0	3 0 0	3 0 0	...	13 0p	13 0	12 10	Dacca
	...	...	16 0	17 0	18 0	120 0	120 0	120 0	3 2 0	3 2 0	3 5 0	12 0q	12 0	12 0	Furreedpore
	...	...	17 0	17 0	18 0	120 0	120 0	120 0	...	...	2 11 0	13 0r	13 0	13 0	Backergunge
	...	...	14 8	15 8	15 0	...	...	...	3 2 0	3 4 0	3 4 0	12 4s	12 4	12 4	Mymensingh
	...	...	14 0	14 0	13 0	...	120 0	40 0	4 12 0	4 12 0	...	8 0t	8 0	10 0	Chittagong
	...	...	12 0	12 0	12 0	...	...	...	3 6 0	3 6 0	3 2 0	10 0u	10 0	10 0	Noakholly
	...	...	16 0	16 0	16 0	...	...	...	3 2 0	3 3 0	3 2 0	12 8v	12 0	12 4	Tipperah
	...	...	...	...	...	320 0	320 0	320 0	5 8 0	4 8 0	6 0 0	6 6	8 0	6 4	Chittagong Hill Tracts
	...	...	14 0	14 0	14 0	...	...	...	3 4 0	3 4 0	3 4 0	11 0	11 0	11 0	Hill Tipperah
															Behar.
	...	...	24 0	21 0	28 0	100 0	100 0	130 0	3 2 0	3 2 0	3 0 0	10 8	10 8	9 12	Patna
	...	...	22 0	21 0	21 0	220 0	220 0	180 0	3 4 0	3 4 0	3 5 0	11 0w	11 0	11 0	Gya
	...	...	22 8	24 0 to 25 0	24 0 to 25 0	140 0	140 0	100 0	3 1 0	3 1 0	3 1 0	12 0x	12 0	12 8	Shahabad
[illegible]	23 1	29 0	22 0	20 15	20 0	176 0	176 0	160 0	3 3 3	3 0 0	3 10 0	12 1y	12 6	10 0	Durbhunga
	...	...	20 0	20 0	23 0	140 0	140 0	140 0	3 4 0	3 4 0	3 4 0	12 0z	12 0	12 0	Mozufferpore
[illegible]	23 8	30 0	21 0	20 0	25 0	160 0	160 0	160 0	3 3 0	3 3 0	3 4 0	11 0z1	11 0	11 0	Sarun
	...	...	17 0	18 0	24 0	...	...	...	3 4 0	3 10 0	3 6 0	12 0z2	11 0	11 0	Chumparun
	...	...	23 1	23 9	24 3	126 0	126 0	120 0	2 14 6	3 2 6	2 15 0	12 0z3	12 1	13 9	Monghyr
	...	...	22 1	23 1	22 11	151 8	151 8	151 14	3 0 0	2 15 0	3 2 0	12 10z4	12 10	12 10	Bhágalpur
	...	...	18 0	20 0	20 0	160 0	160 0	160 0	3 13 6	3 13 6	4 0 0	10 12z5	10 12	9 0	Purneah
	...	...	20 0	20 0	20 0	200 0	160 0	160 0	3 2 6	3 2 0	3 4 0	12 0	12 0	13 0	Maldah
	...	...	18 0	17 0	17 0	200 0	200 0	200 0	3 4 6	3 5 6	3 12 0	11 12z6	11 12	10 0	Sonthal Pergunnahs
															Orissa.
[illegible]	15 12	18 6	21 0	21 0	18 6	80 0	80 0	80 0	2 12 0	2 12 0	2 12 0	14 0	14 0	14 0	Cuttack
	...	...	18 6	18 6	17 6	105 0	105 0	100 0	...	2 7 0	2 12 0	...	14 0	13 0	Pooree
	...	...	16 0	16 0	16 0	120 0	120 0	120 0	3 6 0	3 6 0	4 2 0	10 12z7	10 12	9 8	Balasore
															CHOTA NAGPORE.
															South-Western Frontier Agency.
[illegible] †	17 0	33 0	17 0	15 0	16 0	240 0	240 0	240 0	3 11 0	3 11 0	3 8 6	10 0z8	10 0	10 0	Hazáribágh
[illegible]	24 0	26 0	12 0	12 0	14 0	120 0	120 0	100 0	4 4 0	4 4 0	4 0 0	9 0	9 0	9 0	Lohardugga
	...	...	18 0	18 0	24 0	180 0	180 0	180 0	4 0 0	4 7 0	4 7 0	9 0	8 0	8 0	Singbhoom
	...	...	16 4	16 0	16 0	240 0	240 0	120 0	...	3 10 0	3 7 0	10 10z9	10 10	10 0	Manbhoom

† New.
t The retail price of salt at Cox's Bazar was 7 seers per rupee.
u In the interior the retail price of salt ranged from 8 to 12-4 seers per rupee.
v In the sub-divisions the retail prices of salt per rupee were :—Brahmanbariah 12-12 seers and Chandpore 12-8 seers.
w The retail price of salt at Aurungabad was 12 seers per rupee.
x In the sub-divisions the retail prices of salt per rupee were :—Bhabhua 11 seers, and Buxar 12 seers.
y In the sub-divisions the retail prices of salt per rupee were :—Tajpore 11-8 seers, and Madhubani 11 seers.
z In the interior the retail price of salt ranged from 11 to 12 seers per rupee.
z1 In the sub-divisions the retail price of salt per rupee was :—Sewan and Gopalgunge 12 seers.
z2 In the interior the retail prices of salt ranged from 8 to 14 seers per rupee.
z3 In the sub-division of Begusarai the retail price of salt was 11 seers per rupee.
z4 In the sub-divisions the retail prices of salt per rupee were :—Banka 12-8 seers, Madhupura 10-8 seers, and Soopole 11 seers.
z5 In the sub-divisions the retail prices of salt per rupee were :—Kissengunge 10 seers, and Raneegunge in Arrareea sub-division 12 seers.
z6 In the sub-divisions the retail prices of salt per rupee were :—Deoghur 12 seers, Godda 11 seers, and Rajmehal 12 seers.
z7 The retail price of salt at Bhuddruck was 8 seers per rupee.
z8 The retail price of salt at Chatra was 11 seers, and at Kharagdiha 11-8 seers per rupee.
z9 In the sub-division of Govindpore the retail price of salt was 11 seers per rupee.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF SEPTEMBER 1884—*continued.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces	Districts	Wheat: Present fortnight	Wheat: Past fortnight	Wheat: Corresponding fortnight of 1883	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar), *Holcus Sorghum*: Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*: Present fortnight	Bulrush Millet: Past fortnight	Bulrush Millet: Corresponding fortnight of 1883
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Assam	Sylhet	13 4	14 12	10 0	...	...	...	11 4	11 4	10 0	16 0	16 0	15 0	...	...	...	...	...	...
	Cachar	11 4	9 0	10 0	8 0	8 0	12 13	10 10	8 0	14 8	16 0	12 12	16 13	...	...	...	...	...	...
	Goálpará	18 0	18 0	20 0	...	...	...	8 0	8 0	13 5	12 4	13 4	22 0	...	...	...	...	...	...
	Gáro Hills	4 0	4 0	4 0	...	...	...	8 0	8 0	5 0	14 0	14 0	18 0	...	...	...	...	...	...
	Kámrúp	16 0	16 0	18 0	...	...	...	10 0	10 0	13 4	13 8	13 8	17 0	...	...	...	...	...	...
	Darrang	...	...	...	...	...	...	8 0	8 0	8 0	11 0	10 0	13 0	...	...	...	...	...	...
	Nowgong	...	...	...	...	...	...	8 0	8 0	8 0	13 0	13 0	16 0	...	...	...	...	...	...
	Sibságar	...	...	...	...	...	...	7 0	7 0	6 8	16 0	12 0	16 0	...	...	...	...	...	...
	Lakhimpur	9 0	9 0	8 0	8 0	10 0	8 0	8 0	8 0	7 8	12 0	11 0	13 0	...	...	...	...	...	...
	Khási & Jaintiá Hills	...	...	6 10	...	...	...	6 0	5 8	9 0	9 0	8 0	10 0	...	...	...	...	...	...
	Nága Hills	...	...	...	...	...	...	4 0	4 0	4 0	8 0	8 0	5 0	...	...	...	...	...	...
N.-W. Provinces	Dehra Dún	19 0	19 0	17 0	26 0	26 0	26 0	6 8	6 8	6 8	10 0	10 0	10 0	26 0	22 0	24 0	21 0	20 0	20
	Sahéranpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Muzaffarnagar	28 10	23 2	17 10	29 11	28 11	33 0	6 9	6 9	6 9	11 0	11 0	11 0	26 6	26 6	23 11	22 0	22 0	22
	Meerut	22 0	22 0	17 8	26 8	25 0	25 0	6 8	6 0	6 0	12 0	12 0	13 0	26 0	24 0	19 0	22 0	21 0	19
	Bulandshahr	22 4	21 0	18 8	28 10	26 9	26 0	6 0	6 0	6 0	9 0	9 0	9 11	27 8	26 8	26 0	20 9	20 0	16
	Aligarh	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kumaun	11 8	11 8	15 0	15 0	15 0	18 0	8 0	8 0	10 0	8 8	8 8	12 0	...	...	...	...	...	...
	Garhwál	14 0	14 0	20 0	17 8	17 8	22 0	8 0	8 0	9 0	11 0	11 0	15 0	...	...	...	22 0	22 0	30
	Bijnor	19 6	18 9	18 14	23 6	23 10	29 4	8 7	8 7	9 9	9 4	9 4	10 11	...	...	22 8	...	...	...
	Moradabad	21 0	20 5	20 0	27 0	26 0	28 2	9 8	9 0	9 0	11 12	11 8	13 0	27 0	26 0	25 8	28 0	27 0	15
	Budaun	20 11	20 11	20 6	30 0	30 0	30 0	9 9½	9 9½	6 0	12 0	12 0	13 3	...	...	...	...	22 13½	...
	Bareilly	20 0	20 0	19 6	26 14	26 14	24 6	5 0	5 0	7 8	11 14	11 14	13 2	23 12	23 13	26 4	25 0	25 0	20
	Sháhjahánpur	24 0	23 4	19 6	33 4	33 0	33 0	8 4	8 4	9 12	16 4	14 0	15 4	...	...	...	...	...	...
	Tarái Pergunnahs	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Muttra	19 12	19 8	17 8	27 0	26 0	28 0	7 0	7 0	7 0	11 8	10 8	11 0	26 0	24 0	22 0	25 0	23 0	18
	Agra	19 4	19 4	16 8	26 8	26 8	23 0	5 0	5 0	5 8	10 0	10 0	11 8	23 0	24 8	22 0	24 0	24 8	18
	Farukhabad	22 8	21 7	17 15	30 8½	29 15	24 7	7 0	7 0	7 4	12 9½	11 8	12 8	24 8	21 8	24 2	27 4	27 4	22
	Mainpuri	21 0	21 0	17 0	29 0	28 8	22 8	4 0	4 0	4 0	9 0	9 0	10 0	...	...	...	...	...	...
	Etáwah	21 0	21 0	17 8	26 0	25 8	22 0	6 0	6 0	6 0	11 0	11 0	12 0	25 0	25 0	24 0	25 0	25 0	19
	Etah	22 8	22 0	18 8	29 5	28 11	25 4	7 11	7 11	6 8	11 0	11 11	11 8	...	...	18 0	...	...	18
	Jalaun	23 0	23 0	18 0	24 0	24 0	20 0	9 0	9 0	10 0	10 0	10 0	11 0	26 0	26 0	25 0	25 0	25 0	22
	Jhánsi	22 14	22 8	19 7½	25 14	26 0	28 10	7 0	7 0	7 8	12 0	12 0	11 2½	26 0	26 0	27 2½	17 8	17 8	...
	Lalitpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Cawnpore	22 8	22 0	18 8	30 8	31 0	27 0	9 0	9 0	10 0	12 0	12 0	13 8	28 8	27 0	27 0	28 8	28 0	24
	Fatehpur	[illegible] 4	20 4	16 10	28 0	27 12	25 4	10 0	9 8	10 12	13 8	13 0	13 8	...	...	...	...	...	...
	Bánda	25 0	24 0	22 0	33 0	30 0	31 0	7 8	7 8	8 0	12 0	12 0	12 0	31 0	31 0	37 0	31 0	30 0	30
	Allahabad	19 8	19 0	17 4	25 8	25 8	28 0	8 0	8 0	10 8	14 8	14 0	15 0	26 0	25 0	31 0	24 0	24 0	29
	Hamírpur	22 2	21 14	18 4	...	...	...	9 0	9 0	9 0	11 4	11 4	...	28 2	29 4	24 12	29 4	27 0	23
	Jaunpur	21 11	19 8	19 13	28 15	25 0	31 1	7 0	7 1	7 12	11 0	11 4	12 12	...	...	...	19 0	19 8	...
	Gorakhpur	19 13	19 13	18 0	24 5	24 5	27 0	13 8	11 4	11 12	16 3	14 5	14 5½	33 3	23 6½	39 9½	14 5	14 5	...
	Basti	19 8	19 12	18 0	21 8	23 0	30 0	10 0	11 0	12 0	12 4	12 8	16 0	...	...	...	...	...	...
	Azamgarh	18 1	18 1	17 4	22 8	22 14	25 13	11 1	11 1	10 5	13 0	13 0	13 4	29 8	29 8	29 8	30 10	29 10	...
	Mirzapur	17 0	17 0	16 0	23 0	22 0	25 0	8 0	8 0	10 0	12 0	12 0	12 0	23 0	22 0	26 0	22 0	30 0	24
	Benares	19 8	18 6	16 13	24 6	23 5	25 8½	9 3	8 15	10 13½	12 3	12 8	17 1	24 6	24 6	26 0	22 12	22 12½	26
	Gházipur	18 0	18 0	18 10½	23 3	21 4	27 0½	6 7	6 7	9 0	12 4	12 4	15 7	...	...	33 7½	19 5	19 5	23
	Balia	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Philibhít	19 0	19 0	20 8	30 0	27 12	35 8	10 4	10 0	13 12	13 0	12 8	15 4	...	...	...	...	...	...
	Almora	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oudh	Sultánpur	22 0	22 0	20 0	30 0	28 0	32 0	11 0	11 0	11 0	16 0	15 0	16 0	...	...	...	...	...	...
	Partábgarh	21 9	21 14	19 14	30 11	29 12	32 5	14 0	13 8	15 5	15 5	15 4	17 2	...	...	...	...	...	...
	Fyzabad	20 6	18 12	18 0	24 8	24 8	28 0	9 0	8 0	10 0	15 8	12 4	15 12	...	...	38 12	...	...	...
	Kheri	28 0	22 8	21 0	32 0	31 0	34 8	7 0	7 0	7 0	17 0	11 8	13 8	36 0	34 0	41 0	30 0	30 0	...
	Lucknow	23 0	22 1	17 11	30 8	28 2	26 14	6 0	6 0	6 0	13 4	12 0	12 2	27 0	28 0	27 0	29 12	28 6	23
	Bára Banki	22 0	21 0	18 0	28 0	27 0	24 0	6 0	6 0	9 0	13 0	11 0	14 0	44 0	27 0	32 0	28 0	28 0	21
	Bahraich	21 0	21 0	16 0	28 0	29 0	34 0	12 8	12 8	10 0	14 0	14 0	14 0	26 0	26 0	34 0	...	...	22
	Rai Bareli	22 12	22 8	18 12	27 12	28 0	26 8	...	...	...	15 0	14 8	15 8	...	...	...	...	...	23
	Sitapur	25 0	25 0	20 12	34 4	33 4	32 11	8 0	8 0	8 0	17 0	13 8	14 0	29 0	29 0	33 0	27 0	27 0	35
	Gonda	22 4	22 0	20 15	24 8	24 8	42 0	13 0	12 8	14 4	14 12	14 4	15 10	25 8	25 10	39 0	24 8	23 14	22
	Unáo	22 8	22 0	18 0	30 0	29 0	26 0	8 0	8 0	11 0	13 0	13 0	13 0	23 0	23 0	23 0	23 0	23 0	21
	Hardui	22 8	21 8	16 14	32 0	30 0	27 11	5 10	6 0	5 10	12 0	10 0	11 4	...	...	...	...	...	16
Punjab	Gujránwála, Lahore, Ferozepore, Sirsa, Hissar, Rohtak, Gurgaon, Delhi, Karnál, Umballa, Ludhiana, Simla	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Provinces	Districts	Lesser Millets, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nagle), *Panicum Miliaceum, &c.*: Present fortnight	Lesser Millets: Past fortnight	Lesser Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R a. p.	R a. p.	R a. p.	S. Ch.	S. Ch.	S. Ch.
Assam	Sylhet	...	...	...	14 12	16 0	15 0	108 0	108 0	108 0	3 5 0	3 4 0	3 4 0	12 12	12 8	11 0
	Cachar	...	...	...	14 0	12 13	12 13	80 0	80 0	80 0	3 8 0	3 8 0	3 8 0	11 0	10 12	10 10
	Goálpará	...	...	...	12 4	12 4	14 8	80 0	80 0	64 0	3 4 0	3 4 0	3 6 0	12 4	12 4	12 4
	Gáro Hills	...	...	...	8 0	8 0	8 0	160 0	160 0	160 0	5 0 0	5 0 0	5 6 0	8 0	8 0	6 6
	Kámrúp	...	...	...	12 0	11 0	13 4	200 0	200 0	200 0	3 8 0	3 4 0	3 8 0	13 0	13 8	11 0
	Darrang	...	...	...	9 12	9 8	9 13	160 0	160 0	160 0	4 4 0	4 4 0	4 8 0	9 0	9 0	8 0
	Nowgong	...	...	...	8 0	8 0	8 0	120 0	120 0	120 0	3 12 0	3 12 0	4 0 0	10 0	10 0	8 0
	Sibságar	...	...	...	9 0	8 0	10 0	80 0	80 0	80 0	4 4 0	4 4 0	4 8 0	9 0	9 0	8 0
	Lakhimpur	...	...	...	12 0	12 0	11 0	160 0	160 0	160 0	4 0 0	4 0 0	4 8 0	10 0	10 0	9 0
	Khási & Jaintiá Hills	...	...	...	...	...	...	...	...	...	4 12 0	4 8 0	5 0 0	8 0	8 0	8 0
	Nága Hills	...	...	...	...	...	2 0	120 0	120 0	120 0	16 0 0	13 0 0	16 0 0	2 8	3 0	2 8
N.-W. Provinces	Dehra Dún	...	...	...	23 12	20 8	19 0	160 0	160 0	160 0	11 8	11 8	11 0	11 0	11 0	10 8
	Sahéranpur	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Muzaffarnagar	...	...	...	28 11	27 8	22 8	132 0	132 0	110 0	12 10	12 10	12 6	12 2	12 2	11 8
	Meerut	...	...	...	26 8	25 8	26 0	110 0	110 0	110 0	13 0	13 0	12 8	12 8	12 8	12 0
	Bulandshahr	...	...	...	24 2	22 0	21 0	160 0	140 0	140 0	13 0	13 8	11 8	...	...	...
	Aligarh	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Kumaun	...	...	...	11 0	11 0	12 0	200 0	200 0	200 0	8 0	7 8	9 0	7 0	7 0	8 0
	Garhwál	...	...	...	8 0	8 0	10 0	280 0	280 0	280 0	7 0	7 0	8 8	6 4	6 4	7 13
	Bijnor	...	...	...	23 10	21 2	21 6	135 0	135 0	135 0	...	...	...	11 4	11 4	11 4
	Moradabad	...	...	...	24 0	22 8	21 14	125 0	125 0	125 0	13 4	13 4	12 10	13 0	13 0	12 8
	Budaun	...	...	...	20 6	20 6	24 0	192 0	192 0	192 0	12 0	12 0	11 6	11 6	11 11	11 1½
	Bareilly	...	...	...	21 14	21 14	22 8	125 0	125 9	125 0	13 2	12 8	12 3	12 8	12 3	11 14
	Sháhjahánpur	...	...	...	23 8	22 8	22 12	160 0	160 0	160 0	13 6	13 6	13 0	11 6	11 6	10 12
	Tarái Pergunnahs	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Muttra	...	...	...	22 8	22 0	21 8	110 0	100 0	120 0	14 8	14 0	13 0	14 0	13 8	12 8
	Agra	...	...	...	23 0	23 8	22 8	100 0	100 0	100 0	14 0	14 0	13 8	13 8	13 8	13 0
	Farukhabad	...	...	...	23 3	22 10	23 0	114 8	114 8	150 0	12 12	12 10½	12 4	11 12	11 12	11 10
	Mainpuri	...	...	...	20 8	20 0	21 0	160 0	160 0	160 0	13 0	12 0	11 8	12 8	12 8	11 0
	Etáwah	...	...	...	24 8	23 8	24 0	100 0	100 0	100 0	13 0	13 0	12 0	12 0	12 0	11 0
	Etah	...	...	...	22 0	21 5	21 0	140 0	153 0	180 0	13 8	12 8	12 0	12 2	11 13	11 0
	Jalaun	...	...	...	29 0	29 0	28 0	140 0	140 0	140 0	12 0	12 0	11 0	11 0	11 0	10 0
	Jhánsi	...	...	...	24 3	25 0	27 9½	200 0	200 0	200 0	11 12	11 12	11 0	10 12	10 12	10 0
	Lalitpur	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Cawnpore	...	...	...	28 0	27 8	27 0	180 0	135 0	145 0	14 0	14 0	13 8	13 8	13 8	13 0
	Fatehpur	...	...	...	26 8	26 8	27 12	160 0	160 0	200 0	11 0	11 0	11 0	10 12	10 12	10 12
	Bánda	...	...	...	33 0	33 0	37 0	160 0	160 0	160 0	11 8	11 8	12 0	11 0	11 0	11 0
	Allahabad	...	...	...	26 12	26 4	29 0	120 0	120 0	140 0	12 0	12 0	12 0	11 0	11 0	11 0
	Hamírpur	...	...	...	33 9	33 12	29 13	140 0	140 0	140 0	11 0	11 0	11 4	10 0	10 4	10 0
	Jaunpur	...	...	...	23 12	21 0	29 10	130 0	130 0	148 12	10 12	10 12	10 12	10 10	10 10	10 10
	Gorakhpur	...	...	...	23 0	22 8	27 14	160 0	160 0	160 0	11 0	11 0	10 9½	10 13	10 13	10 6½
	Basti	...	...	...	20 8	21 0	27 0	180 0	180 0	150 0	10 8	10 8	8 8	9 12	9 12	8 0
	Azamgarh	...	...	...	21 0	21 0	25 15	177 8	177 8	147 8	11 2	11 2	10 8	10 8	10 8	9 14
	Mirzapur	...	...	...	22 0	21 0	24 0	100 0	100 0	70 0	10 0	10 0	10 0	8 0	8 0	8 8
	Benares	...	...	...	22 12	22 12	23 14	90 0	100 0	90 0	10 11	10 7	10 6½	9 13½	9 13½	10 2
	Gházipur	...	...	...	21 14	21 4	27 0½	128 12	128 12	128 12	11 9	11 9	10 15½	10 5	10 5	10 5
	Balia	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Philibhít	...	...	...	19 12	19 8	24 7	157 0	150 0	150 0	13 0	13 0	13 0	12 8	12 8	12 8
	Almora	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
Oudh	Sultánpur	...	...	...	24 0	24 0	31 0	160 0	160 0	160 0	12 8	12 13	12 4	11 12	11 12	12 0
	Partábgarh	...	...	...	23 8	22 12	26 10½	190 0	190 0	200 0	12 0	12 0	11 0	11 2	10 8	10 10
	Fyzabad	...	...	...	22 8	22 4	27 8	120 0	120 0	120 0	11 0	10 8	11 8	10 8	10 0	11 0
	Kheri	...	...	...	23 0	24 0	26 8	140 0	140 0	120 0	10 8	11 8	11 0	10 0	10 8	10 8
	Lucknow	...	...	...	24 8	24 0	23 0	120 0	120 0	115 0	11 8	11 8	11 2½	11 0	11 0	10 10½
	Bára Banki	...	...	...	26 0	24 0	25 0	120 0	120 0	130 0	12 0	12 0	12 0	11 0	11 0	11 0
	Bahraich	...	...	...	25 0	25 0	30 0	160 0	160 0	160 0	...	...	...	11 0	11 0	9 8
	Rai Bareli	...	...	...	26 8	26 8	24 0	200 0	200 0	160 0	...	...	...	9 12	10 0	9 0
	Sitapur	...	...	...	27 8	27 0	27 1½	160 0	160 0	160 0	12 8	12 8	12 8	12 0	12 0	11 8
	Gonda	...	...	...	23 12	23 12	33 8	200 0	200 0	200 0	11 8	11 8	11 4	11 4	11 4	11 0
	Unáo	...	...	...	26 8	26 8	25 0	160 0	160 0	160 0	...	...	...	11 0	11 8	12 0
	Hardui	...	...	...	25 0	23 8	20 14	160 0	160 0	200 0	11 0	10 8	9 6	7 8	7 8	7 8
Punjab	Gujránwála, Lahore, Ferozepore, Sirsa, Hissar, Rohtak, Gurgaon, Delhi, Karnál, Umballa, Ludhiana, Simla	...	...	...	...	...	...	...	...	...	No return received					

PRICES CURRENT OF FOOD-GRAINS THROUGHO[UT IN]DIA FOR THE 1st HALF OF SEPTEMBER 1884—*continued*.

QUANTITIES PER RU[PEE IN] SEERS OF 80 TOLAHS.

Province / Districts	Wheat: Present fortnight	Wheat: Past fortnight	Wheat: Corresponding fortnight of 1883	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar), *Holcus Sorghum*: Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bajrah Millet (Cumbu, Bajra), *Penicillaria Spicata*: Present fortnight	Bajrah: Past fortnight	Bajrah: Corresponding fortnight
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S.
PUNJAB—continued.																		
Kángra	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Jullundur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Hoshiárpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Gurdáspur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Amritsar	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Siálkot	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Gujrát	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Jhelum	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Ráwalpindi	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Shahpúr	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Jhang	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Montgomery	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Mooltan	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Muzaffargarh	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Dera Gházi Khán	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Dera Ismail Khán	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Bannu	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Kohát	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Peshάwár	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Hazára	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
CENTRAL PROVINCES.																		
Saugor	27 8	27 8	20 8	...	...	...	10 0	10 0	8 0	11 0	11 0	11 0	...	...	...	...	...	
Damoh	32 0	32 0	26 8	...	...	...	13 8	13 8	10 12	15 8	14 8	12 0	...	...	...	...	...	
Jubbulpore	22 8	22 12	19 0	23 8	24 0	20 0	9 0	9 0	10 0	13 0	12 8	15 0	24 0	24 8	23 0	19 0	18 0	17
Mandla	32 0	32 0	25 0	...	...	...	14 8	14 0	15 0	17 0	18 0	18 8	...	...	...	...	...	
Seoni	28 0	27 0	21 0	...	...	...	13 0	13 0	12 8	18 0	17 0	16 0	...	...	...	...	...	
Narsinghpur	21 0	22 0	17 8	...	...	...	9 0	9 0	9 0	11 8	11 8	11 8	...	...	...	...	...	
Hoshangabad	20 4	20 4	15 6	...	...	...	4 0	4 0	4 0	10 2	9 8	9 12	...	...	21 0	...	...	19
Nimár	22 11	21 10	16 8	...	...	...	11 9	11 7	12 9	14 14	13 13	14 14	26 4	26 0	20 10	28 0	26 0	20
Betúl	27 0	27 0	18 0	...	...	...	11 0	11 0	10 8	12 0	12 0	11 0	22 0	22 0	19 8	...	...	
Chhindwára	25 4	26 8	25 8	...	...	...	7 8	7 8	8 8	12 8	12 8	14 8	27 8	27 8	31 0	...	...	
Wardha	27 0	25 0	20 0	...	...	...	8 8	8 0	10 0	12 0	10 0	12 0	27 0	18 0	26 0	...	...	
Nágpur	25 4	23 4	18 12	...	...	...	9 12	9 12	9 0	14 12	14 12	16 0	27 12	27 1[illegible]	29 0	...	...	
Chánda	26 0	24 0	19 0	...	...	...	...	...	...	17 8	17 0	15 0	26 0	26 0	27 8	...	...	
Bhandára	25 0	24 8	20 0	...	...	...	10 0	9 8	10 0	18 0	17 0	20 0	25 0	28 8	35 0	...	...	
Bálághát	23 0	23 0	18 0	...	...	...	15 0	15 0	15 0	21 0	21 0	28 0	...	...	...	...	...	
Raipur	28 0	28 0	21 0	...	...	...	15 0	15 0	17 8	28 0	23 0	31 8	...	...	...	...	...	
Bilaspur	39 15	42 0	25 0	...	...	...	21 14	33 0	33 4	31 15	44 0	44 0	...	...	...	...	...	
Sambalpur	24 8	23 0	16 8	...	...	...	22 12	22 12	29 5	20 5	24 8	33 11	...	...	...	...	...	
BRITISH BURMA.																		
Arakan Division.																		
Akyab	...	...	6 6	...	...	...	9 8	9 0	7 0	13 0	12 8	9 8	...	...	...	...	...	
Northern Arakan	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Kyoukpyoo	...	...	...	...	...	...	12 7	11 13	8 11	13 15	13 6	10 3	...	...	...	...	...	
Sandoway	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Pegu Division.																		
Rangoon Town	15 0	16 0	11 0	...	...	...	13 0	11 4	11 10	14 2	12 2	12 8	...	...	...	...	...	
Hanthawady	...	...	...	...	...	...	7 1	7 9	...	9 14	10 1	...	...	...	...	...	...	
Pegu	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Tharrawaddy	...	...	...	...	...	...	8 6	8 6	8 6	9 6	9 6	10 7	...	...	...	...	...	
Prome	...	...	...	...	...	...	10 4	10 4	11 15	15 10	15 10	15 10	...	...	...	...	...	
Irrawaddy Division.																		
Bassein	14 9	14 9	9 11	...	...	...	10 12	10 12	13 3	12 7	12 7	13 1	...	...	...	...	...	
Henzada	...	...	...	...	...	...	12 6	13 5	12 4	14 1	14 14	14 0	...	...	...	...	...	
Thonegwa	...	...	...	...	...	...	7 2	7 2	7 2[illegible]	7 14	7 14	7 14[illegible]	...	...	...	...	...	
Thayetmyo	15 1	15 1	9 4	...	...	...	9 6	9 6	10 8	10 6	10 6	11 13	...	...	...	...	...	
Tenasserim Division.																		
Moulmein Town & Amherst	9 0	9 0	12 2	...	...	...	9 11	9 11	9 0	12 2	12 2	12 8	...	...	...	...	...	
Tavoy	...	...	...	...	...	...	13 0	13 0	12 6	17 15	17 15	17 15	...	...	...	...	...	
Mergui	...	...	...	...	...	...	13 13	13 0	14 9	14 14	14 2	16 10	...	...	...	...	...	
Toungoo	...	...	...	...	...	...	10 10	11 7	14 3	12 13	12 13	16 1	...	...	...	...	...	
Shwaygyin	...	...	...	...	...	...	9 13	10 10	9 1	10 6	12 7	11 5	...	...	...	...	...	
Salween	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
HYDERABAD ASSIGNED DISTRICTS.																		
Secunderabad	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Bolarum	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chudderghat	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Amráoti	23 0	22 0	16 0	11 8	11 8	10 0	9 0	9 0	8 0	10 0	10 0	10 0	27 0	26 0	26 0	18 0	18 0	18
Akola	24 0	21 0	16 0	...	...	...	7 8	7 8	7 0	11 0	11 0	13 0	26 0	26 0	24 0	20 0	20 0	21
Ellichpur	19 8	19 8	16 0	6 0	6 0	14 0	8 0	8 0	10 0	10 0	10 0	14 0	24 12	24 12	27 0	15 [illegible]	15 0	19
Buldána	24 0	23 0	18 0	...	...	...	...	...	...	11 0	11 0	11 0	25 0	24 0	26 0	24 0	24 0	24
Wún	21 0	20 0	18 0	...	...	...	7 0	7 0	8 0	11 8	11 8	18 0	22 8	22 8	31 8	...	...	
Básim	26 0	25 0	21 0	...	...	...	6 0	6 0	5 12	10 0	12 4	18 0	30 0	27 8	27 0	...	...	

Province / Districts	[Small] Millets, Ragi (Kavaru, Veragu, …ee, Cheena, Coraloo, …rhwa, Nugloo), *Panicum Miliaceum*, &c.: Past fortnight	Small Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
PUNJAB—continued.														
Kángra	...	...	...	...	...	...	...	...	...	...	...	No return received		
Jullundur	...	...	...	...	...	...	...	...	...	...	...	No return received		
Hoshiárpur	...	...	...	...	...	...	...	...	...	...	...	No return received		
Gurdáspur	...	...	...	...	...	...	...	...	...	...	...	No return received		
Amritsar	...	...	...	...	...	...	...	...	...	...	...	No return received		
Siálkot	...	...	...	...	...	...	...	...	...	...	...	No return received		
Gujrát	...	...	...	...	...	...	...	...	...	...	...	No return received		
Jhelum	...	...	...	...	...	...	...	...	...	...	...	No return received		
Ráwalpindi	...	...	...	...	...	...	...	...	...	...	...	No return received		
Shahpúr	...	...	...	...	...	...	...	...	...	...	...	No return received		
Jhang	...	...	...	...	...	...	...	...	...	...	...	No return received		
Montgomery	...	...	...	...	...	...	...	...	...	...	...	No return received		
Mooltan	...	...	...	...	...	...	...	...	...	...	...	No return received		
Muzaffargarh	...	...	...	...	...	...	...	...	...	...	...	No return received		
Dera Gházi Khán	...	...	...	...	...	...	...	...	...	...	...	No return received		
Dera Ismail Khán	...	...	...	...	...	...	...	...	...	...	...	No return received		
Bannu	...	...	...	...	...	...	...	...	...	...	...	No return received		
Kohát	...	...	...	...	...	...	...	...	...	...	...	No return received		
Peshάwár	...	...	...	...	...	...	...	...	...	...	...	No return received		
Házára	...	...	...	...	...	...	...	...	...	...	...	No return received		
CENTRAL PROVINCES.														
Saugor	...	...	27 0	29 0	26 0	140 0	140 0	160 0	9 12	9 12	9 8	9 8	9 8	9 0
Damoh	...	...	32 0	34 0	37 0	200 0	200 0	200 0	10 0	10 4	10 0	9 8	9 12	9 12
Jubbulpore	...	...	29 0	28 0	26 0	110 0	110 0	120 0	11 0	11 10	11 4	10 8	11 4	10 12
Mandla	25 0	25 0	45 0	43 0	10 0	256 0	256 0	256 0	...	...	...	10 0	10 0	8 0
Seoni	...	...	32 0	29 0	26 0	220 0	220 0	220 0	10 8	10 8	10 8	10 4	10 4	10 0
Narsinghpur	...	...	34 0	34 0	24 8	140 0	140 0	140 0	11 0	11 0	11 0	10 8	10 8	10 8
Hoshangabad	...	...	36 0	33 12	26 7	140 0	160 0	160 0	11 12	11 12	11 8	11 0	11 0	10 8
Nimár	...	...	25 13	26 14	20 4	120 0	160 0	160 0	13 13	13 13	13 13	13 0	13 0	13 0
Betúl	18 8	15 0	26 0	26 0	18 0	320 0	320 0	320 0	10 8	10 8	8 8	10 0	10 0	8 0
Chhindwára	17 0	16 0	[illegible]1 0	31 8	30 0	200 0	200 0	200 0	9 0	9 8	9 0	8 0	9 0	8 0
Wardha	...	...	21 0	17 0	19 0	...	160 0	120 0	11 8	11 8	11 8	11 0	11 0	11 0
Nágpur	...	...	22 12	22 12	20 8	150 0	150 0	120 0	12 0	11 12	12 0	11 12	11 8	11 13
Chánda	...	...	27 0	26 0	21 8	360 0	360 0	360 0	...	...	...	11 0	11 0	10 0
Bhandára	...	...	23 0	23 8	21 0	180 0	180 0	98 0	11 0	10 8	10 0	10 8	10 0	9 12
Bálághát	...	...	26 0	26 0	25 0	275 0	275 0	275 0	10 0	9 8	9 4	9 8	9 0	8 8
Raipur	...	...	20 0	21 0	28 8	64 0	64 0	64 0	10 0	11 0	10 0	9 0	10 0	9 0
Bilάspur	120 0	123 4	36 0	38 0	34 0	120 0	120 0	120 0	...	...	...	9 0	8 0	8 0
Sambalpur	...	...	18 0	18 0	16 13	125 0	125 0	120 0	12 0	12 0	10 8	11 0	11 0	8 15
BRITISH BURMA.														
Arakan Division.														
Akyab	...	...	10 0	10 0	10 0	240 0	240 0	160 0	35 0	35 0	40 0	30 0	30 0	35 0
Northern Arakan	...	...	...	...	...	...	...	...	...	...	...	No return received		
Kyoukpyoo	...	...	4 0	4 0	4 0	50 0	50 0	50 0	...	...	...	30 0	30 0	30 0
Sandoway	...	...	...	...	...	...	...	...	...	...	...	No return received		
Pegu Division.														
Rangoon Town	...	...	21 2	17 10	19 2	320 0	320 0	320 0	50 11	50 11	50 11	22 10	22 10	22 10
Hanthawaddy	...	...	10 1	10 1	...	46 9	46 9	...	8 2	7 7	...	6 4	5 3	...
Pegu	...	...	...	...	...	...	...	...	...	...	...	No return received		
Tharrawaddy	...	...	18 3	18 3	16 13	147 10	147 10	216 0	39 6	39 6	33 12	35 0	35 0	32 4
Prome	...	...	...	...	...	183 8	183 8	183 8	29 9	29 9	29 9	29 9	29 9	29 9
Irrawaddy Division.														
Bassein	...	...	12 7	15 9	15 9	167 9	167 9	139 11	29 9	29 9	25 5	18 10	18 10	16 9
Henzada	...	...	13 12	13 12	10 15	205 15	225 11	273 4	26 9	28 6	28 2	25 1	26 12	21 4
Thonegwa	...	...	8 14	8 14	7 13[illegible]	535 11	535 11	536 11[illegible]	...	...	...	22 5	27 7	27 7[illegible]
Thayetmyo	...	...	13 13	13 13	13 13	245 0	245 0	245 0	29 9	29 9	35 6	18 15	18 15	18 15
Tenasserim Division.														
Moulmein Town & Amherst	...	...	12 2	12 2	12 8	220 0	220 0	220 0	30 8	30 8	35 8	20 15	20 15	25 5
Tavoy	...	...	...	...	...	399 3	399 3	399 3	24 2	24 2	24 2	16 1	16 1	16 1
Mergui	...	...	...	...	...	428 0	428 0	428 0	36 8	36 8	24 5	29 3	29 3	16 4
Toungoo	...	...	9 1	9 1	12 9	23 12	24 0	24 0	25 0	22 0	3 3	18 12	14 1	2 10
Shwaygyin	...	...	...	...	...	150 0	150 0	250 0	35 6	35 6	35 6	18 14	18 14	18 14
Salween	...	...	...	...	...	...	...	...	...	...	...	No return received		
HYDERABAD ASSIGNED DISTRICTS.														
Secunderabad	...	...	...	...	...	...	...	...	...	...	No return received			
Bolarum	...	...	...	...	...	...	...	...	...	...	No return received			
Chudderghat	...	...	...	...	...	...	...	...	...	...	No return received			
Amráoti	...	...	20 0	20 0	18 0	70 0	75 0	64 0	13 0	13 0	12 8	13 8	12 8	13 0
Akola	...	...	20 0	20 0	18 0	64 0	64 0	64 0	13 0	11 0	10 0	11 0	10 0	10 0
Ellichpur	...	...	17 4	17 8	17 0	60 0	60 0	64 0	...	...	...	11 0	11 0	11 0
Buldána	...	...	20 0	20 0	16 0	...	...	...	...	...	...	10 0	10 0	11 0
Wún	...	...	18 0	18 0	18 0	200 0	175 0	200 0	...	...	...	11 0	11 0	11 0
Básim	...	...	21 0	22 8	20 0	64 0	64 0	64 0	11 0	10 0	10 8	10 0	9 0	10 0

PRICES CURRENT OF FOOD-GRAINS THROUGHO[UT IN]DIA FOR THE 1st HALF OF SEPTEMBER 1884—*concluded.*

QUANTITIES PER RU[PEE IN S]EERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past Fortnight.	Great Millet. Corresponding fortnight of 1883.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fort[night of 1883].
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S.
Mysore	Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Coorg	Coorg	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Rajpootana	Jeypore	17 8	17 4	16 0	25 0	24 0	22 8	6 0	6 0	6 0	7 8	8 0	8 8	22 0	22 0	20 0	22 0	19 0	19
	Kishengurh	17 4	17 4	16 12	25 8	23 8	23 4	9 0	9 0	9 0	10 0	10 0	10 0	17 8	17 0	22 8	17 8	16 0	10
	Kerrowlee	*	21 4	16 14	*	26 4	25 10	*	9 4	10 0	*	10 11	11 4	*	23 12	25 10	*	23 2	21
	Ulwur	20 0	19 7	17 5	27 5	25 14	22 14	6 12	7 4	8 10	10 5	10 5	10 8	22 8	21 1	23 0	23 8	20 15	17
	Bhurtpore (City)	19 3	19 3	17 11	27 4	26 7	25 8	7 3	7 12	7 12	8 9	9 12	9 10	22 3	22 8	22 0	23 15	24 11	20
	Ajmere	18 0	17 0	15 8	26 0	23 8	22 0	3 0	3 0	5 0	8 0	8 0	8 0	24 0	21 0	16 0	20 0	16 0	16
	Deoli Cantonment	24 0	21 12	17 3	34 0	29 8	24 15	...	...	...	9 4	9 4	8 4	30 0	30 0	2[illegible] 13	22 0	22 0	18
	Erinpura	17 13	17 13	13 12	24 6	24 6	20 12	...	...	...	7 0	7 0	7 13	21 0	21 0	19 0	20 0	20 0	17
	Sirohee	15 4	15 8	11 8	25 0	25 0	20 0	6 0	6 12	6 8	8 0	8 4	7 8	18 8	18 8	14 0	19 0	19 0	15
	Abu	15 4	14 12	11 12	20 0	20 0	16 14	6 0	6 0	7 0	7 4	7 4	8 4	...	...	...	15 12	15 12	18
	Anadra	17 0	15 10	11 14	23 0	23 0	17 14	6 8	6 8	6 14	8 0	8 0	8 2	...	...	...	18 0	23 0	13
	Bálmere	14 8	14 12	15 0	...	...	...	5 0	5 0	6 0	7 0	7 0	8 8	...	...	...	29 0	28 8	27
	Jeysalmere	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Hilly Tracts of Meywar	18 0	18 0	21 0	20 8	20 0	25 0	...	...	...	11 0	11 0	15 0	...	...	...	...	...	
	Meywar (Oodeypore)	21 1½	20 11¼	18 13¼	29 11	28 8½	17 9½	8 3½	8 9½	9 6	...	...	...	...	...	...	...	...	
	Bánswára (Meywar Agency)	25 0	27 0	21 4	...	...	...	10 0	10 0	21 14	15 0	16 4	15 0	...	...	...	...	...	
	Partábgarh („)	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Marwar (Jodhpore)	17 12	17 12	15 10	22 8	20 0	20 0	6 4	5 0	6 4	7 12	6 14	7 8	20 0	17 12	21 9	20 0	20 0	18
	Bikaneer	13 4	12 0	10 6	...	...	...	3 11	3 11	3 6	6 12	6 5	5 12	...	...	...	15 8	15 2	18
	Boondee	12 8	27 12	23 0	50 0	42 0	32 0	6 8	7 0	10 0	7 0	8 0	11 0	48 0	38 8	30 0	...	...	
	Kotah	30 0	29 0	21 0	40 0	35 0	25 0	7 0	7 0	8 0	7 8	8 0	11 0	40 0	38 0	25 0	18 0	18 0	12
	Tonk	22 12	21 8	19 8	31 0	28 12	26 0	7 8	7 8	6 7	8 8	8 0	8 9	33 12	31 0	26 6	...	...	
	Jhallawar	25 14	25 3	17 5	40 0	40 0	20 0	...	...	...	10 3½	10 3¼	7 1	40 14	37 0	22 6	16 6½	15 14	17
	Shahpoora	21 4	20 6	18 8	23 8	30 0	25 0	7 8	7 8	10 0	9 8	9 8	15 0	25 0	23 12	22 0	19 8	19 0	15
	Dholpur	18 7	18 0	16 10	25 5	25 1½	24 4	9 0	9 0	10 2	10 2	10 2	10 15	22 9	22 13	21 1	22 8	22 14	22
Central India	Indore	19 3	19 12	14 8	...	...	...	9 8	9 3	8 9	10 0	10 0	10 0	26 10	26 0	19 3	24 0	23 0	19
	Gwalior	18 12	18 6	15 9	21 0	20 9	19 11	7 5	7 5	7 7	8 11	8 12	8 13	22 3	21 4	21 15	20 1	20 1	18
	Goona	30 0	30 0	23 0	21 0	21 0	20 0	8 0	8 0	8 8	9 0	9 0	9 0	45 0	45 0	35 0	20 0	20 0	20
	Baghelkhand (Sutna)	24 4	23 8	24 8	33 8	32 0	39 0	8 0	8 0	7 0	17 12	18 0	17 6	...†	...†	37 0	19 8	21 0	30

* Not received. † No s[ales].

Department of Finance and Commerce,
(*Statistical Branch.*)

Districts.	[Small] Millets (Kavaru, Veragu, Cheena, Coraloo, Nuglee), Panicum Miliaceum, &c. Past fortnight.	Small Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.	Provinces.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	...	...	...	...	...	...	...	...	...	...		No return received			Mysore
Coorg	...	...	...	...	...	...	...	...	...	...	...	No return received			Coorg
Jeypore	...	...	22 0	22 0	21 8	...	...	...	16 0	16 0	15 0	15 12	15 12	14 12	Rajpootana
Kishengurh	...	...	20 4	20 8	23 8	...	...	...	...		...	16 0	16 8	16 0	
Kerrowlee	...	...	*	22 8	26 0	...	...	...	*	14 0	13 5	*	13 14	13 0	
Ulwur	...	...	24 7	23 8	22 11	...	...	...	16 4	16 4	15 7	15 8	15 8	14 12	
Bhurtpore (City)	...	...	22 7	22 11	23 8	...	...	...	12 4	12 4	12 4	12 0	12 0	12 0	
Ajmere	...	...	22 8	21 8	23 0	80 0	80 0	80 0	17 0	17 8	17 8	15 8	15 8	15 0	
Deoli Cantonment	...	...	28 6	27 0	25 8	...	...	...	13 6	13 8	13 6	12 0	12 0	12 12	
									R a. p.	R a. p. per md.	R a. p.				
Erinpura	...	...	21 2	21 2	18 7	160 0	160 0	160 0	3 0 4	3 0 4	3 1 3	13 0	13 0	12 0	
Sirohee	...	...	21 0	21 0	16 0	180 0	180 0	160 0	...	2 12 0	3 0 0	13 5	13 5	12 5	
Abu	...	...	17 8	17 8	15 4	160 0	160 0	160 0	3 1 3	3 1 3	3 8 0	13 0	13 0	11 8	
Anadra	...	...	20 0	20 0	15 8	...	...	...	2 13 3	2 13 3	3 4 0	14 4	14 4	12 4	
Bálmere	...	...	13 0	13 0	15 8	280 0	280 0	300 0	2 7 0	2 6 0	2 5 0	16 0	16 4	17 0	
Jeysalmere	...	...	...	...	...	...	...	...	...	...	...	No return received			
Hilly Tracts of Meywar	...	...	20 0	19 0	20 0	‡	‡	‡	3 10 0	3 10 0	3 10 0	11 0	11 0	11 0	
									S. Ch.	S. Ch.	S. Ch.				
Meywar (Oodeypore)	...	...	21 14	22 4½	15 8¾	200 0	200 0	200 0	12 1½	12 1½	9 9	11 11½	11 11½	9 6	
									R a. p.	R a. p. per md.	R a. p.				
Bánswára (Meywar Agency)	...	...	35 0	37 8	37 8	...	...	...	3 5 9	...	...	12 8	12 8	10 0	
Partábgarh („)	...	...	...	...	...	...	...	...	...	...	...	No return received			
Marwar (Jodhpore)	...	...	18 12	17 12	20 0	120 0	100 0	...	2 10 9	2 10 9	2 10 0	15 0	15 0	15 0	
									S. Ch.	S. Ch.	S. Ch.				
Bikaneer	...	...	17 4	16 0	17 12	...	...	...	...	...	...	11 8	11 8	11 8	
Boondee	...	...	45 0	36 12	31 0	160 0	160 0	160 0	11 8	11 0	11 8	11 0	10 8	11 4	
Kotah	...	...	37 0	36 0	27 0	240 0	240 0	240 0	11 0	11 0	12 8	10 8	10 8	12 0	
Tonk	...	...	28 0	26 10	27 0	90 0	90 0	160 0	13 4	13 8	13 6	13 0	13 4	13 2	
Jhallawar	...	...	32 12	31 6	22 4	...	...	...	10 3¼	10 7½	10 2	9 15½	10 3¼	9 14	
Shahpoora	...	...	26 8	25 5	24 4	160 0	160 0	160 0	13 12	13 9	13 6	13 10	13 7	13 4	
Dholpur	...	...	20 13	20 15	23 9	...	...	...	13 12	13 12	13 8	12 14	12 14	12 10	
Indore	...	...	21 14	22 0	17 12	100 0	100 0	100 0	11 8	11 8	12 0	11 0	11 0	11 5	Central India
Gwalior	...	...	18 8	19 1	21 0	127 12	127 12	109 8	12 9	12 7	...	11 14	11 14	11 7	
Goona	...	...	34 0	34 0	32 0	200 0	200 0	200 0	12 12	12 8	12 8	12 8	12 0	12 0	
Baghelkhand (Sutna)	...	...	32 0	20 8	33 10	160 0	160 0	160 0	11 10	11 9	11 15	11 2	10 12	11 4	

‡ Eight pies per bundle.

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

[...]LEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALVES OF JUNE AND JULY AND 1st HALF OF AUGUST 1884, PUBLISHED IN [PAG]ES 1118, 1119, 1120, 1121, 1208, 1209, 1334 AND 1335 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 26th JULY, 23rd AUGUST, AND 13th SEPTEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of last year.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of last year.	Rice. Best sort. Present fortnight.	Rice. Best sort. Past fortnight.	Rice. Best sort. Corresponding fortnight of last year.	Rice. Common. Present fortnight.	Rice. Common. Past fortnight.	Rice. Common. Corresponding fortnight of last year.	Great Millet (Choium, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of last year.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of last year.	Lesser Millets, Ragi, &c. (Kavarn, Veragoo, Sawee, Cheena, Coraloo, Murwa, Nuglee, &c.), *Panicum Miliaceum, Eleusine Coracana, &c.* Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of last year.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of last year.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of last year.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of last year.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of last year.	Average Wages per Month. Able-bodied Agricultural Labourer.	Average Wages per Month. Syce or Horse-keeper.	Average Wages per Month. Common Mason, Carpenter, or Blacksmith.
	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	R a.	R a.	R a.
[...] half of June 1884.																																				
[...]nderabad	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
[...]um	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	6 0	6 0	13 8
[...]derghat	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	5-15-9	14-14-8
[...]														...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	7 8	7 0	15 0
[...]ir	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
[...] Cantonment	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 0	3 to 6	8 0
[...]awar	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5 10	..	...
[...]pur	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 to 5	4 to 6	7 to 12
														...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 8	4-8 to 5	10 to 20
[...] half of July 1884.																																				
[...]galore	11 8	11 14	11 3	12 11	12 13	12 12	10 7	10 8	10 2	11 7	11 8	11 0	23 4	..	21 10	...	...	...	31 3	35 5	29 11	25 9	25 5	30 2	84 0	84 0	84 0	12 8	12 8	13 0	12 0	12 0	12 12	...	...	...
[...]r	...	...	...	11 0	13 0	10 1[illegible]	13 0	13 0	12 14	14 0	16 0	15 3				...	...	...	32 0	38 0	37 2	28 0	28 0	31 15	156 0	168 0	172 6	12 4	12 4	13 8	12 0	12 0	13 3	...	...	...
[...]kúr	14 0	14 0	14 0	12 0	13 0	12 0	12 8	14 0	13 0	13 8	15 0	13 8	...	...	...	...	...	...	40 0	44 0	40 0	27 0	32 0	34 0	340 0	340 0	340 0	11 8	11 8	11 0	11 0	11 0	10 8	...	...	...
[...]re	11 4	10 8	11 0	...	...	...	12 0	11 0	10 4	12 12	12 8	11 12	...	...	...	...	...	...	27 0	28 0	27 0	25 0	25 0	33 0	78 0	78 0	75 0	9 12	9 8	8 12	9 8	9 0	8 8	...	...	...
[...]oga	13 10	13 10	14 11	14 11	14 11	14 11	12 10	12 10	14 11	18 14	17 14	16 13	29 6	29 6	37 13	...	...	...	37 4	37 4	36 12	26 12	27 5	31 8	480 0	480 4	480 0	10 8	10 8	10 8	10 8	10 8	10 8	...	...	...
[...]ir	10 0	10 0	14 0	11 0	11 0	15 0	16 0	15 0	14 0	18 0	17 [illegible]	18 0	...	...	...	...	...	...	40 0	40 0	32 0	28 0	28 0	30 0	64 0	64 0	64 0	...	...	...	9 0	10 0	10 0	...	...	...
[...] half of Aug. 1884.																																				
[...]alore	11 8	11 8	10 5	12 6	12 11	11 4	9 9	10 7	9 8	10 14	11 7	10 8	23 14	23 4	...	...	...	...	30 6	31 3	28 3	24 1	25 9	28 7	84 0	84 0	84 0	12 8	12 8	12 4	12 0	12 0	12 0	...	...	...
[...]	...	...	...	12 0	11 0	10 10	13 0	13 0	12 14	14 8	14 0	15 3			...	...	...	...	40 0	32 0	37 2	28 0	28 0	31 15	168 0	156 0	172 6	12 4	12 4	13 8	12 [illegible]	12 0	13 3	...	...	...
[...]úr	14 0	14 0	14 0	12 8	12 0	12 0	12 8	12 8	13 0	13 8	13 8	13 8	..	...	...	..	...	...	35 0	40 0	40 0	24 0	27 0	34 0	340 0	340 0	340 0	11 8	11 8	11 0	11 0	11 0	10 8	...	...	...
[...]re	11 4	11 4	11 0	...	...	...	12 8	12 0	10 4	13 6	12 12	12 0	...	...	...	...	...	...	26 0	27 0	30 0	24 0	25 0	33 0	78 0	78 0	75 0	10 4	9 12	8 12	10 0	9 8	8 8	...	...	...
[...]ga	13 10	13 10	14 11	14 11	14 11	15 12	12 10	12 10	13 10	16 13	18 14	16 13	29 6	29 6	37 13	...	...	...	36 12	37 4	37 4	35 3	26 12	33 10	480 0	480 0	480 0	10 8	10 8	...	10 8	10 8	10 8	...	...	...
[...]r	10 0	10 0	14 0	11 0	11 0	15 0	16 0	16 0	16 0	18 0	18 0	18 0	...	...	...	...	...	...	40 0	40 0	34 0	28 0	28 0	30 0	64 0	64 0	64 0	...	...	...	10 0	9 0	10 0	...	...	...

[DEPARTM]ENT OF FINANCE AND COMMERCE,
(Statistical Branch.)

D. M. BARBOUR.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL KHARIF, NORTH-WESTERN PROVINCES, 1884, UP TO 31st AUGUST 1884.

Canal Division.	Water distributed during August 1884 — Depth in canal at regulating gauge in feet — Full supply.	Actual average throughout.	Gross consumption, cubic feet per second — Allotted discharge.	Actual average throughout.	Total area of irrigation during current fasl.	Total area for the corresponding period of last year.
					Acres.	Acres.
Upper Ganges. Northern	10·00	7·08	850	300	49,758	48,319
Upper Ganges. Anúpshahr	7·00	5·03	1,100	394	58,324	54,089
Upper Ganges. Meerut	8·10	5·39	850	245	67,801	69,452
Upper Ganges. Bulandshahr	7·20	5·85	900	241	75,412	78,303
Upper Ganges. Aligarh	5·50	4·64	1,200	583	87,783	82,952
Total Upper Ganges Canal	. .	. .	4,900	1,763	339,078	338,115
Lower Ganges. Narora	9·00	4·49	1,000	. .	19,819	14,592
Lower Ganges. Mainpuri	7·00	1·78	700	53	27,472	32,531
Lower Ganges. Cawnpore	. .	3·3	1,300	. .	44,768	47,768
Lower Ganges. Etáwah	. .	2·0	1,050	71	59,170	63,836
Lower Ganges. Bhognipur	6·70	1·93	1,050	. .	37,817	25,759
Total Lower Ganges Canal	. .	. .	5,100	124	189,046	184,486
Eastern Jumna Canal	4·74	2·65	1,300	424	89,056	93,302
Agra Canal	8·50	3·31	1,300	775	63,755	50,392
Rohilkhand	. .	. .	. .	. .	28,363	26,096
Bijnor	. .	. .	. .	. .	3,025	1,516
Dún	. .	. .	. .	. .	4,947	4,585
Jhánsi	. .	. .	. .	. .	2	36
Hamírpur	. .	. .	. .	. .	9	51
Total	. .	. .	. .	. .	717,281	693,579

Zila.	Land irrigated (approximate) — Sugarcane.	Indigo.	Rice.	Cotton.	Other food-grains.	Fodder crops.	Miscellaneous.	Total.	Rain-fall — Total from 1st April to end of August 1884.	Average of ten previous years for the same period.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	In.	In.
Saháranpur	17,828	2,529	26,280	617	319	292	1,894	49,759	34·3	24·2
Muzaffarnagar	39,549	8,558	22,467	2,147	390	816	4,378	78,305	22·9	20·9
Meerut	65,087	29,523	7,375	10,509	4,396	4,296	2,363	123,549	23·1	19·6
Bulandshahr	5,268	59,916	108	13,749	7,150	2,466	1,364	90,021	12·1	18·4
Aligarh	314	46,225	293	8,333	5,260	360	1,324	62,109	23·2	17·7
Muttra	301	14,305	. .	8,389	220	257	3,170	26,642	13·7	15·4
Agra	495	9,399	. .	1,092	172	208	935	12,301	16·3	17·4
Etah	832	30,384	243	3,365	2,123	95	1,233	38,275	14·1	19·7
Mainpuri	1,960	34,863	279	1,323	1,372	94	701	40,592	21·5	22·5
Fatehgarh	2,033	16,840	50	123	447	12	345	19,850	19·4	24·4
Etáwah	2,827	47,835	700	115	958	458	432	53,325	15·1	18·1
Cawnpore	3,469	53,425	839	. .	1,286	4	1,488	60,511	35·2	18·9
Delhi	. .	19	. .	166	. .	. .	. .	185	18·1	16·9
Gurgaon	171	12,753	. .	10,767	220	1,479	121	25,511	18·4	16·0
Dehra Dún	563	. .	3,997	3	17	. .	367	4,947	59·0	55·1
Bijnor	2,361	. .	664	. .	. .	. .	. .	3,025	35·2	27·6
Tarái	731	. .	1,749	. .	. .	. .	. .	2,480	27·6	35·7
Pilibhít	2,241	. .	3,150	. .	. .	. .	. .	5,391	23·5	33·3
Bareilly	8,916	. .	11,576	. .	. .	. .	. .	20,492	36·2	28·6
Jhánsi	1	. .	. .	. .	. .	. .	1	2	31·2	22·4
Hamírpur	1	. .	1	. .	. .	. .	7	9	39·1	21·3
Total	154,948	366,574	79,771	60,698	24,330	10,837	20,123	717,281	. .	. .
Total for the same period last year	157,900	301,410	82,791	57,467	60,576	14,322	19,113	693,579	. .	. .
Increase	. .	65,164	. .	3,231	. .	. .	1,010	23,702	. .	. .
Decrease	2,952	. .	3,[illegible]20	. .	36,246	3,485	. .	. .	. .	. .

REMARKS.

		Cubic feet per second.
Supply—		
Entering head of Ganges Canal		4,158
" of Lower Ganges Canal		1,615
		5,773
Expended—	Total	
Ganges Canal	1,763	
Lower Ganges Canal	124	
	1,887	
Escaped—		
Anúpshahr Dn., G. C., Siyana escape	385	
Ditto ditto Tail escape	3	
Meerut ditto Jani escape	79*	
Bulandshahr ditto Kot escape	355	
Aligarh ditto Percolation below Sikandra Rao and Suraha gauges	41	
Narora Dn., L. G. C., Percolation, Fatehgarh Branch head	5	
Ditto ditto Fatehgarh Branch, Manickpur escape	45	
Ditto ditto Main Canal, Nadrai escape	758	
Ditto ditto Main Canal, mile 34	191	
Mainpuri ditto Bewar Branch, tail	115	
Cawnpore ditto Tail	558	
Etáwah ditto Escapes	372	
Ditto ditto Tail	90	
Bhognipur ditto ditto series escape	305	
	3,126	
Add difference between the quantity passed down by 1st Circle, 1,629, and quantity acknowledged by 2nd Circle, 725, due to closure of canals at different periods	904	
		5,916
Deduct drainage water		143
		5,773

* Passed down to supplement the Agra Canal.

Executive Engineer, Northern Division, Ganges Canal, reports—Very good rain during the month. Canal closed for repairs on afternoon of 9th. River high. All crops very good.

Executive Engineer, Meerut Division, Ganges Canal, reports—In the 1st sub-division there was a light demand for water for rice during the first week, but after the heavy rain on the 9th and 10th all demand ceased.

Executive Engineer, Bulandshahr Division, Ganges Canal, reports—There was slight demand on two rajbahas up till 8th, when rain fell and all demand ceased.

Executive Engineer, Aligarh Division, Ganges Canal, reports—Heavy and general rain on the 3rd of August stopped demand for water entirely.

Executive Engineer, Mainpuri Division, Lower Ganges Canal, reports—There has been no demand and plentiful rain throughout the division all through the month. The decrease compared with last year is due to the plentiful rain compared with last year, and is almost entirely under the head of Other food-grains.

Executive Engineer, Cawnpore Division, Lower Ganges Canal, reports—An increase of 1,898 acres in indigo, which is the chief irrigated crop in this division. Food-grains have fallen off owing to the successively heavy rain, *i.e.*, 25·4 inches in August, against 3·3 in the same month last year.

Executive Engineer, Etawah Division, Lower Ganges Canal, reports—Abnormally heavy rain throughout the month, and consequently no water was taken for irrigation of rain crops. There has been an [illegible] in indigo, but a falling off in sugarcane, as explained last month.

Executive Engineer, Eastern Jumna Canal, reports—The ample rainfall stopped all demand after the 10th August: hence the decrease in area. The decrease is chiefly in rice and other food-grains. There is an increase in sugarcane and indigo. Crops in low lands injured by excessive rain. Demand for crops previously irrigated commenced on 27th August.

Executive Engineer, Agra Canal, reports.—With the exception of one distributary, Shergarh, no irrigation was effected during August. The excess of escaped volume over supply entering division is explained by a quantity of water entering the canal by inlets, &c.

Executive Engineer, Rohilkhand Canals, reports—A very wet month; not much demand for water. Moderately heavy floods came down most of the rivers on the 10th and breached most of the earthen dams. Crops are looking very well.

Collector, Bijnor, Executive Engineer, Dun Canals, Deputy Commissioner, Jhansi, and Collector of Hamirpur, report that—no irrigation was effected during the month of August 1884.

H. W. CONDUITT,
Offg. Asst. Secy. to Govt., N.-W. P. and Oudh, P. W. D., Irrigation Branch.

ALLAHABAD,
The 16th September 1884.

STATEMENT OF TRAFFIC ON THE AGRA CANAL FOR THE MONTH OF AUGUST 1884.

AGRA CANAL. — Principal Items of Traffic.

Nature of Traffic.	Up. Mds.	Up. No.	Down. Mds.	Down. No.	Total Up and Down. Mds.	Total Up and Down. No.
Grains—						
Wheat	...	...	...	...	...	...
Gram	...	...	1,272	...	1,272	...
Rice	...	...	...	...	...	...
Paddy or dhán	...	...	...	...	...	...
Bejhar or mixed grain	...	...	...	...	...	...
Dál—						
Urd	...	...	...	...	...	...
Múng	...	...	...	...	...	...
Arhar	...	...	...	...	...	...
Masúri	...	...	...	...	...	...
Juár	...	...	...	...	...	...
Bajra	...	...	...	...	...	...
Maize or Indian-corn	...	...	...	...	...	...
Barley	...	...	...	...	...	...
TOTAL	...	...	1,272	...	1,272	...
Cotton	...	...	...	...	...	...
Oil-seeds	...	...	...	...	...	...
Salt	...	...	...	...	...	...
Metals	...	...	...	...	...	...
Building materials	...	...	...	...	...	...
Miscellaneous goods	...	...	...	...	...	...
Firewood	...	...	1,000	...	1,000	...
Bamboos	...	...	...	...	...	...
Timber—						
Poles and unsquared timber	...	...	...	...	...	...
Karis and squared timber	...	...	...	...	...	...
Logs	...	...	...	...	...	...
Miscellaneous timber	...	...	...	...	...	...
Live-stock	...	...	...	...	...	...
GRAND TOTAL	...	...	2,272	...	2,272	...
TOTAL DURING CORRESPONDING PERIOD OF LAST YEAR	2,900	...	5,670	...	8,570	...
INCREASE	...	...	...	...	...	...
DECREASE	2,900	...	3,398	...	6,298	...

REMARKS.

Particulars.	Agra Canal. 1884.	Agra Canal. 1883.
Tonnage, including weight of timber and bamboos	83	315
Ton mileage	4,[illegible]95	21,338
Value of goods R	1,[illegible]08	13,800
Number of passengers	...	...

ALLAHABAD,
The 16th September 1884.

H. W. CONDUITT,
Offg. Asst. Secy. to Govt. N. W. P. and Oudh.

STATEMENT OF TRAFFIC ON UPPER AND LOWER GANGES CANALS FOR THE MONTH OF AUGUST 1884.

	UPPER GANGES CANAL.						LOWER GANGES CANAL.					
	Principal Items of Local Traffic.						Principal Items of Local Traffic.					
	Up.		Down.		Total up and down.		Up.		Down.		Total up and down.	
	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.
Grains.												
Wheat	225		2,765		2,990				900		900	
Gram	1,000				1,000		300				300	
Rice												
Paddy or dhán												
Bejhar or mixed grain												
Dál — Urd												
Dál — Múng												
Dál — Arhar							203				203	
Dál — Masúri												
Juár												
Bájra												
Maize or Indian-corn												
Barley												
Total	1,225		2,765		3,990		503		900		1,403	
Cotton									66		66	
Oil-seeds									4,706		4,706	
Salt	300				300		74				74	
Metals	6,896				6,896		56		2,030		2,086	
Building materials	12,874		4,779		17,653		8,043		50,855		58,898	
Miscellaneous goods	170		200		370		73		53		126	
Firewood	5,564		6,470		12,034		1,525		9,560		11,085	
Bamboos	20	400	36	720	56	1,120	10	200			10	200
Timber — Poles and unsquared timber.							140	280	170	340	310	620
Timber — Karis and squared timber.	840	840	900	1,200	1,740	2,040						
Timber — Logs												
Miscellaneous timber									100	200	100	200
Live-stock												
Grand Total	27,889	1,240	15,150	1,920	43,039	3,160	10,424	480	68,440	540	78,864	1,020
Total during corresponding period of last year.	13,179	10	22,471	10,368	35,650	10,378	16,639	1,436	77,161		93,800	1,436
Increase	14,710	1,230			7,389					540		
Decrease			7,321	8,448		7,218	6,215	956	8,721		14,936	416

	UPPER AND LOWER GANGES CANALS.						UPPER AND LOWER GANGES CANALS.						Remarks.
	Principal Items of Through Traffic.						Principal Items of Local and Through Traffic.						
	Up.		Down.		Total up and down.		Up.		Down.		Total up and down.		
	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	Mds.	Nos.	
Grains.													
Wheat			675		675		225		4,340		4,565		
Gram							1,300				1,300		
Rice													
Paddy or dhán													
Bejhar or mixed grain													
Dál — Urd													
Dál — Múng													
Dál — Arhar							203				203		
Dál — Masúri													
Juár													
Bájra													
Maize or Indian-corn													
Barley													
Total			675		675		1,728		4,340		6,068		
Cotton			428		428				694		494		
Oil-seeds			40		40				4,746		4,746		
Salt			14		14		374		14		385		
Metals							6,952		2,030		8,982		
Building materials							20,917		55,634		76,551		
Miscellaneous goods			4,907		4,907		243		5,160		5,403		
Firewood							7,089		16,030		23,119		
Bamboos							30	600	36	720	66	1,320	
Timber — Poles and unsquared timber.							140	280	170	340	310	620	
Timber — Karis and squared timber.							840	84	900	1,200	1,740	2,040	
Timber — Logs													
Miscellaneous timber									100	200	100	200	
Live-stock													
Grand Total			6,064		6,064		38,313	1,720	89,654	2,460	127,967	4,180	
Total during corresponding period of last year.	1,493	3	11,367	50	12,860	53	31,311	1,449	110,999	10,418	142,310	11,867	
Increase							7,002	271					
Decrease	1,493	3	5,303	50	6,796	53			21,345	7,958	14,843	7,687	

Particulars.	Upper Ganges Canal (local).		Lower Ganges Canal (local).		Upper and Lower Ganges Canals (through).		Total, Upper and Lower Ganges Canals.	
	1883.	1884.	1883.	1884.	1883.	1884.	1883.	1884.
Tonnage, including weight of timber and bamboos	1,310	1,580	3,445	2,897	473	222	5,228	4,699
Ton mileage	58,558	59,697	92,011	43,244	92,385	51,592	242,954	154,533
Value of goods . . . R	39,471	38,695	34,856	45,661	23,256	21,085	97,583	1,05,441
Number of passengers	64	127	106	88	1	3	171	218

ALLAHABAD,
The 16th September 1884.

H. W. CONDUITT,
Offg. Asst. Secy. to Govt., N.-W. P. & Oudh, P. W. D., Irrigation Branch.

GOVERNMENT OF INDIA.
PUBLIC WORKS DEPARTMENT.
RAILWAY TRAFFIC.

No. XXIII of 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	Receipts for week ending 15th September 1883. Total.	Per mile open.	Total mean length open.	Receipts for week ending 13th September 1884. Total.	Per mile open.	Total receipts from 1st April to 15th September 1883. Total.	Per mile open per week.	Total receipts from 1st April to 13th September 1884. Total.	Per mile open per week.	Total Increase in 1884-85.	Total Decrease in 188…
	Guaranteed.		R	R		R	R	R	R	R	R	R	R
6th Sept. 1884	Oudh and Rohilkhund	547	94,569	173	. .	(a)	.	(b)25,99,870	207	(c)22,99,446	185	. . .	3,00,4…
13th ditto	Sind, Punjab and Delhi	735	1,48,464	202	706	1,46,954	208	52,15,667	293	48,59,115	279	. . .	3,56,5…
13th ditto	Madras	861	1,30,032	151	361	1,16,277	135	31,10,434	151	32,55,245	160	1,44,811	. .
6th ditto	South Indian	655	84,195	129	. .	(a)	.	(b)17,92,473	119	(c)20,19,267	136	2,26,794	. .
13th ditto	Great Indian Peninsula	1,450	3,66,174	252	1,450	4,40,522	304	1,57,16,057	451	1,55,77,681	452	. . .	1,38,3…
6th ditto	Bombay, Baroda and Central India	461	1,45,611	316	. .	(a)	.	(b)51,39,979	495	(c)52,75,067	504	1,35,088	. .
	TOTAL	4,709	9,69,045	206	d3,017	7,03,753	233	3,35,74,480	296	3,32,85,821	298	. . .	2,88,6…
	State.												
13th Sept. 1884	East Indian	1,509	8,81,829	584	1,509	6,28,183	416	2,36,74,626	654	1,87,27,635	523	. . .	49,47,0…
13th ditto	Eastern Bengal(e)	228	1,20,856	530	233	1,59,552	685	21,89,798	400	19,42,950	351	. . .	2,46,8…
20th ditto	Nalhati	27	1,392	51	27	1,434	53	38,656	59	37,287	57	. . .	1,3…
13th ditto	Northern Bengal	239	41,818	175	249	46,080	185	9,32,841	166	8,75,165	149	. . .	57,6…
13th ditto	Kaunia Dharla	32	2,243	70	37	2,316	63	44,901	58	56,707	70	11,806	. .
20th ditto	Tirhoot	166	17,859	108	193	18,135	94	3,94,798	100	5,54,733	121	1,59,935	. .
13th ditto	Patna-Gya	57	17,227	302	57	14,180	249	1,93,694	141	2,25,597	167	31,903	. .
13th ditto	Cawnpore-Achnera	138	9,382	68	240	15,429	64	2,50,008	75	3,99,061	69	1,49,053	. .
13th ditto	Dildarnagar-Ghazipur	12	575	48	12	565	47	22,208	77	24,375	85	2,167	. .
20th ditto	Rajputana-Malwa	1,117	1,51,044	135	1,120	1,51,380	135	56,03,476	209	53,07,121	200	. . .	2,96,35…
20th ditto	Rewari-Ferozpur	89	6,625	74	140	8,520	61	1,90,051	89	3,32,983	100	1.42,932	. .
13th ditto	Wardha Coal	45	15,207	338	45	10,573	235	3,31,059	307	2,41,070	226	. . .	89,98…
13th ditto	Nagpur and Chhattisgarh	149	7,274	49	149	8,176	55	6,21,412	174	6,03,670	171	. . .	17,77…
13th ditto	Burma	161	22,196	138	254	26,950	106	6,34,357	164	8,50,664	158	2,16,307	. .
13th ditto	Sindia	75	4,716	63	75	4,983	66	1,41,468	79	1,55,617	88	14,149	. .
13th ditto	Punjab Northern	421	58,704	139	447	50,564	113	14,71,364	146	13,47,460	127	. . .	1,23,90…
13th ditto	Indus Valley and Kandahar	660	85,239	129	660	98,300	149	35,11,806	222	33,42,454	214	. . .	1,69,35…
13th ditto	Amritsar-Pathankot	. . .	. . . .	.	66	2,742	42	. . . .	.	90,046	64	90,046	. .
	TOTAL	3,616	5,62,357	156	4,004	6,19,909	155	1,65,71,927	191	1,63,86,960	174	. . .	1,84,96…
	Assisted Companies.												
13th Sept. 1884	Bengal Central	35	1,091	48	126	8,036	64	50,831	60	2,17,928	74	1,67,097	. .
13th ditto	Assam	39	3,127	80	70	4,040	58	(f)19,462	56	86,643	57	67,181	. .
13th ditto	Southern Mahratta	. . .	. . . .	.	214	4,114	19	. . . .	. .	59,988	29	59,988	. .
6th ditto	Bengal and North-Western	. . .	. . . .	.	. .	(a)	.	. . . .	. .	(g)36,307	22	36,307	. .
	TOTAL	74	4,818	65	(h)410	16,190	39	70,293	60	4,00,866	49	3,30,573	. . .
	Native States.												
6th Sept. 1884	Bhavnagar-Gondal	193	10,306	53	. .	(a)	.	(b)4,57,929	103	(c)5,72,197	130	1,14,268	. . .
20th ditto	Jodhpur	19	530	28	44	670	15	18,659	41	22,909	30	4,250	. . .
13th ditto	Nizam's	121	15,138	125	121	15,750	130	3,58,670	123	4,51,563	157	92,893	. . .
6th ditto	Mysore	86	4,910	25	. .	(a)	.	(b)1,18,288	60	(c)1,38,306	63	20,068	. . .
	TOTAL	419	30,884	74	(j)165	16,420	100	9,53,406	95	11,84,875	113	2,31,479	. .
	GRAND TOTAL	10,827	24,48,933	237	k9,105	19,84,455	218	7,48,44,822	303	6,99,86,247	269	. . .	48,58,57…
	GROSS ESTIMATED EXPENSES	. .	. . . .	.	. .	. . . .	.	3,57,91,126	144	3,43,91,452	132	. . .	. . .
	NET RECEIPTS	. . .	. . . .	.	. . .	. . . .	.	3,90,53,696	159	3,55,94,795	137	. . .	34,58,90…

(a) Return not received.
(b) Total receipts from 1st April to 8th September 1883.
(c) Total receipts from 1st April to 6th September 1884.
(d) Exclusive of the mileages of Oudh and Rohilkhund, South Indian and Bombay, Baroda and Central India Railways (547+655+461).
(e) Excludes share of the earnings of the Bengal Central Railway, but includes the receipts of the late Calcutta and South-Eastern State Railway.

(f) Total receipts from 16th July to 15th September 1883.
(g) Total receipts from 2nd April to 6th September 1884.
(h) Exclusive of the mileage of Bengal and North-Western Railway (69).
(j) Exclusive of the mileages of Bhavnagar-Gondal and Mysore State Railways.
(k) Exclusive of the mileages of Oudh and Rohilkhund, South Indian, Bomba… Baroda and Central India, Bengal and North-Western, Bhavnagar-Gond… and Mysore Railways (547+655+461+69+193+130).

FRED. FIREBRACE, *Major, R.E.,*
Under Secretary.

SIMLA.

GOVERNMENT OF INDIA
PUBLIC WORKS DEPARTMENT.
IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR THE OFFICIAL YEAR 1884-85.

Areas leased for Irrigation up to the end of July 1884.

Circle.	District	Canal.	Estimated full discharge.	Average discharge in month.	Discharge utilized	Approximate area of land irrigated during the year up to the end of the month.	Approximate area of land under irrigation up to the same date last year	Details of areas leased: Five years All crops	Five years Khurreef	Annual leases: Khurreef.	Rubbee.	Sugar-cane.	Bhadoi	Hot weather.	Total	Grand Total.	Rainfall, 1884-85. During month	Up to end of month.	Rainfall, 1883-84. During month.	Up to end of month.	Remarks.
			C. ft.	C. ft.	C. ft.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	In.	In.	In.	In.	
Orissa	Cuttack	Kendrapara	1,269	456·53	309·86	14,155	5,951	. .	15,710	.	391	2	. .	. .	393	19,103					
		Gobri	372·82	87·60	14·86	160	. . .	. . .	. .	. .	. .	.	. .	.	. . .	. . .					
		Pattamoondee	1,042	196·38	114·73	3,158	. .	. . .	4,648	. .	7	.	.	. .	7	4,655					
		High Level, Section I	675	217·51	217·51	9,696	627	. . .	12,144	. .	131	1	. .	2	134	12,278					
		Taldunda, 1st Reach.	1,242	180	139	2,609	9,954	. .	1,083	. .	133	17	. .	. .	150	1,233	11·18	34·84	11·06	33·64	
		Taldunda, 2nd Reach.	566	18	18																
		Matchgong	776	40	40	5,195	22,309	. .	8,740	.	. .	4	. .	.	4	8,744					
	Balasore	High Level, Section II.	727·16	37·43	37·43	575	111	. .	2,270	. .	. .	78	. .	. .	78	2,348					
		High Level, Section III.	727·16	11·86	11·85	3,241	241														
		Total	. . .	. . .	. .	38,[illegible]69	39,193	. .	47,595	. .	662	102	. .	2	766	48,361	. .	. .	. .	. .	
	Total of the corresponding period of last year		. . .	. .	.	. . .	.	.	8,929	.	1,153	523	. .	97	1,773	10,702	. .	. .	. .	. .	
South-Western	Midnapore	Midnapore	1,411	607	624	57,281	64,014	. .	57,154	. .	. .	. .	. .	. .	. . .	57,154	23·60	34·38	10·03	21·50	Whole month discharging.
	Howrah	Panchkoorah	522	110	76	4,254	9,844	.	3,404	. .	.	. .	. .	. .	. . .	3,404	10·82	24·80	15·61	32·69	20 days discharging.
		Tidal Reaches, Ranges I and II.	. . .	. . .	. .	275	50	. .	277	. .	. .	. .	. .	. .	. . .	277	. .	. .	. .	. .	
		Total	. .	. .	. . .	61,810	74,908	. . .	60,835	. .	.	. .	. .	. .	. . .	60,835	. .	. .	. .	. .	
	Total of the corresponding period of last year.		. . .	. . .	. . .	. . .	. . .	. . .	82,601	. .	. .	. .	. .	. .	. . .	82,601	.	. .	. .	. .	
Sone		in the Arrah and Buxar Canals.																			
	Shahabad	Western Main	4,343	1,762 910	1,452 816	33,983	5,570	8,401	. . .	3,018	. .	391	. .	. .	3,409	11,810	6·99	12·18	14·83	21·17	
		Buxar	1,226	380	294		15,032	24,5?7	. . .	15,645	. .	1,909	25	. .	17,579	42,068					
		Arrah	1,660	1,382	1,160	46,215	41,611	59,748	. . .	10,088	. .	1,313	. .	. .	11,401	71,149	6·79	12·53	8·91	20·33	
	Patna and Gya	Eastern Main	1,466	750	436	370	. .	·48	. . .	430	. .	3	. .	14	447	695					
		Patna				29,939	648	20,052	. . .	7,515	. .	161	12	724	8,412	29,464	7·53	16·31	12·53	24·49	
		Total	. .	. . .	. . .	110,507	65,861	112,956	. . .	36,696	. .	3,777	37	738	41,248	154,204	. .	. .	. .	. .	
	Total of the corresponding period of last year.		. .	. . .	. .	. . .	. .	82,974	. . . .	14,146	. .	3,623	154	7,139	25,262	108,236	. .	. .	. .	. .	
		Grand Total	. . .	. . .	. . .	211,186	183,962	112,956	108,430	36,696	662	3,979	37	740	42,014	263,400	. .	. .	. .	. .	
	Grand total of the corresponding period of last year.		. .	. . .	. . .	. . .	. . .	82,974	91,530	14,146	1,153	4,346	154	7,236	27,035	201,539	. .	. .	. .	. .	

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The 16th September 1884.

G. F. E. S. NEILL, *Major, M.S.C.,*
Under-Secy. to the Govt. of Bengal,
P. W. Department.



EXTRA SUPPLEMENT TO
The Gazette of India.

CALCUTTA, SATURDAY, OCTOBER 11, 1884.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

REPORT OF THE GOVERNMENT OF BENGAL ON THE BENGAL TENANCY BILL, 1884.

Dated 24th April, 1884.

From—Babu Pronob Nath Ghosal, Naib, Roy Luchmiput Sing Bahadur's Zamindari, Kutabpur, District Rungpur,

To—The Secretary to the Government of India, Legislative Department.

Being given to understand in the *Calcutta Gazette*, dated April 16th, 1884, that the Bengal Tenancy Bill is republished for further criticism, I beg to submit the following:—

Enhancement of rent, Chapter V, section 43 (*b*).—"That there has been a rise in the average prices of staple food-crops in the locality or at the usual markets."

Reduction of rent, Chapter V, section 51 (*b*).—"On the ground that there has been a fall in the average prices of staple food-crops in the locality or at the usual markets."

The sections quoted above will in some places be ruinous to the raiyat, ruinous to zamindar and disadvantageous to the Government.

That the price of the * * * great regulator of * * * all other things.

The legislator thinks that when the price of the staple food rises the cultivator gets much; he must pay a portion of his profits to his landlord. But this is a sad mistake; it is an admitted fact, and argued over and over by the greatest writers of political economy, that the "price of the staple food is the great regulator of the prices of all other things." As the price of the staple food increases, the price of all the articles that are necessary for an agriculturist are proportionately increasing.

The raiyat is not a farthing richer than he was when the price of the staple food was low. Those raiyats that are seen flourishing transact money-lending business. If the fact be doubted, the Government might enquire the actual state of the cultivators.

It will be difficult also for some of the zamindars to derive benefit by the above legislation. The price of the staple food was so difficult to settle in the law Courts that neither the zamindar nor the raiyat trouble themselves much with it for the enhancement or reduction of rent. But when the price-list will be out, the apple of discord will be in the field. It will be a bait too tempting either for the zamindars or for the raiyat to resist. The patnidars will take the rigour of the law, and when the raiyats will be unable to pay, they will relinquish their land. The patnidar, being a loser, will manage to have his patni sold. And the innocent zamindar who let out a flourishing patni will get back a tenantless tract filled with tigers and jackals. All the districts of Bengal are not equally populous. The Collectors of Rajshahi Division will testify at what price the patni taluqs are sold there. The sad fate of enhancement is too vivid here. If the raiyats, getting advantage of the reduced price, take shelter of the Court, the poor zamindar will be unable to cope with a large number of men single-handed. The profit will be reduced low, and it will be difficult for him to sell his property. The price of the landed property will be as fluctuating as any thing else. Moreover, the delay of the Civil Court in

deciding a large number of cases will stop collection, and the landlord, unable to pay the Government rent, will lose his property. The Government will not be a gainer by this arrangement. Those places that were flourishing during the time of permanent settlement are now jungly wastes. The Government rent, which the settlement-officer settled at the time of the permanent settlement, now becomes extremely burdensome. The underlings of those officers also had something to do in some places. Some parts of the Bardwan District are not well paying, and some of the zamindars of Dinajpur are highly rack-rented by the Government. There is almost no profit. The zamindars allow their raiyats to keep their rents in arrear, because interest is only profit. There are other methods also by which they make up their loss. If the rent of these raiyats be suddenly reduced by the price-list, the Government will be in difficulty to have the property brought by others.

No. 866T. R., dated 21st June, 1884.

From—Officiating Secretary to Government, Bengal,

To—Secretary to Government of India, Revenue and Agricultural Department.

I am directed to submit, for the information of the Government of India, copies of the papers noted on the margin, regarding the non-payment of rent by the raiyats of certain zamindars of the Maimansingh district, and to suggest that, if it be deemed necessary, the correspondence should be sent to the Legislative Department for consideration in connection with the pending Tenancy Bill.

Memorial from Babu Mohima Chandra Rai Chaudhri and other zamindars of Maimansingh, of January, 1883.
Letter from the Officiating Magistrate of Maimansingh, No. 828, dated 26th February, 1883.
Memorial from Babu Kashi Kishore Roy Chaudhri, and other zamindars of the Maimansingh district, dated the 24th January, 1884.
Letter from the Commissioner of the Dacca Division, No. 51M., dated the 28th April, 1884, and enclosures.
Resolution of this Government, No. 864T. R., dated the 21st June, 1884.

Dated January, 1883.

Memorial of certain Zamindars of Maimansingh District.

To the Hon'ble Augustus Rivers Thompson, C.S.I., C.I.E., Lieutenant-Governor of Bengal.

The humble memorial of zamindars, taluqdars and other actual proprietors of soil, Maimansingh—

1. MOST RESPECTFULLY SHEWETH,—That the greater portion of the raiyats of pargana Maimansingh have stopped payment of their rent on the ground that an order has come from Government to the effect that no raiyat shall have to pay more than Rs. 3-6 per ara, *i.e* about 13 annas per bigha.

2. The raiyats declare that this order has come to one Maulvi Hamiduddin, pleader of the District Court, who, it is stated, has assured them that within three months he will get a law passed which will reduce their rent to Rs. 3-6 per ara, and that they need not pay any rent now. The said Maulvi Sahib receives a fee of five pice per head from the raiyats for his undertaking to fix their rent at the above rate.

3. Your memorialists are informed by the raiyats that, on going to Maulvi Sahib, he takes down their names and quantity of land under their cultivation in a register kept for the purpose, and then he puts down the rent in another column at the rate of Rs. 3-6 per ara; for this service his muharrir receives a pice per head.

4. Some raiyats again say that they have heard that two constables and one head-constable have by beat of drum in different hats and bazars declared that the raiyats need not pay more than Rs. 3-6 per ara.

5. Your memorialists regret to mention that on the basis of these rumours these credulous raiyats have become much excited, and the wicked portion of the raiyats and other designing men, taking advantage of this state of affairs, are spreading different kinds of rumours (too numerous to be enumerated here) for the purpose of inducing the raiyats to become refractory and stop payment of their rent.

6. Your memorialists would not have encroached upon Your Honour's valuable time had not the raiyats stopped payment of their rent.

7. Your memorialists, with very great regret, beg to submit that they have not been as yet able to collect the amount necessary for the payment of the Government revenue, and most of them have been compelled to borrow money for that purpose.

8. Your memorialists also beg to bring to Your Honour's notice that, in consequence of some wild rumours which are afloat about some laws that are soon to be enacted in favour of the raiyats, raiyats of some villages in pargana Alapsing, adjoining the town of Nasirabad,

have stopped payment of their rents, although many of them have executed kabuliyats and been paying rents accordingly.

9. The raiyats of Kagmari have declined to pay rents as agreed to by them by registered kabuliyats, according to which they have been paying their rents for the last two or three years. On the strength of these kabuliyats some decrees have been obtained in the Civil Courts by the zamindars, but still the raiyats withhold payment in the assurance that it will not be in the power of the zamindars to sue all the raiyats. The raiyats of some places in Hussenshahi and Shushung have also leagued together against their zamindars and have joined the raiyats of pargana Maimansingh in their attempt to obtain a *mukarrari* tenure on payment of a nominal rent for their holdings.

10. Your memorialists have every reason to believe that, if these credulous raiyats are allowed to withhold the payment of rent in the manner that they are doing, it will soon bring ruin upon the zamindars of this district. Your memorialists therefore pray that Your Honour will be kind enough to take into your kind consideration the deplorable condition of the zamindars, and be pleased to issue an order to the District Magistrate to disabuse the minds of the tenantry by an order declaring the falsity of these rumours.

Your memorialists, as in duty bound, shall ever pray.

No. 828, dated 25th February, 1883.

From—Officiating Magistrate, Maimansingh,
To—Commissioner, Dacca Division.

I have the honour to report upon the petition by certain zamindars of this district forwarded with your memorandum No. 39, dated the 16th February, 1883.

2. It is true that a report has got about that a rate of Rs. 3-6 per ara was about to be fixed by Government, and this had the effect of making many raiyats refuse to pay at a higher rate, and Maulvi Hamiduddin was accused of being its author.

3. As Maulvi Hamiduddin is now on his trial for cheating raiyats by collecting money from them under pretence of getting a law passed fixing Rs. 3-6 per ara, it is premature to form an opinion yet as to whether he did so or not. He says he merely engaged to get up a petition to Government to hasten the passing of the new Rent Act.

4. I cannot ascertain any foundation for the allegation as to the police having acted as alleged in paragraph 4 of the petition.

5. The raiyats in several parts of this district have been recusant since 1873, when some zamindars began to measure with a view to enhancement of rent.

6. The non-payment of rent has spread owing to the story about the Rs. 3-6 rate only lately, *i.e.*, since the beginning of this year, and I have widely had it proclaimed that the rumour was unfounded, and Maulvi Hamiduddin has also publicly stated so himself, so that I do not think the zamindars rents will be much affected by the temporary* recusancy.

* See No. 1 from Babu Keshub Chandra Acharjya.

7. As regards the statement in paragraph 8, these raiyats are, I understand, willing to pay the rents in their kabuliyats, but not to let their lands be measured by ijaradars who took a sublease, and a suit by whom for measurement is pending in the Civil Court.

8. As regards the Kagmari raiyats, it is true that they have refused to pay rents they gave registered kabuliyats for; but the terms of these kabuliyats are such as it is impossible to believe a body of khudkhast raiyats could have willingly and knowingly agreed to, barring as they do not only the accrual of, but making those already possessed of renounce all claim to, rights of occupancy and become tenants-at-will, liable to eviction at pleasure. It seems to me, therefore, that the zamindars of Kagmari have no one but themselves to blame for the state of things that has arisen on their estates.

9. I have not heard of, nor can I find any foundation for, the alegation that any raiyats demand a mukarrari tenure at a nominal rent, except in so far as their refusing to agree to pay rents enhanced largely above rates previously paid can be so regarded.

10. In fact, I believe that in this district very low rates of rent were and are prevalent. These were largely supplemented by the exaction of numerous cesses. Of late, zamindars have in several cases got or tried to get agreements at enhanced rates, at the same time continuing to exact the cesses as before. This, combined with the discovery that they had been induced to contract themselves out of all benefit by prospective legislation (the beneficial results of which to the raiyats have been by rumour much exaggerated) have made the raiyats recalcitrant in some parts. But in the parganas Sherepore, Patiladah, Jafarshahi, Pukharea, Shusung,

Nasirujial, Hazradi, Juanshahi, Rum-Bhowail, and Atia, there is no such recusancy among the raiyats. It is confined to Maimansingh and Alapsing, Kagmari, Hussenshahi, and Joar Hossenpore parganas, and not all over these.

* * * * * * * *

Dated 24th January, 1884.

Memorial of Zamíndárs of Maimansingh District.

The Hon'ble Augustus Rivers Thompson, C.S.I. and C.I.E., Lieutenant-Governor of Bengal.

The humble memorial of the undersigned zamíndárs of Maimansingh—

MOST RESPECTFULLY SHEWETH,—That, since the submission of their memorial to your Honour in January last, your memorialists have not been able to realise any rent from the refractory raiyats. Owing to the rumour spread by evil-disposed persons as to the rate of Rs. 3-6 per ara being fixed by Government, as well as the high expectations the raiyats entertain of the Rent Bill, they have formed a strong combination not to pay their rents, and openly avow that without seeing the result of the present Rent Bill they will not pay any rent at all.

2. That your memorialists beg to submit that most of them have been paying their revenue and cesses to the Collectorate by having recourse to money-lenders.

3. That the general attitude of the raiyats of pargana Maimansingh is day by day becoming more and more defiant, and the contagion is fast spreading in parts of the neighbouring parganas, such as Hussenshahi, Nasirujial, Raidum, and Shushung, and Alapsing also is not free from the contagion.

4. That the present deplorable condition of the landholders of this district can to a certain extent be ascertained by referring to the number of estates which were to be sold by the Collector on the 25th of May, 1883, for arrears of revenue due for the kist of January last; 284 estates were in arrears; but for the extreme kindness and generous treatment of the Collector of this district, all of these estates might have been sold, and 16 estates were sold. So large a number of estates were never in arrears; and so many estates were never sold for any one kist in this district within the last twenty years.

5. That your memorialists beg to submit that in pargana Maimansingh the bulk of the rent is realised in the months of Agran, Pous, and Magh, but during the last Bengali year your memorialists were not able to realise from the raiyats more than four to five annas of the whole rent, and since Agran of 1289 B. S. they have been unable to realise any amount of rent, and that, if such a state of things be allowed to continue, it is not expected that your memorialists shall be able to realise their rent even this year (1290 B. S.).

6. That your memorialists beg to submit that the present agrarian disturbance is not due to any claim for enhancement of rent on behalf of the zamíndárs, but it simply relates to the withholding by the raiyats of payment of rents which have been secured by registered kabuliyats and other authentic records, and been paid during the past years.

7. That the critical position in which your memorialists are at present placed can be imagined from what has been stated above, and nothing short of coercive measures taken by the executive authorities are likely to suppress such an agrarian disturbance.

8. That your memorialists further beg to state that, notwithstanding they have succeeded in obtaining rent-decrees against a large number of tenants, they have not been able to realise any portion of the same owing to the combination of the villagers in keeping away the properties of the judgment-debtors.

9. That, in conclusion, your memorialists beg leave to observe that neither the current laws nor the Rent Bill make any provisions for the speedy realization of just rents when raiyats combine and refuse to pay their rents, as they are doing here at present: it is absolutely necessary that the law should make some provision to secure to the zamíndárs their just rights, and to enable them to realize their rents easily and speedily. The law, as it applies to the zamíndárs, was found insufficient by the Court of Wards to secure the speedy realization of rents even in ordinary circumstances, and accordingly a special Act was passed to enable them to do so. If Government has found it impracticable to realize quickly the rents of estates under the Court of Wards, it is only reasonable to suppose that the zamíndárs have still greater difficulty in collecting their rents.

10. And that, pending the passing of the Rent Bill, your memorialists pray that your Honour will grant them such redress as may appear feasible and proper.

And your memorialists, as in duty bound, shall ever pray

No. 51M., dated 28th April, 1884.

From—Officiating Commissioner, Dacca Division,

To—Secretary to Government, Bengal.

With reference to Government letter No. 335—121L.R., dated 26th January, 1884, and Mr. MacDonnell's demi-official of 9th February, 1884, I have the honour to submit a copy of Mr. Waller, the Collector of Maimansingh's, report, No. 114—18G., dated 16th instant, and to submit my own report thereon.

The pargana of Maimansingh, in the District of Maimansingh, is of large area and very populous. There are between thirty and forty thousand rent-payers in this pargana. The chief landholders are—

Rai Kashi Kishore, Rai Bahadur.
Sreemutty Bisheswari Chaudhuraní.
Bábú Grija Kanto Lahiri.
Bábú Tarini Kanto Lahiri.
Rájá Harish Chandra Rai.
Bábú Satish Chandra Rai.

There are also several smaller shareholders. The chief places where the landholders reside are—

Ramgopalpore.
Gouripore.
Kalipore.
Golokpore.
Bhowanipore.

The estate extends over an area of 451·77 square miles.

2. Of the disputes between the landowners and tenants I have been personally cognizant during the past 16 years (since 1868). In that year, when I was first acting as Collector of Maimansingh, there was an outbreak of the tenantry against the chief landholder, Rai Kashi Kishore, Rai Bahadur, the first signer of the petition. An European Deputy Magistrate was deputed by me to enquire into the matter on the spot, and the disputes were then settled. Again, about 1875 and 1876, there was a very general union among the raiyats to resist the payments of enhanced rates of rent. The raiyats then, as now, refused to pay any rent at all. Owing, however, to the exertions of the then local officers, Messrs. Pawsey and Pratt, the raiyats were persuaded to agree to the zamíndárs' terms, and many paid rents at enhanced rates. Ever since then the zamíndárs have been increasing their demands for kabuliyats at enhanced rates, and there has been more or less friction. This culminated in 1882, when the raiyats again, for the third time, combined together and resisted the landholders. This time the combination has assumed a more serious aspect than on the other occasions, probably because the raiyats are becoming more and more aware of there rights, and are determined not to be persuaded to anything against their interests by the local officials. They are perhaps not so much to blame, for I fear it must be recorded that the Maimansingh pargana zamíndárs, relying on the support formerly given to them by the officials, have been very exacting in their demands; and though I am not prepared to say that the kabuliyats got out of the raiyats are wholly illegal and unjust, yet it must be allowed that very hard bargains have been driven with the raiyats. No doubt the raiyats agreed to the kabuliyats at the time either through ignorance of their rights or under the impression that the Collector had still power to give orders binding on them (at least so I believe they construed the interference of Messrs. Pawsey and Pratt in favour of the zamíndárs in 1875-76). Any way, however that may be, the raiyats now are determined to force the zamíndárs to withdraw and cancel these kabuliyats, and they will not listen to any other terms. If the obnoxious kabuliyats are withdrawn, they will pay in the rents they consider fair and equitable. This much I ascertained when on tour in this pargana in December, 1883, and I see no reason to believe that the raiyats are likely to abandon their attitude. They seem determined (to use a slang phrase) "to see the zamíndárs out" this time. There appears to me to be only two courses open to the zamíndárs—that is, either (1) to give up the kabuliyats (but I hardly think they will do this); or (2) to fight the question out in the Civil Courts, as is being done in another pargana in the Maimansingh district (Kagmari).

3. It will be seen from the above that it is quite hopeless to expect that, after being in a state of combination against their landlords for nearly two years past, the raiyats will pay in any rent unless the zamíndárs accede to their terms, or they are compelled to give in.

4. There are other minor causes for dispute among less numerous sections of the tenantry, such as (1) levy of illegal cesses; (2) destruction by the zamíndárs of the mandals' rights; (3) the non-keeping of proper accounts by the zamíndárs. A special report was made to Government concerning pargana Maimansingh last year, *vide* the correspondence noted on the margin.

No. 120A., dated 8th May, 1883.

5. As regards the Kagmari pargana, which is also a very large one, being 344 square miles in area, and having a very numerous body of tenantry, the disputes in this pargana are not of such old standing as those in pargana Maimansingh; but they are hardly less virulent, and the chief cause of dispute between the landlords and tenants is the same, namely, the rates at which rents are to be paid. In January last (1884), in company with Mr. Waller, the Collector, I held a meeting of the chief tenants who had disputes with one of the chief landowners, Bindu Bashini Chaudhrani. After hearing their side of the case, I recommended them to agree to arbitration, one arbitrator being appointed by the Collector, one by the zamíndár, and one by the tenants—the result of the arbitration to be regarded as a decree of Court. To

this they seemed to agree at the time; but I understand that, since then, they have expressed a determination not to agree to any arbitration until they see the result of their appeals to the High Court in certain cases. When these are decided, they may consider the matter again.

6. The landlord, Bindu Bashini Chaudhurani, is a widow lady with minor sons, and I am not quite satisfied that her management of her estate is as good as it might be; and I have ordered the Collector to go into the matter and report fully whether the estate should not, in the interests of the minor heirs, be taken under the management of the Court of Wards.

7. As regards the disputes in pargana Atia, I visited the pargana in February, 1884. I have reported in this office No. 616M., dated 6th March, 1884, that they have been satisfactorily disposed of by amicable arrangement. This is also a very large* pargana, with many tenants.

*Area 779·67 square miles.

8. From the above it will be seen that everything has been done that can be done to try and obtain a peaceful solution of the disputes; but those in pargana Maimansingh and Kagmari are of such a nature as not to admit, at present at all events, of any such termination. It is not an easy matter to settle disputes in which many thousands of raiyats are concerned, in a tract of country extending over an area of about 1,000 square miles.

9. The disputes in pargana Hussenshahi have been noticed in former years, especially in 1880 and 1881. There was certain correspondence as noted on the margin. The Government declined to sanction the quartering of special police: the disputes have now much quieted down.

Dacca Commissioner's No. 92, dated 23rd March, 1882.
Government, Judicial Department, No. 1710J., dated 8th April, 1882.

10. In pargana Alapsing the disputes are confined to a few villages only, such as Ghagra, Pan Ghagra, and Chorkhai, in the property of Horo Sundary Debya. A special police-force has been quartered in these villages. As Alapsing is one of the largest and wealthiest parganas in the district of Maimansingh, it cannot be considered that a dispute existing in a few villages can very much affect the pargana as a whole. The disputes in Alapsing are as to the right of the zamíndár to measure the village lands. As the raiyats resisted that by force, they were clearly in the wrong, and a special police-force has been rightly quartered on them for their lawless conduct.

11. As regards parganas Raidum, Nasirujial and Shusung—especially the latter—there are no disputes of any magnitude whatever; nor am I aware, nor Mr. Waller, of any union of the tenantry to resist their landlords. This part of the petition is clearly an exaggeration of the state of things.

12. As regards the number of estates for sale under Act XI of 1859, almost the whole of these were small estates in which there were a large number of shareholders, owing to dissension among whom the estates were allowed to fall into arrears. I do not consider these as any indication of a general failure on the part of the zamíndárs to meet their liabilities owing to the non-payment of the rents. The zamíndárs of Maimansingh were far too favourably dealt with at the time of the Permanent Settlement to have been brought to such straits so soon.

No. 114-18G., dated 16th April, 1884.

From—Officiating Collector, Maimansingh,

To—Commissioner, Dacca Division.

I have the honour to submit a report upon the petition submitted to His Honour the Lieutenant-Governor by Bábú Kashi Kishore Rai Chaudhrí, for self and on behalf of the zamíndárs of Maimansingh: this, I presume, means of pargana Maimansingh, that being one of the portions of the district in which the raiyats have combined strongly not to pay rent, and it being also the pargana in which the property of Bábú Kashi Kishore Rai is situate. I was also, however, directed by Mr. Secretary MacDonnell demi-officially to go with fulness into the origin and growth of the disputes between landlords and raiyats in the various portions of the Maimansingh district, showing such detail as might be necessary and the parties who are to blame. I was also directed to submit copies of the kabuliyats alluded to by the Registrar-General in his Registration Report for 1882-83, with such remarks on them as might seem to be desirable; and I was informed that despatch was not so much an object as the ascertainment of the facts fully and correctly. These instructions reached me about the first week in March, and I proceeded at once to endeavour to ascertain what was necessary by enquiry both from the zamíndárs and the raiyats. I had, however, made but little progress when my health unfortunately failed, and I became so incapacitated for work as to have to apply for sick leave to Europe. As, however, I have now been a year and a half in this district, I shall endeavour, before leaving the district, to submit a report, which, though necessarily imperfect as being based upon insufficient information in detail for the above-stated reasons, will contain all the light that I can throw on the matter.

2. I now proceed, in the first instance, to deal with the petition of Bábú Kashi Kishore Rai Chaudhrí and others, clause by clause.

2A. The statement in the first clause, that since January, 1883, the petitioners have not been able to realize any rent from the refractory raiyats, is not correct. Bábú Kashi Kishore Rai Chaudhrí himself admits through his náib, from whom I enquired, that during the present year (1290 B. S.) he has realized some Rs. 31,50 out of a rental of about Rs. 1,35,000. Some raiyats have no doubt stopped payment altogether, but this is rather the exception, and the greater part have paid small amounts, but have no doubt designedly withheld payment of the balance. That a rumour as to a universal rate of Rs 3-6 per ara for all classes of land got about very widely there can be no doubt; whence it originated I have not been able to discover; but the zamíndárs allege with one consent that it was spread among the raiyats by a Mussulman vakíl of the Judge's Court, and the probable foundation for it was a calculation professing to be founded on the maximum amount (one-fifth) of the produce, which, it was said, would be payable as rent under the provisions of the new Rent Bill. That the raiyats have got extravagant expectations of the new Rent Bill is indubitable, and as an example of this I may cite the case of a leading raiyat who lately informed me, on behalf of himself and others, that they were all firmly persuaded that the new Rent Bill would fix the rate of rent at what he declared was the rate at which the raiyats held their land after the Permanent Settlement, that is to say, at Rs. 2-2 per bíghá, or, as he informed me, twice the jama of one rupee one anna per bíghá, at which the Permanent Settlement was made by Government with the zamíndárs.

3. As regards clause 2, I have not been able to ascertain that any of the zamíndárs had to borrow money to pay their revenue. The allegation seems to have meant that the current collections were insufficient to cover current expenditure during the year, and that previous savings had to be indented upon.

4. As regards clause 3, it does not seem that the recusancy of the raiyats has spread much, if at all, during the last year. But those landlords whose properties adjoin those which are disaffected are of course in continual fear that the recusancy may spread into their estates. It is true that parts, not of the Hussenshahi, but of the Nasirujial, Raidum, Shusung, and Alapsing parganas, have been disaffected.

5. As regards clause 4, it is true that on the 25th May, 1883, there were put up to sale for arrears of revenue for the kist of previous January 283 estates, and, of these, 18 estates were actually sold. The following figures show the number of estates in arrears of the same kist during the last five years:—

1882, advertised for sale	. . . .	178, sold	7
1881, ditto	. . . .	180 „	10
1880, ditto	. . . .	72 „	5
1879, ditto	. . . .	93 „	8
1878, ditto	. . . .	105 „	2

from which it appears that there were not nearly so many estates in arrears in previous years; but that this was due, as alleged, to the inability of the proprietors to pay owing to their raiyats not paying their rents is not so except to a very small extent. The fact is that for some years past it had been apparently a custom here to accept payment of arrears as a matter of course up to, and even on, the day on which estates were to be put up for sale. This seemed to me to be contrary to the law, and I refused to continue the practice, and hence a large number of estates declared to be liable for sale; but, considering that the practice had for a long time previously been prevalent, and after hearing what the defaulters had to say in each case, I exempted the greater part of them. The greater part of these fell into arrears owing to quarrels between co-sharers, and they were almost without exception small properties, or small shares with separate accounts.

6. The allegation in paragraph 5 has been already answered by what has been stated as regards paragraph 1.

7. As regards paragraph 6, though it is true, no doubt, that the present combination of the raiyats is in many cases due to no present claim to enhancement of rent on behalf of the zamíndárs in the sense of a claim to now enhance the rent last received or demanded by them, there can also be no doubt that the present combination originated distinctly and directly from the enhancement made within the last ten years or so. That many of the raiyats who now withhold the rent have executed registered kabuliyats contracting to pay the rent specified in them, is undoubted; but whether they ever actually paid those amounts in full is a matter I have strong doubts about, and I am inclined to believe that they have not done so. There are, however, a considerable number of raiyats who have paid for two or more years past a considerably larger rent than they now profess themselves willing to pay, and who, since a year or so, have become unwilling to continue to pay at the previous rate.

8. As regards paragraph 7, the refusal to pay rents has no doubt very much curtailed the income of those zamíndárs whose raiyats are recusant; but I do not believe that the raiyats would for their own sakes so far ruin their landlords as to force them to allow their estates to be sold for arrears. What coercive measures on the part of the executive authorities are alluded to does not appear, but presumably what is meant is either the quartering of extra police on the recusant villages, or the intimidation of the raiyats by giving them to understand that a persistence in recusancy on their part would be met by criminal prosecutions and punish-

ments. I am, however, myself very strongly of opinion that the only remedy for the present state of affairs is for the zamíndárs themselves to adopt a conciliatory tone, to ascertain and redress, as far as they can with justice to themselves, what are the grievances of their raiyats, and to sacrifice some portion of the enhanced rents which the raiyats are called on to pay under the kabuliyats which have been taken from them, and to cancel those kabuliyats so far as they have been drafted with the object of preventing their raiyats acquiring or enjoying any of the rights provided for them by law.

9. As regards paragraph 8, it does not appear from the figures supplied to me by the Judge that the zamíndárs have had recourse to any considerable extent to suits to recover rent; also it would appear that there has been no general difficulty in the way of executing such decrees when obtained. Whatever difficulty there might be in finding out and attaching moveable property, there could be none of an unusual kind in attaching houses, lands or crops.

10. As regards paragraph 9, it is only necessary to say that a general combination to refuse rents must no doubt virtually render a zamíndár powerless. It would, however, be within his power, provided his claim were undeniable, to select and sue and sell up a number of ringleaders, and so break up the combination. So far as regards the petition of Bábú Kashi Kishore Rai Chaudhrí.

11. As regards the general state of the district, I would point out that, whereas the district has a population of 3,051,966 and 40 parganas, the combination to withhold rent is confined to six parganas or parts of parganas. It is also remarkable that recusancy is confined to the estates of the Hindu zamíndárs, nine-tenths of whose raiyats are Muhammadans. There is no recusancy, so far as I am aware, in the estate of any Muhammadan landlord. Of the parganas in which recusancy prevails, by far the most important are those of Maimansingh near the Sadr Division, and Kagmari, on the west of the district, in the Atia sub-division. The Maimansingh pargana is divided among its various proprietors as under—

Names of proprietors.	Hissa.			
	As.	G.	C.	K.
1. Srimutty Bisheswari Debya Chaudhraní	4	0	0	0
2. Bábú Kashi Kishore Rai Chaudhrí	4	0	0	0
3. „ Tarini Kanto Lahiri Chaudhrí	1	6	2	2
4. „ Abhoya Kanto Lahiri Chaudhrí	0	13	1	1
5. „ Girja Kanto Lahiri Chaudhrí	1	6	2	2
6. Srimutty Brohmomoe Debya Chaudhraní	0	6	2	2
7. „ Ram Sundari Debya Chaudhraní	0	6	2	2
8. Bábú Satis Chandra Rai Chaudhrí and Srimutty Bama Sundari Debya Chaudhraní	1	6	2	2
9. Bábú Krishna Chandra Sannial	0	2	3	2
10. „ Krishna Prasad Lahirí	0	1	2	2
11. „ Mohendra Chandra Chaudhrí	0	5	0	0
12. Srimutty Bhobo Sundari Debya, wife of Bábú Tarini Kanto Lahiri	0	5	0	0
13. Bábú Ishan Chandra Acharjya Chaudhrí	0	1	1	0
14. Srimutty Syama Sundari Debya Chaudhraní	0	1	1	0
15. „ Jogodomba Debya Chaudhraní	0	1	1	0
16. Bábú Grish Chandra Rai and Gobinda Chandra Rai	0	6	3	1
17. Raja Harish Chandra Chaudhrí	1	8	0	2
TOTAL ..	16	0	0	0

Of these, the principal are Bábú Kashi Kishore Rai Chaudhrí of Ramgopalpore, and Srimutty Bisheswari Debya Chaudhraní, of Gouripore, who hold jointly eight annas of the pargana Raja Harish Chandra Chaudhrí holds a title over 1⅝ annas of the pargana, and Bábú Girja Kanto Lahiri, Bábú Tarini Kanto Lahiri, Bábú Abhoya Kanto Lahiri, Ram Sundari Debya, and Brohmomoe Debya hold four annas more. The other shareholders are comparatively insignificant. The Ramgopalpore and Gouripore zamíndárs collect their rents separately.

12. As regards Ramgopalpore, the naib has furnished me the following information. There has been a system of resettlements every five years, for the last 50 years at all events. In fact, this is said to be the custom of the pargana. Up to the year 1279 the estate was let out for the most part in íjáras for terms of five years. As these fell in, measurements and resettlements were made. In 1279 the first khas bundabast was made. The rates then are said to have been up to a maximum of Rs. 8 per ara (equal to 4 bíghás 17 cottahs 4 chittacks) for first-class rice-lands, lowest rates for the same being Rs. 4 for asali and Rs. 3 for char, for the same class rice-lands. About half of the whole number of raiyats gave registered kabuliyats, the terms of which were such that no sorts of right, except to hold at the rents specified for the term of the lease, could accrue. A specimen form is given in Appendix A. The second khás settlement took place about the year 1284B. S., and the third, which would therefore have taken place about 1289B. S., has, owing to the present state of affairs, not been completed. The statements of several of the Ramgopalpore and Gouripore raiyats are given in Appendix B. I cannot vouch for the truth of them, but they speak for themselves as to what the raiyats wish to be believed in the case. The number of registered kabuliyats for short terms taken during the last seven years in pargana Maimansingh will be found in Appendix C, as got from the records of the Registration Department.

13. As regards Gouripore, the estate, the naib informs me, was till 1273 under the Court of Wards. While under the Court of Wards, it was farmed out to a Mr. Brodie, who again sublet in ijáras. On the release of the estate by the Court, the only collection-papers got are said to have been some gramwari jama-wásil-bákí papers, from which the late proprietors ascertained the total rental of each village, and then let out in ijáras for terms of five years by auction. There were two such settlements spreading over a period of ten years. In 1283 there was a measurement of nearly the whole estate, and the first khás bundabast was made. The prevalent average rate for first-class rice-land was, it is said, Rs. 5 to Rs. 6 per ara. The kabuliyats were then taken for five years up to 1288 (B.S.). In 1289 (B.S.) Pous, recusancy began. A specimen form of kabuliyat is given in Appendix D. No raiyat in this zamíndárí is said to have any right of occupancy It would appear that, both in this estate and Ramgopalpore, ijáras were not only let by auction to highest bidder, but the ijáradár also levied ijáradárí, at a rate of two annas per rupee over and above the amount payable by him to the zamíndár.

14. Bábú Girja Kanto Lahiri says that when he succeeded his father 16 years ago, about one-fourth of his share was let in ijaras for a term of five years. He says that the village mandals or patwaris kept papers showing the lands held by each raiyat, and that the ijaras were let out so as to give about 10 per cent. profit to the farmer, he levying ijaradari at the rate of two annas per rupee over and above the nominal rental. A Mr. Manson, he says, held a five years' ijara of the whole of his share from 1278 (B.S.) till 1282, when he died. The zamíndár then made an enhancement of from two to four annas per rupee all round, but without taking kabuliyats. Between 1284 and 1285 there was measurement, resettlement and enhancement of two annas per rupee. He says that, since the death of Mr. Manson, the raiyats, paying rents amounting to Rs. 22,000, stopped paying more than one-third of his demand, stating that they would not pay any more the two annas enchancement made by Mr. Manson presumably as ijardari. The total nominal rental of this share is between Rs. 50.000 and Rs 51,000 per annum, but not more than Rs. 40,000, have been collected since Mr. Manson's death. The zamíndár holds kabuliyats for some Rs. 10,000 or Rs. 12,000 for a term of five years. The raiyats now say that these are invalid. About 20 years ago the average rate of first-class rice-lands was, he says, Rs. 4 per ara. In 1253 his rental was Rs. 21,000 at the time his estate was under batwára. At his father's death the rental was Rs. 33,000. In Appendix E will be found the statement of some raiyats of Bábú Girja Kanto Lahiri. A specimen of the kabuliyats taken by this zamíndár will also be found in Appendix F.

15 As regards the estate of Rájá Harish Chandra Chaudhri, I was not able, before my health gave way, to ascertain the history of its management; but from the statements of the raiyats, which will be found in Appendix G, it appears that there were measurements from 1270 to 1272, followed by enhancement. Again, in 1284 there was another resettlement at enhanced rates, and a few five years' kabuliyats taken, of which a specimen will be found in Appendix H. Then, in 1287 the Rájá gave a lease of his whole share to Bábú Keshub Chandra Acharjya Chaudhri at a rental of Rs. 45,700. The latter who is a vakíl of the Judge's Court, is a zamíndár also, and holds a share in pargana Alapsing. According to his account he levied under this lease in 1287 (B. S) R20,650, in 1288 (B. S.) R43,290, in 1289 (B.S.) Rs. 26,024, and in 1290 (B.S.) Rs. 4,100 only; and now, the Rájá having sued him for arrears due under the lease, he states that the Rájá fraudulently increased the apparent rental by some Rs. 6,000; and it appears that the lessee, besides demanding this excess rent, has also been demanding on his own account an enhancement and cesses amounting to some 50 per cent.

16. I believe that the history of the management of the other shares of the pargana is more or less similar, except that, the shareholders being less powerful and wealthy than those whose management has been described, were less able to dictate terms to their raiyats. I called for information from almost all of them, but there is an apparent reluctance to furnish any.

17. A review of the history of the policy of the zamíndárs towards their raiyats in the Maimansingh pargana shows that, so far as this portion of the Lower Provinces is concerned, there might almost as well have existed no rent-law at all since 1859, for the provisions of that and subsequent Acts passed by the legislature for the regulation of the relations between landlord and tenant seem to have been entirely ignored. Rents have been capriciously enhanced from time to time, and the objectionable system of farming out portions of the estate to the highest bidder seems to have been the rule. When the raiyats, during so many years, quietly submitted to such a state of things, it is an obvious deduction that this could only have occurred among a peasantry incredibly and entirely ignorant that they had any rights at all, or that the rent demandable from them by their landlord could be limited by anything but his will. This probably is to be ascribed to the remoteness of the district and its consequent backwardness. The zamíndárs, while obliged to admit that this has in fact been the result of their management of their estates, plead that it having been always the custom of the pargana to revise the rent-roll at short intervals, they were perfectly justified, notwithstanding the provisions of the Rent Acts, in preserving the *status quo* ante 1859, and trying to prevent the accrual of rights of occupancy. They also state that the raiyats, for their own interest and quite voluntarily, used frequently to change the lands they held by surrendering some and cultivating others. Where a raiyat believed that he was liable to summary ejectment after a

short term in the event of his not consenting to the term of a resettlement, it became, of course, of little moment to him what land he held or what land he surrendered, his great object being to hold the best lands he could at the least rates. Even at present, so far as I have been able to ascertain, there exists a most complete and incredible ignorance among these raiyats of the provisions of the rent-law—a state exposing them, on the one hand, to being deprived of their legal rights without knowing it, and, on the other hand, being duped by designing persons into absurd and impossible ideas as regards what the Government may do for them by the new Bill.

18. As regards the average rates per bíghá which the raiyats have combined to refuse to pay, it does not, so far as I can judge, appear that even the highest rate of Rs. 8 per ara first-class rice-land is so heavy as to have driven the raiyat into recusancy. The ara containing 4 bíghás 17 cottahs and 4 chittacks, the incidence per bíghá will not be much over 1 rupee 10 annas; but enhancements have been so large within a comparatively short period that, even were the rate per bíghá very much less, raiyats who could recollect how very much less rent they had to pay 20 years ago could not but be discontented on comparing their rents then with those now demanded from them.

19. I have said that the raiyats are for the most part ignorant of their rights under the law; but, while this is so, it can yet be readily understood that a feeling might quickly spread through such as ignorant mass that somehow, without having any definite idea how, they had been wronged by their zamíndárs and placed at a disadvantage; and this is what, it seems to me, has occurred during the last two years in Maimansingh pargana. What the main grievance of the raiyats at present appears to be as present in their own minds is (1) the high rents they are now asked to pay, *i.e.*, high as compared with what they remember as paid by them not many years ago, and (2) the heavy rate of interest to which they are liable on arrears. But from my point of view their real grievances are rather (1) that they are all tenants-at-will, and (2) liable to capricious enhancements. Besides these, they have been required to pay cesses amounting to some four annas per rupee; but in this respect they are not worse off than most other raiyats in the district, and this cannot be the cause of their present combination. The raiyats apparently intend now with one consent to deny that they ever executed the obnoxious kabuliyats, and in some cases in which they have been sued for rent on kabuliyats of late in the Civil Courts, the Munsifs have, I believe, either discredited or refused to enforce these documents. In Appendix I will be found copies of two such judgments.

20. No doubt there was considerable scope both for false personification and for obtaining an either constrained or unintelligent consent from the raiyats, who were brought up by scores at a time to admit execution before the Sub-Registrar. Fraudulent personification, however, can but in few cases have been called for to secure the end in view, because it is clear from the raiyats' own statements that they were either constrained by pressure or induced through ignorance to appear *in propriâ personâ* and admit execution.

21. To sum up the above as regards pargana Maimansingh, it would seem that the origin of the present combination to withhold rent is to be attributed to the discontent of the raiyats at the frequent resettlements and enhancements of late years, and to an undefined idea becoming prevalent that they had not been fairly dealt with combined with extravagant hopes raised for them of the benefits to accrue from the new Rent Bill.

22. The only remaining part in the district in which recusancy prevails is pargana Kagmari. This belongs to the following proprietors:—

1.	Srimati Jahnavi Chaudhrani	6 annas.
2.	„ Bindubashini Chaudhrani	5 „
3.	Ananda Mohan Ghosh Chaudhri and several others	5 „

23. It is the raiyats of Bindubashini Chaudhrani who have strongly combined, especially in the north pargana, not to pay rent. These men have elected what are called *Bidrohi* Rájás who are their leaders, and whom the disaffected implicitly obey, and who coerce the wavering by intimidation. These men levy contributions from the willing as well a unwilling to supply funds for the struggle against the zamíndár, and there is said to be a body of clubmen retained out of these funds for the protection of the recusant raiyats. There has been no agrarian outbreak hitherto, but there is existing among the raiyats of this quarter a lawless and defiant spirit, different from what appears hitherto in pargana Maimansingh. The zamíndár kachahri had to be deserted until lately, when a small guard of police entertained for each at the cost of the zamíndár was deputed to protect her amlá. Some of these police, it is alleged, were lately assaulted by a crowd of raiyats, and the matter was personally investigated by Bábú N. K. Bose, Assistant Magistrate of Jamalpore, before whom upwards of 30 of these raiyats are now under trial on charges of assaulting police and rescuing prisoners.

24. The five annas share of the pargana has been since Pous 1288 (B.S.) under the management of the widow of Bábú Dwarkanath Rai Chaudhri, the late zamíndár. In Appendix J will be found a tabular statement showing the rents prevailing in the villages of the pargana up to 1285 (B.S.). In 1286 there was a large enhancement, and registered kabuliyats for a term of three years taken, a specimen of which is given in Appendix K. Again in 1289 (B.S.) there was a further enhancement, and similar kabuliyats for a term of

three years were taken. The rates exacted in 1288 and 1289 will also be found in Appendix J. These speak for themselves, and, together with the short term of the settlement and the terms of the kabuliyats, seem quite sufficient to account for the present refusal to pay rent.

25. By the settlement of 1286 (B.S.) the gross rental, which in 1285 (B.S.) was Rs. 70,000 (and not very long before had been Rs. 40,000, while it was held in ijara for some 30 years) was raised to the sum of a lakh and a quarter, and in 1289 to a lakh and a half. How raiyats were induced to consent to give kabuliyats on such terms, and to consent to such enhancements within such a short time, does not clearly appear. Babu Dwarkanath Rai Chaudri was a very violent and tyrannical man, and his estate was famous for riots and bloodshed. The raiyats declare that they have partly consented through fear, and partly because they were assured that the extreme terms of the kabuliyats would never be acted upon. It is now stated on the part of the zamindar that there was nothing wonderful in their agreeing to the enhancements, as even now by the resettlement of 1289 they are not bound to pay more as rent under their kabuliyats than they previously (*i. e.*, presumably before 1286 B.S.) had to pay in the shape of rent, *plus* cesses and abwabs. There is, however, nothing to show that it was intended not to exact the same amount of cesses, &c., over and above the present enhanced rates, and the raiyats evidently believe that, were the present combination broken up, they would have to pay the old cesses as well as the enhanced rents. The zamindar, I understand, brought some test cases for arrears on some of these kabuliyats, and got decrees both in the Munsif's Court and before the Subordinate Judge on appeal, and some of these are now pending on appeal to the High Court; and till the decision of the High Court is known, I do not believe that either party will be induced to come to terms by any concession.

26. My last proposal was that the obnoxious kabuliyats should be cancelled by the zamindar, and the raiyats agree to pay the rents of the settlements of 1286 (B.S.) But neither party has consented to these terms. It seems that the full amount of rents stipulated for in the kabuliyats have not been in any year paid by the raiyats.

27. There have been also disputes in the villages of Ghagra, &c., in pargana Alapsing. Here the zamindar, Srimati Hara Sundari Debya Chaudhrani, who owns a 1 anna 6 gundas 2 cowris and 2 krants share of the pargana, made a measurement of the lands of these villages in 1287 (B. S.), and enhanced the rents by a regular assessment on the area. The raiyats refuse to agree to this, denying the correctness of the measurement-pole, and alleging the rates to be excessive. A special police-force has since November, 1882, been quartered in these villages to keep the peace, and there has been no disturbance worth mentioning. These villages are only about six miles from the sadr station. Both sides at present seem to be willing to submit to arbitration, and arbitrations have been agreed to, and, if they can be got to act, the matter may be amicably settled.

28. There was recusancy to a considerable extent in the estate of Babu Mohima Chandra Rai Chaudhri of Attarabari, in pargana Hussenshahi, but he has managed to come to terms with his tenants.

29. The kabuliyats which I mentioned in my Registration Report as having been read by me at Netrokona were executed by raiyats of the Maharaja of Shusung, but the terms of these are as objectionable as any I have seen (as will appear from the specimen given in Appendix L). Recusancy has not appeared yet in the Maharaja's estates, and this I attribute partly to the respect his raiyats have for the Maharajah, and mostly to the fact that the rates of rent, noted in the margin, are much less than those of the last kabuliyats taken in pargana Maimansingh.

Bhiti		Rs. 5	per ara.
Zirat, 1st class	„	4-12	ditto.
Do. 2nd „	„	4	ditto.
Do. 3rd „	„	2-8	ditto.

30. As regards the kabuliyats, of which specimens are given in the appendices annexed, the objectionable clauses are those stipulating for—

(1) A very heavy rate of interest of arrears, *i. e.*, 25 per cent. per month, Rs. 3-2 per cent. per month.

(2) Liability to enhancement at will at end of the term, or to give up the land.

(3) Liability to pay any future demand of Government from the zemindar.

APPENDIX A.

No. 3640.

Lessee.—Shaik Madhu.

Lessor.—Babu Kashi Kishore Rai Chaudhri of Ramgopalpore, pargana Maimansingh.

Terms in the Kabuliyat.

1. That I shall pay interest at the rate of 25 per cent. per mensem on the amount of the lapsed instalment.

2. That I shall maintain the present boundaries of my holding, and shall inform you of any dispute that may arise with others about the same.

3. That I shall enjoy the fruits of the trees in my holding.

4. That I shall not be able to cut the valuable trees in my holding without your permission.

5. That I shall not be able to make any alteration in the present condition of my holding by excavation or any other means.

6. That I shall not be able to alienate my homestead and zirat lands, or to mortgage the same, and that the said lands will not be liable for my other debts.

7. That you will be able to make a measurement of my holding during the stipulated period, and that you will get rent for any land that by such measurement may be found in excess of the amount entered in the kabuliyat, or grant me a proportionate reduction in my jama according to the rates mentioned therein if the amount of the land fell short.

8. That I shall pay separately and according to law the cost that has been or will be demanded by Government, that the amounts of road and public works cesses have been included in the jama entered in this kabuliyat, and that I shall get a remission of the same provided you were allowed it.

9. That the loss arising from the lands being left fallow shall be borne by me, and that I shall be entitled to the profit accruing from the cultivation of the same during the stipulated period.

10. That after the expiry of the term you will be able to make a fresh settlement and to enhance the rent according to law.

11. That I shall not do anything illegal.

12. That I shall not be able to claim a right to occupy if I go elsewhere during the continuance of the present lease, or if I fail to execute a fresh kabuliyat after the expiry of its term.

13. That when the chaukidar of the village dies or is dismissed or resigns the post, I shall immediately appoint another man in his place.

14. That on the occurrence of any police case I shall supply you myself, and the police through the chaukidar, with the information required to be given according to the provision of the law.

15. That I shall not do anything in contravention of the stipulation entered in paragraphs 2, 4, 5, 6, 7 and 13, and that I shall pay compensation for the loss which you may suffer in consequence of my acting in contravention of the said stipulation.

APPENDIX B.

Mahomed Pachu Sircar, of Morabali, raiyat of Gouripore and Ramgopalpore—

Holds 1 pura 11 aras 4 cottahs since father's death in 1275; in 1265 paid Rs. 27 to the two tarafs in equal shares; in 1266 rents enhanced to Rs. 54-8; the land was measured and assessed at rates of Rs. 6 for bhiti, Rs. 4 for first class rice, Rs 3 for second class, and Rs. 2 for third class. Before this the rates which had been all along were for bhiti Rs. 2-3-4, for first class Rs. 2, for second class Rs. 1-8, for third class Rs. 1-4. Till 1272 paid Rs 54-8; in 1273 a new assessment—Rs. 92-14-6, at rates for bhiti Rs. 8, for first class Rs. 5 or Rs. 5-4, for second class Rs. 4, and third same as before. In 1285 there was a measurement, and bhiti assessed at Rs. 9-12, and all other kinds of zirat at Rs. 5. My total assessment was Rs. 141-9-6 under this.

Kali Sircar held ijara for five years to 1280 under Ramgopalpore, though Gouripore share was khas For five years to 1273 there was an ijaradar of Ramgopalpore, Nabu Nandi.

I held ijara of my village for five years to 1269. I got it at an auction sale. I bid Rs. 209; the jamabandi was Rs 200. There was two annas per rupee ijaradari Kabuliyats were first taken in 1284. I thought that I could hold my land if I paid whatever was demanded, and otherwise would be ejected. I never heard of right of occupancy. When I gave my kabuliyat I did not know I was giving away any rights. My three sharers pay at the old rate and I at the new. We have paid the Rs. 141 odd for five years. The rent for 1290 is due I do not intend to pay it. I cannot. I am willing to pay the former Rs. 92. The above applies to all the raiyats in my village. I was constrained to give the kabuliyats. I have heard from the Munsif's vakils about a right accruing in three years; also about a twelve years' right, I have heard about a new law, and I hope that the Rs. 2-2 at which the raiyats took the land at the Permanent Settlement from the zamindár (they getting it at 17 annas) will not be exceeded. I have not heard that this will be so. I believe our rents will be reduced.

MAIMANSINGH,

The 13th March 1884.

Asan Sarkar, son of Mahomed Mitu, of Konapara, pargana Maimansingh, thana Iswargunge. Raiyat of the Gouripore and Ramgopalpore zamindars.

Holding with three other persons jointly 1 pura 14 aras of land since 1264 or 1265 B. S. In 1266 B.S. these lands were assessed at Rs. 85* (1 pura 9 aras at Rs. 3 and 5 aras at Rs. 2 per ara.) Homestead and rice-lands were assessed at the same rate. Of the land alluded to above, 1 ara 3 cottahs are hemestead, and 1 pura 12 aras and 13 cottahs rice lands. Does not know how much of the latter amount of lands would be of the first, second, or third class. The zamindárs demand Rs. 150 since 1288 B.S. for the said lands (bhiti Rs. 13 or Rs. 14 per ara, rice-lands first class Rs. 7-4, second class Rs. 5-8, and third class Rs. 4-8). Unwilling to pay at these rates owing to the deteriorated condition of the lands. Willing to pay the former jama Rs. 85. Has not stopped payment at this rate. Did not give any kabuliyat. In 1289 B.S. the Ramgopalpore zamindár forged two kabuliyats, one in his name and the other in the name of his nephew and co-partner Mahomed Azim. These kabuliyats were presented for registration, but the District Registrar refused to register them. Raiyats have occupancy-right in their holdings. Heard of the new Bill from the pleaders at Iswargunge and others. Heard that provisions have been made therein to the effect that raiyats would be able to dispose of their holdings as they liked. Did not hear of the provisions made in respect of the raiyats' holdings. The measurement was made during the years 1284, 1285, 1286 B.S. There has been no increase or decrease in the area of his holdings. Paid up the rent (old jama up to 1289 B.S.).

*	Rs.	As.
Ramgopalpore	45	8
Gouripore	39	8

Shaik Mairish, son of Shaik Hanif, of Sibprosadpore, pargana Maimansingh, thana Netrokona.

Holding 4½ aras of land under the Gouripore and Ramgopalpore zamindars (eight cottahs bhiti and 4 aras rice lands). Holds since about 125 years; the jama was Rs. 9 previous to 1264 B.S. In 1264 it was enhanced to Rs. 15 (bhiti Rs. 6 per ara and rice lands Rs. 3 per ara). The jama was further enhanced to Rs. 26 in 1284. Has paid at the rate of Rs. 15 up to 1289 B.S., also paid Rs. 7 for 1290 B.S. The zamindars have assessed bhiti Rs. 10, first class rice Rs. 5-12, second class rice Rs. 5-8, and third class rice Rs. 4-12. Is not willing to pay the enhanced jama (Rs. 26) owing to the deteriorated condition of the lands, and as he cannot afford to pay. Measurement made in 1284 B.S. No increase or decrease in the area of his holding. Kabuliyat taken in 1284 B.S. He was given to understand that it was executed for Rs. 15; afterwards learnt that it was executed for Rs. 26. Appealed to the Commissioner but did not get any redress. Would not have objected to the execution of a kabuliyat for a juma of Rs. 15. Cannot read and write. Did not know whether the execution of any kabuliyat for a temporary period would affect his interest in the holding. Has no idea of his right in the land. Has not heard of the new Bill. Cannot say what is the extent of each class of rice lands in his possession.

Syed Newaz, son of Syed Anu of Char Bhagnamari, pargana Maimansingh, thana Iswargunge. Raiyat of Gouripore and Ramgopalpore zamindars; aged 80 years.

Holding 5 aras 14 cottahs of land since his father's time (100 years). Does not know what was the jama previous to 1274 B.S. Since that year till 1289 B.S. has paid Rs. 9-2-6 per year (bhiti 11 cottahs=Rs. 1-6 at Rs. 2 per ara, rice lands 5 aras 3 cottahs=Rs.7-12-6 at Rs.1-8 per ara) in equal shares to both zamindars. Since 1287 B.S. both the zamindars demand Rs. 29, at the rate of Rs. 4-12 or Rs. 5 per ara of all classes of land. Does not get sufficient crops to the demand. Previous to 1274 B.S. the rates were bhiti Rs. 2, rice first class Rs. 1-4, second class 12 annas, and third class 10 annas per ara. Has given a kabuliyat since seven or eight years ago. Does not know the contents of the kabuliyat. Had no idea of his right in the land. Can read and write. Measurement was made in 1286 or 1287 B.S. Did not understand the measurement. Heard of the new Bill from the people who passed by his house. Heard that provision has been made to the effect that a raiyat would be able to dispose of his holding in any way he liked. Did not hear of the provision made in respect of the rent.

Aib, son of Shaik Kader, of Banjia, pargana Maimansingh, thana Netrokona. Raiyat of Gouripore and Ramgopalpore.

Holds 2 puras of land since about 200 years at a jama of Rs. 24, at the rate of 12 annas per ara. Paid the said jama till 1286. The zamindar demands Rs. 160 at the rate of Rs. 4 per pura since 1287 B.S. Has not paid any amount during the last four years. Tendered payment to the tahsildars Radu Sarkar, Beehu Sarkar and others. Has not given any kabuliyat. Measurement has not been made during his lifetime. The other raiyats of Banjia stopped payment since the Pous kist of 1289 B.S. They have ere that kist paid at the rates of Rs. 2 for bhiti and first class rice, Rs. 1-12 for second class, and Rs. 1-8 for the third class rice lands. Willing to pay at these rates; afterwards says not willing to pay even at these rates. Thinks that zamindar has no right to enhance the jama which he paid for years. Did

not hear of the provision made in the new Bill in respect of rents. Heard that a raiyat will be able to excavate tanks, saw trees and use them for his own purpose, and dispose of his holding in any way he liked. Also heard that the zamindar will not be able to eject a raiyat.

Elim Sarkar, son of Mahomed Aiab, of Ramchandranagor, thana Iswargunge, pargana Maimansingh. Raiyat of Bisebwari Chaudhrani and Kashi Kishore Babu.

Holds 8 cottahs of homestead lands, 12½ cottahs of zirát bhiti, and 8 aras 8½ cottahs of rice lands, altogether 9 aras 13 cottahs. The rice lands are of three classes—first class Rs. 2-8, second class Rs. 2, and third class Rs. 1-12 per ara. Rates of homestead bhiti and zirat bhiti are Rs. 4 and Rs. 2-8 respectively. Holds the above-mentioned land since 1261 B.S., and has paid a jama of Rs. 31-8* to the zamindars, without any objection on his or their parts, from 1261 B.S. to 1288 B.S. Is willing to pay the same jama now, but the zamindars want Rs. 55† as rent, 4 annas per rupee as *parbbi* of *pooja*, and 4 annas per rupee as interest. Does not know at what rate each class of land has been assessed by the zamindar.

	Rs.	A.	P.
* Gouripore	22	8	0
Ramgopalpore	9	0	0
† Gouripore	40	0	0
Ramgopalpore	15	0	0
TOTAL	55	0	0

In 1284 B.S. the zamindar of Gouripur took a kabuliyat from him for Rs. 40 on account of the rent in hor share. He was given to understand at that time that he would not be required to pay any amount in excess of his former jama. He was tahsildar of Ramchandranagor mouza up to 1288 B.S. He did not object to the execution of the kabuliyat for the above-mentioned reason. The term was five years. In 1289 B.S. a fresh kabuliyat was asked for for the same enhanced amount of rent; but he has not given it, which is the ground of his dismissal from the tahsildarship. Had no idea of his right at the time of executing the kabuliyat, nor did he know that it would in any way be prejudicial to his interest. In 1283 Chayet or 1284 Bysak the mouza was measured on behalf of the zamindar. The measurement was not accurately made; five or six cottahs of land might have been found in excess over the amount of land previously assessed. Since 1284 B.S. other raiyats have paid a jama in excess of what they paid previously. Heard of the new Bill from the pleaders and amlas at Iswargunge. Does not know what provision has been made about the rents of the raiyats' holdings. Heard that the zamindar would not be able to eject the raiyats, and that the raiyats would be able to deal with their holdings in any way they liked. Does not like to pay the enhanced rent, as the lands do not yield sufficient crop now.

W. MAUDE,
For Officiating Collector.

The 15th March, 1884.

APPENDIX C.

Statement showing the number of registered Kabuliyats for short terms taken during the last seven years in pargana Maimansingh.

NAMES OF ZEMINDARS.	NUMBER OF REGISTERED KABULIYATS FOR SHORT TERMS TAKEN DURING THE YEARS—							
	1876.	1 7.	1878.	1879.	1880.	1881.	1882.	TOTAL.
Srimati Biseswari Debya Chaudhrani	1,450	2,260	2,486	2,221	684	160	57	9,298
Babu Kashi Kishore Rai Chaudhri	500	1,040	1,732	1,920	1,009	287	79	6,567
Srimati Bama Sundari Debya	15	153	116	482	36	65	4	471
Babu Kisto Prasad Lahiri	5	10	94	289	150	57	72	617
" Kisto Chandra Sanyal	30	...	...	...	182	84	24	320
" Abhoya Kanto Lahiri	10	15	93	137	188	27	12	482
" Girija Kanto Lahiri	65	117	144	124	68	31	22	571
Raja Harish Chandra Chaudhri	...	25	118	...	120	...	6	269
Babu Satish Chandra Chaudhri	...	...	192	208	32	14	...	537
Srimati Brahmo Moyi Debya	...	...	...	...	...	...	18	18
TOTAL	2,084	3,620	4,975	5,411	2,849	675	285	19,899

W. MAUDE,
For Officiating Collector.

APPENDIX D.

No. 251.

Lessee—Shaik Shahabaz.

Lessor—Srimati Biseswari Chaudhrani, of Gouripore, pargana Maimansingh.

Terms in the Kabuliyat.

1. That I shall pay my rent according to kistbandi, and in default of the same shall pay interest without objection at the rate of Rs. 3-2 per cent. per mensem on the amount of the lapsed instalment.

2. That I shall not be able to set up a plea of payment of rent unless it is supported by a receipt.

3. That I shall not cut or allow any one else to cut any tree, and that if I do so I shall pay compensation at the rate of Rs. 10 per tree.

4. That I shall bear the loss arising from the land being left fallow, and shall be entitled to the profit accruing from its cultivation during the stipulated period; that I shall not be able to raise any objection if I were dispossessed from any land in my holding during that time, and if I do, it will not be valid.

5. That I shall not alter the present condition of the land by excavation or any other way. If it is necessary to do so, I shall take a sanad from you. That otherwise I shall pay a compensation without objection.

6. That I shall not be able to alienate the land or to mortgage the same within or after the expiry of the stipulated period, and that the said land will not be liable for my debts.

7. That I shall maintain the present boundaries of my holding, and that I shall inform you and take necessary care whenever any dispute arises with others regarding the same. That otherwise I shall be held responsible for any loss that may be sustained by you.

8. That you will be able to let out the lands mentioned in this kabuliyat to others on my removal elsewhere or on my death, and that neither myself nor my heirs shall be able to make any objection to the same.

9. That on the expiry of the term stated in the kabuliyat, you will be able to make a new settlement at an enhanced jama after making a fresh measurement, and that I shall not be able to raise any objection to it; and if I raise any such objection, it will be rejected.

10. That I shall not be able to claim any land other than that mentioned in this kabuliyat. That I shall pay rent at double the prevailing rates if I occupy lands other than those entered in this kabuliyat.

11. That I shall immediately quit possession of the lands mentioned in this kabuliyat if any raiyat has already been residing upon the same, or if any new raiyat were settled in it, and that you will allow me a proportionate reduction in my rent for the land so quitted.

12. That on the occurrence of any police case, I shall give information of it to you and the police in due time and conduct the case, and that otherwise I shall be held responsible for it.

13. That if the chaukidar of the village be dismissed, or he resigns his post, I shall immediately appoint another man in his place.

14. That I shall not do anything illegal or prejudicial to your interest, or which has been prohibited by you; and that if I were to do it I shall be held responsible for the same.

15. That I shall pay separately any amount that may be demanded by Government in future.

W. MAUDE,
For Officiating Collector.

APPENDIX E.

Pakai, son of Juman Fakir, of Haripur char, pargana Maimansingh, thana Kotwali, Girija Babu's raiyat.

Holding 3 aras (bhiti 4 cottahs, zirat 2 aras 12 cottahs) of land since 20 or 25 years; jama Rs. 6 at Rs. 2 per ara. Enhanced to Rs. 18 since four or five years (cannot say the rate.) Paid till 1289. Not willing to pay the old jama, because the lands do not yield sufficient crops now. Cannot say when the measurement was made. Has not given any kabuliyat. Is willing to give a kabuliyat for five years for the old jama. Has no idea of his right in the land. Has heard that the jama will be reduced by the new Bill by rumour. Cannot say to what extent the reduction will be allowed. The 3 aras of land yielded 30 or 35 maunds of paddy 20 years back. They now yield 20 or 25 maunds. Paddy is now sold at Re. 1 per maund. Previously it was sold at 2 maunds or 14 passaries per rupee. No dispute about the standard of measurement.

Kadu, son of Kurtulia, of char Haripur, pargana Maimansingh, thana Kotwali. Raiyat of Girijakant Babu.

Holding 4 aras 8 cottahs since 100 or 125 years. Since grandfather, jama Rs. 9-8 (bhiti 4 cottahs and 4 aras 4 cottahs zirat; rate Rs. 2 per ara of all kinds of land); enhanced to Rs. 18-12 since four or five years (does not say the rate of rent). Paid at the old rate till 1289 B.S. There is now a balance of Rs. 4-8 only for 1290 B. S. Not willing to pay the old jama. Cannot afford to pay owing to the deteriorated condition of the lands. Last measurement was made five or six years ago. No change in the area of his holding. No complaint about the standard of measurement. Has not given a kabuliyat. Willing to give a kabuliyat

for the old jama. Zamindars have right to eject their raiyats and to let out their lands to those who offer a higher rent. Has no idea of occupancy right. The land which yielded 10 or 11 maunds of paddy 20 or 22 years back now yields 9 or 10 maunds. Paddy was sold at the rate of 5 or 6 maunds previously; it now sells at a maund per rupee. Has not heard that the rent would be reduced by the new Bill.

Shaik Fazullah, son of Shaik Asanullah, of char Raghatpore, pargana Maimansingh. Raiyat of Girijakant Babu.

Holding 3 aras 8 cottahs since his grandfather (125 years). Rs. 8 jama (bhiti 8 cottahs =Rs. 2 at Rs. 4, and zirat 3 aras=Rs. 6 at Rs. 2) till 1285. Enhanced to Rs. 15-8 (bhiti at Rs. 9 and zirat Rs. 3-8) in 1286 B. S. Has paid up in full till 1289 at the old rate. There is an arrear of Rs. 2 at that rate for 1290 B. S. Last measurement was made in 1284 or 1285 B.S. No increase or decrease in the area of his holding. Not willing to pay the enhanced jama as he cannot afford to pay. Lands do not yield sufficient crops. Has not given any kabuliyat. Willing to pay the former jama. Has no idea of his right in the lands. Has not heard that his rent will be reduced by the new Bill. Rushee is the standard of local measurement 7½ aib make one poa, 16 poas make one rushee. The zamindar made the measurement with the same standard rushee with which the first measurement was made. First class land now yields 10 maunds of paddy, two maunds mustard. But 30 years before it yielded about 16 maunds paddy and 4 or 5 maunds mustard per ara. Jute 8 or 9 maunds per ara now. Formerly no jute was sown. Formerly paddy was sold 2 or 3 maunds per rupee. Now it is sold to 7 passaries per rupee.

W. MAUDE,
for Officiating Collector.

APPENDIX F.

No. 23 of 1281.

Lessee.—Shib Ram Nath.

Lessor.—Baboo Girija Kanto Lahiri Chaudhri, of Kalipore, pargana Maimansingh.

Terms in the Kubuliyat.

That I hereby accept the lease of the above-mentioned land for a term of five years from Bysack 1287 to Cheyt 1291 B. S., on the following conditions:—

That I shall pay the annual rent every year according to the undermentioned instalments, and take a receipt for the same.

That in default I shall pay interest at six pies per rupee per mensem on the amount of the lapsed instalment.

That if the rent of a whole year fall into arrear, you will be able to hold me liable for it, and at the same time to deprive me of my right to occupy the holding and to bring it under your khás management during the continuance of the present lease.

That you will be able also to deprive me of my temporary right in the land, to bring it under your khás management, and to let out the same to others if I go elsewhere, and do not reside upon it with my family.

That myself and my heirs and successors as well as my moveable and immoveable properties shall be liable for the rent that may accrue during the time of my tenancy, and that you will be able to recover the rent by the sale of my moveable and immoveable properties.

That I shall not be able to alienate any portion of my land in any way.

That I shall not be able to make any alteration or excavation in the lands; that if I excavate a tank, I shall pay compensation at such rate per ara as may be prevalent at the time, and shall fill up the said tank by procuring earth from elsewhere.

That the said land will not be liable for my debts other than rent due to you, nor will it be liable to sale or alienation in execution of any decree.

That you will be able to make a measurement of the land during the continuance of my present lease; that I shall pay rent at the following rates for any land that by such measurement may be found in excess of the amount within the boundaries of the holding entered in this kabuliyat; that the aforesaid annual jama shall continue during the stipulated period if no measurement is made.

That I shall give up without objection any portion of the land that may be ordered by you during the continuance of my present lease, and that you will grant me a proportionate reduction in my jama according to the following rates.

That I shall be entitled to the profit accruing from the cultivation of the land, and shall bear the loss arising from its being left fallow during the stipulated period.

That I shall maintain the present boundaries of my holding.

That I shall not be able to cut, sell or give away any valuable or fruit tree without your

permission. That I shall pay compensation at the rate of Rs. 14 per tree if I cut, sell or give away any tree.

That I shall pay separately, and in addition to my annual jama, the amount of the present road and public works cesses, or any other cess that may be assessed according to law.

That after the expiry of the stipulated period, you will be able to make a fresh settlement of the holding at such jama as it may please you.

That my holding would be liable for khás management if I do not renew the settlement within one year after the expiry of the present term.

That I shall pay the rent of the land for the period I am allowed to occupy it after the expiration of the present term, at the rate at which you may be pleased to demand of me.

That my heirs and successors shall conform to the above-mentioned conditions if I die before the expiry of the stipulated period.

W. MAUDE,
for Officiating Collector.

APPENDIX G.

Shaik Deru, son of Sheik Pequ Munshi, of Dariakona, pargana Maimansingh, thana Netrokona. Raiyat of Raja Harish Chandra Chaudhri. Ijara to Kesab Bábú since 1287 B. S.

Holding 8 aras 11¼ cottahs since 50 or 60 years (bhiti 1 ara=Rs. 4, zirát 7 aras 11¼ cottahs = Rs. 15, at Rs. 2 per ara). Paid this jama till 1274 or 1275. Increased to Rs. 29-8 in 1274 or 1275 B.S. (bhiti Rs. 7 and zirát Rs. 22-8 at Rs. 5 per ara). Paid this jama till 1284 B.S. Increased to Rs. 56-6* in 1285 B S. Paid the old jama for 1285 and 1286 B.S. to Rájá Harish Chandra Chaudhrí, but has not received farak. Ijára to Kesab Bábú in 1287 B.S.; ijáradár demands 2 annas ijáradárí, 2 annas expenses, 4 annas interest on account of infringement of instalment and 1 anna as road and public-works cesses. Paid the old jama till 1289 B. S.; also paid a part of the rent for 1290 B. S. Not willing to pay the enhanced amount of jama or the ijáradárí, &c., as the lands do not yield sufficient crops. Last measurement was made in 1270 or 1272 B. S. Zirát lands of all classes are assessed at the same rate. There are three classes of rice-lands in the mauza. Rájá Harish Chandra took a kabuliyat in 1285 or 1286. Excuted the kabuliyat reluctantly. Had no idea of his right when the kabuliyat was taken. Does not know what provision has been made in the new Bill in respect of the rents of a raiyat's holding.

* Bhiti at Rs. 10 per ara.
Zirát at Rs. 6 "

Mahajan Khan, son of Robkhan, of Narandia, pargana Maimansingh, thana Netrokona. Raiyat of Raja Harish Chandra Chaudhri. Ijaradar Kesab Bábú since 1287 B. S.

Holding 5 aras of bhiti and zirát lands (does not know the amount of each kind) since grandfather's time (150 years). Paid a jama of Rs. 10 till 1285 B.S. at Rs. 2 per ara. Harish Bábú demanded Rs. 25 in 1286 B.S. at the rates of Rs. 5 for some lands and Rs. 6 for others. Kesab Bábú also demands the same jama. Paid both of them till 1289 B.S. at the old rate. Not willing to pay the enhanced jama, as he cannot afford to do so owing to the deteriorated condition of the lands. Last measurement was made in 1284 B.S. No change in the area of his holding. Cannot tell the extent of each class of lands in his holding. Prevalent rate Rs. 2 per ara of all classes of lands. Has not given any kabuliyat. None of the raiyats of Narandia have given. Has not heard of the provision made in the new Bill about the rent of a raiyat's holding.

Sheik Nachha, son of Husan, of Kharicha, pargana Maimansingh, thana Kotwali. Raiyat of Raja Harish Chaudhrí. Ijara to Kesab Bábú since 1287 B. S.

Holding 16 aras 8 cottahs of land since 40 or 45 years (bhiti 8 cottahs and zirát 16 aras). Jama Rs. 45. Says that the rates are Rs. 4 bhiti and Rs. 2 zirát (but the jama at this rate would be less that Rs. 45). Paid in full till 1289 B.S. Kesab Bábú demands Rs. 80 (ijáradárí 2 annas, enhanced rent 4 annas, 2 annas miscellaneous expenses, and 1 anna public-works and road cesses per rupee of the old jama). Paid at the old rate for a part of the year 1290 B. S. Not willing to pay the enhanced jama to Kesab Bábú owing to deteriorated condition of lands. Zirát lands in the village are of one and the same class. Measurement made 15 or 20 years ago. Has not given any kabuliyat. Has not heard what provision has been made in the new Bill in respect of the rent of a raiyat's holding.

Safi Mahomed, son of Shaik Mohabullab, of Singerhati, pargana Maimansingh, thana Netrokona. Raja Harish Chandra Chaudhrí's raiyat. Kesab Bábú Ijardar since 1287 B. S.

Holding 8 aras 11 cottahs of land since grandfather (period about 40 or 50 years, cannot say), at a jama of Rs. 17 3 at the rate of Rs. 2 per ara (bhiti 8 cottahs, zirát 8 aras 3 cottahs, both assessed at the same rate). Paid this jama to Harish Chandra Chaudhrí

till 1286 B.S. and to Kesab Bábú till 1288 B.S. Paid Rs. 10 in excess in 1288 B.S. Kesab demands 9 annas per rupee over the jama (2 annas ijáradárí, 4 annas enhanced rent, 2 annas expenses, 1 anna public works and road cesses). Has not paid the rent for 1290 B.S. Not willing to pay the enhanced rent, as the lands do not yield more crops than before. Has not given any kabuliyat. Has not heard what provision has been made in the new Bill in respect of rent. Last measurement was made 25 or 20 years ago.

Dhalu, son of Shaik Dukhai, of Manikdi, pargana Maimansingh, thána Iswargunge. Rájá Harish Chandra zamindár. Kesab Bábú izáradár since 1287 B.S.

Holding 9 aras of lands at a jama of Rs. 17 for 14 years (bhiti 4 cottahs at Rs. 7, rice first class 12 cottahs at Rs. 4, second class 1 ara at Rs. 3-8, third class 1 ara at Rs. 2, and fourth class 6 aras at Re. 1 per ara). Paid to Harish Chandra Chaudhrí till 1286 B.S. Paid the old jama to Kesab Bábú till 1289 B.S. Tendered payment for 1290 B.S., but it has not been accepted. Kesab Bábú demands Rs. 24-8 since 1287 B.S., *i.e.*, 8 annas per rupee over the jama (2 annas ijáradárí, 1 anna road and publicwork cesses and 5 annas mufassal expenses). Not willing to pay the enhanced amount, as the lands do not yield more crops than before. Last measurement was made in 1287 B.S. No increase or decrease in the area of his holding. Has not executed any kabuliyat. Heard nothing of the new Bill.

Korim Baksa, son of Khosal Maral of Borotola, pargana Maimansingh, thána Netrokona. Rájá Hurrish Chandra Chaudhrí's raiyat. Ijára to Kesab Bábú in 1287 B.S.

Holding 15 aras 3 cottahs 1 pakhi of land since great-grandfather (about 250 years). Jama Rs. 30-8-6 till 1284 B.S. (bhiti 18¾ cottahs and zirát 14 aras ½ cotta at Rs. 2 per ara). Enhanced to Rs. 95-14-6 in 1285 (bhiti at Rs. 10 and zirát at Rs. 6 *plus* 1 anna as road cess, 1 anna as Durgapuja expenses, 6 pies Jhulion Jatra, 3 pies Doljatra, 1 anna mufassal expenses and 4 annas as interest on account of infringement of instalment). Ijára to Kesab Bábú in 1287 B.S. Jama enhanced to Rs. 111 in that year, *plus* two annas ijáradárí, one anna road-cess, 1 anna 9 pies puja khorcha and one anna mufassal khorcha (bhiti 11, zirát 7). Paid at the old rate up to date. Not willing to pay more than that. No improvement in the lands. Last measurement made 20 or 25 years ago. Has not given any kabuliyat. Heard that Rájá Harish Chandra Chaudhrí has got a forged kabuliyat executed in his name in 1285 for three years. Has not heard of the provisions made in respect of rent in the new Bill. Can write his name.

APPENDIX H.

Lessees.—Kali Charan Dé and Gour Mohan Nayi.

Lessor.—Rájá Harish Chandra Chaudhrí, of Golokpore, pargana Maimansingh.

Terms in the Kabuliyat.

That we are tenants-at-will residing in mauza Biska.

That we hereby execute this kabuliyat for a term of three years from Bysack 1286 to Chaitra 1288 B.S.

That we shall pay our rent every year, and take receipts or dakhilas for the same.

That no plea of payment of rent will hold good unless it is supported by a receipt.

That if we do not pay the rent according to the kistbandí, you will be able to recover the same by distraint and sale of our crops on your own authority or by the sale of the moveable and immoveable properties held in our own names or in the name of others as provided in the law.

That you will be able to keep our holding under your khás management, or to let it out to others.

That we shall pay separately the amounts of road and public works cesses that are being paid to Government or may be demanded hereafter.

That, if ordered, we shall quit the cultivated lands when any raiyat will be settled in the same, and that we will be allowed a proportionate reduction in our rent.

That we shall maintain the present boundaries of our holding.

That we shall not be able to cause any damage by excavation.

That we shall not be able to cut any tree without your permission, and that if we do it, we shall pay the value at Rs. 14 per tree.

That we shall be entitled to the profit accruing from the cultivation of the land, and that we shall bear the loss arising from the lands being left fallow during the continuance of the present lease.

That, as usual, we shall pay separately the salary of the chaukídár.

That on the occurrence of any police case, we shall inform you and the police about it in due time.

That our holding will not be liable for our debts.

That we shall make a new settlement of our holding, and that otherwise you will be able to let out the same to any one else.

W. MAUDE,
for Officiating Collector.

APPENDIX I.

District Maimansingh in the Court of the First Munsif at Netrokona the 17th day of January, 1884.

Suit No. 737 of 1883.

Mahomed Iasin ... ... *Plaintiff,*

against

Sheik Salem ... ... *Defendant.*

The plaintiff sues upon a kabuliyat to recover arrears of rent from the defendant in respect of a holding in ijára.

The defendant denies the execution of the kabuliyat. He says he holds the land directly under the zamíndárs of Ramgopalpore and Gouripore.

The only point which we need consider is whether the kabuliyat was duly executed by the defendant.

Plaintiff has called three witnesses to prove the kabuliyat. These men no doubt testify to the genuineness of the document; but considering the conflicting statements made by them, on certain very material points, and their relation to the plaintiff, as well as the circumstances and the probabilities of the case, I do not consider it safe to rely upon their evidence.

Plaintiff's first witness says after the kabuliyat a pattá also was written, and duly granted by the plaintiff to the defendant. The second witness denies that such was the case. According to him, the defendant did not get any pattá, but the execution of the kabuliyat was followed by a second writing, called a chalán, towards the settlement of the defendant's debt in respect to the arrears of rent which had accrued due up to the date of the kabuliyat. The third witness gives the lie to both the first and second witnesses. He says there was neither any pattá nor any chalán. Now, I think the contradictions noted above are very serious. Plaintiff's pleader attempted to reconcile these conflicting statements by referring to the witnesses' departure from the sitting at which the kabuliyat was written at different times. But I am not satisfied with his explanation. The witnesses do not say that they do not know whether any other documents were written in that *majlish* or not. They have no doubts on the point. What they state, they state emphatically. Whether we accept the story of the chalán or the pattá, or neither of them, it must be admitted that any such writing, if it had really followed the execution of the kabuliyat, would have been witnessed by all the witnesses. To refer to the time of the witnesses leaving the *majlish* in order to explain their contradictory statements seems to me to be a vain attempt after all.

The witnesses all agree in stating that the kabuliyat was not executed for a higher jama, but for the rental which the defendant had all along paid. This is at direct variance with the statement made in the kabuliyat on this subject. I think the witnesses felt it difficult, or rather not very advantageous to the plaintiff's cause, to have to say that the new kabuliyat reserved a higher jama, and accordingly they shaped their evidence in a way calculated to injure the plaintiff's cause the least.

The defendant has proved his defence by producing a kabuliyat which he had executed to Kashi Kishore Bábú on account of his eight annas proprietary share in the holding in 1286, or two years before the date on which the plaintiff's kabuliyat is said to have been executed, and by producing certain dakhilas which he had received from the patwárí of Biseswari Debya, the owner of the other half of the holding. This kabuliyat and the dakhilas or rent-receipts have been duly attested. The plaintiff's pleader has no valid objection to offer to the kabuliyat, but he contends that the dakhilas filed by the defendant were not granted to him, but to a second Salim of his village. Plaintiff's principal witness, Banu, attempted to avoid the unfavourable effect of the dakhilas by this voluntary statement. I do not consider Banu to be so reliable or truthful a witness as to accept his uncorroborated testimony on this point as sufficient. Plaintiff could produce this second Salim to confirm Banu's evidence, but he has not done so. In the absence of satisfactory evidence to the effect I cannot say with Banu that the dakhilas produced by the defendant were not granted to him. The kabuliyat, Exhibit B, and the dakhilas, Exhibits A to A3, go a long way to show that the defendant holds the land under the zamíndárs direct. The refuting evidence thus has succeeded in establishing one very important point.

It has been contended that the defendant has been gained over by Kashi Kishore Bábú, and the kabuliyat, Exhibit B, is a collusive instrument. Looking at the date of the kabuliyat, I cannot, however, say that there is any truth in this contention. Kashi Bábú's

kabuliyat is earlier in date than plaintiff's. The presumption rather points the other way. Defendant having executed a kabuliyat in favour of the zámíndar could not possibly have been in a hurry to execute another in favour of the plaintiff.

Plaintiff's father is still alive. Why was not the kabuliyat executed in his favour? The explanation offered by the plaintiff on this point also wants corroboration.

Indeed, a careful review of the whole evidence and the probabilities of the case leads me to the conclusion that the balance of evidence is in defendant's favour. Not only is the testimony of plaintiff's witnesses conflicting, but the witnesses themselves also are related to him, and the circumstances are such as throw great doubt on the claim. I accordingly hold that the kabuliyat has not been satisfactorily proved.

Plaintiff's suit is dismissed with costs. Defendant's costs shall be paid by plaintiff.

ANANDA NATH MOZOOMDAR,

The 17th January 1884. *First Munsif.*

District Maimansingh, in the Court of the First Munsiff at Netrokona, the 21st day of January 1884.

SUIT No. 714 OF 1883.

Sheik Taribullah . . . . *Plaintiff,*

against

Sheik Asmat . . . . *Defendant.*

The plaintiff sues in his ijára right to recover arrears of rent for 1289, and up to kist Bhadro of 1290 B.S., in respect of defendant's holding in village Jhansi.

The plaintiff relies upon a kabuliyat alleged to have been executed by the defendant in Choitro 1283 B.S., in favour of Kashi Kishore Rai Chaudhri, his (plaintiff's) lessor.

The defendant denies plaintiff's right to sue; he also denies the kabuliyat and the existence of the relation of landlord and tenant between the plaintiff or his lessor and himself. He repudiates all connection with the land in question, and disputes his liability.

The following issues have been raised in this case:—

1. Is the plaintiff entitled to maintain this suit?
2. Did the defendant execute any kabuliyat in plaintiff's (lessor's) favour, and is the kabuliyat relied on by the plaintiff as genuine?
3. Is the defendant liable for the arrears of rent in question?

The plaintiff is not the zamindar's servant, but his lessee. In his capacity as lessee, he is certainly entitled to maintain this suit for arrears of rent.

The evidence of the execution of the kabuliyat (Exhibit II) by the defendant is by no means so satisfactory and convincing that I can find the second question in the affirmative.

Three witnesses to the kabuliyat have given evidence in this case, but I am not satisfied with their answers. In the first place, they do not seem to know the executant of the kabuliyat sufficiently well. All the three witnesses made the acquaintance of the defendant for the first time in their lives on the day of the kabuliyat. To give weight to their evidence they have, no doubt, stated that on one or two occasions afterwards they chanced to see the defendant again. I really feel it very unsafe to make the defendant liable under a kabuliyat whose execution by him is based on such meagre and untrustworthy proof. In the second place, two of the witnesses to the kabuliyat do not seem to have taken any further trouble to acquaint themselves with the circumstances under with the kabuliyat was executed than what was necessary to affix their signatures to the instrument as witnesses. In the third place, it has not been proved that the contents of the kabuliyat were read and explained to the executant, who is admittedly an illiterate man. And lastly, the erasures, or rather alterations, in the kabuliyat wherever the defendant's name appears, cast such grave doubts on the genuineness of the document that I am not at all disposed to allow the plaintiff to reap any benefit from it. The defendant's family name is Sheik, but everywhere in the kabuliyat he was originally styled Khan; and I know not when, but certainly *after*, the execution of the kabuliyat, the name Khan was altered into Sheik. When or how, and by whose authority, the alteration took place do not appear from the evidence. The plaintiff's pleader has taken no pains to explain the circumstances under which the alteration took place. These evident traces of manipulation even in the name of executant of the kabuliyat, are strong proofs of the very indifferent and perfunctory manner in which the kabuliyat was drawn up, written and executed, if executed by the defendant it ever was. I have lately had occasion to see many kabuliyats drawn and executed mechanically, but never before did I chance to see proofs positive of such carelessness. Now, when the executant's name was wrongly stated, I very much doubt if the other preliminaries and essentials were settled with any better care.

The Registrar's endorsement no doubt shows that one Asmat Sheik admitted execution before him. How a kabuliyat executed by Asmat Khan could be registered by one

Asmat Sheik I really do not understand. If the alteration in defendant's name took place after execution, and before registration, how is it that the Sub-Registrar did not notice it, and no explanation thereof has been inserted in the document? Explanations of erasures and interlineations are not wanting in the kabuliyat, and it is therefore the more suspicious that explanations on so important an alteration are not to be found in the kabuliyat.

The witnesses to the kabuliyat gave their evidence so as to imply that no mistake in the name of the defendant was committed at the time the kabuliyat was written and executed. This is certainly a significant fact. Either the alteration took place in their absence and without their knowledge, or they concealed the fact of the alteration deliberately. Whatever may be the real case, the kabuliyat cannot be accepted as genuine.

The plentiff Taribullah stated in his evidence that the holding comprised in the kabuliyat originally stood in the name of Poran Sheik, and that it was only at the date of the kabuliyat that the defendant came to be recognised as the raiyat in possession thereof, although Poran continued to hold on as before. There is wide scope for suspicion even in this. It goes a great way to prove that there is rule in the matter.

I have given the subject my careful consideration, and feel strongly induced to find the kabuliyat to be spurious.

The defendant denies the relation of landlord and tenant. Beyond plaintiff's own evidence there is nothing to show that the defendant ever made any payment under the terms of the kabuliyat. No collection papers have been filed, and Taribullah's evidence is both interested and uncorroborated. Under the circumstance, I think the plaintiff has failed to make out a case which, independently of the kabuliyat, would entitle him to succeed in this case.

Plaintiff's suit is dismissed with costs. Defendant's costs shall be paid by plaintiff without interest.

ANANDA NATH MOZOOMDAR,
First Munsif.

The 21st January 1884.

APPENDIX J.

Statement showing the rates of rent, Paguldigha, quarter estate of late Bábú Dwarkanath Rai Chaudhrí of Kagmari.

NAMES OF VILLAGES.	For what year or years.	Homestead land.			First class zirát lands.			Lowest class zirát lands.		
		Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
Paguldigha proper	1264 to 1285	1	2	0	0	11	0	0	6	0
Ditto	1286 to 1288	3	6	0	2	2	0	1	11	0
Ditto	1289	4	0	0	3	0	0	2	4	0
Doyalpur and Shampur	1264 to 1285	1	0	0	0	9	0	0	6	6
Ditto	1286 to 1288	3	0	0	2	0	0	1	8	0
Ditto	1289	3	8	0	2	6	0	1	12	0
Tarakandi and Ram Chandrakhali	1264 to 1285	1	2	0	0	11	0	0	8	0
Ditto ditto	1286 to 1288	3	6	0	2	2	0	1	13	0
Ditto ditto	1289	4	0	0	3	0	0	2	4	0
Chaparkunah	1264 to 1885	1	0	0	0	11	0	0	6	0
Ditto	1286 to 1288	3	4	0	2	4	0	1	10	0
Ditto	1289	5	0	0	4	0	0	2	4	0
Kandarparah	1264 to 1285	1	0	0	0	11	0	0	7	0
Ditto	1286 to 1288	3	6	0	2	2	0	1	11	0
Ditto	1289	4	0	0	3	0	0	2	2	0
Palashia and Charparah	1264 to 1285	1	0	0	0	11	0	0	8	0
Ditto	1286 to 1288	3	0	0	2	2	0	1	13	0
Ditto	1289	4	0	0	3	0	0	2	4	0
Rawarbander	1264 to 1285	1	0	0	0	11	0	0	8	0
Ditto	1286 to 1288	3	6	0	2	2	0	1	13	0
Ditto	1289	4	0	0	3	0	0	2	4	0
Bashjan and Damdhorpur	1264 to 1285	1	0	0	0	11	0	0	7	0
Ditto	1286 to 1288	3	2	0	2	2	0	1	10	0
Nikli and Adachaki	1264 to 1285	1	0	0	0	11	0	0	5	0
Ditto	1286 to 1288	3	0	0	2	0	0	1	8	6
Thal	1264 to 1285	1	10	9	0	12	0	0	6	6
Do.	1286 to 1288	3	8	0	2	4	0	1	13	0
Do.	1289	4	0	0	3	4	0	2	4	0
Dawlatpur and Batikamari	1264 to 1285	1	10	9	0	12	0	0	10	6
Ditto ditto	1286 to 1288	3	8	0	2	4	0	1	14	0
Ditto ditto	1289	4	0	0	3	8	0	4	4	0
Koolpol	1264 to 1285	1	10	9	0	12	0	0	6	6
Ditto	1286 to 1288	3	8	0	2	4	0	1	13	0
Shasharbal	1264 to 1285	1	0	0	0	10	0	0	5	0
Ditto	1286 to 1288	3	0	0	...			1	8	0
Ditto	1289	3	8	0	...			1	14	0
Ulla	1264 to 1285	1	10	9	0	12	0	0	6	6
Do.	1286 to 1288	3	8	0	2	4	0	1	9	0
Kumarpara	1264 to 1285	1	10	9	0	12	0	0	6	6
Ditto	1286 to 1288	3	6	0	2	4	0	1	13	0
Gopalganj and Rashpal	1264 to 1285	1	10	9	0	12	0	0	6	6
Ditto	1286 to 1288	3	8	0	2	4	0	1	9	0

APPENDIX K.

No. 30 of 1882.

Lessee.—Samir Ali Akanda, son of Alam Akanda, of Dawlutpore, Pargana Kagmari, Station Pingna.

Lessor.—Bábú Dwarkanath Raí Chaudhrí, of Sontosh, Pargana and Station Pingna.

That 12½ pakhis of land having been let out to me at an annual jama of Rs. 29-3-6* for a period of two years, *viz.*, 1289 and 1290 B.S., I hereby agree to pay the said jama according to the following instalments, and to hold the same land for the stipulated period.

	Rs.	A.	P.
* Homestead land 12½g at Rs. 4 per pakhi=	2	8	0
Zirát land 11 pakhi 17½g at Rs. 2-4 per pakhi=	26	11	6

That no plea of payment of rent will hold good unless it is supported by a receipt.

That in default of payment according to kistbandí, I shall pay interest at two pice per rupee per annum.

That I shall maintain the present boundaries of my holding.

That I shall not be able to cut or sell any fruit-tree.

That I shall not be able to claim any remission of rent during the stipulated period; that I shall bear the loss which may arise by my leaving the lands fallow; and that I shall be entitled to the profit that may accrue by the cultivation of the same during that period.

That in addition to the stipulated rent I shall pay any amount that the Government may demand of you.

That I shall have no title to the lands mentioned in this kabuliyat, or right to hold the same after the expiry of the stipulated period; that you will be able to keep the same under your khás management or to make a fresh settlement with me or any one else; that no objection on my part or on the part of my heirs to such proceedings will be valid.

W. MAUDE,
for Officiating Collector.

APPENDIX L.

No. 485, volume 5 of 1883.

Lessee.—Madhu Khan, son of Bhikan Khan, deceased, of Nandipur Darjigati, Pargana Shusung.

Lessor.—Mahárájá Raj Krishna Sing Bahadoor, of Durgapore, Pargana Shusung.

Terms in the Kabuliyat.

1. That I shall pay the rent every month in equal instalments as mentioned above, and in default I shall pay interest at Rs. 3-2 per cent. per mensem on the amount of the lapsed instalment.

2. That no plea of payment of rent will hold good unless it is supported by a receipt.

3. That I shall be entitled only to enjoy the fruit of the existing trees or of the trees that I sow; that I shall not be able to cut or allow any one else to cut any tree or make any injury to it, a d that if I do so, I shall be liable for the damage.

4. That I shall be entitled to the profit that may accrue from the cultivation of the land, and that I shall bear the loss arising from the land being left fallow during the continuance of the present lease.

5. That I shall not be able to make any excavation or alteration in the lands injurious to the Mahárájá's interest.

6. That I shall not be able to dig a pond or erect a building in my holding without the written permission of the Mahárájá.

7. That I shall not be able to alienate the land or mortgage the same, and that the said land will not be liable for my debts.

8. That I shall maintain the present boundaries of my holding.

9. That on the expiry of the term of this lease, the Mahárájá will be able, whenever he pleases, to make a new settlement at an enhanced jama after making a fresh measurement; that if I do not agree to the settlement, the Mahárájá will be able to let out the land to others; and that no objection on my part or on the part of my heirs as to occupancy-right, &c., will be valid.

10. That the Mahárájá will be able to make a measurement of my holding during the continuance of my present lease; that I shall pay rent at the present rates for any land that may, by such measurement, be found in excess, or that the Mahárájá, if it pleases him, will be able to let out the excess land to others during the continuance of the present lease; and

that if the land be found less than the amount entered in this kabuliyat, I shall be entitled to a proportionate reduction in my jama at the above-mentioned rate.

11. That I myself shall reside and cultivate the homestead and zirát lands respectively in my holding; that I shall not be able to sublet any portion of the same to any one else; and that, if I do so, I shall have no title to or occupancy-right in the land thus sublet, and the Mahárájá will be able to take khás possession of it and to let it out to others.

12. That if I do not reside in the holding with my family, I shall lose my occupancy-right in the same, and the Mahárájá will be able to take khás possession of it and let it to another raiyat.

13. That if necessary, the Mahárájá will be able to evict me from any portion of my holding during the continuance of this lease, and allow me a proportionate reduction in my rent according to the rates alluded to.

14. That I shall have no title to the garden prepared by me or to prefer any claim against the Mahárájá on that account, if I voluntarily remove myself elsewhere, or if the Mahárájá eject me from my holding on the violation of any of the conditons herein set forth.

15. That on my removal from the land, either voluntarily or being ejected by the Mahárájá in consequence of the violation of any of the conditions herein set forth, I shall not be able to claim any damage from him on account of the ponds dug or the buildings or other katcha houses erected with his permission during my tenancy, and if I do so it will not be valid.

16. That I shall pay separately and without objection the amount of the present road and public-works cesses or any other cesses that may be assessed hereafter.

17. That if I do not pay the rent voluntarily, the Mahárájá will be able to recover the same with interest by distraint and sale of the produce of my holding and moveable and immoveable properties.

18. That after the expiry of the term of this lease till a resettlement has been made, the above-mentioned conditions will remain in force and apply to myself and my heirs.

W. MAUDE,
For Offg. Collector.

No. 4662, volume 39 of 1880.

Lessee.—Shaik Isab, of Gopalpore, pargana Maimansingh.

Lessor.—Krishna Chandra Sanyal Chaudhri, of Dawakhola, pargana Maimansingh.

Terms in the kabuliyat.

That I do hereby execute this kabuliyat for a term of five years from Bysack 1287 to Chaitra 1291 B.S., and declare that I shall hold the land mentioned in it for the stipulated period without any right of occupancy.

That I shall pay the rent every year according to the undermentioned instalments.

That in default I shall pay interest at six pies per rupee per mensem on the amount of the lapsed instalment.

That during the continuance of the present lease I shall be entitled to the profit accruing from the cultivation of the land, and that I shall bear the loss that may arise from the lands being left fallow.

That I shall not be able to cut any tree, and that if I do so I shall pay the compensation at R10 per tree and the damage.

That I shall maintain the present boundaries of my holding.

That on the expiry of the stipulated period, I shall make a fresh settlement and execute a fresh kabuliyat for such terms and at such rates of rent as may be desired by you.

That you will be able to eject me from my holding on your own authority, and to keep it under your khás management or to let it out to any one else if I do not execute a fresh kabuliyat or remove myself elsewhere during the continuance of this lease, and that neither myself nor my heirs shall be able to make any objection to it, and if any objection be preferred it will be rejected.

That I shall pay separately, in addition to the amount of the rent entered in this kabuliyat, any amount that may be demanded by Government in future.

That my heirs and successors shall conform to the aforesaid conditions in case I die before the expiry of the term of this lease.

W. MAUDE,
For Offg. Collector.

Dated 21st June, 1884.

Resolution by Government, Bengal.

READ—

A memorial of the 24th January, 1884, from Bábú Kashi Kishore Rai Chaudhri and other zamíndárs of the Maimansingh district, complaining of the non-payment of rent and of the generally defiant attitude of their raiyats.

Read also—

A letter, No. 114—18G., dated 16th April, from the Officiating Collector of Maimansingh, and a letter No. 51M., dated 28th idem, from the Commissioner of Dacca, reporting on the zamíndárs' memorial.

The Lieutenant-Governor, having given his careful attention to the papers cited in the preamble, comes reluctantly to the conclusion that the Government must for the present abstain from interference in this matter. A perusal of the papers will show that this conclusion is to be regretted, not only because the continuance of the state of things, as reported by the Collector and Commissioner, and complained of by the memorialists, is fraught with injury to the best interests of zamíndárs and raiyats alike, but also because it seriously endangers the public peace. Measures for the preservation of the peace have, indeed, been taken in the shape of quartering a special police-force in some parts of the disturbed localities, representations having been made that the execution of decrees for rent was impeded by the attitude of the raiyats. But it is manifest that these measures cannot be always continued, while the maintenance of a special police-force at the sole expense of the raiyats cannot, under the circumstances of the case, be justified. There can no longer be any doubt that the unsettled state of these parganas has been to a very great extent caused by the conduct of the zamíndárs themselves. At their door lies much of the blame; and no special and exceptional arrangements for the preservation of order, which fail to take account of that consideration, or which impose on the zamíndárs no financial responsibility, can, under the circumstances, be quite satisfactory; for this is the third time, within the short space of 15 years, that enhancements of rent by the memorialists have driven their raiyats into open hostility against their landlords. On two previous occasions, in 1868 and 1875, official action was brought to bear upon the raiyats, who were persuaded under such influence to agree to their zamíndárs' terms. "*Since then,*" says the Commissioner, "*the zamíndárs have been increasing their demands for kabuliyats at enhanced rates, and there has been more or less friction. This culminated in 1882, when the raiyats again, for the third time, combined together and resisted the zamíndárs. This time the combination has assumed a more serious aspect than on the other occasions, probably because the raiyats are becoming more and more aware of their rights, and are determined not to be persuaded to anything against their interests by the local officials. They are perhaps not so much to blame, for I fear it must be recorded that the Maimansingh pargana zamíndárs, relying on the support formerly given to them by the officials, have been very exacting in their demands, and though I am not prepared to say that the kabuliyats got out of the raiyats are wholly illegal and unjust, yet it must be allowed that very hard bargains have been driven with the raiyats.*" This is the opinion of a Commissioner who has had a very long experience of this part of Bengal, and it is more than borne out by the following remarks of the Collector of the district:—

"A review of the history of the policy of the zamíndárs towards their raiyats in the Maimansingh pargana shows that, so far as this portion of the Lower Provinces is concerned, there might almost as well have existed no rent-law at all since 1859, for the provisions of that and subsequent Acts passed by the legislature for the regulation of the relations between landlord and tenant seem to have been entirely ignored. Rents have been capriciously enhanced from time to time, and the objectionable system of farming out portions of the estate to the highest bidder seems to have been the rule. When the raiyats, during so many years, quietly submitted to such a state of things, it is an obvious deduction that this could only have occurred among a peasantry incredibly and entirely ignorant that they had any rights at all, or that the rent demandable from them by their landlord could be limited by anything but his will. This probably is to be ascribed to the remoteness of the district and its consequent backwardness. The zamíndárs, while obliged to admit that this has in fact been the result of their management of their estates, plead that, it having been always the custom of the pargana to revise the rent-roll at short intervals, they were perfectly justified, notwithstanding the provisions of the Rent Acts, in preserving the *status quo ante* 1859, and trying to prevent the accrual of rights of occupancy. They also state that the raiyats, for their own interest and quite voluntarily, used frequently to change the lands they held by surrendering some and cultivating others. Where a raiyat believed that he was liable to summary ejectment after a short term in the event of his not consenting to the term of a resettlement, it became of course of little moment to him what land he held or what land he surrendered, his great object being to hold the best lands he could at the least rates. Even at present, so far as I have been able to ascertain, there exists a most complete and incredible ignorance among these raiyats of the provisions of the rent-law—a state exposing them, on the one hand, to being deprived of their legal rights without knowing it, and, on the other hand, being duped by designing persons into absurd and impossible ideas as regards what the Government may do for them by the new Bill.

"As regards the average rates per bíghá which the raiyats have combined to refuse to pay, it does not, so far as I can judge, appear that even the highest rate of R8 per ara, first-class rice-land, is so heavy as to have driven the raiyats into recusancy. The ara containing 4 bíghás 17 cottahs and 4 chittacks, the incidence per bíghá will not be much over 1 rupee 10 annas; but enhancements have been so large within a comparatively short period that, even were the rate per bíghá very much less, raiyats who could recollect how very much less rent they had to pay 20 years ago could not but be discontented on comparing their rents then with those now demanded from them."

If the preceding statements of the Collector of the district and the Commissioner of the Division were only partially true, they would give a sufficient answer to those who contend that there is no need for any change in the Rent Law as far as it affects Eastern Bengal.

8. The Lieutenant-Governor has already observed that he is reluctantly compelled by the state of the law to abstain from interference in this case. Yet it cannot be doubted that the case is one which eminently calls for such interference as would be effective in securing the just rights of the raiyats, recording the rents to which the zamíndárs are fairly and equitably entitled, and by the imposition of reasonable limitations upon enhancements restoring peace and harmony to the district. If, however, the Government cannot now interfere, and the parties to the dispute are unwilling to come to an amicable agreement, and if, as a consequence, costly litigation with all the bad blood and embarrassment which it entails is the only resource to which they have to look, the only hope that remains is that the early passing of the Tenancy Bill will supply an effective remedy for this and similar evils. In the provisions of Chapter X of that Bill is embodied exactly that procedure which the Maimansingh zamíndárs would have the Government apply. Those provisions meet with opposition from persons inexperienced in Mufassal administration, or who have not yet felt the pressure which conflicts like those under notice impose. But if the provisions were now law, the Maimansingh zamíndárs would not have appealed in vain for help to the Government, nor would the raiyats have had recourse to a "no rent" policy as their best ground of resistance. The fair and equitable procedure of Chapter X of the Bill would have enabled the Government to meet the wants of the case and the reasonable wishes of both parties without recourse to the unsatisfactory process of repression through special police. In the present condition of the law, the only power which the Lieutenant-Governor can exercise is to maintain the peace between the opposing parties.

A. P. MACDONNELL,
Offg. Secy. to the Govt. of Bengal.

No. 491-9-24R., dated 23rd July, 1884.

Endorsed by Under-Secretary to Government of India, Revenue and Agricultural Department.

Transferred to the Legislative Department for disposal.

No. 499R., dated 25th July, 1884.

Office Memorandum by Revenue and Agricultural Department.

The undersigned is directed to forward the papers noted on the margin to the Legislative Department, with the suggestion that, in compliance with the request of the Government of Bengal, they may be communicated to the Select Committee on the Tenancy Bill. The papers in question appear to this Department to be likely to be of some use to the Select Committee in connection with the question of zirát land in Bihár.

Endorsement from Government of Bengal, No. 26T. R., dated 15th April 1884, and enclosures.
Letter to Government of Bengal. No. 321, dated 14th May 1884.
Letter from Government of Bengal, No. 584T. R., dated 29th May 1884, and enclosures.

No. 26T. R., dated 15th April, 1884.

From—Officiating Secretary to Government, Bengal,
To—Commissioner, Patna Division.

I am desired by the Lieutenant-Governor to acknowledge the receipt of your letter No. 10G. of the 4th January 1884, with enclosures, reporting on the petition of the raiyats of Dhanour, in the Sáran district, who have complained regarding the retention by the manager of the Dhanguha indigo-factory of certain lands which they claim as forming portions of their holdings. In reply, I am to communicate to you the following instructions and remarks.

2. The facts of the case, as the Lieutenant-Governor understands them, are not disputed. The village of Dhanour, in the Sáran district, is held in coparcenery by two shareholders—Bunmali Sahai and Mussamat Ram Dulari Kuar—the former owning a two-thirds and the latter a one-third share in it. Both proprietors let their share in thíka to the Dhanguha indigo-factory—Bhumali Sahai for six and the lady for seven years, both leases commencing from 1878.

corresponding to 1283 Faslí. Thus, one lease expired in 1879 and the other in 1880. On obtaining the thíka of the whole village, the indigo-factory entered into arrangements with the raiyats whereby a certain quantity of land (in all 64 bíghás) was appropriated to the cultivation of indigo, no compensation being made to the raiyats for the loss of these lands, but a reduction proportionate to the quantity of land so appropriated being made by the factory from the rents payable by the raiyats.

3. The factory's thíka for the two-thirds share of the village expired in 1879 (1288 Faslí), but the manager was permitted to hold over for another year, until the lease for the one-third share had also fallen in. Then a renewal was had by the factory of the thíka of the latter or smaller share, but Bunmali Sahai, refusing to renew to the factory the thíka of his share, let it instead to some residents in the village of Dhanour, whom the Collector calls tenure-holders but whom you call raiyats. Whether the parties with whom Bunmali Sahai thus contracted were tenure-holders or raiyats, it seems clear that they were not the raiyats from whom the factory had in 1873 taken the lands for indigo-cultivation, and that the proprietor's (Bunmali Sahai's) object in settling with them was to get, through them, into actual and direct possession of these lands, and so convert them into his *khamar* or *nij-jote*. The manager of the indigo-factory, however, was apparently unwilling to allow any portion of the land, which under colour of the leases for the entire village, had been converted into indigo-ziráts, to lapse from his possession, and he accordingly resisted the attempts of Bunmali Sahai's lessees to recover possession. As the latter proceeded in the Criminal Courts, doubtless to save the expense of a civil suit, they naturally failed.

4. Meanwhile, as the Lieutenant-Governor understands the facts, the raiyats from whom the factory had in 1873 taken the lands appealed for aid to the Collector; and the latter's action was, in the first place, directed to inducing Bunmali Sahai to agree to a settlement of the so-called ziráts (should the factory be willing to surrender them) with the original holders, instead of with the new thíkadárs, to whom Bunmali Sahai had leased his share. Having succeeded in this, Mr. Quinn next strove to induce the manager of the factory to relinquish the lands which had been taken up for indigo in 1873 to those raiyats from whom they had been taken, and with this object he invoked the good offices of the Secretary of the Indigo-planters Association. Mr. Hudson, the Secretary of the Association, went to the spot, but his efforts at reconciling the parties were unsuccessful. He succeeded, indeed, in inducing Mr. McGregor, the manager of the indigo-factory, to agree to the restoration of two-thirds of the lands, or a share proportionate to the share of the proprietor who had refused to renew his lease to the factory; but Mr. McGregor absolutely refused to restore the remainder. The village being held in joint ownership, it is understood that the lands of which Mr. McGregor has resolved to maintain possession were in 1873 acquired from the same raiyats, or from some of them, to whom he is willing to restore lands proportionate to the share in the village of which he has failed to secure a renewed lease. The raiyats, however, were not satisfied with the terms offered by the factory-manager. They demanded the restoration of all the lands which the factory took up in 1873 for indigo-cultivation, their contention, judging from their petition to Government, being that, as they had made over their lands to the factory for the term of the first lease only, and then for one year further, pending the expiration of the Mussamat's case, and as that term had expired, they were entitled to receive their lands back again. Mr. Hudson, the Secretary to the Association, while expressing sympathy with the raiyats, declares his inability to give them possession of lands "which no Civil Court would," and the Lieutenant-Governor understands him to be of opinion that the fact of the raiyats having given up or at least lost possession of these lands eight years ago, and not having since paid rent for them, weakens their claim to possession of them now.

5. The facts being such, some difference of opinion exists between you and the Collector as to how the matter should be regarded by Government. Mr. Quinn, the Collector, although he does not see how he can help the raiyats without the acquiescence of the manager of the factory, contends that the claims of the raiyats are just and reasonable; while the Lieutenant-Governor understands you to maintain that, as the raiyats have been so long out of possession, the question is really one between the zamíndár and the thíkadár, in connection with which the raiyats have now no *locus standi*. You are therefore opposed to any further action on this and such like cases, not only for the reason stated, but also because you think that "we cause much more harm than good, both to one side and the other, by executive interference in endeavouring to secure the raiyats the resumption of possession of lands, by an arbitrary and, so to speak, not legitimate action, which have gone out of their possession many years ago, either by their own formal consent or by tacit compliance with the general usage of the times."

6. The questions raised by the correspondence have an importance beyond the particular case under consideration. On the wider issues I am to make some remarks later on; but, restricting attention in the first instance to the particular case, I am to observe that the Lieutenant-Governor leans more to the views expressed by Mr. Quinn than to those which you advance. Mr. Rivers Thompson cannot agree with you in thinking that the question is one between the zamíndár and the planter, in which the raiyats have now no right to interfere. On the contrary, in this particular case at all events, the question is, in his opinion, one between the planter and the raiyats. The planter in 1873 took into his possession certain raiyati lands

in which to cultivate indigo during the currency of his lease. His thíka in no way empowered him to take possession of any lands (unless indeed the proprietor's *khamar* or *nij-jote*, if any such existed in the village); and in regard to the lands, therefore, of which he did take khás possession, he must be regarded (in the absence of a special contract or condition with the raiyats, of which no mention is here made) either as a trespasser, or as holding of the raiyats in consideration of the rent for which allowance was made to the raiyat when the lands were first acquired for indigo. In either case the raiyats were entitled to recover their lands within the period of limitation allowed by the law. The renewal of the thíka did not in any way affect the question as between these raiyats and the planter-thíkadár. A *thíka* lease, which is a license to collect rents, gives the planter no legal authority whatever to oust occupancy-raiyats who punctually pay their rents, or any raiyat, from a portion of his holding; and therefore the retention by the planter in this particular case of land against the will of the raiyat from whom the land was taken, and in violation of an expressed or implied contract such as that to which the raiyats in their petition refer, appears to the Lieutenant-Governor to be of a character which no Civil Court would sustain.

7. The Lieutenant-Governor is disposed to agree with you that, with a view to redressing abuses of the sort brought to light in this case, it is not desirable to go far back on the past if the facts be doubtful. Where the facts are disputed, some period may with advantage be fixed before which enquiries as to the manner in which indigo-zirát lands were acquired should not be prosecuted, and the Lieutenant-Governor agrees in thinking 12 years from the expiry of the last contract, if any, an appropriate period. The case here in point is, however, one in which the facts do not seem to be disputed, and the period also which has elapsed since the lands were first taken up for indigo is not sufficiently long to weaken the raiyats' claim to have their lands restored. It is quite true that, under the law as it stands, the Executive Government cannot compel the manager of the Dhanguha factory in this case to relinquish the lands in question. It can only express to the Association, of which the manager is a member, its view of the facts. The case, however, seems to be precisely one of those with which the Indigo-planters Association may be reasonably expected to deal effectively, and the Lieutenant-Governor trusts that the manager of the factory, in refusing to recognize the just claims of the raiyats, shall not be permitted to cover himself, as with a sufficient shield, by the plea that he has obtained a new thíka lease from a part-owner of the village. As between the only parties who are concerned in the matter—the planter and the raiyat—it is wholly immaterial whether the lease has been renewed or not. The lease gives the planter no authority to hold the lands, and, therefore, unless the raiyats from whom the lands were originally taken consent to their retention by the factory, the equity of the case, in the Lieutenant-Governor's view, requires that the lands should be restored to the raiyats.

8. Turning now to the more general aspect of the questions raised, the Lieutenant-Governor regrets to find that in indigo-districts in Bihár the practice of turning raiyatí land into so-called zirát, or *khamar* or *nij-jote*, under colour of thíka leases, is still prevalent. Many improvements in the system of cultivating indigo have been introduced into Bihár under the auspices of the Indigo-planters Association, but this system of converting raiyatí land into zirát, of which possession is retained by the planter and ultimately by the proprietor to the detriment of the raiyát, is a most serious abuse against which Sir Ashley Eden, so long ago as 1877, protested in the unofficial communication to the then Commissioner of Patna, which preceded the formation of the Planters Association. To the extinction of this abuse the Lieutenant-Governor earnestly trusts that both the Association and the executive officers of Government will devote their best efforts. In the particular case under notice, it does not appear that the manager of the Dhanguha factory *forcibly* converted these lands into zirát; but the Lieutenant-Governor, from this correspondence as well as from other sources of information, has reason to fear that the consent of raiyats is not often an ingredient in the procedure of acquiring lands for indigo in villages leased out to factories. It is true that the Planters Association has resolved—and the Lieutenant-Governor has noticed the resolution with special satisfaction—not to countenance the acquisition of lands for indigo, except under the written consent of the raiyat, and with specific conditions as to continuance of, and termination of, the contract. Adherence to that resolution will no doubt obviate many of the abuses inherent in the present system; but it would seem from this case, and from the 10th paragraph of Mr. Quinn's letter of 27th November, that the resolution of the Association has not yet been made a rule of action by planters generally. In the provisions of the Tenancy Bill, which enable the occupancy-raiyat to sub-let, the planter will find an additional method of obtaining the land which he wants, while preserving intact the raiyat's right to hold it, and while compensating him—which is certainly a necessary and reasonable condition—for its temporary loss. But until that provision becomes law, the Lieutenant-Governor would be very glad indeed to find that the resolution of the Association, to which, in the last paragraph of your note of 22nd November, you refer, had gained a general adherence from all indigo-planters in the province. At all events, the forcible acquisition of lands under colour of thíka leases is an illegality and an injustice to the people regarding which it is impossible to be silent, and the Lieutenant-Governor, therefore, looks to you, and to the District-officers of your division, to give your active support to the Planters Association in suppressing such illegalities by all legal means. The Association's rule which provides for the interchange of

written agreements as evidence of such consent would simplify and facilitate proceedings for the suppression of such illegalities.

9. No doubt it has been, and still is, to the advantage of proprietors in Bihár to look without disfavour on this practice of converting raiyatí into so-called zirát lands; and herein, as this case very clearly shows, the objects of zamíndárs have been to acquire possession of the lands after the termination of the planter's lease, and to treat them afterwards as *khamar* or *nij-jote* or demesne land, in dealing with which the landlord's power is much less fettered by the law than it is in the case of raiyatí land. It is very obvious, however, to the Lieutenant-Governor that indigo-ziráts, constituted in the manner of which this case furnishes an example, are clearly distinguishable from *khamar* or *nij-jote* or demesne lands, and that they cannot be confounded with *khamar* or *nij-jote* lands without inflicting a serious injury on the cultivating classes throughout these Provinces. The test or criterion of the *khamar* or *nij-jote* lands is cultivation, or holding for cultivation, by the owner, either directly or by means of hired labour. These indigo-ziráts fail altogether to fulfil the requisite conditions of that definition; and the sooner it is recognized by proprietors generally that the forcible acquisition of raiyatí lands by thíkadárs will not avail *per se* to convert them into *khamar* or *nij-jote*, the greater chance will there be of the abandonment of a custom which has done, and, if not suppressed, is likely to do, much harm to the country. The Lieutenant-Governor will take an early opportunity of representing these views to the Government of India with the object of having them affirmed in the Tenancy Bill now before the Legislative Council.

No. 26T. R., dated 15th April, 1884.

Endorsed by Offg. Secretary to Government, Bengal.

Copy forwarded to the Secretary to the Government of India, Revenue and Agricultural Department, with the request that, with the permission of His Excellency the Governor General in Council, it may be communicated to the Select Committee on the Tenancy Bill.

No. 321R., dated 14th May, 1884.

From—Under Secretary to Government of India, Revenue and Agricultural Department,
To—Secretary to Government, Bengal.

In acknowledging the receipt of your endorsement No. 26 T. R., dated the 15th ultimo, forwarding, for communication to the Select Committee on the Bengal Tenancy Bill, copy of a letter* to the address of the Commissioner of the Patna Division, I am directed to request that, with the permission of His Honour the Lieutenant-Governor, you will be good enough to supply this Department with the complete correspondence referred to therein relating to the petition of the raiyats of Dhanour, in the Sáran district, against the retention by the manager of the Dhanguha indigo-factory of certain lands which they claim as forming portions of their holdings.

* No. 25 T. R., dated the 15th April.

No. 584T. R., dated 29th May, 1884.

From—Officiating Under Secretary to Government, Bengal,
To—Secretary to Government of India, Revenue and Agricultural Department.

With reference to Mr. Holderness' letter No. 321R., dated the 14th May, 1884, I am directed to forward the accompanying copies of papers noted on the margin relating to the petition of the raiyats of Dhanour, in the Sáran district, against the retention by the manager of the Dhanguha indigo-factory of certain lands which they claim as forming portions of their holdings.

Letter No. 10G., dated the 4th January 1884, and enclosures, from the Commissioner of Patna.
Petition of Soondunun Misser and others of Mauzá Dhanour, Pargana Gowa, in Sáran.

No. 10G., dated 4th January, 1884.

From—Commissioner, Patna Division,
To—Secretary to Government, Bengal.

With reference to Government order No. 2616—959L. R., dated 30th November 1882, forwarding a petition (herewith returned) from certain raiyats of mauza Dhanour, in the district of Sáran, against the indigo-factory of Dhanguha, I have the honour to report as follows.

2. The proprietor of the Dhanguha factory, which is an outwork of the Arrah concern, held separate leases from the two shareholders of village Dhanour. One of the leases, which was given by Bunmali Sahai, who represented two-thirds share of the village, ran from 1283F. to 1288F., and the other, representing one-third share, given by Mussamat Ram Dulari Kuar, ran from 1283F. to 1289F. It appears that, when the factory took these

leases, it induced the raiyats to give certain lands from their holdings for the cultivation of indigo, and these lands have been treated by it as zirát lands. On the expiry of the first-mentioned lease in 1288, the lease was allowed to continue in occupation of the whole village up to the end of 1289F., when he obtained a renewal of the lease for the one-third share. The other shareholder declined to renew the lease to the factory, but gave a lease of some lands which the factory held as zirát to certain raiyats in the village.

3. These raiyats claimed possession, and proceedings were taken under section 530 of the old Criminal Procedure Code, the result being an order passed in favour of the factory. At the same time, the Secretary to the Planters Association was addressed on the subject, and the Magistrate again wrote to him on receipt of the petition from the raiyats. Mr. Hudson, the Secretary, wrote in reply as follows:—

"Although the raiyats have lost their title to the lands they claim, which are now and have been in indigo for nine years, yet they were originally the holders and are entitled in all fairness to a hearing. Their claim to get put in possession of these lands is somewhat weakened if, as is represented to me, they acknowledged in Court some two years ago that they had no claim to these lands, and that they had allowed them to revert to the máliks as their zirát. Consequently, and taking also into consideration the fact that these raiyats have been out of possession of these lands for nine years, and have not paid rent for them during that period, they would now, if the factory is forced by the Association to give the lands up, revert to the málik, who is, I conjecture, at the bottom of the raiyats' action in petitioning Government. I have therefore suggested to Mr. McGregor that he should restore these lands to the raiyats, on the understanding that they should release them to him, he making them over to the raiyats to sub-let them to him for a period.

"Most of the raiyats seem quite content with this arrangement, and several propose that they should receive 100 per cent. over the amount they pay the málik, and a sum in cash as a *peshgi* loan on the sub-leases.

"It is necessary, before anything is done, to get all the raiyats' consent to this arrangement, to prevent future complications as to the particular patches of the land leased by each, and to have the sub-leases registered The land taken forcible possession of by the raiyats last year, about 10 bíghás, still remain in their possession.

"The only element of uncertainty that appears to remain after this arrangement has been carried out is the future action of the málik. If he does not contest the right of the raiyats to re-enter and execute sub-leases for the lands, I think a satisfactory settlement will have been arrived at.

"I need hardly add that, should Mr. McGregor not settle with these raiyats within a reasonable period, he must vacate the land."

4. The Collector, Mr. Quinn, in forwarding to me the Secretary's reply, observed as follows:—

"I agree with him (Secretary) in the opinion that the raiyats from whom holdings, these so-called zirát lands, were originally taken are the persons with whom the settlement should be made, and that, if the manager fail to satisfy them, he must release the lands. I would fix the current Faslí year as the period within which the matter must be settled, failing which the lands belonging to the share for which the factory does not hold a lease must be relinquished.

"In my opinion, the factory, in this instance, has absolutely no case. The so-called ziráts are either *boná fide* ziráts, in which case the factory is bound to relinquish the portion of them lying outside the share of which the manager has the lease, or they are not *boná fide* zirát lands, but lands belonging to the raiyats from whose holdings they were taken eight or nine years ago, in which case they should be restored to the raiyats.

"I agree with the Secretary in considering that the lands are not zirát at all, but portions of the raiyats' holdings, and in this view it is clearly incumbent on the factory to relinquish the lands if the manager cannot come to terms with the raiyats.

"With your approval, then, I will ask the Secretary to obtain from the manager an engagement that he will relinquish the lands in dispute at the end of the current Faslí year, if he cannot come to terms with the raiyats in the meantime as regards compensations for the present year, as well as the rent to be paid in future years.

"This case is further complicated by the fact that the shareholder who has not renewed the lease, and who probably cares little for the rights of the raiyats, has treated the so-called ziráts as real *boná fide* ziráts, and has given separate leases of them to certain raiyats not identical with the original occupants of the land. Some of these men have since got possession of a portion of the land, and they cannot be turned out by force; but otherwise I think these leases must be simply ignored as conveying no right."

5. In reply, I wrote to the Collector as follows:—

"I approve of the action you propose to take in the matter, and I note that the case is further complicated by the fact that the shareholder who has not renewed the lease, and who probably cares little for the rights of the raiyats, has treated the so-called ziráts as real *boná fide*

landlord's ziráts, and has given separate leases of them to certain raiyats not identical with the original occupants of the land. You say that some of these men have since got possession of a portion of the land, and they cannot be turned out by force, but otherwise you think these leases must be simply ignored as conveying no right. It seems to me that, if we are justified in our interference with the claims of an indigo-factory as regards lands of this nature, so far as to press the negotiation of a compromise and the restoration by such factory of these lands to raiyats in the position assumed by the present petitioners in the case now under consideration, it is equally incumbent upon us to interfere on their behalf in the *primâ facie* unjust assumption by the zamíndárs of the lands in question as landlord's ziráts, and the re-settlement of them with raiyats not identical with the original occupants of the land. I do not gather from your letter that you are prepared to take action against the zamíndár, but I think, to be consistent, we should exercise the same interference in the one case as in the other. On this point I shall be glad to be favoured with your opinion.

"It is worthy of consideration that the result of the direct action taken by us in this matter benefits not the persons in the position of the petitioners, but the zamíndárs, who, as you rightly conjecture, care little for the rights of the raiyats. Are we then to leave the zamíndár to thus unjustly ignore such rights to the benefit of his own interest?"

6. On receipt of my letter the Collector wrote to the Secretary, saying that both the Commissioner and himself agreed with him in the opinion that the lands in dispute should be treated, not as ziráts, but as lands appertaining to the raiyats' holdings, from which they were originally taken, and in this view it was clearly incumbent on the factory to relinquish them if it cannot come to terms with the raiyats. Mr. Quinn also suggested that the settlement should include an agreement as regards the compensation to be paid for the occupation of the lands during the present year, as well as an agreement for their cultivation in future years, and, in case no settlement could be arrived at, the lands should be given up at the close of the present Faslí year.

7. The Collector also wrote to the two-thirds shareholder of the village, who refused to renew the lease to the factory, pointing out to him the desirability of restoring to the raiyats the lands which originally belonged to their holdings, but which were converted into zirát lands by the factory, so far as his interest in the village was concerned. This person, Bunmali Sahai, who was employed as sharishtádár in the Sub-Judge's Court in Muzaffarpur, after some correspondence promised to enquire into the matter on the spot during the Dusserah vacation, and do all that was necessary to secure to the tenants their rights. I do not find that he has done anything.

8. Subsequently, Mr. Hudson visited the village Dhanour with a view to settle the matter amicably on the spot. He offered to the raiyats possession of the lands they were entitled to in proportion to the share of the proprietor whose lease to the factory had expired, but the raiyats would not agree to this. They would take the whole or none. The following extract from Mr. Hudson's letter will explain how he proposed to settle the matter:—

"In accordance with my promise, I went to Dhanour village on the 15th instant. I saw the raiyats and the lands in dispute. I explained to them that I had come at your request to endeavour to settle the matter amicably, by giving them, with Mr. McGregor's consent, possession of the lands they were entitled to.

"My first difficulty was to ascertain the amount that had been taken up in indigo in 1283 Fasli, or eight years ago, by the factory by virtue of their thíka lease of the patti. I found the amount was 64 bíghás: that in 1288 Faslí the lease of Bunmali Sahai's two-thirds share of the patti expired. The raiyats thereon took forcible possession of about nine bíghás of this land. Then remained 55 bíghás. Bunmali Sahai gave a letter authorising the factory to continue to hold these lands for the current season, and took his share of the rents, and promised to renew his lease to the factory the following year. He did not do so, and again the raiyats took forcible possession of 25 bíghás more of this land.

"Now, the proportion of this zirát land which, by the Association rule, the factory should give up on the expiry of Bunmali Sahai's share is 42 bighas 13 katas, leaving 21 bighas 7 katas, the balance in the ratio of the other one-third share, the lease of which runs for some years. This portion Mr. McGregor considered he had a right to retain until the lease expires.

"After many enquiries and explanations, and much discussion, I offered to divide off the balance of the lands of which the raiyats had not already taken possession and make them over to them; but their spokesmen declined this, and demanded that I should hand *all* the lands over to them, 'as I was ordered by the Collector.' I then explained that I could only settle this matter as I was permitted by the Planters Association and with the permission of Mr. McGregor; that I would engage for him that they would receive an agreement from Mr. McGregor that at the expiry of his current lease the 21 bíghas 7 katas would be handed over to them, and in the meantime he entered their names in the village jamabandí and an attested copy given to them each year, and that I would endeavour to fix a compensation for the use of them that would satisfy both parties; but they would listen to nothing. 'They must have all the lands or none,' they said, and one man became impertinent, and so I left the place."

9. It appears to me that in this particular case we cannot carry our interference any further, but must leave the raiyats to seek redress in the Civil Court. My views on the subject are expressed in a note recorded by me on the 22nd November last, a copy of which was forwarded to the Collector for his guidance. I now beg to submit a copy of the note for the information of the Government.

10. Mr. Quinn has addressed a further letter* on the subject, in which he asks for definite instructions on the question of the restoration of land originally taken from the holdings of raiyats by a factory during a lease, and held by it for several years continuously. I submit at his request a copy of this letter for the orders of Government, together with a copy of Mr. Hudson's letter of the 17th November, therein referred to. My views on the subject are contained in the note referred to above, and I have only to add that I consider we should not adhere to any hard-and-fast rule, but that we should only exercise executive interference in cases where the raiyats could definitely point out the lands in question as their original holdings.

* No. 2208, dated 27th November, 1883.

No. 2208, dated 27th November, 1883.

From—Magistrate of Sárau,

To—Commissioner of Patna Division.

With reference to your letter No. 295G., dated 24th instant, I have the honour to forward copies of the correspondence which has since taken place on the subject of the Dhanour lands.

1. Letter dated 27th July 1883, from the Secretary, Bihár Indigo-planters Association.
2. This office reply No. 1624, dated 18th August 1883, to the Secretary, Bihár Indigo-planters Association.
3. This office letter No. 1789, dated 14th September 1883, to Bábú Bunmali Sahai.
4. Letter dated 5th September 1883, from Secretary, Bihár Indigo-planters Association, with enclosures.
5. Reply to Bábú Bunmali Sahai, dated 27th September 1883, copy of which has been sent to the Secretary with this office memorandum No. 1914, dated 2nd October 1883.
6. Letter dated 27th September 1883, from Secretary, Bihár Indigo-planters Association.
7. This office letter No. 2047, dated 29th October 1883, to the Secretary, Bihár Indigo-planters Association.
8. Letter dated 31st October 1883, from the Manager of Arwah factory.
9. Copy of letter dated 17th November 1883 from Secretary, Bihár Indigo-planters Association, is not sent herewith, as a copy of the same has been sent by him directly to the Commissioner.

2. The raiyats are still dissatisfied as might naturally be expected, as they have not got back the lands claimed by them.

3. The facts are simple enough. The manager of Arroah factory obtained leases of two shares in the village, and on the strength of these leases he induced the raiyats to make over, for the cultivation of indigo, portions of their holdings, which he has since treated as factory ziráts. For these lands no compensation was paid, but the rent was simply reduced in proportion to the area surrendered. On the expiration of the lease, one of the shareholders in the village renewed the lease to the factory, but the other declined to do so. In the meantime the factory have held on the whole of the so-called ziráts, with the exception of some fields of which the raiyats have forcibly recovered possession.

4. Bábú Bunmali Sahai, the proprietor, who refused to renew the lease to the factory, showed very little regard for the interests of his raiyats, and gave a lease of his share to some tenureholders of the village, with the object of recovering for his benefit a share of the factory ziráts proportionate to his interest in the village; and he had evidently no intention of restoring the lands to the original holders, but on the receipt of a strong appeal from me he expressed his willingness, in his letter of the 27th September, to let the Secretary to the Indigo-planters Association settle the disputed lands (meaning the ziráts) with the raiyats out of whose holdings they had been taken.

5. Mr. Hudson's letter of the 17th instant contains a narrative of what has since taken place. The manager is willing to make a partition of the ziráts and to relinquish a share proportionate to the interest of the proprietor who has refused to renew his lease. As regards the remaining share, however, he point blank refuses to restore the lands to the raiyats until the expiration of his second lease. He agrees, however, to enter their names in the rent-roll in respect of these lands. Mr. Hudson also states that he promised the raiyats to endeavour to fix compensation for the use of the land, and it may, I suppose, be inferred that the manager was willing to pay such compensation.

6. The raiyats on their part object to any partition of the zirát lands, or to one portion of them being treated differently from the other. Their case is that the whole of the ziráts belong to their holdings, and that the whole should be restored to them—a proceeding to which the proprietor who has not renewed the lease to the factory has consented.

7. The Secretary to the Association declares his inability to enforce the immediate restoration of the land to the raiyats, and there the matter stands at present.

8. I must, under these circumstances, ask for instructions as to what course should be adopted. The raiyats appeal to me, and it is necessary to give them some answer. In my opinion, the whole of the lands should be made over to them, but I cannot take them out of the manager's possession without his consent.

9. I now come to the general question of which Mr. Hudson speaks. The question of ziráts in Sáran, as I have frequently stated, is really a question between the planter and the raiyats, and not one between the planter and zamíndár, as might at first sight appear to be the case. Occasionally, as in the present instance, the matter is somewhat complicated owing to differences between the planter and some of the shereholders among the proprietors, but this does not affect the main issue which has to be decided.

10. The main facts of all the cases which have come before me are much the same. A planter obtains a lease of a village, and on the strength of this lease acquires land for the cultivation of indigo by taking it out of the raiyats' holdings. When the lease expires the raiyats come to me and ask to have their lands restored to them. The manager, having renewed the lease with the proprietor, refuses to restore the lands, and the Association at present are not prepared to compel him to do so.

11. The question is—what action the Collector should take in such cases. When the raiyats admit that the planter has held possession during the previous lease and is still in possession, should he refuse to interfere, or under what circumstances should he interfere? Hitherto I have interfered in this way. I have first enquired as to the facts from the planter concerned, and have then referred the matter to the Association. In the case of the Marhora raiyats the Association ordered the planter to restore the lands, and this was ultimately done but in subsequent cases I have failed to obtain restitution of the lands.

12. Mr. Hudson informs me that in the Marhora case the Association ordered the, restoration of the lands on the ground that the manager admitted that, when he got them, he promised to restore them on the expiration of the lease, and in subsequent cases no such promise has been alleged. It may then be taken that when a manager gets lands from the raiyats during a lease from the proprietor, and refuses to give them up on renewal of the lease, the Association will not, in the absence of some express directions from Government, compel restoration, unless the planter has engaged to restore them on the expiration of the lease.

13. What is now wanted are some instructions from Government. I, as Collector, will of course carry out such instructions as I may receive, and I am confident that the Association will also be ready to give a very respectful hearing to the views of Government as to the course which should be adopted by them.

14. As regards a period of limitation there is this to be said. The raiyats' case is that they do not wish to break the agreement under which they have given up land, but that the lands are given, and from the nature of the case can only be given, for the period of the lease. and when the lease expires the agreement ceases; so that, if the planter wishes to hold on the land, he must do so under a fresh agreement. It is not a question of disputing old titles, They do not complain of the planters' former act in taking the land, but they complain of his present act in holding land on the strength of an agreement which has expired From this point of view the question of limitation does not seem to arise at all.

15. It is argued, however, that, when from whatever cause the raiyat has been for a long period out of possession of land, he loses his claim to it. In many cases the raiyat who gave the land dies, and his place is taken by a raiyat who never possessed it; and when the planter finally gives up the lease in such cases, the probability is that the land is separately assessed to a high rate of rent by the zamíndár, so that the raiyat derives no benefit. It is also difficult, after the lapse of many years, to ascertain to what holding each plot belongs, so that the work of restitution is often impracticable. I think that there is much in these arguments, and I have all along been in favour of fixing some period of limitation, as I stated in my last annual report.

16. In all the cases that have come before me, the period for which the land has been held without objection has been during one lease of seven years, and in each case the raiyats have applied for restitution of the land on the first renewal of the lease, so that in none of these cases can it be said that the factory has been in possession for a long course of years. In each case also the raiyats have declared their ability to point out the lands belonging to the several holdings. If the Association are to interfere at all, I must confess that I think they should interfere in such cases.

17. I would on the whole be disposed to fix the period at 12 years or two consecutive leases, and would say that, when the planter has held for 12 years without objection, it should be left to the raiyat to prove by a suit in Court that his interest, if he ever had any, has not lapsed; and in cases in which the planter has held for two consecutive leases without objection, even if the aggregate period should not amount to 12 years, I would infer that the raiyat had agreed that the planter should keep the land so long as he held or renewed the lease. I may add that the late Lieutenant-Governor, when visiting Chapra in 1881, was in favour of fixing some period of limitation in dealing with raiyats' claims to factory-lands.

18. I shall be glad to have the instructions of Government in this matter as soon as possible, as there are several cases in which the same question is involved, and I would request the favour of your forwarding this letter in its entirety to Government, as my statement of a matter in which I feel that my own reputation is concerned.

19. I regret to learn that you consider that I have exercised too much interference in, this respect in recent cases; and, in order that I may have an opportunity of justifying myself I request that you will be so good as to inform me of the cases to which you refer. I have endeavoured to follow one uniform course of procedure in all such cases since I have come to the district, and thought that I had succeeded in doing so, and also that the line which I adopted met with your approval. The task which I have undertaken is not a light or agreeable one, and I have no wish to act otherwise than in accordance with the instructions which I may receive. All that I desire is that the question may be fully understood, and that definite instructions may be laid down for future guidance.

20. I need hardly add that what I have written refers to only one branch of the indigo-question. As regards the new arrangements under which indigo is grown for most factories, an immense improvement on the old system has no doubt taken place, but none the less is it necessary to lay down some rule regarding lands acquired under the old system.

Dated 17th November, 1883.

From—General Secretary, Bihár Indigo-planters Association,

To—Magistrate and Collector, Sáran.

I have the honour to acknowledge your letter No. 2047, dated the 29th October 1883. In accordance with my promise I went to Dhanour village on the 15th instant. I saw the raiyats and the lands in dispute. I explained to them that I had come at your request to endeavour to settle the matter amicably, by giving them, with Mr. McGregor's consent possession of the lands they were entitled to.

My first difficulty was to ascertain the amount that had been taken up in indigo in 1283 Faslí, or eight years ago, by the factory by virtue of their thíka lease of the patti. I found the amount was 64 bíghás: that in 1288 Faslí the lease of Bunmali Sahai's two-thirds share of the patti expired. The raiyats thereon took forcible possession of about 9 bíghás of this land. Then remained 55 bíghás. Bunmali Sahai gave a letter authorizing the factory to continue to hold these lands for the current season, and took his share of the rents, and promised to renew his lease to the factory the following year. He did not do so, and again the raiyats took forcible possession of 25 bíghás more of this land.

Now, the proportion of this zirát land which, by the Association rule, the factory should give up on the expiry of Bunmali Sahai's share is 42 bíghás 13 katas, leaving 21 bíghás 7 katas, the balance in the ratio of the other one-third share, the lease of which runs for some years. This portion Mr. McGregor considered he had a right to retain until the lease expires.

After many enquiries and explanations and much discussion I offered to divide off the balance of the lands of which the raiyats had not already taken possession, and make them over to them; but their spokesmen declined this, and demanded that I should hand *all* the hands over to them "as I was ordered by the Collector." I then explained that I could only settle this matter as I was permitted by the Planters' Association and with the permission of Mr. McGregor; that I would engage for him that they would receive an agreement from Mr. McGregor that at the expiry of his current lease the 21 bíghás 7 katas would be handed over to them, and in the meantime he entered their names in the village jamabandí and an attested copy given them each year, and that I would endeavour to fix a compensation for the use of them that would satisfy both parties; but they would listen to nothing. "They must have all the lands or none" they said, and one man became impertinent, and so I left the place.

I have been engaged now for over five years as Secretary of the Association in endeavouring to have these kinds of disputes settled amicably and fairly, and this is the first occasion in which, after having brought the parties face to face, I have failed.

On the one hand, the planter considers I am exceeding the bounds of reasonable expectation in asking him to give up possession of lands which he has occupied and cultivated eight years of his thíkadárí lease. On the other, the raiyats expect me, at your request as they consider, to put them in re-possession of lands which they gave up, or at least lost possession of, eight years ago, and for which from that time they have ceased to pay rent.

I entirely sympathise with the raiyat, but I cannot do impossibilities. I cannot give him possession of lands straight off which no Civil Court would. I can only offer a compromise that both parties may be persuaded to accept.

The men affected in this case are not wretched low caste raiyats, but apparently nearly all Brahmans. They are quite Tite Montie, and will accept no compromise.

I am willing to do my utmost to ensure that they eventually get all their lands back again, and offer them immediate possession of the portions in the ratio of the expired thíkadárí lease. Further than this I cannot go until it is authoritatively decided what action the Association is expected to take in these retrospective cases.

Dated 22nd November, 1883.

Memorandum by Commissioner, Patna Division.

I have received a copy of Mr. Hudson's letter to the Magistrate and Collector, Sáran, dated 17th November, 1883, acknowledging the letter No. 2047, dated 29th October 1883.

The subject relates to the matter of Dhanour village, about which there has been some correspondence already between the Collector of Sáran and myself. It is not necessary for me here to enter into the details of that correspondence, further than to record that the investigation on the subject has elicited the fact that, though nominally the raiyats who were the original petitioners in the case are apparently urging their rights to the restoration of the lands in question to themselves by the indigo-factory, the actual proprietor has, as a matter of fact, actually re-settled those lands in thíka to others than the petitioners before us, and moreover, that, so far as I gather from the papers I have seen, that proprietor has absolutely entered into such a negotiation with the new thíkadár that eventually these lands, when relinquished by the factory, shall be absorbed in his own zirát, or be otherwise disposed of to his own advantage, totally to the ignoring of the alleged rights or claims of the present petitioners, now so persistently pressed. At my instance the Collector called on the proprietor (who holds an appointment as sharishtádár in the Court of the Sub-Judge at Muzaffarpur) for an explanation, and, so far as I remember, that explanation was altogether unsatisfactory and beside the point. Since then I have not received any further communication from the Collector.

It would seem now that this letter from Mr. Hudson is in reply to one from the Collector pressing a speedy settlement of the matter of the petitioners' claims as raiyats of the lands in question. From Mr. Hudson's letter I gather that his endeavours to settle the matter amicably, by giving to these raiyats possession of the lands, or the area of lands they were entitled to, in proportion to the share held by the proprietor I have mentioned above, have failed: this because the raiyats would not agree to take only a proportion, but demanded the whole or none.

So far as this individual case is concerned, I consider that the interference of the Magistrate and Collector cannot with consistency be further applied, and, unless the Collector can show me very strong reasons for exercising further interference upon the facts which have been elicited, I am decidedly of opinion that the petitioners should be referred to the legitimate Courts for such redress as they may conceive themselves entitled to for possession of the land to which they lay claim. They solicited our interference for arbitration, and such arbitration could, under the circumstances, follow only the lines which Mr. Hudson proposed; since they reject these, they should most certainly be left to their own course, so far as that course does not involve any forcible assumption of possession of lands in the cultivation of the factory to which the petitioners can only raise a presumptive claim now, after many years of actual possession by the factory. This point the Magistrate, in his position as such, can very easily deal with. There is one other point in this special case on which I wish to remark. The original question which initiated the dispute was the refusal of Bunmali Sahai, the part proprietor, to renew the lease for his share of the property, and the particular lands concerned are spoken of as "zirát lands." These lands being such, it would be a natural conclusion that the dispute, as a matter of fact, should be between the factory as *de facto* and *de jure* part proprietor on the one side (by virtue of the renewed lease), and Bunmali Sahai as part proprietor on the other, and that the question of the apportionment of these lands ought to lie conclusively between these two parties, that is to say, the apportionment being non-necessitated by the fact of Bunmali Sahai having formerly leased his whole proprietary right to the factory, and now having declined to renew the lease, the question of distribution of such lands, at this distance of time, from the original arrangements, is one which it is impossible for the Collector to interfere in, in one way or another, as regards claims of previous cultivators to individual plots. I do not see how interference could be exercised without the Collector entering upon a regular re-settlement of the lands—an operation altogether out of the sphere of his executive jurisdiction and totally beyond his legal authority. Neither do I think that the Planters Association can be consistently pressed by us to engage through their Secretary upon such a re-settlement in detail in cases of this nature, where the question of the factory possession is one extending over a number of years. This brings me to what Mr. Hudson in his letter speaks of as the general question which he wishes to have authoritatively settled, namely, is the Association expected to enter into cases where raiyats complain that a planter is retaining lands which they at a former period held as part of their *jotes*, and of which he has since held *cultivating possession* for a period of years by the renewal of his thíkadárí lease?

I am very decidedly of opinion that we cause much more harm than good, both to the one side and the other, by executive interference in endeavouring to secure the raiyats the resumption of possession of lands by an arbitrary and, so to speak, not legitimate action, which have gone out of their possession many years ago, either by their own formal consent, or by tacit compliance with the general usage of the time, it matters not.

We raise hopes and false expectations in the raiyats concerned, who, either of their own action, or by the advice of others acting for their own totally separate self-interest, come forward with these claims, such as in the instance now under review.

It is because I think that in Sáran somewhat too much interference in this respect is exercised—and has been exercised in more recent cases—that I wish to record my opinion here as I have done above. I myself consider that executive interference in these matters can be applied with satisfactory effect only in those instances where the raiyat can show by clear proof, or where there is no moral question of his having held *certain definite* land in his cultivation, and having relinquished it to a factory conditionally for indigo-cultivation for the period of a thíkadárí lease, or other period; this as a matter of fact under past circumstances, can only be determined in the more recent instances of such reliquishment of land; and I would, therefore, as a general principle, adopt, say, a period of five years back in determining whether executive interference should be applied, either directly or through the Planters Association. Of course, I do not mean to say that in no other instance should the Collector endeavour to bring about a settlement, notwithstanding that the evidence of the raiyats' holdings may be clear and definite, because the original relinquishment was at a period further than five years back.

As regards new transactions, I would enforce most positively to the full the resolution of the Association that no lands should be taken for indigo without the written consent of the raiyat, containing definite conditions for period of termination of the transaction. This I am aware the Secretary of the Association is doing his utmost to enforce, and he will receive full support from the executive.

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dated 14th November, 1882.

Petition of certain Raiyats of Mauzá Dhanour, Pargana Gowa, Sáran District.

To His Honour the Lieutenant-Governor of Bengal.

The humble petition of Soondermun Missir, Jeetram Upadheya, Phagoo Missir, Chuttoo Missir, Ramdeni Missir, Harichurn Missir, Bahadur Missir, Gokhool Missir, Tupsi Missir, Doorga Missir, and others, raiyats of mauzá Dhanour, pargana Gowa, in Sáran, most respectfully lay before your Honour the oppressions of the manager of Dhanguha Indigo-factory.

1. MAY IT PLEASE YOUR HONOUR—That your Honour's petitioners are raiyats of mauzá Dhanour, pargana Gowa, which was given in lease to the said factory by Bábú Bunmali Sahai, proprietor, in 1283F., for a term of six years, and by Lalla Surbjit Lall for a term of seven years only. That your Honour's humble petitioners gave some of their lands in factory for indigo-cultivation for six years.

2. That the term of the lease executed by Bábú Bunmali Sahai expired in the last year, but as the term of the lease executed by the said Surbjit Lall was remaining for one year more, the said manager desired your Honour's petitioners to allow him the indigo-cultivation till the remaining one year's term may expire, and which was consented by your Honour's humble petitioners, and the said manager promised to give up possession of the lands in question after cutting the *khooti* without any objection.

3. That this year, when the manager cut the *khooti* and the lands became empty, he attempted to retain possession as he did before, but your Honour's humble petitioners did not agree, and cultivated their respective lands.

4. That when Bábú Bunmali Sahai, a larger shareholder of the said mauzá, refused to lease again his share to the said factory, then the manager most cunningly has taken fresh lease from the said Lalla Surbjit Lall, who has small share in the village, and on that strength he began to institute criminal cases against your Honour's petitioners.

5. That your Honour's petitioners have cultivated and sown some of their lands, and at the time of sowing the remaining fields resistance was offered by the factory, and its servants drove away two bullocks which your Honour's poor petitioners have not found as yet. That Phagoo Missir, one of your Honour's petitioners, was assaulted by the factory servants, a case of which is still pending here in the Criminal Court.

6. That your Worship's petitioners are very poor men, and have no means to engage pleaders and mukhtárs to protect them against the factory ligitations.

7. That the object of the manager is that, when the raiyats will become harassed by continued litigations, and would be reduced to poverty, they will then be obliged to give up their lands to the factory. Under such circumstances, your Honour's petitioners see no hope of getting out of this difficulty, unless your Honour is pleased to order the factory-manager to give up possession of your Honour's petitioners' lands, as your Honour did with Marhora factory raiyats' case last year.

And, as in duty bound, your Honour's petitioners shall ever pray.

No. 1986, dated 8th August, 1884.

From—Officiating Registrar, High Court, Calcutta,

To—Secretary to Government of India, Legislative Department.

I am directed to acknowledge the receipt of your letter No. 785, dated the 5th May, in which the attention of the Court is invited to the Report of the Select Committee on the Bengal Tenancy Bill, and the advice of the Judges is asked on certain matters connected with the proposed measure.

2. The Court has carefully considered the three points indicated in your letter as those upon which their assistance is specially desired. The Select Committee wish, in the first place, to learn what modifications it may be desirable to make, whether by rules or otherwise, in the Code of Civil Procedure with a view to expedite the trial of rent-suits, and in particular whether it is desirable that landlord should be empowered to institute, by means of a single plaint, suits for arrears against a number of raiyats holding independently of each other. It is proposed, in section 163 of the draft Bill, to exclude rent-suits from the operation of sections 121 to 127, 129, 305 and 320 to 325C of the Code of Civil Procedure. This proposal is free from objection, but the Judges fear that no modifications other than those indicated in this section can be made in the ordinary law applicable to civil suits without opening the door to evils which would outweigh the advantages to be derived from increased expedition. The suggestion made in the Report of the Select Committee, that suits for arrears of rent should be allowed to be brought by means of a single plaint against a number of raiyats holding independently of each other, would, the Judges believe, be impracticable and lead to delays worse in all probability than those now experienced. The defences set up in a number of suits might be so various that any provision of this nature would very frequently lead only to confusion. The proposal seems to have originated in paragraph 5 of the letter noted in the margin, from the Government of the North-Western Provinces and Oudh, to the Government of India. It is there stated that "in the bulk of rent-cases there is no dispute as to the correctness of the claim. It is generally certified by the village patwárí and not contested by the tenant, and all that the landowner wishes is assistance to realize his claim, by putting in action the machinery which will compel the tenant to pay the sum due, without which the landholder cannot pay the Government demand." To meet this state of things Sir George Couper suggested the remedy now under consideration. How far the proposal would in the North-Western Provinces meet the difficulty felt the Judges are unable to say, but they are convinced that in Bengal, where patwárí papers are not available, it would fail in its object. The Judges have carefully considered the question whether, leaving the law unaltered, any changes could be made in the executive orders issued to subordinate Judicial Officers with a view to expedite the decision of rent-suits. The orders at present in force seem to provide almost all that is necessary to secure the postponement of all other suits to rent-suits, and the prompt decision of all rent-suits which are not contested. The Court proposes, however, to direct that in future undefended rent suits shall have priority over short suits, though both shall, as far as possible, be taken up on the date fixed. It is probable that for their own sakes the majority of Munsifs at present adopt this procedure, but it will now be rendered imperative for them to do so. The rules direct that every summons in any suit for arrears of rent (other than a suit for enhancement) shall command the defendant to appear at the expiration of fourteen clear days after the service thereof. The Judges have considered the possibility of compelling the defendant's appearance within a shorter period, but, looking to the difficulties of communication in many parts of the country, they are of opinion that no change in this direction would be expedient.

No. 5A, dated the 30th January, 1882.

Vide page 222 of the Court's Civil Rules and Circular Orders.

3. It would, the Judges believe, be extremely dangerous to enact any such provision as that proposed in clause (*b*) of paragraph 2, to restrict the right to claim a re-trial where a decree has been given *ex parte*, and on this point they agree entirely with the Select Committee. It is true, as has been represented to the Committee, that landlords are frequently involved in unnecessary expense and delay by the tactics of their raiyats, who deny service of summons, but it seems absolutely essential, in order to prevent fraud by dishonest agents of landlords in collusion with the process-servers, that raiyats against whom decrees are passed *ex parte* should have an opportunity of applying for a re-hearing.

4. The third suggestion, which like that discussed in the last paragraph, was made to the Select Committee by the Hon'ble the late Rai Kristodás Pál Bahadur, is that a defendant in a suit for arrears should not be allowed to appeal from a decree passed against him except on depositing the amount of the decree. This proposal, which might no doubt serve to obviate some of the inconvenience, expense and delay now caused to zamíndárs by recalcitrant raiyats, would, however, it is believed, in many cases involve the defendants in very serious hardship, and the Court is not therefore disposed to recommend its adoption. It may be observed further that it is always open to a zamíndár to execute his decree notwithstanding that it is under appeal, in which case, if execution is stayed, the law provides that security shall be given for the due performance of the order that may ultimately be passed.

5. The Judges are fully sensible of the necessity for affording assistance to the landlords in the speedy and cheap recovery of the rents due to them, and are aware that at present much real cause for complaint exists. It would, therefore, have been a matter for satisfaction to them had they been able to accept any of the suggestions put forward for the simplification of procedure and the removal of the means now too often employed by raiyats to harass their zamíndárs. It is, however, scarcely possible legally to facilitate the recovery of rents without putting into the hands of unscrupulous landlords or their subordinates weapons which may be easily used for the oppression of their tenants.

6. The solution of the difficulty must, the Judges believe, be sought in a direction different from that suggested. The evils of which the landlords chiefly complain are the expense and delay involved in suits against their raiyats. The true remedy for these is to be found in executive rather than in legislative action. The main expense to which a landlord seeking to recover his rents by means of the Civil Courts is put is the necessity for paying the heavy institution-fees levied. Before the transfer of rent-suits from the Revenue-officers to the Civil Courts effected by Act VIII (B.C.) of 1869, the fees levied in these suits were only one-fourth of those payable in ordinary suits in the Civil Courts. When the jurisdiction was altered, it was considered anomalous that relief should be given more cheaply in the same Courts in one class of suits than in another, and the fees in rent-suits were increased four-fold. A reduction in the fees to their original standard would afford a very appreciable relief to landlords, and, though some loss would be incurred by the Government, the revenue derived from court-fees so largely exceeds the expenditure on Civil Courts and establishments that it might be possible to give up some portion of the surplus for the benefit of suitors. Some relief might also be given by holding out to raiyats inducements to compromise their suits or not to defend them, similar to those provided in small causes in the Presidency-towns by Act XV of 1882, section 73.

7. One of the principal causes of the delay in the proceedings is to be found in the frequent adjournments, which are rendered unavoidable by the heavy pressure of work upon the subordinate Judicial Officers. In many places, where more than one Munsif is stationed, an officer has, in accordance with a suggestion made by Sir Ashley Eden, been specially set apart for the hearing of rent-suits, and the evil has thus to some extent been diminished. Where, however, this is the case the work devolving on the rent-suit Munsif is not unfrequently more than he can perform with punctuality and despatch, and in many places where there is only one Munsif the most strenuous exertions on the part of that officer fail to prevent the accumulation of arrears. In view of these facts it seems to the Judges that an increase in the judicial staff and their establishments in these provinces can alone prevent the delay now too often experienced. The sanction of the Local Government has on several occasions recently been obtained to the appointment of extra Munsifs to deal with accumulations of arrears, and the Court has now under consideration a suggestion which has been made to enable it to meet sudden emergencies with greater promptitude than is at present possible.

8. Regarding the general provisions of the Bill, apart from its purely judicial aspect, the Court does not propose as a body to address the Government. Some of the Judges, however, will probably hereafter submit minutes embodying their individual opinions.

Extract from The Bengalee *of 30th August, 1884.*

A Tale of Rackrenting.

It is impossible to deny that, at the present moment, the relations between landlords and tenants are not of the happiest order. In Maimansingh, in the Midnapur district, and in other places, the most unhappy differences mark those relations which should be characterized by mutual esteem and confidence. It would be absurd to hold that the zamíndárs are immaculate or that the raiyats are free from all blame. The fault must be shared between the two parties in common. We have no sympathy with Maimansingh raiyats who would withhold lawful rent from their zamíndárs. The zamíndárs have come into possession of property. In many cases they have paid money for it, and surely they expect the just return of capital. But while we cannot sympathize with those who would seek to deprive the zamíndár of his lawful profits, our feeling is of the deepest indignation against the zamíndár who, taking advantage of the helplessness of the raiyat, does not scruple to rackrent him to such an extent that life becomes a burden to him. It is true that in some districts the raiyat has obtained an advantage over the zamíndár. But it is much more true that in most districts the raiyat is a poor, helpless, ignorant man, who is incapable of protecting his rights, and who oftentimes is the victim of nameless sufferings. We have before us the facts of a case, upon high judicial authority, which will indicate to the reader the amount of rackrenting that sometimes takes place in the remote mufassal. We take the facts from the judgment of the

Munsif of Midnapur. Here is a table which shows the old rates and the enhanced rates claimed by the zamíndár:—

Number of the suit.	Old rates of rent as admitted by Defendants.	Enhanced rates as claimed by Plaintiffs.
	R a. p.	R a. p.
No. 2716	5 11 0	11 2 2
„ 2718	0 6 0	3 14 6⅓
„ 2719	1 1 0	4 15 15⅓
„ 2720	2 2 10	5 6 16⅓
„ 2726	1 13 0	5 12 10¾
„ 2727	1 6 0	2 4 1
„ 2728	0 5 15	1 3 1⅓
„ 2732	7 7 0	8 8 14⅓
„ 2735	10 8 0	15 3 1⅞
„ 2737	5 8 0	7 8 1¼
„ 2739	1 6 8	2 5 13⅓

We would invite the attention of the reader to the remarks of the Munsif in this connection:—

"The accompanying table will show the old and the enhanced rates. In almost all the cases the enhancement was twice, thrice and four times the old rents, and in no case is it less than 50 per cent. Let us first weigh the probabilities in the cases and ascertain whether it was probable for the raiyats to submit to these exorbitant terms.

* * * *

"Was it then probable for these poor raiyats to submit to these exorbitant rates, twice and thrice their old rates, when the prospects of their crops were not quite certain, when their application to have this uncertainty removed met with no sympathy from their landlord, and when their sufferings were so great as to compel them to forward a petition to the Governor of the province? My answer to this question is undoubtedly in the negative. The probabilities therefore are all in favour of the defendants."

It is necessary for us to add anything. We are quite sure that proceedings such as those to which we have called attention will be looked upon as unworthy and iniquitous by all right-minded zamíndárs, who, we are persuaded, are only too anxious to see harmony and good-will established between them and their raiyats. The facts, however, also point to the necessity of providing a law to protect the helpless raiyats, who, in too many cases, are not able to help themselves. The justification of the Rent Bill therefore seems to be complete.

No. 2566, dated Calcutta, the 13th September, 1884.

From—C. S. Bayley, Esq., Offg. Registrar of the High Court of Judicature at Fort William in Bengal,

To—The Secretary to the Government of India, Home Department.

High Court,
English Department,
Civil.

Present:
The Hon'ble Sir R. Garth, Kt., Chief Justice.

In continuation of my letter No. 1986, dated the 8th August 1884, I am directed to forward, for the consideration of His Excellency the Governor General in Council, the enclosed copy of a minute recorded by the Hon'ble the Chief Justice, on the subject of the Bengal Tenancy Bill.

THE BENGAL TENANCY BILL, 1884.

If I were to consult my own wishes, without regard to what I consider to be my duty to the public, I should decline to offer any further advice to the Government with reference to the Bengal Rent Bill.

But the measure appears to me to be one of such vital importance to the agricultural community, which forms the mass of the population of this Province, that I feel, in justice to them, that I ought to say what I think about it.

It is a great satisfaction to me, that my good friend Mr. Justice Field, who has made the land laws in this and other countries his peculiar study, and who is probably as well acquainted with the Bengal Rent Law as any living man, has addressed the Government so fully upon the subject.

I could wish that every Judge of the Court had done the same. The Civilian Judges, especially, who have had a large experience in the Mofussil, besides that which they have gained in the High Court, might, I believe, have given the Government the most valuable assistance; and my learned colleague, Mr. Justice Mitter, who is also a thorough master of the subject, would, I am sure, have done good service to his countrymen by affording to the Government the benefit of his knowledge and experience.

But we can hardly be surprised, in the present state of things, that any Judge of the High Court should hesitate to advise the Legislature upon this or any other subject, when his advice is likely to be opposed to the wishes of the Government.

There was a time, when the opinions of High Court Judges, however adverse they might be to those of the Government, were invariably treated with respect. I am sorry to say this is not so now.

I feel this so painfully, and I consider that the interests of the public are likely to be so seriously affected by it, that I cannot help taking this opportunity of saying a few words upon the subject, more especially as it is in some sort connected with the Bill which I am about to discuss.

Since His Excellency the present Viceroy arrived in this country, there have been two principal measures, which have excited a more than usual amount of public interest and attention. One of these is the Rent Law, now under consideration, and the other what is generally known as the "Ilbert Bill."

Upon both these measures, the Judges of the High Court have been consulted by the Government.

They were first consulted upon the Rent Bill in March 1881, when it was in the form usually known as "Mr. Reynolds' Bill." They were again consulted upon it in March 1883, when it had been amended under the orders of the Secretary of State. And they have now been consulted upon it for the third time, in the shape that it has assumed under the hands of the Select Committee.

I suppose that there hardly ever was a measure, which has undergone from time to time more numerous and important changes, than this Bill. I had twice nearly completed what I wished to say upon it in 1882, when in consequence of these changes, I was obliged to commence my labours afresh.

At length, however, I completed a minute, and submitted it officially to the Government of India as well as the Government of Bengal in October of that year. I was of opinion, and did my best to explain, that the Bill was in great measure unwise and uncalled for; that its effect would be to deprive the zemindars of the rights and position which they had acquired under the Permanent Settlement; that it would be productive in many ways of injustice and litigation, and above all, that it would do more harm than good to the class of persons whom it was especially designed to benefit, namely, the cultivating ryots.

Whether I was right or wrong in this view of the matter, is a question which still remains to be solved. Suffice it for my present purpose to say, that I gave the Government the best advice I could. I had studied the subject with a great deal of care and attention; and although I was quite aware that my views were opposed to those of Government, they were at least, I need hardly say, thoroughly honest and disinterested.

No sooner, however, was this Minute published, than a most bitter and scurrilous libel, in connection with it, was circulated by one of the Secretaries to the Government of India, who had been an active member of the Rent Commission, and who had advocated some of the views which the Bill was intended to carry out.

This libel will, of course, be in His Excellency's recollection. It was commented upon very freely in the public papers, and, so far as I can judge from those comments, (for I never read the libel itself), it consisted for the most part of a succession of personal attacks upon myself, imputing to me not only gross

ignorance and incapacity, but even a want of good faith in the advice which I had given to the Government.

Now, if this were a matter which merely concerned myself, I should not have thought it worthy of remark. I took no notice of it at the time; I was by no means desirous of inflicting upon the author a heavier penalty than he had brought upon himself; and I was still less desirous of placing Lord Ripon in a difficulty, which I believe I should have done, if I had called his attention publicly to the subject.

But the matter is not one which merely concerns myself. Its real importance and significance, especially having regard to what has since occurred, seems to me to consist, not in the libel itself, but in the fact that the Government allowed it to be published, under these circumstances, without the slightest sign of disapproval.

I was asked to advise the Government upon a legislative measure. I advised them to the best of my ability. My advice was strongly opposed to the Government policy; and forthwith this libel was printed, at the Government Press, by one of the Government Secretaries, and although marked "private" was circulated freely amongst some of the highest officials, without any rebuke or apparent disapprobation on the part of the Government.

Let us now see what happened on the occasion of the Ilbert Bill.

The Judges were asked in the month of May of last year to give the Government their views upon that Bill. And they accordingly did their best to explain them in a letter, dated the 23rd May 1883, which contained the unanimous opinion of the European members of the Court.

If this document had no other merit, it was at least a faithful exposition of what we believed to be the truth.

Our advice was asked as *Judges of the High Court;* and we gave it *in that capacity, and in no other:* and yet so little respect is shown to us or our opinion, that Lord Hartington, the late Secretary of State for India, well knowing that our advice had been asked by the Indian Government, denounced our minute publicly in the House of Commons, "*as not being invested with any judicial authority, but rather as the offspring of partisanship.*"

Now it is perfectly true, that at the time when Lord Hartington used these words, he had ceased to fill the office of Secretary of State for India. But it is equally true, that the Ilbert Bill had been brought forward under his auspices, at a time when he did fill that office, and that it was in defending his own policy and that of the Government of India, that he thought fit to insult the Judges in these terms.

Here, again, the Government of India, when their attention is called to the subject, receive our remonstrance in silence; and, for aught that we know to the contrary, are perfectly content that we should be thus insulted.

This is the treatment to which Judges of the High Court are now subjected, when the views which they think it right to express are opposed to the Government policy.

When our views are in accord with the Government policy, the treatment we receive is very different. I have myself, before now, been fortunate enough to approve of Government measures; and my advice has then been not only received with gratitude, but referred to in the Council Chamber with the utmost respect.

Now I cannot help thinking, that in the interests of the public (entirely without regard to what may be the feelings of the Judges), this mode of dealing with the advice of the High Court upon matters of deep concern to the State is open to grave objection.

I believe there is no country in the world, in which the Government, and especially the Legislative branch of it, is more dependent upon its officers, both executive and judicial, for information and advice, than it is in British India.

In measures which involve any material changes of the substantive law, I believe it would be difficult, if not impossible, for the Legislature to proceed safely, without first consulting the High Courts. As a matter of fact, those Courts always are consulted upon measures of that kind. And I do most respectfully submit to His Excellency, that it does not tend to encourage honest advice, or indeed any advice at all, from the Judges, nor to improve the confidential relations which ought to exist between the High Courts and the Government, if when their views are opposed to the Government policy, they are to be treated with open disrespect.

There has always, since I have been in Calcutta, been some difference of opinion amongst the members of the Court, as to how far it is the duty of the Judges to advise the Government upon Legislative measures. Whether it is our duty or not, I have always myself endeavoured to give them the best advice I could; and so long as His Excellency is pleased to ask my advice, I shall continue, so far as my time and other duties allow me, to give it.

But I cannot help thinking, that it would be better for the Government not to consult us at all, unless they really desire to have our honest advice; and I think, moreover, that it is hardly fair to consult us, if our advice is to be received with favour or disfavour, as it may be more or less in accord with the Government policy.

Introductory.

I now proceed to discuss the subject of the present Rent Bill; and I must preface my remarks by saying, that in the main the opinions which I expressed in my former Minute of 1882 remain unchanged.

In some few respects I think the Bill has been improved; but on the whole I regret to say, I consider that the alterations which have been made are not for the better.

There are two very remarkable features about the Bill, both of which have been observed upon, and as it seems to me, with truth, in the protest of the late lamented member of the Select Committee, the Hon'ble Kristo Dás Pál.

One is, that notwithstanding the many differences of opinion, which arose in the course of the controversy, upon what were obviously questions of fact, no witnesses were examined before the Select Committee, except a few zamíndárs, upon the subject of sub-letting.

It is true that the rules by which the Select Committee were governed did not admit of the examination of witnesses. But why should that be the rule? This is just one of those cases which shows how necessary it is, in order to obtain proper materials for the purpose of legislation in India, to appoint Select Committees with power to take evidence as is constantly done in the House of Commons.

When a measure, which involves disputed questions of fact, comes before the House of Commons, it is constantly referred to a Select Committee; and the very best evidence that can be procured is examined before that Committee upon both sides of the question. It is surely only just that a tribunal of that kind should be constituted here. A Committee composed of an equal number of gentlemen on either side of the question, with a chairman selected for his moderation and fairness, would, I believe, give more satisfaction and confidence to the public, than any number of Select Committees, such as that which was constituted in this instance.

The large majority of that Committee were entirely in favor of the main principles involved in the Bill; and it was hardly likeby that the great body of agriculturists, who were so deeply interested in the matter, who had held crowded meetings all over the country, and sent up to the Government the most earnest memorials, should have been satisfied with a discussion, where the native gentlemen who represented their views were completely overborne by numbers.

I heartily wish, in common, I believe, with thousands of others, that Committees such as I have suggested were appointed in this country.

The other remarkable feature about the Bill, to which also the Hon'ble

Kristo Dás Pál alluded, is that although it professes to restore the ancient and customary law of Bengal, there is hardly a single particular in which that principle is adhered to.

In paragraph 38 of the despatch from the Government of India to the Secretary of State, dated the 21st March 1883, we find two main proposals, which had been made by the Government of Bengal to the Government of India, embodying the leading principles upon which, in the opinion of Sir Ashley Eden, the new Rent Law ought to be based.

Those proposals were—

1stly, that the great body of cultivators should be restored to the position which they held under the ancient land law and custom of the country; and

2ndly, that the beneficial interest of the settled raiyats, who formed the mass of the cultivating classes of Bengal, should be determined by authoritatively establishing renewed or revised rates on a system analogous to that of the old pargana rates.

The spirit of these proposals was approved at that time by the Government of India, as well as by the Secretary of State; and although in paragraph 108 of the despatch their spirit was to some extent departed from, yet still there were two intelligible principles to work upon, which showed what Sir Ashley Eden's intentions were, and of which, if they had only been carried out fairly, the zamíndárs might have had no reason to complain.

I would now invite attention to the provisions of the present Bill; and I would ask, whether any reasonable man, looking at those provisions, can say that the principles, which I have mentioned, have been adhered to with even tolerable fairness.

It seems to me that at least three-fourths of the provisions of the Bill are entirely inconsistent with the rights, both of the cultivators and of the zamíndárs, at the time of the Permanent Settlement.

I would ask, how many of the provisions contained in chapters II, III, IV, V, VI, VII, VIII, IX, X, XII, XIII, XV, XVI, XVII, or XIX were ever known or thought of in the year 1793?

Whatever Sir Ashley Eden's original intentions may have been, it seems to me that the principles which he laid down have been virtually ignored.

It will be observed that from the category of chapters which I have above enumerated, I have omitted chapter XI. I agree that it is most desirable, although no doubt very difficult, to devise some effectual means of reviving the old pargana rates. I sincerely hope that what is proposed in this chapter will be a success. I know so little of that branch of the subject, that I will not presume to give my opinion upon it. But I fully believe, that if it only works fairly well, it will be an improvement upon the present state of things.

And now, as to the Bill itself, I regret that I have neither the time nor the knowledge to deal with it in detail, as Mr. Justice Field has done.

I propose to confine myself at present to certain salient points, which are within the range of my own knowledge and experience, and which appear to me to be specially deserving of the consideration of the Legislature.

Government not bound by the provisions of the Bill.

The first point, to which I desire to call attention, is that the Government do not appear to be bound in any way by the provisions of the Bill. The rule is, that the Crown is never bound by an Act of the Legislature, unless it is expressly named; and I find no definition or expression in this Bill, which extends its operation to the Crown.

Now why should this be? The Government are some of the largest landlords in Bengal. They hold a vast number of estates in their own hands, which they have not been able to settle with zamíndárs; and they also hold a number

of estates, which belong either to minors or lunatics, in their character of the Court of Wards.

The tenants and raiyats upon those estates are entitled, I presume, to as much consideration as the tenants and raiyats of ordinary landlords; and if it is right to protect the latter by the stringent rules and conditions which are contained in this Bill, it seems also right to protect the former in the same way.

Let us refer once again to the avowed principles upon which the Bill was originally based.

The object of it was to *restore the tenantry to the position which they occupied at the time of the Permanent Settlement.* If it is just to restore the tenantry to this position on estates held by ordinary landlords, is it not equally just to restore them to that position on estates which are in the hands of Government?

A case, or rather a batch of cases, which has lately come before the High Court on appeal, tends to illustrate, in a very remarkable way, the extraordinary powers which the Government possess over their tenants in this Province, and the severity with which those powers may be exercised.

The facts will speak for themselves.

There is a very old family of zamíndárs in the district of Midnapore, who have been the "maliks," or proprietors, of some large estates there, called the Jellamutta estates, for upwards of a century.

These estates consist of thirteen parganas; but only three of them have been permanently settled, because the terms offered by the Government for a permanent settlement of the other ten parganas were higher than the zamíndárs could prudently accept; and consequently those ten estates have been settled by the Government from time to time upon temporary settlements, either with the zamíndárs or with strangers; and sometimes they have not been settled at all, but have been taken by the Government into their own hands.

When the Government takes possession of an estate under such circumstances, or settles it for a time with strangers, it is customary to allow the zamíndárs a certain share or percentage of the profits, which is called *Malikana.*

And as each succeeding settlement comes to an end, or when, after the expiration of a settlement, the Government thinks the circumstances will warrant an increase in the rental, they are in the habit of making a fresh estimate of the rents, which each tenant or raiyat upon the estate ought to pay, and then offering to settle it, first with the zamíndárs, and then, if they so please, with other persons, at a revenue proportionate to that estimate.

The last estimate of this kind made upon the estates in question was in the year 1877. The Government had undoubtedly since 1840 carried out some expensive embankments along the coast, in order to keep out the salt-water. But these benefits were common to the district, and not confined to the estates in question.

The new estimate of the rental was, however, so largely out of proportion to the rents which had been previously paid, that it at once gave rise to the utmost consternation.

The raiyats were almost all admittedly occupancy raiyats, described as old khudkasht raiyats in the settlement of 1845.

The rents had been raised by this estimate in very many cases to 50, 100, and 150 per cent. beyond what had been paid before; and in some instances as high as 200 and even 300 per cent.

The average increase expected was about 63 per cent.; and the result was, that in one comparatively small estate the rental of about 6,000 raiyats was raised from Rs. 43,000 to Rs. 73,000.

This estimate having been made, the Government proposed to the zamíndár to take a settlement on the basis of it. But the zamíndár declined the

proposal. He was as much startled as the tenants at the severity of the enhancement: and he knew that it would be utterly out of the question for him to attempt to realise from the tenants anything like the amount.

A settlement therefore having been found impossible on these terms, the Government resolved to take the estates into their own hands, rather than reduce the assessment to any sum which the zamíndár could enforce by law.

It appears from the Administration Reports that the whole 75,000 raiyats on the estates repudiated the settlement; and that the Government in one year issued 25,000 Collectors' certificates against them, and proceeded to execution and sale. These certificates are summary proceedings taken under the Public Demands Act (Act VII of 1880, B.C.), by which a mere certificate recorded *ex-parte* by the Collector, that a sum of money is due from any person for a public demand, is capable of execution as a decree.

The only remedy for the person against whom such a certificate is made is by a regular suit in Court to recover the money from the Government by proving that it was not due. The suits of raiyats on estates held or managed by the Government are considered to be public demands within the meaning of this Act.

It now becomes necessary to explain the state of the law, which regulated at that time the enhancement of tenants' rents on estates in the hands of Government.

The earliest statute upon that subject is Regulation VII of 1822, under which the settlement officer was at liberty to enhance the rents of the tenants and raiyats upon such estates (other than those holding at fixed rates) up to any amount he thought proper, subject only to the sanction of the Board of Revenue.

This arbitrary power had been in great measure controlled by the Rent Law of 1859, under which (in the case at least of occupancy raiyats) it became necessary for the Government, as it was for other landlords, to specify and prove in each case the ground upon which the rents were sought to be enhanced; and the provisions of this Act of 1859 were afterwards continued by the Act of 1869.

This was the state of the law at the time when the rental estimate, which I have mentioned, was made upon the estates in question; and having regard to the temper of the raiyats, the Government saw very plainly, that in the teeth of that law it would be impossible for them to realise from the tenants anything like the estimated rental.

They determined, therefore, to have recourse to some legislative measure, which would remove, or tend to remove, their difficulties. And accordingly Act III of 1878 (B. C.), which was introduced in that year, in effect provided, that where, in the course of any settlement proceedings under Regulation VII of 1822, a higher rent had been recorded by the Government, as demandable from any tenant or raiyat, than had been previously paid by him, such rent should be *deemed to have been correctly enhanced, until the contrary was proved*: and there was a further provision, that any suit which might be brought by a tenant or raiyat to contest the correctness of the enhanced rent, *should be brought within four months of a notice of enhancement.*

After this Act was passed, the Board confirmed the settlement of 1877; but it was found that it would still be necessary to specify in the notices of enhancement not only the particular occupancy holding to be enhanced, but also the old rent and the reasons why Government contended that the enhanced rent was demandable in each case; and it was feared that some trouble would be caused to Government by having to go into these details, and that the enhancement could not be enforced even with the aid of Act III of 1878.

Accordingly in 1879 Act VIII of that year (B. C.) was passed, with retrospective effect upon all settlements confirmed by the Government after the passing of Act III of 1878. This Act (which was substituted for Act III of 1878) contained (in addition to throwing the onus on the raiyat) provisions enabling the Government to publish a rent-roll or jummabundi of a whole

estate with certain formalities, and provided that the amount of rent recorded against each raiyat should be payable by him, unless by a suit instituted within four months from the publication of the rent-roll he should prove that the rent had not been assessed in accordance with the Act.

This Act was made retrospective, *for the very purpose of legalising ex post facto the enhancement which had been made on the estates in question*, and throwing upon the tenants and raiyats in all cases the burthen of proving that the estimated rent recorded against them was incorrect. In fact, instead of the onus of proof being thrown upon the Government, to show that their enhancement was correct, this Act threw upon the tenants the onus of proving that it was wrong; and it obliged the tenants to bring their suits to try the correctness of the estimate within the short period of four months from the time when this notice of it was given in the village.

No doubt this short limitation and the ignorance of the great majority of the raiyats of the change which had thus suddenly been made in the law, prevented a good many of them from contesting the enhancement. But no less than 2,654 suits were nevertheless brought against the Government for that purpose.

Having brought these suits, it was necessary, of course, for the tenants to ascertain the grounds upon which their rents had been enhanced; because, the onus being upon them to prove that the enhancement was improper, it was impossible to launch their cases, without knowing upon what grounds the enhancement had been made.

But this was very difficult, because the Government had not given any particular grounds in respect of particular holdings, but had in their notice claimed to assess all the raiyats on all possible grounds, and thus imposed on them the burthen of proving the negative of each of those grounds.

The Government also attempted practically to cut down the four months allowed for suing to two, by objecting that no suit could be instituted against the Secretary of State without two months' notice under section 424 of the Civil Procedure Code; and they insisted also, that such notice should specify the grounds of the action in detail.

Many of the raiyats served their notices on the Collector, but the Collector declined in his written statement to admit or deny the receipt of those notices, and put the raiyats to strict proof of them. He was, however, compelled to produce these notices in the course of the trial.

The consequence of these overwhelming difficulties thrown in the way of the tenants was, that in a large number of suits the raiyats were literally helpless. They knew not upon what grounds their individual rents had been raised; and as the Government refused to give them any information, the Munsif who tried their cases decided that they had not proved that the enhancement was improper, and dismissed all the cases, with extra costs for having interrogated the Collector.

The Judge on appeal set aside the enhanced rents upon ponds dug by the raiyats themselves, and upon homestead lands, but declined to interfere with the rest of the enhancement.

A good many of these decisions have been appealed by the raiyats to the High Court upon points of law; and the result of the appeals is not yet known; but that result is unimportant for my present purpose.

Now here is a very remarkable history, which tells its own tale too plainly to need any comment. This same Government, which takes these large estates out of the hands of the zamíndár, in order to impose upon the raiyats this extraordinary enhancement, and which, for the purpose of enforcing that enhancement, passes two retrospective Acts, which virtually render it impossible for the raiyats to resist the imposition,—this same Government, I say, is endeavouring by this Bill, in the case of permanently-settled zamíndárs and other landlords, to restrict the enhancement of rents to 25 per cent., and to allow that enhancement only on certain specified grounds, which grounds must be strictly proved by the landlords before any enhancement can be made.

Now why should this be? The tenants and raiyats are surely entitled to the same rights, and to the same consideration, whether their landlord for the time being is the Government, or a permanently-settled zamíndár, or a temporarily-settled zamíndár. Government officers may make mistakes like other people; and they are probably not less likely to make mistakes, because they are unfettered by the control of the law.

For myself, I fail to see the slightest reason why the Government, when they are in the position of landlords, either by taking revenue-paying estates into their own possession, or managing the property of minors and insane persons in the character of the Court of Wards, should not be placed under the same wholesome restrictions with regard to the exercise of their powers, as any other landlords.

It seems to me a most fortunate thing, in the interest of justice and of the Bengal tenantry, that the facts of this Jellamatta settlement should have been brought before the public, while the Rent Law is under discussion.

I am one of those who consider, that the powers of Government over their tenants should not be greater than those of other landlords. And I think, moreover, that the certificate system, by which the mere fact of a Government officer recording a debt against a person behind his back is made equivalent to a decree against that person so as to subject him to execution without his having had any opportunity of answering the claim, is cruelly unjust.

The Government, as it seems to me, ought to be bound to prove their claims against tenants, or any other debtors; and if the discussion of the Rent Bill should bring about any wholesome reform in that respect, it will be attended, in my opinion, with at least one good result.

Section 3 (7).

The next point which I wish to observe upon, and which I consider of great importance, is that the various kinds of tenancies should be properly defined.

I see that in the report of the Committee they say, that they do not consider it expedient to attempt any such definitions. But considering that this new law would have the effect of readjusting the whole system of agrarian holdings, it seems to me that the great aim which the Legislature ought to have in view is to prevent, as far as possible, confusion and uncertainty in the future.

They are proposing to deprive landlords of a number of rights and privileges which they have hitherto possessed; they are conferring rights upon tenants which they have never yet enjoyed, and changing the status and relations, which these different classes of agriculturists are to occupy in the future. It seems to me therefore that in justice to the agriculturists themselves, and to prevent confusion and uncertainty, the least they can do is to define as nearly as may be what a tenure-holder or a raiyat is according to their own view of his position; and I think it would be extremely hard to impose that burden upon a number of judicial officers, the large majority of whom disapprove of the proposed changes, and probably, like myself, are unable to comprehend the principles upon which they are based.

Section 5.

Having said this much, and in the hope that in this respect the Bill, if it is to pass, may be reconsidered and amended by the Legislature, I will just notice in passing how misleading and inaccurate the description of a tenure-holder is in this section.

A tenure-holder is described as a person who has acquired from a proprietor or from another tenure-holder the right to collect rents.

Now it seems to me, that it would be just as correct to describe a tradesman, who has bought a shop, as a person who has acquired *a right to collect*

debts, as it is to describe a tenure-holder as one who has acquired *a right to collect rents.*

It may be generally true of tenure-holders, that they have a right to collect rents; because most of them have tenants [introduced either by themselves or others] by whom rents are payable.

But it is by no means of the essence of a tenure-holder's interest, that he should have a right to collect rents; and still less, that he should have acquired that right from his immediate landlord.

His right to collect rents is merely one of the incidents of his position, when his land is let to tenants; as it is one of the incidents of a tradesman's position, that he has a right to collect debts, when he has customers from whom they are due.

A more correct description of a tenure-holder would be, "one who holds a tenure, mediately or immediately, under a proprietor, and who is not himself a raiyat." But this of course leaves the important question open—what is a raiyat? and what is the true distinction between a raiyat and a tenure-holder?

The description which I have suggested is correct as far as it goes; and it is at any rate not calculated to mislead; whereas the description proposed in this section would be wholly inappropriate to a large class of tenure-holders.

Suppose, for instance, that a settlement were made with a zamíndár at the present day of a tract of waste in the Sunderbuns. I have now before me a grant of this kind, which was made very lately. Such a proprietor would be at liberty to grant any leases he may think proper of any portions of that tract.

He may grant mokurrari leases, either permanent or for life; he may grant putni leases, or jungleburi-tenures; and in each of these cases, the object for which he makes the grant, and the object of the lessee in taking it, would probably be the cultivation of the soil.

But each of these grantees would be at liberty (subject, of course, to any special conditions which his lease may contain) to cultivate or not, as may suit his convenience; and each would be at liberty to grant his land for sub-tenures, or to let it out to raiyats, or to cultivate it himself with his own coolies. But whether he does one thing or the other, I take it he would be equally a tenure-holder; and that any raiyats, to whom he lets the soil for purposes of cultivation, would be capable of acquiring occupancy rights.

And yet to describe any one of these grantees "as a person who has acquired from the proprietor a right to collect rents," would be a manifest misdescription.

The truth is, that each successive tenure-holder is to all intents and purposes as much an owner of the soil, to the extent of the interest which he acquires in it, as a tenant of land in England.

He is of course bound, as every tenant is, by the conditions which are imposed upon him, either by the general law, or by custom having the force of law, or by the contract which he makes with his superior landlord on the one hand, or his sub-tenants on the other; but subject to those conditions he may deal with the land as he pleases.

If when he acquires his tenure, the land is occupied by raiyats, he can of course only deal with those raiyats, as the law, or the contracts under which they hold, allows him; but if the land is waste or partly waste, when he acquires it, he may either leave it so, or utilise it in any way he thinks proper.

It seems to me, therefore, that the description of a tenure-holder in this section is utterly misleading. It may no doubt be a difficulty to define the line which is to separate the two great classes of "tenure-holders" and "raiyats." But I think it is a duty which the Legislature should take upon themselves, even though they may perform it imperfectly, rather than to place several hundred judicial officers in a difficulty, which they may each attempt to solve in a different way.

Section 26.

I might with reason congratulate the zamíndárs that the Secretary of State had retained the 12 years' occupancy rule, if the effect of his decision had not been rendered almost nugatory by sub-section 2 of section 26.

It may be interesting to review shortly the history of this question, since the amendment of the Rent Law was first proposed in 1879.

By the present law a raiyat can only earn his occupancy right by renting his land for 12 successive years.

The Committee of 1879 recommended an alteration of this rule; and by the Bill which was prepared by the Government of Bengal, it was proposed that a 3 years' occupation, instead of 12, should be sufficient to acquire the right.

I believe that the Government of India were in favour of a still shorter period. But be this as may be, the Secretary of State in Council, after much consideration, determined that the 12 years' rule should be adhered to.

The Government of India were dissatisfied with that decision, and begged the Secretary of State to reconsider it. But notwithstanding this protest the Secretary of State would not alter his decision.

Accordingly, by the amended Bill, which was framed in the year 1883, the 12 years' rule was re-enacted. But by the same Bill the penalty imposed upon a landlord for ejecting a non-occupancy raiyat was made so cruelly severe, that it virtually would have given all raiyats the occupancy right, and so have neutralized the decision of the Secretary of State.

This was pointed out very forcibly by several gentlemen who were consulted upon the Bill; and the penalty clause was consequently withdrawn.

Now again, by section 26 of the present Bill, the 12 years' rule is re-enacted. But we find in connection with it sub-section (2), which will be at least as effectual in neutralizing the 12 years' rule, as the penalty clause which was withdrawn.

That sub-section provides, that *instead of a raiyat acquiring his occupancy right by a 12 years' occupation of his land, the law is to presume, that he has acquired it*, and the presumption is to be made under such circumstances, that in the great majority of cases, it will be practically impossible for any landlord to rebut it.

Whatever therefore the intention of the Legislature may have been in framing this sub-section, it is certain that the rule which it lays down will defeat the wishes of the Secretary of State; and its effect will be to place landholders in an infinitely worse position, than if the proposed 3 years' rule had been accepted.

Now, here I would ask, why should the Select Committee have gone out of their way to lay down a rule in violation of all the principles of evidence, in favour of the raiyat, and to the prejudice of the landlord?

One leading rule in such cases, which is substantially adopted in section 101 of the Indian Evidence Act, is this:—

See Taylor on Evidence, section 268.

"The burthen of proof lies on the party, who substantially asserts the affirmative of the issue."

And this accords with the rule of the civil law, "*Ei incumbit probatio, qui dicit, non qui negat.*"

And another rule of evidence which is equally well known is this:—

See section 103 of the Evidence Act.

"Where any fact is especially within the knowledge of any person, the burthen of proving that fact is upon him."

The justice and good sense of these rules must be apparent, even to those who know nothing of law; and one looks therefore for some explanation, why the Select Committee in this instance should have so completely reversed it. I suppose we may consider that the explanation, such as it is, is given in the following passage of the Committee's Report.

Speaking of the presumption which is proposed by that sub-section, the Committee say—

"It (that is, the presumption) appears to be warranted by the existing state of things in the Lower Provinces, and whilst it tends to simplify litigation, it is a presumption, which a landlord ought to have no difficulty in rebutting, in any case in which it does not hold good."

We are not informed what the state of things is in the Lower Provinces, which is supposed to justify such a departure from the established rules of evidence; but I presume the reason is, that because the large majority of raiyats in the Lower Provinces have already rights of occupancy, it is fair to presume, as against landlords, that all raiyats have the right of occupancy, until the contrary appears.

If so, I suppose upon the same principle it would be equally fair to presume, that in any part of the country, where putni leases are the prevailing form of tenure, all tenure-holders are putnidars until the contrary appears.

Or to bring the illustration nearer home, I believe that most of the large houses in Calcutta are let upon a four years' lease. If so, it would be fair to presume upon the same principle, as against the owners of houses, that every tenant in Calcutta who occupies a large house has a four years' lease.

There are several parts of England, where tenant-farmers as a rule have leases for seven or fourteen years. I wonder what landlords there would say to a presumption of law, that every tenant in those parts of the country had a lease for seven or fourteen years—!

The truth is, that any presumption against a proprietor, that a tenant of his *has acquired as against him a permanent right or tenure*, is an obvious injustice.

And it becomes a still greater injustice, when according to law *the only way in which a tenant can earn or acquire such a right is by an act of his own.* Why should it be presumed as against a landlord that his tenant has done an act, which is to confer a benefit upon himself to the prejudice of his landlord?

And again, when we look at the facility which the tenant has of proving this right, as compared with the difficulty which a landlord has in disproving it, the injustice becomes still more glaring.

To the raiyat himself it should be a very easy matter to prove, if the fact is so, that he or his father, or the person under whom he claims, has occupied land for so many years.

It must be a matter within his own knowledge, or that of his family and his neighbours, and no one (as a rule) can be so capable as himself of proving it.

To the landlord, on the contrary, it might, and would in the great majority of cases, be a task of the greatest difficulty to prove the negative of the proposition. I really can hardly believe that the gentlemen, who constituted the Select Committee, could have considered the difficulty in which a landlord would be placed, when they proposed this sub-section.

Let us take a case by way of illustration, and see what a landlord under such circumstance would have to prove.

We must bear in mind, that by sub-section (3) of the same section a person is to be deemed, for the purposes of that section, to have held land continuously in a village or estate, *notwithstanding that the particular land held by him has been different at different times* in such village or estate.

And we must also bear in mind, that by section 27, sub-section (*b*), "where two or more estates have been created by one or more partitions taking place, whether before or after the commencement of the Act, but since the 1st day of January 1853, the area comprised in the parent estate, of which they would have formed part, if no such partition had taken place, shall be deemed to be a single estate."

Now we will suppose an estate to have been partitioned between ten different shareholders in the year 1870; and that a raiyat is found occupying a piece of land in one of the partitioned portions in the year 1884.

A question arises between him and his landlord whether he has an occu-

pancy right in the land which he holds; and an issue having been raised upon that point, the presumption according to section 26 is in favour of the raiyat.

The raiyat therefore at the trial *says nothing*, and *does nothing*; but leaves it to the landlord to prove the negative of the proposition.

Now what has the landlord to do in order to rebut the presumption?

He must first call his own patwaris or gomastas to prove that the raiyat or those under whom he claims have not occupied the particular piece of land in question for 12 years. But that proof would not be enough; because although the raiyat or those under whom he claims may not have occupied the piece of land in question for 12 years, they may have occupied some other land or lands on the same portion of the estate; and if so, that would answer the raiyat's purpose quite as well, as if he or his predecessors had occupied the land in question.

So the landlord must proceed to call every patwari or gomasta upon his portion of the estate (which may consist perhaps of 3,000 or 4,000 acres) to prove negatively, that the raiyat, or those under whom he claims, have not occupied any land in any portion of the estate for the last 12 years.

But even that proof would not nearly suffice in the case which I have supposed; because as the parent estate was partitioned in 1870, the landlord must needs go on to show, that the raiyat has not occupied, during the last 12 years, any land *in any of the other nine partitioned portions of the parent estate.*

He would therefore have to call all the persons who have acted as patwaris or gomastas in all the other nine portions of the parent estate during the last 12 years.

Some of these would most probably be hostile to his interests; and unless all these people prove to the satisfaction of the court the negative proposition, *that the raiyat has not occupied any land on any portion of the parent estate for the full period of 12 years*, the presumption in favour of the tenant's right of occupancy will prevail.

It seems to me that to place landlords deliberately in such a difficulty as this would be a cruel injustice. The time occupied, and the expense involved, in a trial of this kind, would be out of all proportion to its importance; and this burthen is to be thrown upon the landlord, directly in opposition to the ordinary rules of evidence, merely for the purpose of relieving the raiyat from proving a case, which, if it is an honest one, he ought to be able to establish without the least difficulty.

The raiyat, as a rule, must know perfectly well where he and his forefathers have lived; and if they have changed their residence, he or his family or his neighbours ought to know best how to prove it.

I repeat, that if sub-sections 2 and 3 of section 26 are to become the law of the land, the decision of the Secretary of State as regards the 12 years' rule will become a dead letter.

Sections 37 and 38.

I have not the least doubt that these sections, which are designed for the purpose of preventing sub-letting, have been proposed with the very best intentions. But I cannot but think that they are unwise; and I am satisfied that they will lead to a torrent of litigation.

I have already expressed my opinion that one great aim of this Bill, if it is to become law at all, should be to distinguish the various kinds of agricultural holdings, so as to prevent confusion in the future; whereas these sections, as it seems to me, are fraught with confusion and uncertainty.

It may be doubtful, as the Bill now stands, whether the occupancy raiyat himself will gain or lose by becoming a tenure-holder.

He would free himself, by becoming a tenure-holder, from the law of preemption and distraint; but on the other hand, he would not have the power over his tenants, as he would if he were an occupancy raiyat.

Whatever his own interest may be however, it will clearly be the interest of his tenants to make him a tenure-holder if they can; because they may then gain occupancy rights under him, and secure themselves other privileges, which as sub-raiyats they do not possess.

There will therefore be perpetual disputes upon this point. The occupancy raiyat, if he chooses to retain that status, and yet does not wish to cultivate the land himself, will endeavour to prevent the arrangements which he makes with his cultivators, coming within the category of sub-lettings.

If he makes his bargains cleverly with these people, it will be difficult for any court to say, whether the cultivators are *servants* or *sub-tenants*.

He may allow them to cultivate his land, and give them a portion of the produce as wages; or he may pay them a sum by way of wages, and take a portion of the crop as his share, leaving them the rest.

Then the provisos in these sections will give rise to interminable differences.

Are women, on account of their sex, to be allowed to under-let the whole of their jotes, without becoming tenure-holders? If so, a man who acquires such a jote, will acquire it in his wife's name.

Is a woman to be considered disabled merely because she is a woman? and at what age is a man to be considered disabled? Some men may be disabled at 50, whilst others can work perfectly well at 70. It will be very difficult for any court to decide whether a man is really disabled.

And so with regard to illness, what amount of bodily ailment or infirmity is to be a sufficient excuse for a man's under-letting? Doctors' certificates, especially those of native doctors, are in my experience very easily procurable.

Again, suppose that a man absent from home on military or domestic service, lets the whole of his jote to sub-tenants; and when he returns, takes immediate steps to put an end to their sub-tenancies—How long is he to be allowed for this purpose? Is he liable to be registered as a tenure-holder as soon as he returns home, or will he have a reasonable time to determine his tenants' interests? and if the latter, what will be a reasonable time? The questions which will arise under these provisos will be endless; and the result, I am satisfied, will be constant litigation.

I quite agree with Mr. Field, and many others, that it would be an excellent thing to prevent sub-letting; but I don't quite see how it is to be prevented.

Transferability of Occupancy Tenures.

As regards the transferability of occupancy tenures, I have already said a good deal in my former minute; and I am still of the same opinion as I was then.

It is admitted that occupancy tenures were not transferable at the time of the Permanent Settlement, and the only arguments which are advanced now in favour of the right of transfer are—

1st—that the custom of transferring tenures has become much more general of late years; and

2nd—that if the right of transfer were allowed, it would render occupancy rights more valuable.

With regard to the first of these arguments, it may be true that in some districts the customary right of transfer has become more general; but that only means, that in those districts the landlords have either openly permitted transfers, or, at any rate, have allowed the practice to continue unchecked during a long course of years.

But no one goes so far as to deny, that the landlords in these districts had a right to prevent the practice, if they had chosen to do so; and if so, it is difficult to see why other landlords, who have adhered to and protected their rights, should now be arbitrarily deprived of them.

This is only another illustration of the way in which the law has been strained in favour of the raiyats, and to the prejudice of the landlord, entirely regardless of what was the state of things at the time of the Permanent Settlement.

As regard the second argument, I quite admit that to make the occupancy-right saleable would increase its value in the market. But it does not at all follow, that this will be beneficial to the raiyats himself. On the contrary, I consider that there is no surer mode of exterminating occupancy-raiyats as a class than by permitting them to transfer their tenures; and I believe it would be found, on enquiry, that in those districts where occupancy-rights have become transferable by custom, a large portion of them have already found their way into the hands of mahajans, planters, and others, whilst the original owners of those tenures have become non-occupancy raiyats.

If the Government really mean to benefit the occupancy-raiyat, let them take every possible means of preventing him from ruining himself by parting with his ancestral jotes, and becoming the prey of those whose interest it is to deprive him of his status and property.

The men who are most interested in making occupancy-rights transferable are land-jobbers, mahajans, and above all, so far as I can understand, planters. So long as a planter can make himself complete master of the soil without actually cultivating it himself, he cares not whether the position which he occupies is that of a zamíndár, or a tenure-holder, or an occupancy-raiyat. And if the law makes occupancy-rights saleable in the market, and confers upon the owners of those rights larger powers over their sub-tenants, than it gives to zamíndárs and tenure-holders, the occupancy-right is the position which it will best answer the planter's purpose to secure. And secure it he will; and who can blame him?

Sooner or later occupancy-raiyats will want money. Their families will increase in number; discord and partition will sever the ancestral holdings; marriages and *shrads* become more and more expensive; Brahmins will have to be fed; and good seasons and prosperity will not last for ever. If the occupancy-right *can be* sold and mortgaged, most assuredly it *will be* sold and mortgaged; and that in a very few years. The man of money will buy up all the occupancy-rights, which are to be made the most valuable in the soil, and the occupancy-raiyats of the present day will become in a few short years either non-occupancy-raiyats or coolies.

Only see what has happened within the last 150 years in our own country. How many of the old yeoman families, who were the copy-holders and customary tenants of former days (answering as nearly as may be to the khudkhast raiyats here), are in existence now? How many of the old country gentleman's families retain their ancestral property? The few of each class who are now to be found owe the slender remnant which still belongs to them to the law of entail. The rest has gone, and to whom? To those, for the most part, who answer to the land-jobbers, the mahajans, and the trades-people of India, that is to say, land agents, bankers, merchants, trades-people, and the other money-making classes. The land finds its way sooner or later into the hands of the man who makes money; and it is so, and will be so, in British India.

Amongst other interesting papers, which I have read upon the subject of the Rent Bill, I have been specially struck by a paper written by Mr. Herbert Reily, the manager of the Chanchal Estates. He has had a long experience of these estates, and has studied and watched attentively the condition of the tenantry. I would especially call attention to the remarks made by this gentleman upon the mischief of allowing occupancy-raiyats to sublet or to transfer their occupancy jotes. (See especially paragraph 6 and 10 of his minute.) He describes the state of indebtedness to the mahajans in which these poor people live, and what he says of Chanchal is true, I believe, in all parts of Bengal. A very large proportion of the raiyats, even the better classes, are in this unhappy condition; and there can be no reasonable doubt, that a little adversity or extra pressure would compel them to sell their little properties. I say there-

fore again,—and I say it far more in the interest of the raiyats, than in that of the zamíndárs—"If you want to ruin occupancy-raiyats, give them the power of transferring their interests." If you want, on the other hand, to do them a real benefit, prevent those interests from being transferred, even on estates where they are transferable now.

There never was, as it seems to me, a more fallacious argument, than that the raiyat must needs be benefitted, by making his interest transferable, and consequently, *more valuable.*

No doubt you may thus make the estate itself *more valuable in the market*; but that is only when the raiyat *parts with it.* To the raiyat himself, its value is never so great, as when he retains it in his own hands, and gets a good crop out of it.

By making it *more valuable in the market* you tempt the man to turn it into money, and transfer its value to other people.

By preventing its transfer, you oblige him to keep its value for himself and his family.

In my opinion, therefore, by making the occupancy-right transferable, you not only do the zamíndár a wrong, but you do the occupancy-raiyat a much greater wrong. You are taking away the best, and indeed the only safeguard, which is calculated to preserve him from ruin.

Chapter XIII.—Distraint and Ejectment.

It is needless to remind His Excellency, that one of the principal objects of the new Rent Law was to provide more effectual means of enabling landlords to realize their rents.

That was the avowed purpose of the Bill which was introduced into the Bengal Council in 1877; and it has been admitted over and over again, that the landlords are fairly entitled to all the assistance in this respect which Government can reasonably afford them.

Now, what has this Bill done for the landlords? Absolutely nothing. On the contrary, it has taken away from them two of their most effectual remedies, namely (*a*) the right of the ejectment, given by the Act of 1859, if the rent is not paid within so many days from the date of the decree, and (*b*) the right of distraint.

Now, why should landlords be deprived of these remedies? The raiyats themselves have never complained of one or the other. There is surely nothing unjust in ejecting a man from his holding, who after subjecting his landlord unjustly to the expense and delay of a lawsuit, is unable or unwilling to pay the sum decreed; and as for distress, the complaints, such as they are, which have been made about it have been greatly exaggerated.

I believe that the most oppressive exercise of the right of distress, which we have ever heard of, occurred upon the estates of the Durbhungah Raj during the minority of the present Maharajah, when the estates were under Government management.

And there is a special reason, why a large portion of the rent of these estates can only be realized in that way. The Durbhungah property for a long distance lies on the boundary of Nepaul. The tenants cultivate one plot in one year, and another the next year; and unless the landlord watches his opportunity, and puts in a distraint upon the crops, the raiyats carry them off across the Nepaulese boundary, and the rent is never realized at all. The only way of getting the rent from these people is to make a distress upon the crops; and if the landlord is to be put to the delay and expense of an application to the court, before he can use his remedy, he may as well not apply at all.

The best proof that the remedy by distress is reasonable, and that it is not, generally speaking, exercised illegally, is shown by this incontestable and significant fact, that suits for illegal distresses are very rare. If the right were improperly exercised, the tenants would be only too ready to bring suits

against the landlord; whereas the fact is, that of late years, there are hardly any such suits.

I find from the High Court Reports, that in 1881 the number of suits for arrears of rent was 144,127, whilst suits of all kinds relating to distraint were only 330; and in 1882 suits for arrears of rent numbered 155,668, whilst suits for distraint were only 282 ! ! !

This really seems a complete answer to the charge that the right of distress has been improperly exercised; and as for the right of ejectment, if it is considered that the time now given to the defendant to pay the rent is too short, make it longer; but do not take away one of the few remedies, which have proved effectual to the landlord.

Rent-suits.

As the High Court has already addressed the Government upon the subject of rent-suits, I will say nothing more about it here. I only trust that what the Court has recommended with regard to additional Munsiffs, and relieving landlords from the payment of stamp fees, may be favourably considered by the Government.

Khamar and Nij-jote Lands.

I have now only a few words to say with reference to Khamar and Nij-jote lands. I agree in the main with what is said in the protest of the late Rai Kristo Das Pal upon that subject. I cannot see why any attempt should be made to contract the right of landlords to lands of that description, or to leave the determination of those rights to the executive authorities, instead of to the courts of law. Here again is an instance, as it seems to me, in which an attempt is made to strain the law unduly to the prejudice of the landlord, and in favour of the tenants.

Proposed Registration Law.

Having thus considered it my duty to criticise unfavourably some of the most important points connected with this Bill, I am glad to be able to express my sincere satisfaction at the prospect which is held out by His Honour the Lieutenant-Governor, of a registration law being passed in aid of or in connection with this measure.

I have already, over and over again, expressed a strong opinion in favour of the extension of the registration law. I have called the attention of the Government to it on several occasions; and notably, in my Minutes on the Transfer of Property Act, and in my former Minute upon the Rent Law.

I believe that a good Registration Act would be the means of preventing in great measure the attempts at fraud and forgery which disgrace our Civil Courts; and that if the advice which I ventured to give the Government in my former Minute were carried out, it would be the means of checking, if not entirely preventing, the objectionable practices to which I referred in pages 11 and 12, and which operate as a sad injustice upon tenants generally, and especially upon the poorer class of raiyats.

Let the proprietors and tenure-holders of every estate be duly registered, either in the zamíndár's sherishta, or in any Government office; let no one but the registered landlords be entitled to recover rent from the tenants or raiyats; let the tenants or raiyats, on the other hand, be bound to pay their rents to the registered landlords, and to no one else; and let the receipt of those landlords be a good discharge for the rent.

A law of this kind, well devised and enforced, would, I am satisfied, be the greatest possible blessing to the agricultural community; it would relieve landlords from most of the difficulties under which they now labour in collecting their rents; and it would relieve tenants, and especially raiyats, from the hardship which they continually undergo of having to pay their rents twice over.

A registration law such as this would, of course, for the first three or four years, be productive of some litigation, because it would compel claimants to enforce their claims at once in an honest way, instead of waiting for years, in the hope of some fortunate chance turning up in their favour.

The Registration Act of 1876 has been productive of litigation for this very reason; but claims under that Act are now becoming settled; and titles, as time runs on, will be more and more secured.

I would invite the attention of the Governor General in Council to what I said upon this subject in page 12 of my former Minute.

Conclusion.

In dealing with the Bill in its present shape, I have confined myself, as I proposed to do, to the discussion of some of its leading features. I have done so, partly from lack of time, and partly because I cannot help hoping, that both the Government of India and the Secretary of State, after giving due weight to the numerous and very important memorials which have been presented against the Bill from all parts of the Province, and to the opinions of the large body of Government officers, who, like myself, are opposed to the measure, may think fit, either to withdraw, or very materially to modify, the present Bill.

Whatever may be the form which it may assume at a later stage, if the Secretary of State should approve of the Bill I shall consider it my duty to address the Government again on such of the details as I consider objectionable.

I thought it right in the year 1882, and I think it right now, to warn the Government as earnestly as I can against a policy, which, in my opinion, will ruin, or seriously injure, the large majority of the zamíndárs, and will be scarcely less injurious to the cultivating raiyats.

It seems to me inconsistent with the good faith of the British nation, which the native community have hitherto had reason to respect, to deprive the zamíndárs of the rights and position which they have acquired under the Permanent Settlement.

I believe it to be not only unjust but impolitic to sacrifice the fortunes of the zamíndárs in order to enrich a large body of mahajans and middlemen, who will neither be responsible to the Government for the revenue, nor be likely to prove as good landlords to the raiyats, or as faithful servants to the Crown, as the ancient landed aristocracy of the Province.

CALCUTTA,
The 13th September 1884.

RICHARD GARTH.

No. 2611, dated 15th September, 1884.

From—Officiating Registrar, High Court, Calcutta,

To—Secretary to Government of India, Legislative Department.

In continuation of my letter No. 1986, dated the 8th ultimo, I am directed to forward for the consideration and orders of His Excellency the Governor General in Council, the enclosed printed minute by the Hon'ble Mr. Justice Field on the Bengal Tenancy Bill.

2. Seventy-nine spare copies of the minute are forwarded separately.

Dated 11th September 1884.

Minute by the HON'BLE MR. JUSTICE FIELD *on the Bengal Tenancy Bill, 1884.*

(As amended by the Select Committee.)

Definition of "Estate."

1. *Section 3.*—In order to understand the definition of "estate" we must refer to sections 10, 11, and 12 of Act VII (B.C.) of 1876. From these sections and the proviso to the definition of "estate" in the Bill it will be manifest that *khas mahals* or other lands in the possession and under direct management of Government are not included in the term "estate," unless they happen to be revenue-paying lands, entered in the General Register of revenue-paying lands mentioned in sections 6 and 7 of Act VII (B.C.) of 1876. From this

and the definition of "proprietor" given in sub-section 2, section 3 of the Bill, it follows that in respect of such *khas mahals* Government is not a proprietor, nor is Government a tenure-holder; and, therefore, tenants on such Government lands are not raiyats (see sub-sections 2 and 3 of section 5), and therefore not entitled to the benefits proposed to be conferred by the Bill upon raiyats. The result of this will be that raiyats upon Government estates will be in a less favourable position than raiyats on the estates of private individuals; and thus Government apparently does not accept as fair and equitable for its own tenants the law proposed to be enacted as fair and equitable for the tenants of zamindars.

Raiyats in Government Estates not entitled to the benefits of the Bill.

2. The definition of "proprietor" is defective as it stands. The omission of the words "of a share of or interest in," which are to be found in the definition in the Bill which I had the honour to draft for the Commission, will lead to the most inconvenient results. These words were intentionally inserted in order to include *Mutwalis* of Muhammadan endowments, *Shebaits* of Hindu endowments and other persons, of whom it is impossible to predicate that they own the land or an estate. I do no not see the force of the word "under" in the definition of "tenant." The definition of "landlord" would appear to have been framed without reference to the provisions of the General Clauses Act as to the singular including the plural. The definition of "rent" does not appear to accord with the other provisions of the Bill. I take it that a tenure-holder will be admitted to pay rent. But according to the definition in sub-section 1 of section 5, he does not get the use or occupation of the land, but merely the right to collect the rents. The words "use or occupation," which imply the landlord's ownership, show how extremely difficult it is to formulate the idea of a landlord who is not a proprietor or owner.

Definition of "Proprietor" defective.

Definition of "Rent."

3. The definition of "holding" is to my mind, defective, and not in accordance with popular ideas. On referring to section 176 we find that there may be an *under-tenure* subordinate to a *holding*. A "holding" has hitherto been always understood to mean the land held by a raiyat, or the raiyat's interest in such land; and though there may be a holding in, and subordinate to, an under-tenure, the idea of an under-tenure within and subordinate to a holding is altogether foreign from the ideas of the people. It appears to me that a well known and received phraseology ought not to be altered without the very strongest reasons. The words "under one set of conditions" in the definition of "holding" will be sure to lead to doubt and consequent litigation. It is very usual for a holding to consist of different kinds of lands, *bastu*, *udbastu*, *dehi*, paddy land, lands that grow two crops—paddy and the cold weather crop. The rates of rent of these different kinds of lands are different. Small additions of plots of different kinds are made to the holding from time to time, and portions are occasionally given up. Nevertheless, all the land that the raiyat at any time holds, of different descriptions and at different rates, is understood to constitute his "holding." It can scarcely be said that all these parcels are held under one lease—commonly there is no lease—or under one set of conditions—for they vary as regards different portions of the holding.

Definition of "Holding."

4. The definition of "patni tenure," read with Schedule II of the Bill, does not convey the idea that such a tenure is devisable. This incident was expressly inserted in section 14 of the Bill drafted for the Commission, and is a necessary consequence of the progress of the law since the Patni Regulation was passed 65 years ago. I note that the definitions of "tenure," "land," "lease," and "pottah" have been omitted. The necessity for these definitions were allowed by a Commission whose Members were practically acquainted with the law of these Provinces, and I think that their omission is a mistake.

Patni Tenure.

Definitions omitted.

5. *Section 5 (1)*.—I do not see the force of the word "primarily," as the Bill does not proceed to provide for the secondary meaning of the term "tenure-holder." The definition as it stands appears to be defective. It excludes *jangalburi talukdars*, who have always been understood to be tenure-holders. These talukdars did not acquire merely the right to collect rents. They acquired an interest in the land itself, which they agreed to take with full power to reclaim and cultivate—part of it themselves—and part by letting it to tenants after reclamation, or before reclamation to persons who would reclaim and cultivate, or sublet for reclamation and cultivation. Then the "tenure-holder" of the definition in the Bill is not a tenant, for he does not hold land, and he does not pay rent, for he pays and delivers nothing for the *use* and *occupation* of land. Again, the definition would include a mere agent or a mortgagee in possession, who are not generally understood to be tenure-holders. The definition appears to have been framed with a view to avoid the admission that a tenure-holder obtains an interest in the soil itself. When land is acquired under the Land Acquisition Act, the tenure-holder is allowed compensation for his interest in the soil, and there are numerous other facts well known to persons acquainted with the common law of these Provinces, which leave no doubt that the

Definition of "Tenure-Holder."

tenure-holder acquires not merely the right to collect rents, but a substantial interest in the land itself. If a tenure-holder acquires no interest in the land, how can he give the use or occupation thereof to a tenant under him? Then regard being had to sub-section 3 of section 5, the definition of "raiyat" must fail. With reference to this sub-section it has already been pointed out that persons holding land in certain Government estates will not be raiyats, and will not, therefore, be entitled to the benefits of raiyats under the Bill, and it may further be pointed out that the same disability will attach to raiyats under lakhirajdars not registered under Act VII (B. C.) of 1876, *Shebaits*, *Mutwalis*, and other classes of landlords. What also becomes of persons holding under the Mukararidars and the Istemrardars of Regulations of 1793, persons of whom it is impossible to predicate that they acquired the right to collect rents? As to the definition of "raiyat" in sub-section 2, the observations already made apply to the use of the word "primarily." Then what is the exact force of the term "acquired"? No doubt it was intended to mean that the raiyat gets something more than the use and occupation mentioned in the definition of rent in sub-section 3 of section 5. But what this additional something is, and in what respect it differs from proprietorship or ownership, the Bill does not explain, and I find it impossible to conceive. As to sub-section 4, I have little hesitation in saying that there is no local custom in any part of the Lower Provinces of Bengal, which will assist any Court in determining whether a tenant is a tenure-holder or a raiyat. If there is any such local custom, which I have not met with in my experience, it would appear necessary to say which of the three principles of decision stated in the sub-section shall prevail, when their results conflict.

Danger of the proposed presumption.

6. *Section 5 (5).*—Is the tenant to be presumed to be a tenure-holder as against his landlord, or against or in favour of his sub-tenants or both; or further as regards strangers? According to the provisions here made, if a man has a thousand bighas, and he sublets one cottah, he is to be presumed to be a tenure-holder. I entertain little doubt that these provisions, if ever attempted to be worked, will lead to enormous litigation.

Error on the subject of Diluvion of Tenures.

7. *Section 6.*—Does the term "tenure" include "under-tenure," or is it intended that under-tenures shall be excluded from the benefits of these provisions? The provision in sub-section 2 as to diluvion is opposed to the common law of the country. The fact that a tenure-holder has received abatement for diluvion has always in these provinces been held to entitle his landlord to an increase of rent for alluvion. I am aware that increased rent for increased area is not treated as a ground of enhancement in the present Bill, and this is in accordance with the recommendation of the Commission. But this express provision as to diluvion is calculated to alter the well-known and settled law on the subject; and I know of no reason for the change. I think that Explanation 1 to section 7 of the Bill of the Commission, which embodied a judicial decision, ought not to have been omitted. I think further that Explanation 2, section 7 of the Bill of the Commission ought not to have been omitted from this context.

Risks of Collection.

8. *Section 7 (3) (c).*—"risks of collection." This term is new and indefinite, and will form a fresh element of litigation and judicial uncertainty.

Why should a Tenure-holder's rent be enhanced higher than he can enhance that of his Raiyats?

9. *Section 8.*—Under the provisions of this section the rent of a tenure-holder may be doubled. But the tenure-holder can enhance the rent of his raiyats to the extent merely of 50 per cent., and in some cases of 25 per cent. On what possible grounds ought a tenure-holder to pay an increase of 100 per cent., while he can himself obtain an increase of only 25 or at the most 50 per cent?

Tenure-holders should be allowed to contract.
Mistake of ten years' limit to enhancement.

10. *Section 10.*—I think tenure-holders may safely be left to regulate their own affairs by their own contracts. If there can be no enhancement by the Court for ten years after one contract, the tenure-holder will certainly never agree to contract for any increase during these ten years. The words "or by contract" should be struck out Then again why should a tenure-holder's rent be enhanceable after ten years, while he cannot enhance the rent of the raiyats under him for fifteen years? Section 11 omits to make permanent tenures expressly heritable; this omission should be rectified.

Mistakes committed in modernising the language of the Patni Regulation.

11. *Section 13.*—The provisions of this section ought to apply to all tenure-holders, and not to patnidars merely. I may here observe upon the fact of the draft of the old Patni Regulation being modernized in the present Bill. Having regard to the large number of judicial decisions by which the most important provisions of that Regulation have been interpreted and have acquired a settled meaning, it will probably be admitted that the difficulty of changing the phraseology without altering the law, or leaving loopholes for consequent litigation, must *primâ facie* be very great. So strongly was I impressed with the difficulty of successfully performing this task, that I left the language of the old Regulation unaltered in the Draft Bill which I prepared for the Commission. It is scarcely too much to say that the work of successfully altering the language of this old law could be

successfully performed only by a draftsman thoroughly familiar with the case-law and with the old Regulation itself. And I feel bound to say that, in my opinion, the alteration has not been successfully performed in the Bill. The result will be a serious amount of very expensive litigation in order to set at rest the doubts that will thus be created. I may point out that the old Regulation of 1819, though known as the *Patni Regulation*, really deals with a much wider class of tenures than mere patnis, namely, that large class designated as *tenures upon which the right of selling or bringing to sale for arrears of rent has been specially reserved by stipulations in the engagements interchanged on the creation of the tenure* I must on the present occasion content myself with this general observation; I have not leisure to examine and point out the whole of the errors and omissions which are to be found in this portion of the Bill.

Provisions as to written reasons for refusal to register transfer of tenure.

12. *Section 15* (*1*).—Add to the proviso the words "unless and until it is paid." The danger of this provision will be that whenever registration has been refused and steps are taken to enforce it, the defence (difficult to disprove) will be that some rent remained unpaid. As to sub-section (3), I doubt if these provisions as to delivering a statement in writing of the reasons for refusal and the penalty for failing to do so will ever have any effectual operation. The provisions of the present Rent Law providing penalties for the non-delivery of receipts have remained almost a dead letter.

13. *Section 16.*—I see no objection to these provisions; but what is to be the sanction, what will be the result, if the purchaser refuse or omit to pay the registration fee and the fee for service of notice?

14. *Section 18.*—No provision has apparently been made for the case mentioned in the *parenthesis*, *i e.*, the case of the transfer by sale in execution of a decree for arrears of rent or by summary sale. See clause (*b*) of section 48 of the Commission Bill. In the case provided for by the section of the Bill, I do not see why the landlord should be allowed to make the transferree liable without accepting the transfer. The provisions of sub-section 2 are, I, think, a useful addition to the existing law.

Provision of the Bill as to Registration of Tenures.

15. *Section 19* (*3*).—I think the provision as to damages for neglect or refusal to register contained in section 52 of the Commission Bill, ought to have been retained. I doubt the wisdom of the word "such order as in its opinion will meet the circumstances of the case" in sub-section (4). I apprehend rather curious instances of the exercise of the wide discretion conferred by these words. I do not see the expediency of the provision of section 20. In the case of a transfer, so long as there is no registration, the transferrer remains liable for the rent, but the landlord is in no worse position than he was before. In the case of a succession, I do not see how the person entitled to succeed can be made liable until he takes possession—See clause (*d*) of section 48 of the Commission Bill. The persons entitled to succeed may renounce. It will be remembered that a tenure cannot be relinquished by a person who has been let into or has taken possession. There are tenures in the country which have become so unprofitable that the tenure-holders would gladly relinquish them if they could. The effect of the section as it stands will be that an heir, who may now renounce, will be compelled to take over an unprofitable tenure. Section 20 does not provide for the case of a disputed succession, the litigation concerning which may extend over several years.

Landlord not bound to register transfer of share of tenure, or division of rent.

16. *Section 21.*—The words "any share thereof" are dangerous. According to the existing law, no landlord is bound to recognize the transfer of a share. The transferree may indeed be registered jointly with other persons interested, but there can be no registration of a transfer of a specific share. The provisions of section 48 of the Commission Bill, that a landlord shall not be bound to give effect to a division of the rent, ought not to have been omitted from the Bill. There is no provision expressly declaring the effect of a transfer upon the liability for rent, and the exact point of time from which the change of liability is to take effect. Section 48 of the Commission Bill contains specific provisions on these points. The want of them in the Bill will assuredly cause litigation.

Anomalous position of a Raiyat holding at Fixed Rates.

17. *Section 23.*—I doubt if the provisions of this section will work successfully. The raiyat holding at fixed rates will be partly a tenure-holder and partly an occupancy-raiyat. He will have the rights of a tenure-holder with respect to the transfer of, and succession to, his holding; and as the result, the landlord will have no right of pre-emption. Then as *transfer* includes *gift* (section 3 (10), he will not be fettered by the provisions of section 35. His rent may, however, be realized by distraint. Presumably it is intended that he shall be an occupancy-raiyat as regards all other incidents; and, therefore, his sub-tenants will not be raiyats, but under-raiyats. I am afraid that from this admixture of relations there will arise much uncertainty and consequent litigation.

No Settled Raiyats in Government estates.

18. *Section 25.*—The term "village" is defined in section 27, and may include lands held by Government. The term "estate" is defined in section 3, and, as already pointed out, will not include certain lands held by Government; but with reference to the words "held as a raiyat," it follows from sub-section 3 of section 5 that in certain Government estates there can be no

settled raiyats. This provision in sub-section 2 is no doubt necessary to cover the time between the introduction of the Bill and the passing of the Act; but nevertheless I am afraid that when its object and meaning are understood, it will induce a large amount of perjury.

Injustice of the presumption that every Raiyat has held his land for twelve years.

19. *Section 26* (2).—I cannot conceive anything more dangerous than the presumption here proposed to be created—namely, that when it is proved or admitted that a person holds land as a raiyat, it shall, as between him and his landlord, be presumed that he has held such land or part of it for twelve years. It proceeds upon the assumption that the zemindar is in a better position to prove that a raiyat has *not* held land than the raiyat himself to prove that he has held it. I doubt the truth of the facts upon which this assumption proceeds in the case of any land, and in the case of an auction-purchaser the assumption is without foundation. In view of its effect upon this latter class, this presumption must depreciate the value of property brought to sale under the Revenue Law, or in the execution of decrees of the Civil Courts. Then, again, take the case of co-sharers who are on unfriendly terms. A batwara or partition takes place, let us say, between *A* and *B*. A raiyat who holds land in *A's* portion of the original estates for twelve years becomes a settled raiyat and entitled to a right of occupancy in any land which he may acquire in *B's* portion and hold for any time however short. How is it more easy for *B* to disprove the fact of the raiyat's holding lands for twelve years in *A's* share, of whose accounts and whose affairs *B* has no knowledge, than for the raiyat to prove the fact of his having held such land for the full period of twelve years? The use to which in a case like this the provisions of the proposed law will be put is very obvious to persons who have practical experience of the country. The effects of the proposed provisions as to the settled raiyat in some of the large zemindaris will be astounding. Take the case of a zemindari partitioned thirty years ago, the shares of which have since passed into the hands of purchasers for valuable consideration. A raiyat holds two cottahs of land in one of these shares. It is not the interest of his landlord to contest the question whether he has or has not held for twelve years. He therefore becomes a settled raiyat. He now takes fifty bighas within the share of a wholly different landlord, who has no connection with, and no knowledge of, the share in which the raiyat has held the two cottahs, the facts of holding which is concealed by him until he gets into possession of the larger area. He may be let into possession of this larger area by an agreement under the provisions of section 56; but the moment he is in, he discloses the fact of his previous possession of a couple of cottahs of land in a place perhaps 20 miles distant; and under the proposed Bill he at once acquires a right of occupancy in the larger area, together with all the advantages of this possession—nay further, the law will not permit him to contract so as to escape perpetrating this injustice upon the landlord. Even where there has been no possession of any other land, what a temptation is offered to prove by bazar witnesses or friendly neighbours the possession of a cottah or two, and how easy will be the proof when facilitated by the presumption of sub-section (2). Then consider those cases in which a zemindari, like the Bardwan zemindari, has been let out in *patni*. The zemindar has become a mere annuitant; the real benefical interest is in the *patnidars*; but any raiyat by holding or pretending to hold a few cottahs of land under one *patnidar* and concealing this fact may acquire a right of occupancy in any quantity of land within another *patni*. I am afraid that the effect of section 26 (2) taken with section 25 (1) will be in a very short time to transfer the real ownership of the land from the zemindars to the raiyats.

Injustice of the proposed provisions as to the Settled Raiyat.

The Law of Inheritance applied to the Settled Raiyat.

20. Then the effect of sub-section 4 will be that a person who to-day takes fifty bighas of land as a non-occupancy raiyat under the provisions of section 56, and to-morrow inherits under the Muhammadan Law a fractional share of a single cottah, will at once be converted into an occupancy-raiyat of the larger area, and the parties may not avoid this result by contract; and it will be remembered that this result will take place, although the raiyat may be a collateral heir very distantly related to the late owner of the single cottah. Further, the effect of section 29 (1) will be that a man who holds a cottah of land and has ten sons is able to create ten settled raiyats, every one of whom will at once acquire a right of occupancy in any land of which he can obtain possession in any *patni taluk* or share of an estate which constitutes, or within the last thirty years has constituted, a portion of an estate as large as an English county. The inevitable result of these provisions will be to transfer the proprietorship of the land from the ancient zemindars, or those who have become *bonâ fide* purchasers of their rights for valuable consideration at Revenue sales, to an ignorant peasantry, unskilled in agriculture, constitutionally indolent, and wanting in thrift, abstinence, and every quality which has made peasant proprietorship succeed in those countries in which it has succeeded. If it be the intention of the Government to carry out this policy, results and consequences being disregarded,[1] it might be carried out by a much simpler and more direct method than

Fatal consequences likely to ensue.

[1] The *Statement of Objects and Reasons* contains the following passage:—"That the power of transferring and sub-letting which the Bill recognizes may in time lead to a state of things, in which the great bulk of the actual cultivators would be not occupancy-raiyats, but under-raiyats, with but little protection from the law, is indeed within the range of possibility; but if such a state of things should ever arise, we may rest assured that the Government of the day will know how to deal with it." See the same observation repeated in Council—*Supplement to the Gazette of India* of 3rd March 1883, page 291. I deprecate legislation in this spirit of "*Aprés moi le déluge.*"

that proposed by the Bill, which will, I am afraid, create a vast amount of chicanery, perjury, litigation, and exacerbation of feeling between classes, while bringing about a similar result in a more indirect manner, and by a mere tedious process. With reference to sub-section (7), it should surely be made a condition precedent that all back rents be paid up.

21. *Section 29.*—This is a change in the existing law as contained in clause (*a*) Example 4, section 19 of the Commission Bill.

Right of Occupancy in khamar land.

22. *Section 30.*—Is it intended that a right of occupancy in *khamar* land may be acquired in those cases in which such land is not held under a lease for a term of years or under a lease from year to year? If this is intended, I think it desirable that it should be said so in so many words. There has been considerable doubt about the meaning of the law as at present worded.

Cutting down Trees.

23. *Section 31, Clause (a).*—Evidence of local custom is, as a general rule, not forthcoming. I would leave this matter of cutting down trees to be settled by agreement between the parties, merely providing that trees not planted by the raiyat shall not be cut down by him without the consent of the landlord. Under the provisions of section 210 (*b*) the parties will be unable to make their own agreement about the matter. Under the provisions of The Irish Land Act a tenant can cut timber planted and registered by himself or his predecessor in title.

Ejectment for non-payment of rent taken away in the case of Occupancy Raiyats.

Clause (d).—It would appear that an occupancy-raiyat cannot be ejected for non-payment of rent. This is not enacted in so many words in the present Bill, but it follows by necessary implication from its provisions (see section 58 which allows a non-occupancy raiyat to be ejected for non-payment of arrears of rent, and section 178, which provides for the sale in execution of a transferable holding). I think the landlord should have the option of ejecting an occupancy-raiyat or bringing his holding to sale in execution. There are parts of the country where an occupancy holding, if offered for sale, will fetch little or nothing; and arrears will be irrecoverable unless ejectment is allowed, the apprehension of which is cogent to compel payment.

Effect of Occupancy Holdings being made transferable without restriction.

Clause (f).—I think the occupancy holding ought to be made transferable. In so saying I merely repeat the views expressed by me many years ago. I consider, however, that one limit ought to be put upon the right of transfer, *viz.*, that the right of occupancy shall continue to exist only when the transferree is a *boná fide* cultivator. I entertain a very strong idea that the benefits included in a right of occupancy should be limited to the actual cultivators of the soil. In so far as they are so limited, anything that is taken from the proprietary right of the zemindar is given as the reward of honest labour. Having considered the whole subject for many years, I cannot see the expediency or policy of taking away any portion of the zemindars' proprietary right in order to confer it upon another class, which consists of mere receivers of rent, and does not create capital by the application of labour to the soil. There is no evidence to show and no reason to expect that any class other than the class of actual cultivators will make a more beneficial use of the proprietary interest than these zemindars have hitherto done. It is supposed that the class of actual cultivators will be sufficiently protected from rackrenting by land jobbers, if limits are placed upon enhancement. But a little reflection will show that rent may be raised in two ways, either by increasing the annual amount payable, or by taking a fine or *salami* upon the creation of a tenancy. Such fine or *salami* is merely a payment of rent in advance. When restrictions are put upon increasing the amount annually payable, if the amount so limited is less than a competition rent, it follows that the tenant has a beneficial interest equivalent to the difference between the rent actually paid by him and the competition rent. This beneficial interest will find a ready market. There can be no doubt that since Act X of 1859 was passed, this interest has become a saleable commodity, and I have known it to sell from seven to twenty times the annual rent paid. In Ireland it is well known that tenant-right in the North has been sold for as much as thirty times the annual rent (see *Landholding*, p. 287). Now, if the occupancy-right is transferable to the members of every class of the community, the competition of capital is at once introduced. The improvidence and thriftlessness of the *raiyat* class are undoubted. Secured in their position, they will indulge their national indolence, and nothing will be laid up for the future. In years of drought and scarcity they will borrow. Their holdings will be mortgaged, and high interest will swell the incumbrances until a sale becomes inevitable. A large number of holdings will thus come into the market. The *mahajan* and the prosperous pleader will successfully compete with the landlord, and, having purchased the occupancy-right, they will virtually secure a competition rent by exacting a fine or *salami* from every tenant whom they will admit to possession. In the face of this custom of *salami*, which is a custom of the country and in accord with the ideas of the people, a provision like that contained in section 42 of the present Bill will be absolutely nugatory, and the speculative purchaser will find a hundred ways of evading the restrictive provisions of the law, while the raiyat whom the legislature desires to protect will aid and abet him in avoiding these provisions. If the purchasing class be limited to actual cultivators, we shall at once get rid of the risk of a competition rent being indirectly introduced amongst a mere agricultural community, the pernicious

effects of which have been remarkably illustrated in other countries; and, by encouraging the actual cultivator to buy, we shall give some stimulus to that thrift, the absence of which is at present such a remarkable feature in his character.

24. *Section 31, Clause (g).*—I am strongly opposed to any direct legislative recognition of sub-letting. Sub-letting creates middlemen, and middlemen are the curse of a purely agricultural community. The Bill, we are told, aims at the creation of peasant proprietors; but in those countries in which peasant proprietorship has failed, there has been no greater cause of failure than sub-letting.

Danger of Legislative recognition of Sub-letting.

Clause (h).—I think it deserves serious consideration whether a right of occupancy should be heritable by collaterals or by heirs other than those in the direct line of descent. Those arguments which have been advanced with remarkable ability against wealth passing to distant relations may be justly considered in connection with the subject now in hand. Then, again, there should be a distinct provision that a holding shall descend entire, and that the only mode of partition between heirs shall be by selling the holding and dividing the sale proceeds. It is idle to attempt by legislation to create anything in the nature of peasant proprietorship and so secure the well-being of the agricultural class, if continued sub-division of land is allowed, the inevitable result of which must be to create a pauper population, each family being in possession of a plot of land barely sufficient for its maintenance during the best years, while, in years of deficient crops and famine, starvation or Government relief are the only alternatives.

Danger of sub-division by Inheritance.

25. *Section 32.*—I think the zemindar ought to have a right of pre-emption in the following two cases also—*first*, in the case of a bequest to a person other than an heir, or, according to my view, other than an heir in the direct descending line; *secondly*, in the case of a gift to a person other than such heir. Having regard to the ways and devices of the people of this country, it is futile to give the zemindar a right of pre-emption in the case of transfer for a consideration, while the same right is denied in the case of a gift. The only result that will ensue will be that the transaction will be embodied in the form of a gift while the money will be paid in secret, and each of the parties to the transaction will be afforded a facility of cheating the other.

Zemindar's right of Pre-emption incomplete.

Sub-Section 5.—If the raiyat having sold his occupancy-right goes away and quits the village, there will then be an abandonment case; and if the transferree fails to maintain his ground against the landlord, the transferrer will return and make his possession good.

Sub-Section 6.—How are the Assessors to be remunerated? It is scarcely to be expected that they will give their services for nothing. If they ostensibly do so, it requires but little experience of the country to understand how their remuneration will be secured at the expense of their impartiality.

26. *Section 34.*—I see no objection to the provisions of this section, which substitute the landlord for the mortgagee upon foreclosure.

Section 35.—I do not see the use of serving notice of the registration upon the landlord unless his right of pre-emption is extended to the case of gift. The meaning of the provision in sub-section 4, which is not very clear, appears to be that a Muhammadan may make a gift according to the Muhammadan law without a registered instrument. If this is what is really intended, I think the exception is an unfortunate one.

27. *Section 36, Clause (c).*—"authorized in writing"—Presumably the authority must be given before the transaction. The result will be that for a sufficient consideration a written authority will be ante-dated. If this provision be retained, the writing should be registered.

28. *Section 37.*—I feel bound to say that I consider the provisions of this section to be wholly inexpedient. They will assuredly give rise to an immense amount of litigation. At whose instance is the registration to be effected? Within what time after the sub-letting of more than half must the application for registration be made? Suppose that half is sub-let in 1884, that the application for registration is made in 1885, and the occupancy-raiyat proves that in 1885 less than half is sub-let, what will be the result? The probable effect of the provisions of this section is well discussed in a paper which has been sent to me called "Notes on the revised Tenancy Bill, 1884, by the East Benga Landholders' Association." *First*—the converted occupancy-raiyat will not be liable to distraint. *Secondly*, he can be ejected only upon the ground that he has broken a conditionl consistent with the provisions of the Act, and on breach of which he is by contract liable to be ejected. In ninety-nine cases out of a hundred there will be no contract, and therefore no liability to ejectment. *Thirdly*, he can transfer his interest without the restrictions as to pre-emption, &c., proposed by section 32. Against these advantages may be set the disadvantage of being liable to enhancement to the extent of double his previous rent, while he can enhance his own tenants merely to the extent of Rs. 25, or in some cases 50 per cent. In all probability this latter disadvantage, if the tenant fairly considers his position, will go to balance

Inexpediency of the provisions as to converting into Tenure-holders Occupancy-raiyats who sub-let half their holdings.

the three advantages just mentioned. The tenant himself will thus scarcely move in the matter of registration. Then can the landlord compel him to register as a tenure-holder? If not, will it be for the interests of the sub-tenants to do so? No doubt they will occupy a better position when converted into occupancy-raiyats than they have as non-occupancy-raiyats even under the provisions of Chapter VI of the Bill But without the pressure of circumstances they will not move for the mere purpose of gaining a prospective advantage.

The Actual Cultivator should be protected whether he holds under a Zemindar or a Middleman.

29. It appears to me that if we are to legislate in the true interests of the agricultural population, the best mode of dealing with this question is to determine the size of a holding, the actual cultivation of which is sufficient to maintain an average family in comfort, to maintain the right of the original tenant in a holding of this size, and to give a similar right to the sub-tenants of the remaining portions of the original holding. By this course, the position of the actual cultivator of the soil will be uniformly secured. I can see no reason why the proprietary interest of a zemindar should be injuriously affected by legislation for the benefit of a middleman, while the corresponding interest of the same middleman is protected to the detriment of the actual cultivator of the soil under him. On what principle can it be contended that the position of a Rungpore jotedar who holds one thousand bighas of land, fifty or a hundred of which he cultivates himself, while he sub-lets the remaining nine hundred, should be protected as against the zemindar, whilst the tenants of the nine hundred bighas, who are the actual cultivators of the soil, and who are as much deserving of legislative care and protection as the jotedar himself, are placed more at his mercy than he is left as regards the zemindar? If in the interests of the cultivator of the soil it is desirable that the ancient land-marks of property should be altered in these Provinces, let the actual cultivator be equally protected in whatever position he may be found, whether as the tenant of a zemindar or of a middleman. Under the latter, indeed, he stands in greater need of protection, for the middleman is a smaller, and therefore a more grasping and tyrannical landlord. I am further of opinion that no raiyat ought to be allowed to acquire a right of occupancy in more land than is sufficient for the maintenance in comfort of himself and his family. When he, obtains more than this, he sub-lets the surplus and becomes a middleman in respect of this surplus. It is impossible to argue that he is a better landlord than the zemindar, or that the community at large are benefited by the transfer to him of a portion of the zemindar's proprietary right. When I speak of the actual cultivator of the soil, I take it for granted that proper provisions will be made for *purda-nashins* and persons disabled by old age or other accidental cause from conducting the work of cultivation with their own hands—provisions in fact similar to those contained in the proviso to section 38. As to clause (*a*) of this proviso, what is temporary absence? Does it include the case of a Cuttack raiyat who serves as a chaprasi in Calcutta long enough to earn a Government pension?

Inexpediency of the Enhancement Provisions of the Bill.

30. *Section 41.*—The provisions of this section do not recommend themselves to me. According to the proposed provisions of the Bill, rent can be enhanced in one of two ways only, either by a registered contract under section 41, or by a suit under section 43 and the following sections. Any enhancement by a registered contract can in no case exceed 25 per cent., and, unless the term of the contract be for at least fifteen years, the enhancement cannot be for more than 12½ per cent. An enhancement by suit may in certain cases be to the extent of 50 per cent. The necessary result of these provisions will be that the zemindar will have a direct interest in litigating rather than in making an amicable settlement. The provisions of the Bill, therefore, encourage instead of discouraging litigation. This result has been seen and fairly commented upon by the East Bengal Landholders' Association in the paper to which I have already referred. Then again, in the case of enhancement by registered contract, no distinction is made between the different grounds of enhancement. In the case of enhancement by suit, such a distinction is made. The extent of the enhancement on the ground of prevailing rates is fifty per cent., while in the case of enhancement on the ground of rise in price it is twenty-five per cent. I cannot understand any reason for making this distinction in the one case rather than in the other. I think enhancement by registered contract ought in all cases to be allowable to the same extent as enhancement by suit. Where the parties agree amicably, the expense of litigation and the exasperation of feeling created thereby are avoided.

Discretion entrusted to officer registering contracts of enhancement inexpedient and dangerous.

31. *Section 41 (2).*—I think the remarks of the East Bengal Landholders' Association upon these provisions are deserving of consideration. It is in my opinion inexpedient and inadvisable that the power contemplated by this section should be entrusted to the registering officer. Is he to certify that the contract is according to the provisions of the Act? Will his certificate be conclusive, or may the whole question be re-opened as a basis of further future litigation? What guarantee is there that he will read or be able to understand the provisions of this complicated enactment? How is his decision, if patently wrong, to be reviewed or set right? The check and supervision contemplated by these provisions will be unsatisfactory and irregular in its action.

32. *Section 42.*—The words "previously held at a money rent" are very indefinite. Do they mean at any time previously, however remote? There ought to be some limit in point of time.

33. *Section 43 (a).*—The substitution of "occupancy-raiyats" for "raiyats of the same class" makes this ground of enhancement more definite, but at the same time it cuts down the general words of the previous law and excludes considerations which the Courts were before bound to deal with. The substitution of "staple food crops" for "stable crops" in clause (*b*) does not recommend itself to me. At page 11 of the paper of the East Bengal Landholders' Association already referred to, there are objections stated to this change of phraseology which are, I think, entitled to consideration. According to the common law of the country, the crops which land was capable of producing have always been an element in fixing the rent. Lord Cornwallis expressly contemplated the raising of rents by inducing the raiyats to cultivate the *more valuable articles of produce* (see *Landholding*, p. 540). Some of the most valuable crops can be grown only in particular localities, or upon high ground not subject to inundation. The higher rents which the landlord received for these more valuable lands were a set-off against the lower rents paid for lands capable of producing one crop only during the year, or subject to inundation. No arguments have been advanced to explain the grounds upon which crops other than food crops are in future to be excluded from consideration in calculating enhanced rent. I am therefore unable to form any opinion as to the value of the reasons which have led to the change. But the change itself appears to me unnecessary and unfair to landlords.

Restriction of Staple Crops to Food crops inexpedient.

34. The ground of enhancement on account of rise in prices, as stated in the Bill which I drafted for the Commission, contained the following words: "from causes not merely temporary or casual," and I think they ought not to have been omitted.

35. The two cases provided for in clauses (*c*) and (*d*), namely, the case of an improvement effected by the landlord, and the case of fluvial action, are a substitution for the old ground of enhancement, that the productive powers of the land have increased otherwise than by the agency, or at the expense of the raiyat. Now, it is manifest that the general language of the old ground of enhancement included cases other than the two cases which now find a place in the Bill; and this being so, the landlord's right to enhance has been seriously cut down. I cannot approve of the change; and I think here also the objections raised by the East Bengal Landholders' Association, at page 12 of their paper, are entitled to a hearing. I think the term "fluvial action" will be found in practice to be so vague as to create much litigation. If a river changes its course and flows 30 miles off, so as gradually to render lands, which were low and subject to inundation, high and capable of bearing the more valuable crops, is this the result of fluvial action? Here the lands may not produce a greater quantity of the former crops—indeed they may no longer be fit to produce those particular crops at all; but they may have become fit to produce other and more remunerative crops.

Right to enhance on account of Increase in the Productive Powers of the soil cut down in the Bill.

36. *Section 44 (a).*—I think the limit of 50 per cent. put upon enhancement, on the ground that the rent previously paid was below the prevailing rent, is too low. It inflicts a direct punishment upon indulgent landlords, who have not raised their raiyats' rents in past years. If the prevailing rate be Rs. 2 per bigha, the landlord, who has been satisfied to receive Re. 1 per bigha from his tenants, will be precluded from obtaining more than one rupee eight annas in future, while the more exacting landlord, who has already raised his rents up to one rupee eight annas or more, will be able to exact the full prevailing rate. I may refer to what has occurred in Ireland to show what will be the probable consequence of this legislation (see *Landholding*, pp. 313-314). At page 13 of the paper of the East Bengal Landholders' Association there will be found an illustration which fairly shows how these provisions will work. See also the remarks at page 12 of the same paper. One result will be that in those parts of the country in which during recent years the raiyats have successfully combined to resist the payment of a reasonable increase, the Bill in its present form will reward instead of punishing this combined resistance. As to clause (*d*), what if the land, the rent of which is sought to be enhanced, be improved land and the prevailing rate be the rate for improved lands? See the criticism at page 14 of the East Bengal Landholders' Association's paper.

Limit of enhancement to Prevailing Rate too low.

37. *Section 45 (a).*—The words "during such other quinquennial period as it may appear equitable and practicable to take for comparison" do not recommend themselves to me. Taken literally they involve an examination of all antecedent quinquennial periods in order to discover which of them should be considered, and they in consequence open up rather a wide field of enquiry. I prefer the words of the original Bill—"at the time when the rent was fixed or at any subsequent time."

Section 45 (b).—The limit of four annas in the rupee, or 25 per cent. upon enhancement on the ground of rise of prices, is, I think, too low. A successful suit will scarcely repay the landlord the expenses incurred in litigation; and a landlord, who is met by determined resistance on the part of the whole body of his tenants, and has, in consequence, to take them all into Court, will, upon the chances of the entire litigation, be undoubtedly a loser. I know of a remarkable instance in which European capital was spent upon enhancement litigation, and although the enhancement obtained was much

Enhancement of twenty-five per cent. on the ground of rise of prices too low.

higher than 25 per cent. on the old rent, the general result was disastrous loss. Then, if we look at the enhancement in Government estates, a notable instance of which is pending before a Bench of the High Court as I write, we shall see that the limit which the Legislature proposes to provide as fair and equitable for the zemindars has been exceeded by the Government in its capacity of landlord. The additional check of the proportion rule, proposed by clause (*g*), will be found wholly unnecessary in practice, if the 25 per cent. limit is retained.

Enhancement on account of Landlords' Improvements.

38. *Section 46.*—The permanence of the increase of the productive powers of land is an element which ought not to be left out of consideration. The provision contained in clause (*c*), allowing the Court to reconsider its decision, will be a fruitful source of uncertainty and consequent litigation. Finality in the settlement of rent is beyond all things desirable and necessary, and under this provision there will be no finality.

39. *Section 47.*—I think the restriction in clause (*b*) ought to be omitted, that contained in clause (*c*), namely, that the landlord shall not get more than half of the value of the net increase in the produce, being quite sufficient for all equitable purposes.

General provision as to enhancement being fair and equitable.

40. *Section 48* is another of those vague and indefinite provisions which abound in the Bill, and which are sure to lead to protracted discussion and litigation, where speedy finality is especially desirable. The imagination of a Bengali pleader will invent a thousand reasons why any enhancement is unfair or inequitable. As urged by the East Bengal Landholders' Association, the application of these general provisions to cases of enhancement up to the prevailing rate and on the ground of the landlords' improvement, is *primâ facie* unfair.

Tenants should be allowed to contract for payment of increased rent when Landlord makes improvements.

41. *Section 49* cannot justly be applied to a case of enhancement on the ground of landlords' improvements. No limit of enhancement has been expressly provided for this ground of enhancement; but, none the less, I think it extremely unlikely that any landlord will invest capital in improvements upon the chance of the precarious return which is likely to be possible under the provisions of the Bill. In this, beyond all other cases, it might seem that the landlord and his tenant ought to be left free to contract—that it should be open to the landlord to say to his tenants—"Give me such an increase of rent, and I will construct such an embankment, or carry out such irrigation works, or other improvements." The provisions of section 41 are, however, a bar to any contract for the payment of more than 12½ or 25 per cent. increase on the previous rent, and in the majority of cases this return will be insufficient to induce the investment by landlords of capital in the improvement of the soil.

Successive Enhancement Suits.

42. *Section 50.*—I would substitute *ten* for *fifteen* years. Moreover, a previous suit should not be a bar to a subsequent enhancement suit, unless there had been a final decision upon the question of enhancement. The dismissal of a suit on some technical ground is no reason for prohibiting a second suit within the time limited.

Abatement of rent.

43. *Section 51, Clause* (*a*).—I prefer the language of the old law, *viz.*, that the productive powers of the land have decreased from some cause beyond the *raiyat's* control. Here, as in other portions of the Bill, I think it is inadvisable without good reason to alter the old and accepted phraseology.

Clause (*b*).—In accordance with what I have already said, I would not limit the crops to staple *food* crops.

Preparation of Price-Lists.

44. *Section 52.*—I presume these lists are to be prepared annually, though the section does not say so in express terms. As to *sub-section* (2), I doubt the wisdom of any attempt to prepare Price-Lists for past times. It is said that materials for such Price-Lists exist in the statements of prices published regularly by the Bengal Government during the past twelve years. Those who know the manner in which, and the agency by which, this information has been collected, will scarcely suggest with seriousness that it should be accepted as the basis of Price-Lists, which are proposed to be made conclusive. As to *sub-section* (4), I think Price-Lists should not be made conclusive: they should not be presumptive evidence only. With reference to *sub-section* (5), fifteen days is much too short a time. It should be a month at least.

45. *Section 53* (4).—If clauses (*a*) and (*b*) become repugnant *inter se*, which shall prevail? As to (*b*), why has the period of *ten* years been chosen? An enhancement once made is to hold good for fifteen years, and in calculating enhancement on the ground of rise of prices (section 45) (*a*), a period of five years is taken. These various periods do not appear to consist with any settled principle.

46. *Section 57.*—I am unable to see the justice of the restriction proposed to be placed upon the enhancement of the rent of a non-occupancy raiyat. Since the time of the Permanent Settlement, the zemindars have enjoyed the unrestricted right of letting, in any manner they pleased, lands not in the possession of the protected classes of raiyats. These protected classes now aggregate 90 per cent., or according to the lowest calculation 70 per cent. of the raiyats. This section and section 42, which prohibits a zemindar from taking from a new tenant a higher rent than that paid by a previous holder, are serious encroachments upon the right which the zemindars have enjoyed for nearly a century—encroachments, for making which I consider that no case has been established. I have shown elsewhere (see *Landholding*, p. 517 to 523) that the Legislature in 1793, while reserving to itself the right to protect the raiyats when necessary, deliberately left to the zemindars the power of letting the remaining lands of their estates in whatever manner they might think proper; and that this right has been enjoyed from 1793 down to the present day.[1] It was deliberately saved and left untouched by the Legislature in 1859 (see section 7 of Act X of 1859), and again in 1869 (see section 7 of Act VIII (B.C.) of 1869). If further proof of the zemindars' right is wanting, it will be found in the cases given in the *Appendix* to this Minute, many of which show that the zemindars exercised, and had the authority of the Courts for exercising, the power of dealing as they pleased with lands relinquished or never occupied by raiyats of the protected class. If it be true, then, that the right of letting the remaining lands in any manner they pleased was conferred upon the zemindars in 1793, and has been exercised and enjoyed ever since for a period of ninety years—before that right can be taken away a strong case for taking it away ought to be shown, and I am of opinion that no such case has been shown or established. If the real proprietary interest in 90 per cent., or even 70 per cent., of the land has been transferred to their tenants, there is very little left to give landholders an interest in the management of their property, and if this little that is left is also taken away, zemindars will be converted into mere annuitants saddled with onerous duties connected with property, in the management of which it will be impossible for them to take any real interest; and the result must be injurious to the best interests of the country.

Unfairness of restricting Enhancement of Rent of Non-Occupancy Raiyat.

47. *Section 58.*—Reading this section with section 98 there can be no ejectment except after suit and decree; and reading clause (*a*) with the other portions of the Bill, no raiyat other than a non-occupancy raiyat or an under-raiyat is subject to ejectment. It follows from clause (*c*) that a non-occupancy raiyat admitted to possession verbally or by a written unregistered lease can never be ejected as long as he pays a fair and equitable rent determined by the Court; and the consequence of this and other provisions of the Bill will be that all the land in the country will, in a very few years, pass into the possession of occupancy raiyats and Middlemen; and the Zemindars having no remnant of property left will have no interest in their estates.

Under the provisions of the Bill all the land in the country will pass into the hands of Occupancy-Raiyats and Middlemen; and Zemindars will have no interest in their property.

48. *Section 60 (1).*—When the agreement is tendered to the raiyat out of Court, he will deny the tender, and when it is served through the Court, he will deny the service, and the experience of enhancement notices shows how extremely difficult it is for the landlord to prove tender or service. The result will be that ejectment suits will rarely, if ever, prove successful.

Ejectment will practically cease.

49. *Section 60 (9).*—The enhancement of the rent of a non-occupancy *raiyat* being limited to eight annas in the rupee or fifty per cent., he is at once placed in the position of an occupancy-raiyat if he agrees to pay the enhancement so fixed.

50. *Section 62.*—It is impossible to think that the effect of this provision upon some of the *raiyats* in Bengal has been seriously considered, more especially as the Bill contains no saving of existing contracts. Some of the Rungpore jotedars, who have been decided to be raiyats, now receive from their under-raiyats rent four-fold, or many more times greater than the rent which they pay to their landlords. It can scarcely be intended to destroy at once the relations between these parties, and to place the under-tenants of the jotedars who are the actual cultivators of the soil in the position of under-raiyats. No information has been given as to the *data* upon which 50 per cent, and 25 per cent. have been calculated, and like many similar figures inserted in the Bill they seem to have been assumed upon purely conjectural grounds. I think it is a very dangerous experiment to legislate in this way without some exact information as to what the effect will be upon the classes concerned.

Limit upon Rent exigible from Under-Raiyats.

51. *Section 63.*—Three months' notice is quite sufficient.

[1] In 1815 the Government of India wrote thus to the Court of Directors: "In like manner the zemindar in this country, in holding his estate subject to certain restrictions with respect to the rights of the *resident raiyats*, does not the less enjoy the power of managing those lands on which no resident raiyats are established, in any mode he may judge proper .... of providing for the cultivation of waste lands; of improving the general condition of the estate; and finally of enjoying the surplus revenue, whatever it may be, after paying the regulated assessment to Government." [Para. 11 of Revenue Letter from Bengal, dated 7th October 1815—I *Revenue Selections*, p. 295.]

52. *Section 64 (2).*—I think the following words of the old law have been injudiciously omitted :—"unless it be proved that such tenure or holding was created or such rent fixed at some later period." The expediency of the proviso will altogether depend upon the provisions made for registration and the nature of the enquiries required before registration. Unless and until these are known, it is premature to pronounce any opinion upon the proviso. As to *sub-section 5*, what is the meaning of the words "determinable at the will of the landlord," and what tenancy allowed by the Bill is contemplated by these words?

Twenty years' Presumption taken away in the case of registered tenancies.

53. *Section 65.*—These provisions are not as clear as they might be. As to the rent, I take it that it is meant to reproduce the provisions of the latter portion of Art. 42 of the Digest, *viz.*, that in case of dispute, the rent previously paid by the raiyat shall be deemed to be fair and equitable. If no rent has been paid during the last preceding agricultural year, which is the case very often, how can the tenant in the words of the section be presumed to hold at that rent?

Presumption that tenant holds at rent previously paid.

54. *Section 66.*—It is a well known custom of the country, especially in the case of tenures, for the title-deeds to contain an express stipulation that there shall be no increase or decrease of rent for alluvion and diluvion. In the case of tenures section 217 will probably save the custom; and as section 210, clause (*f*), prohibits any contract for the non-reduction of rent on account of the diminution of the area of a holding only, it will probably follow that there may be such a contract in respect of a tenure. All this, however, has to be evolved from an examination of the details of the present Bill, and doubtless it will be finally settled by litigation only. I think that it would have been much better to state it in express language, as was done in the Commission Bill. Then in the case of holdings (as already pointed out, the definition of "holding" does not limit the term to raiyati holdings), section 210, clause (*f*), prohibits a contract, and the effect of this prohibition read with section 217 will probably be to destroy the custom also. I cannot see the benefit of this legislation in the case of large holdings like the *jotedari* holdings of Rungpore. Further when there is a stipulation in a lease or vernacular pottah that there is to be no increase or decrease of rent for alluvion or diluvion, will the stipulation as to diluvion become null and void as against the landlord, whilst the stipulation as to increased rent not being demandable for alluvion is maintained to his prejudice? On this point also, I think, the observations made by the East Bengal Landholders' Association at page 16 of their paper are entitled to consideration. In *sub-section* (2) there is one principle for assessing rent upon land gained by alluvion, while *sub-section* (3) prescribes a different principle for abatement of rent in the case of diluvion. In many parts of Bengal tenures and holdings in the course of years are wholly diluviated and re-formed again. Consider the effect of these provisions upon a holding or tenure which has undergone this process. The old rate of rent will entirely disappear, and the new rent will be a rent calculated under *sub-section* (2) upon a wholly different principle. Then there is another case which does not appear to have been contemplated, that is, the case of a tenure or holding which for a time wholly disappears. If neither custom nor contract is to prevent the raiyat from claiming abatement to the full extent of his rent, and if in consequence he pays no rent while the holding is submerged, can he have any claim to the possession of the same holding when it is reformed?

Alteration of Rent upon alteration of Area. Defects in the proposed provisions of the Bill.

55. *Section 67 (3).*—How is the Local Government to be compelled to take these matters into consideration, and what will be the consequence if they are not considered?

56. *Section 68 (2).*—Is it intended that the Local Government is to have the power conferred by the proviso, generally, or in particular local areas only? There may be parts of the country where payment of rent by postal order may be possible or successful, whilst in other parts it would be neither.

57. *Section 70.*—The following very important words in section 57 of the Commission Bill have been omitted, *viz.*, "or money recoverable as rent." Under section 47 of the Cess Act, IX (B.C.) of 1880, landlords are entitled to recover cesses as rent. Is it intended that the tenants who pay these cesses are not to have the benefit of the provisions of the Bill as to receipts and accounts?

Receipts, &c., should be demandable for Cess paid by tenants.

58. *Section 72.*—The forms of receipt are very elaborate, and the cost of maintaining these receipts and accounts will be no unimportant item in collection charges. When to this is added the penalty provided by *sub-section* (3), the observation naturally occurs that a degree of care in the management of their concerns is exacted from landlords, and their affairs are subjected to a degree of scrutiny, which will make their position onerous as compared with the position of merchants or other members of the community. It is impossible to avoid reflecting that the imposition of the duties contemplated by the Bill can be justified only on the supposition of substantial benefits being granted or maintained; and if these benefits are wanting, the justification for the imposition of onerous duties

Bill increases and enforces Zemindars' duties, while it impairs their privileges.

fails. When we say that property has its duties as well as its rights, we imply that rights and duties are correlative; and that legislation which destroys or impairs the rights, while it increases or enforces the duties, must be obnoxious to unfavourable criticism.

Provisions as to Deposit of Rent are too wide.

59. *Section 73.*—The provisions of this section have been so enlarged that on reading them the idea at once suggests itself that it would have been a much simpler method of effectuating the intention of the Legislature to declare that every tenant may, whenever he pleases, deposit any um as rent instead of tendering it to his landlord. Clause (*a*) allows the tenant to deposit when he has tendered *money*, that is any sum of money on account of rent. The Bill of the Commission provided, and I think very properly provided, that a deposit could be made only when the full amount of rent due to date together with interest to date, had been tendered to the landlord. It is only on the supposition that the whole rent due to date has been deposited that the shorter period of six months' limitation can fairly be prescribed for a suit for further arrears claimed. If a tenant owes one hundred rupees as rent, and deposits ten rupees only, why should the landlord have only six months instead of three years to sue for the remaining ninety rupees? Then, under the provisions of the new Bill, the tender may apparently be made *anywhere*, the old law being that the tender must have been made at the Mal Cutchery or other place where the rent was payable. The importance of this provision is well understood by persons who have practical experience of the subject in hand. Clause (*b*) allows the tenant to deposit his rent when he has *reason to believe* that, owing to a dispute or ill-feeling, his landlord will be unwilling to receive it and grant a receipt for it. Then the officer who is vested with the power to receive these deposits has under section 74 (2) the power to examine the intending depositor in order to discover the ground or the reason of his belief. The application of these provisions to cases in which all the raiyats on an estate have combined against their landlord will necessitate the employment of a considerable agency, or (what is more likely) these elaborate provisions will remain a dead letter. Surely it would be much better, as I have already said, to allow the tenants to deposit their rent whenever they chose to do so. Then an application for permission to deposit may apparently be made at any time, even after a tender. The Bill of the Commission limited a certain time for each case, and I think the omission of this limit has been a mistake. The East Bengal Landholders' Association have pointed out that the limitation of six months for the recovery of arrears of rent from the *date of deposit* will involve hardship. The six months' time should run from date of *service of notice* upon the landlord. I feel constrained to say that the provisions of the Commission Bill on the subject of Deposit of Rent were in every way preferable to those of the present Bill.

60. *Section 75 (1).*—The notification should take the form of a list of the depositing tenants and the sums deposited by them. The section as it stands may seem to mean that there is to be a separate notification for each deposit, which will entail unnecessary labour and expense.

61. *Section 76 (1).*—These provisions appear to me to be too wide, and I think that they have been unwisely substituted for the specified cases set out in section 61 of the Commission Bill. Here, as in other portions of the Bill, the details suggested by practical experience have been discarded for general language pregnant with litigation.

62. *Section 77 (2).*—I do not understand the force of the words "this right shall be without prejudice to the landlord's charge under sub-section (1)."

Grant of extension of time to Raiyat about to be ejected.

63. *Section 78 (3).*—When may the Court exercise this power of extending the period of fifteen days—at the time of making the decree or at any subsequent period? I should be prepared to substitute one month for fifteen days; but I am opposed to allowing the Courts a discretion to extend the time for an unlimited period.

Provisions as to interest unfavourable to Zemindars.

64. *Section 79.*—Why should interest be allowed only from the expiration of the agricultural year and not from the dates on which the unpaid instalments of rent become payable? I think the last sentence of section 56 of the Commission Bill has been unwisely discarded. Interest ought to be made payable in every case in which the tenant was able to pay his rent and did not do so.

Appraisement or Division of Crops.

65. *Section 81.*—The provisions here contained are no doubt much briefer than those of section 84 of the Commission Bill, but I think that, in the case of officers new to the subject who have to administer the law, this brevity will be found to have been purchased at the cost or risk of error. The provisions of the Commission Bill were designedly amplified that those who ran might read. What is the "proper time" referred to in clause (*a*), and who is to fix it?

Assessors to appraise or divide the crops.

66. *Section 82.*—How are these Assessors to be paid, and from what classes are they to be taken? I apprehend that this provision as to assessors will completely fail.

Sub-section 5—"enforceable as a decree." By what Court or authority?

67. *Section 83.*—I think the provisions of this section are fair and reasonable, and the same remark applies to section 84 (2), which is new.

Possession of the crop.

68. *Section 85.*—Why have the other provisions of section 71 of the Commission Bill been omitted? Is it fair to retain those provisions only which impose penalties or disabilities upon the landlord class, while those provisions which declare their rights and privileges are omitted?

Omission of declaration of Zemindars' rights.

69. *Section 87.*—The term "letting-value" has been borrowed from The Irish Land Act of 1870, by which improvements are defined to be, amongst other things, any executed work which adds to the *letting-value* of the holding. But what will be the use of letting-value as a test in a country in which competition rent does not exist, or if it ever existed, will, as is proposed, be effectually done away with by this Bill? All these provisions as to improvements may no doubt look very well upon paper, but persons who have had practical experience of these Provinces know very well that there has as yet arisen no effective demand for any such legislation.

Provisions as to improvements not required in these Provinces.

70. *Section 89 (2).*—Where the occupancy raiyat and the landlord wish to make the same improvement, it is here provided that the occupancy-raiyat shall have the prior right to make it. The reason for this provision is given in paragraph 88 of the *Statement of Objects and Reasons* annexed to the original Bill in the following words:—

Occupancy-Raiyat declared to have the larger share in the proprietary right.

"The principle on which the sections of the Bill relating to this subject proceed is, that that party to a tenancy whose interest in the land preponderates should have the preferential right to improve and take the full benefits of his improvements."

The result is a legislative declaration that the occupancy-raiyat has the preponderating interest in the land, or the larger share in what is really the proprietary right.

71. *Section 90.*—Under these provisions a non-occupancy raiyat, a tenant, it may be, for a year only, is entitled to erect a suitable dwelling-house for himself and his family, and, under sub-section (2), he may call upon his landlord to make any other improvement that he considers desirable. The Bill in no way limits the size of the holdings to which these provisions are applicable, and it follows that an occupant of a single cottah may erect thereupon what he considers to be a suitable house. Then again as the singular includes the plural, the ten sons of an occupancy-raiyat may erect ten suitable houses for their ten families; and if these families multiply in the same proportion, the holding may be converted into a *basti* or village without the zemindar's permission and even against his will. Surely if these provisions are at all to be adopted, the application of them ought to be limited to holdings of a sufficient size to support an ordinary family in average comfort.

Improvements by Non-Occupancy Raiyats. Result of the provisions of the Bill as to the erection of Dwelling-Houses.

72. *Section 91.*—The provision for the registration of landlords' improvements is also borrowed from The Irish Land Act, which provides for the registration, by landlords and tenants in the Landed Estates Court, of improvements made by them respectively. I am afraid that this register, if it ever be established in these Provinces, will remain blank or nearly so. Zemindars are little likely to invest their capital in improvements upon the chance of obtaining the return afforded by the enhancement provisions of the Bill.

Registration of Landlords' Improvements.

73. *Section 93.*—If I understand the provisions of the Bill rightly, it is only a non-occupancy raiyat who can be ejected, and therefore it is only a non-occupancy raiyat who can make a claim under this section to compensation for improvements. The only improvements which he can make in accordance with the Act are the erection of a suitable dwelling-house, or some other improvement, which under section 90 (2) he has undertaken, because his landlord refused to carry it out. Who is the *predecessor in interest* of a non-occupancy raiyat? I am unable to discover from the provisions of the Bill. If these words be retained, it may be well to consider the difficulties that arose upon the construction of the term "predecessors in title" in The Irish Act of 1870 (see *Landholding*, page 317).

Compensation for Raiyats' Improvements.

74. *Section 93 (2).*—The effect of this restriction upon ejectment must be that landlords will, in very few instances, be able to evict non-occupancy raiyats. The provision that the raiyat is not to be evicted until the amount of compensation is paid is also borrowed from The Irish Land Act (see *Landholding*, page 307). But an examination of that Act will show that the class of tenants to which this particular provision applies in that country is altogether different from the non-occupancy raiyats of the Tenancy Bill. Then in Ireland the *unreasonable conduct* of the tenant is to be taken into consideration. Such a provision is wholly omitted from the Tenancy Bill, which is to be applicable to a

Hardships of the Provisions that a Non-Occupancy Raiyat may not be evicted until Compensation for Improvements has been paid to him.

country where unreasonable conduct on the part of agricultural tenants is certainly not less common than in Ireland. I think it will not be found that in any other country in the world, in which a tenant is allowed compensation for improvements, the landlord's power of ejectment is clogged with the provision that he cannot evict the tenant, though entitled so to do, until the amount of compensation has been actually paid. In Prussia a tenant is entitled to compensation only for improvements made with the sanction of his landlord (*Landholding*, page 57). In France, in the absence of an agreement, the tenant is not entitled to compensation for improvements (*idem*, page 65). In Wurtemburg a tenant may claim compensation for improvements by which the letting-value of the property is increased, but if the parties cannot agree to the amount, the tenant must bring his action against his late landlord (*idem*, page 74). In Baden, in the absence of any agreement to the contrary, the improvements made by a tenant become the landlord's property without compensation (*idem*, page 78). In Saxe-Coburg Gotha, improvements are matter of contract (*idem*, page 87). In Belgium the tenant is entitled to compensation for unexhausted improvements only when made with the consent of his landlord (*idem*, page 92). In Sweden, improvements are generally made by the tenant without the landlord's assistance, and yet the tenant has no definite legal right to compensation (*idem*, page 111). In Geneva without an agreement there is no right to compensation (*idem* page 112). In Austria the law recognizes the tenant's right to compensation which must, however, be enforced by a claim made within six months after the termination of the tenancy (*idem*, page 117). In Lombardy, improvements made by a tenant without the landlord's consent do not entitle him to compensation (*idem*, page 120). In Southern Italy, the tenant has no legal right to compensation for improvements not specified in the lease (*idem*, page 125). In Greece, if the tenant makes improvements in the absence of any express stipulation, the landlord will have a legal right to them on assuming possession of the holding (*idem*, page 144). In Spain, the tenant is entitled to retain possession until he has received compensation, but only in the case of improvements made with the consent of the landlord (*idem*, page 155). In Portugal a similar rule obtains (*idem*, page 164). In the Province of Constantinople the landlord, upon taking possession, may appropriate all improvements, and the tenants cannot enforce any claim to compensation (*idem*, page 218). In the United States of America, in the case of agricultural improvements made by a tenant without any special agreement with his landlord, there is no right to compensation (*idem*, page 379). It will thus appear that the provision with which sub-section (2) proposes to clog the landlord's right of eviction in the case of a non-occupancy raiyat finds no parallel in any other country in the world. This and other provisions of the Bill have clearly the object of rendering it almost impossible for a zemindar to re-enter upon land to the possession of which he has once admitted any *raiyat;* and thus it is supposed that the acquisition of the right of occupancy in the *remaining lands* will be facilitated. The only possible loophole for avoiding this result which is offered to the zemindar is by litigation, intricate, tedious, and expensive, in which if he succeeds, it will be at a cost greater than the benefit thereby obtained. Surely it would be far better for the interest of all concerned to carry out the intended policy by provisions going directly to this end rather than encourage litigation, which must do incalculable mischief and which can benefit only legal practitioners and the court-fee revenue. As to *sub-section* (5)—who will pay the Assessors, and what will be the natural result if they are not properly remunerated for their services?

Provisions as to Compensation for Improvements in other Countries.

75.—*Section 94.*—These provisions are far too elaborate to be of useful practical application in the Lower Provinces. In a flat country, where there is an alluvial soil, those works by which agriculture is facilitated and improved in other countries are unnecessary and are never undertaken. In Behar, and perhaps in some other places, works of irrigation are of very great importance, but such work in order to be really useful must be carried out on a scale and at a cost wholly beyond the ability of individual raiyats. The proposed provisions of the Bill, if called into operation at all, will be utilized only for the purposes of idle and harassing litigation.

Provisions as to Compensation for Improvements unsuited to the country.

76. *Section 95.*—A raiyat, that is *any* raiyat, whether an occupancy or a non-occupancy raiyat, may surrender his right and interest in his holding. It follows, therefore, that an occupancy raiyat may retain the land, subject to a possible enhancement of 25 or 50 per cent. every fifteen years, although the increasing beneficial interest to him may be much greater: but if anything occurs to make the land unprofitable, he may return it upon the hands of his landlord. It will be borne in mind that the interest of the occupancy-raiyat is converted by the Bill into a transferable holding, from which he cannot be ejected. According to the custom of the country such an interest cannot be relinquished. It is taken for better for worse. *Qui sentit commodum sentire debet et onus* is natural equity. Why should a tenant who is made more than half proprietor be allowed to enjoy all the advantage of this position and impose all the disadvantage of his larger share upon the co-proprietor of the smaller interest. I may here observe that the Bill makes no provision for a case in which a town suddenly springs up and agricultural land is required for building sites. If the raiyat converts his agricultural land into building sites, his landlord may sue to eject him

Provisions as to Surrender of Holdings unfair in view of the other changes made by the Bill.

No provision for the growth of a Town.

under the provisions of section 31 (*d*); and, if he succeed in so ejecting him, may enjoy the full benefit of the new value added to the soil. If the ejectment suit fail, this whole value will go to the raiyat. Then again the raiyat, in order to avoid eviction, may refuse to give the land, may oppose the march of progress and withstand the requirements of advancing society?

Notice of Surrender.

77.—The three months' notice in *sub-section* (2) should be three months before the end of the year. I may observe that three months' notice is usually made by the Bill sufficient for the raiyat to give to his landlord, while six months' time is required when the landlord is to give notice to the raiyat. I do not understand the grounds of the provisions contained in clauses (*a*) and (*b*) of sub-section 3.

Abandonment.

78. *Section 96.*—The objections to this section advanced by the East Bengal Landholders' Association, at page 7 of their paper, are entitled to consideration. As to sub-section (3), what is the ground upon which a raiyat will be entitled to institute a suit?

Holdings not to be divisible.

79. *Section 97.*—The language of this section does not clearly bring out the essential point with which the landlords are concerned, namely, that there should be no division of rent without the consent of the landlord.

Is it intended that Landlords should have the power to measure Lakheraj lands.

80. *Section 99.*—I presume that this section, as drafted in the Bill, is intended to allow the measurement of *lakheraj* lands; but the use of the word "landlord," having regard to the definition of the term in section 3, will at once raise the question, whether any land can be measured other than land held by tenants under the landlord? If it be intended to give zemindars and tenure-holders authority to measure *lakheraj* lands for which they do not receive rent, the question will be raised in many instances whether such land is comprised in their estate or tenure? In the case of *lakheraj* alleged to have been created before the Permanent Settlement, and, therefore, not comprised in the estate for which the revenue is payable, the zemindar will have no right to measure until he has disproved the allegation of *lakheraj*. The use of the words "estate of tenure" precludes, I presume, an occupancy-raiyat from measuring the land in his holding, especially if he have under raiyats and they object. If this view be correct, an occupancy-raiyat will have one more inducement to convert himself into a tenure-holder (See ante, § 28). The provision in sub-section (2) as to "the written permission of the Collector" is, I think, a very useless one. The discretion intended to be conferred cannot be properly exercised without making enquiries, which will occupy considerable time. An enquiry will seldom or never be made; and the permission when accorded will be given at haphazard. I may observe that the important words of the old law, which preclude a landlord from making a measurement, when restrained by express agreement with the occupants of the land, have been omitted, no reason being given for their omission. With respect to *sub-section* (2), clause (*a*), the words "vary from year to year" will often be inapplicable to existing facts. The area may remain unaltered for one year or several years, and then there may come successive years of alteration. In few instances does the alteration take place uniformly from year to year.

Collector's written permission to measure oftener than once in ten years.

Standard of Measurement in local area.

81. *Section 101* (*3*).—What is a local area? Taken literally, it might include an entire Province, which can scarcely have been intended. I think the provisions of clause (*b*) of section 76 of the Commission Bill, as to the determination of the standard pole and the appellate tribunal, have been unwisely omitted.

Appointment of Co-owner as Manager.

82. *Section 105.*—I do not approve of the provision which allows one co-owner to be appointed manager. The only case in which such an appointment should be made is when the other co-owners consent.

Remuneration of Managers.

83. *Section 107.*—Provision ought to be made for remuneration partly by fixed salary and partly by percentage.

Section 109.—I think the rules defining the powers and duties of Managers would much more properly be framed by the Board of Revenue than by the High Court.

Section 110.— (*2*), *cl.* (*b*).—"calculated"—in whose opinion?

Application by Proprietor or Tenure-holder to have Record of Rights made.

84. *Section 112.*—It is not quite clear whether it is intended that an application may be made by a proprietor or a tenure-holder *otherwise than when an order has been made by the Local Government under section 110.* This is a point upon which no doubt should be left. The provisions of this section will be advantageous to auction-purchasers: but in every case in which they will be applied they will yield a large crop of litigation.

Inexpedient to transfer to Revenue authorities Original Jurisdiction in certain matters.

85. *Section 114.*—There are several of the matters specified in section 111, the power of dealing with which cannot be transferred to the Revenue authorities without taking away from the Civil Courts of First Instance a jurisdiction which can more properly be exercised by them. I do not think that any subsequent appeal to the Special Judge, or second appeal to the High Court, will ever set right errors committed in the Court of First Instance by Revenue Officers, who have not judicial habits or training. I have seen a good deal of the work done by Revenue Officers, more especially before the transfer of rent suits to the Civil Courts by Act VIII (B.C.) of 1869; and, as the result of my experience, I consider these officers much less competent than Munsifs. There is at present no judicial work in the country worse done than that of uncovenanted officers in their capacity of Deputy Magistrates.

Local jurisdiction of Special Judges.

86. *Section 115.*—Some provision seems necessary for appointing the local limits of jurisdiction of the Special Judges.

Settlement of Rents by Revenue Officers.

87. *Section 118.*—I understand "settling rents" to include enhancement of rents, where enhancement is allowed by the Bill.

Sub-section (5).—By what Court or authority may this decree be executed? May it be executed by the Revenue officer, if there is no appeal?—and if so, by what provisions shall the execution be governed?

Sub-section (6).—I think it very undesirable that the High Court upon an appeal as to questions of law only should have to deal with questions of fact.

Prices of Staple Crops.

88. *Section 125.*—Here also, I think, the average prices ought to be those of "staple crops" not of "staple *food* crops." The limit of enhancement, four annas in the rupee, contained in the proviso is too low.

Recovery of settlement expenses.

89. *Section 133.*—"the proportion of those expenses so to be defrayed by any person shall be recoverable from him as if it were an arrear of land revenue due by him," *i.e.*, recoverable under the Certificate provisions of the The Public Demands Act VII (B.C.) of 1880. Why not say this in so many words? See Section 7 (9) of this Act.

Record of Khamar land.

90. *Section 136.*—I am afraid that the provisions of this section will be used by raiyats to harass their landlords. I may observe that the Bill speaks only of a *proprietor's* private lands, but where the zemindar has virtually become an annuitant, and the real proprietary interest has passed to a tenure-holder, as in the case of *Patni* tenures, the khamar land belongs to the tenure-holder. This is a fact which should not be lost sight of.

What tribunal can best try whether land is khamar.

91. *Section 137.*—I think the Revenue officers are not the tribunals best fitted to try in the first instance, whether land is a proprietor's private land. The questions raised in a case of this kind are those which a Civil Court is most competent to deal with, inasmuch as they will depend upon evidence of particular facts.

Custom and presumption as to khamar.

92. *Section 138* (*1*), *Clause* (*b*).—I am afraid that there is no such thing as "village custom" to regulate what is *khamar* land in these provinces.

Sub-Section (*2*).—I think the presumption at the end of this section is not fair—namely, that the Court shall presume that land is not a proprietor's private land until the contrary is shown. I do not see why everything should be presumed against the zemindar.

Provisions of the Bill as to Distraint deserve a fair trial.

93.—I think that the provisions of Chapter XIII as to *Distraint* are deserving of a fair trial. They in reality offer to landlords a summary remedy for the recovery of a year's rent; and as they may be put in force before the crop is cut or is ready for cutting, they ought to afford a useful remedy in those cases in which raiyats conspire to refuse payment of rent even at the previous rates.

Application for Distraint should be allowed on small Court-fee stamp.

94.—The application for distraint under section 139 ought to be upon a reduced Court-fee stamp in order to make these new provisions of the law really practicable in aid of the zemindars. Where the raiyats in a body withhold their rents and the resources of the landlord are in consequence crippled, the imposition of a high institution-fee prevents him from utilising the provisions of any procedure for the recovery of his rents.

Verification of application.

95. *Section 140* (*2*).—The second clause of the sub-section is unnecessary, regard being had to the form of verification in the Code of Civil Procedure, and the definition of *giving false evi-*

dence in section 191 of the Penal Code. Similar words have been for this reason omitted from the present Code of Civil Procedure.

95. *Section 143* (*3*).—" outer door of the house " assumes that the houses in this part of the country have doors; but very many of the houses in the Bengal districts have no doors. For " the outer door of the house " I would substitute " some conspicuous part of the homestead."

Section 154 (*3*).—" afford full protection"—against whom? Take a Backergunge case in which the fourteen degrees (see Digest, page 2, *note*) of interest in the soil are complete. Will a receipt granted by the *zemindar* at the top to the *karshadar* at the bottom afford full protection against all the intermediate holders? If this is intended, it should be made more clear.

Receipt for Rent paid by under-raiyat upon distraint.

96. *Section 159.*—The Supreme and not the Local Government should be vested with the power of approval mentioned in this section, and having regard to the provisions of section 163; it should be provided that the rules must be consistent with the Act.

Rules modifying the application of the Code of Civil Procedure to Rent Suits.

97. *Section 163.*—The provisions of the Code of Civil Procedure relating to *interrogatories* and *discovery* are not generally necessary for the trial of rent-suits. Nevertheless, I think there ought to be a provison similar to that contained in the proviso to section 165 of the Commission Bill, which allowed the District Jude, upon application, to direct that any particular suit shall be governed by all the provisions of the Code of Civil Procedure. The provisions of Code as to *affidavits* continue to be applicable to the trial of rent-suits under the provisions of the present Bill. It was before considered that they should not be applicable (see Supplement to the *Gazette of India*, dated 3rd March 1883, page 303). No reasons have been given for the change.

Provisions as to Interrogatories and Discovery, though not generally applicable, may be necessary in particular cases.

Clause (*r*).—It would seem that some such words as " unless the Court otherwise think fit " should be inserted in this clause. There may be cases in which it will be very desirable that the evidence of particular witnesses should be recorded in full.

Record of Evidence.

98. *Section 164.*—The provisions of sub-section (1) are in principle good, but I am afraid that in practice they will have little efficacy. Once they are known, the defendant will plead that he has actually paid the amount to the third party.

Payment into Court of rent admitted to be due to a third party.

99. *Section 165.*—These provisions appear reasonable enough; but the very fact of having to undergo the expense of defending a suit will occasionally make it difficult for a poor cultivator to pay in the amount admitted. No doubt the provisions of the following section as to payment by instalments to a certain extent mitigate possible hardship.

Payment into Court of admitted portion of claim.

100. *Section 168, Clause* (*a*).—I think decrees of Subordinate Judges in appeal may properly be made final. As to the second paragraph of clause (*b*), the question most commonly raised it as to the existence of the relation of landlord and tenant between the parties. It has been decided that no appeal lies where this question has been determined. It may be a matter of consideration whether an appeal ought not to be allowed in this particular case. As to the *proviso*, it is no doubt intended that the provisions of section 670 of The Code of Civil Procedure shall also apply to these cases.

Appeal and Revision.

101. *Section 170.*—The plaint should state the fact of the landlord having requested the tenant to remedy the damage or breach, giving sufficient detail as to time and place. I do not approve of *sub-section* (3), which allows the Court to extend for an unlimited period the time for payment of damages in lieu of forfeiture. Finality in this kind of litigation is especially desirable; and under this provision finality will be difficult of attainment.

Plaint in Ejectment Suit on the ground of Forfeiture.

102. *Section 171, Clause* (*c*).—I think it will be found that there is no local usage as to cultivating or preparing the land for a crop after the commencement of ejectment proceedings.

Local usage.

103. *Section 172* (*1*).—These provisions, as to the Court determining all matters in dispute between the parties, are much too wide; and will, I am afraid, lead to protracted litigation, when the parties are at feud. Then consider the effect of Explanation II to section 13 of *The Code of Civil Procedure* upon claims which might have been, but were not, brought forward.

Section 173.—I see no objection to the provisions of this section. But when the Court grants this form of relief, will the tenant be bound to hold the land and pay the rent; and if so, for what term?

The terms "under-tenure" and "holding" used in a sense different from that hitherto accepted.

104. *Section 176, Clause (a)* speaks of an "under-tenure;" and clause (*d*) speaks of a right-of-occupancy within a holding. I have elsewhere pointed out that this phraseology is contrary to popular and received ideas. Does clause (*e*) apply to a right to hold for ever?

Is a Prescriptive Easement an incumbrance?

105. *Section 177, Clause (a).*—Is an easement, acquired by twenty years' prescription, protected from avoidance by sale? In other words, is the prescription good against the landlord as well as against the tenant?

106. *Section 178.*—For "*the* holding" in line six read "*such* holding." It is no doubt intended that the holding to be sold and the holding in respect of which the decree for rent was made shall be the same.

Period for avoiding Incumbrances.

107. *Section 184.*—It is quite possible for a purchaser to have had notice of the incumbrance a year before the sale, in which case under the literal provisions of this section it would be impossible for him to take steps to avoid it. The period of one year should run from the time after sale when he had *knowledge or means of knowledge* of the incumbrance.

Sub-Section (3).—Service will be denied, and the same difficulty that has been experienced in respect of enhancement notices will destroy the value of this provision.

By whom may payment be made into Court to stay Sale of Holding?

108. *Section 187 (2).*—By whom may the amount of the decree be paid into Court—by the judgment-debtor only, or by any third person also? I think the provisions of section 205 of the Commission Bill which dealt with this question, and which are founded upon the result of actual decisions, ought not to have been put aside.

Provisions of the Bill as to protection of Under-tenure-holders incomplete.

109. *Section 188.*—The provisions of section 205 of the Commission Bill in respect of the privileges conferred upon under-tenure-holders by sections 138 and 139 of the same Bill for the protection of their under-tenures have not been effectually reproduced in the present Bill. For example, under-tenure-holders have not, under the present Bill, power to lodge money antecedently to meet arrears. I know of no reason why this portion of the law should be altered to the prejudice of these persons.

Judgment-debtors not to bid for their Holdings.

110. *Section 190 (2).*—What is the sanction by which it is intended to enforce this prohibition against judgment-debtors purchasing their holdings; and how is it proposed to prevent *benami* purchases?

Section 191.—This is, in part, a repetition of the provisions already contained in section 163, clause (*a*).

Incumbrances created before the Act.

111. *Section 192.*—I think this is a very dangerous provision. It suggests the manufacture of incumbrances which will be concocted, antedated, and registered under this section.

Object of notifying Incumbrances to landlord.

112. *Section 193.*—What is the object of notifying the incumbrance to the landlord? What action can he take upon its being so notified?

Serious defects in reproducing the law as to the Summary Sale of tenures.

113. *Section 194.*—As already pointed out, the language of this section limits to *Patni* tenures only the procedure of the old Regulation which, according to its provisions, was applicable to a much wider class of tenures, namely, tenures upon which the right of selling or bringing to sale for an arrear of rent has been specially reserved by stipulation in the engagements interchanged on the creation of the tenure (clause 1, section 8, Regulation VIII of 1819.) This error is not remedied by the provisions of section 209, which allows an extension of the Summary Sale provisions to other tenures registered under a law to be passed hereafter. Until that law shall have been passed, the right to bring to Summary Sale tenures other than *patni* tenures included in the larger class just mentioned will remain suspended, to the serious prejudice of the landlords.

Other defects in the reproduction of the Summary Sale Law.

114. *Section 195.*—I do not think that the use of the word 'notice' in this section is an improvement on the language of the old law, which speaks of a copy of extract of such part of the notice as applies to the individual case

Section 196.—I think the matter of the Explanation to section 184 of the Commission Bill has been unwisely omitted. That explanation was to the effect that service on the

defaulter personally is not sufficient. This is the result of decided cases and should be embodied in the existing law.

115. *Section 198.*—The provisions of section 137 of the Commission Bill have not been accurately reproduced. The old law has been altered in such a way as to create an opening for litigation.

Opening for litigation afforded by altering language of the old law.

Sub-Section 5.—This does not govern the case provided for by clause (*v*), section 137 of the Commission Bill, *viz.*, the case of omitting to apply for a summary investigation which is not *ejusdem generis* with the cases provided for by sub-sections (3) and (4).

116. *Section 202* (*2*).—The result of a Summary Sale will differ from the result of an Execution Sale, so far as regards registered and notified incumbrances. The East Bengal Landholders' Association have urged that this distinction will be productive of confusion and consequently of litigation, and I think their observation merits consideration.

Different effect of Summary and Execution Sales.

117. *Section 203.*—The provisions of clauses (*b*) and (*c*) of section 143 of the Commission Bill have been omitted from the present Bill to the prejudice of the parties concerned. This remark applies more especially to that provision which obliges the proprietor to furnish to the purchaser access to any papers connected with the tenure purchased, that may be forthcoming in the proprietor's *kachahri*.

Omission of important provisions of the old law.

118. *Section 204.*—As pointed out in section 109, the provisions of sub-section (2) of section 138 of the Commission Bill as to lodging money antecedently to meet arrears of rent have not been reproduced; and the same remark applies to so much of the provisions of clause (*a*), section 139, as provide that a deposit may be carried to the account of the tenant, so as to be in satisfaction of any claim of rent that may then be pending, or that may thereafter be brought against him.

119. *Section 205* (*2*).—These provisions do not satisfactorily reproduce clause (*c*) of section 136 of the Commission Bill, which empowers the Court to *indemnify* the purchaser against all loss at the charge of the proprietor, or person at whose instance the sale is made.

Provision as to indemnification of purchaser, when sale set aside.

120. *Section 207, Clause* (*b*).—The proviso in section 145 (2) of the Commission Bill as to arrears of previous years has been inadvisedly omitted. It has hitherto been the law, and it should be made clear, that arrears of rent of previous years are not recoverable by Summary Sale.

Arrears of previous years not to be recoverable by Summary Sale.

125. *Section 210.*—I cannot approve of these general provisions by which landlords and tenants are debarred from adjusting their mutual relations by contract. The reasons for these provisions are contained in paragraph 33 of the *Statement of Objects and Reasons* and repeated in paragraph 85 of the despatch of the Government of India, No. 6 of the 21st March 1882, in the following words:—"Such is the power of the zemindars, so numerous and effective are the means possessed by most of them for inducing the raiyats to accept agreements, which, if history, custom, and expediency be regarded, are wrongful and contrary to good policy, that to uphold contracts in contravention of the main purpose of the Bill would be in our belief to condemn it to defeat and failure. It is absolutely necessary that such contract should be disallowed, and in this conclusion we have the support not only of the Bengal Government, but also of the unanimous opinions of the Bengal Officers." Whatever truth these observations may have with reference to Behar, I deny that they are generally accurate as regards Eastern Bengal. In that portion of the country the raiyats are, according to my experience, very competent to protect their own interests in matters of contract, and the isolated instances of over-reaching *pattas* or *kabuliyats*, which have been or can be produced, do not afford sufficient evidence to justify these disabling provisions of the Bill, by which the whole agricultural population is to be declared incompetent to contract with their landlords. It would be equally reasonable to say that, because there are annually in any country a certain number of cases in which contracts or wills are found to have been made under undue influence, the entire community should be disabled from making contracts or wills.

Provisions of the Bill, which forbid contracts between Landlords and Tenants, inexpedient.

120. In one of the speeches made in Council upon the introduction of the Bill there is the following passage[1]:—"I am aware that the rise of the jute industry has poured considerable wealth into these districts" (Backergunge, and some of the adjoining districts). "But when this wealth accrued, what was the first use to which it was turned? The cultivators knew well enough that the acquisition of a proprietary right in the soil was essential to their permanent welfare, and accordingly we find that the first use to which they turned their newly-acquired wealth was to take every opportunity of acquiring such

Arguments for disability contradicted by admitted facts.

[1] See *Supplement to the Gazette of India*, of the 21st April 1883, page 890.

right. The statistics of registration show that in the three years, 1877-78, 1878-79, and 1879-80, no less than 342,596 perpetual leases were executed in Bengal, by far the greater portion of which were executed in the districts of Jessore, Backergunge, Fureedpore, Noakhali, and Chittagong." There is no suggestion that the persons who obtained these leases were unable to protect their own interests or were over-reached or duped in the matter of these contracts. They are, and are referred to as, indications of healthy progress and prosperity: and they furnish a powerful argument against legislative interference with persons who, at least in those parts of the country, are able and willing to manage their own affairs. It is a curious comment upon nearly a century's British Administration of these Provinces that while, in 1793, contracts between zemindars and raiyats were considered to be the great panacea for all evils and all difficulties arising out of the relations of landlord and tenant,[1] we are now in the year 1884 proposing to go into the opposite extreme and prohibit landlords and tenants from adjusting their own relations by mutual agreement between themselves. One necessary result of this provision will be to force the parties concerned into Court upon every occasion upon which any question concerned with the mutual relations of the immense agricultural population of these Provinces has to be adjusted. The enormous amount of litigation which will thus be engendered cannot but be productive of the worst consequences, affecting the harmony of society and the morality of the community, and must seriously tax the resources of the State to find suitable agency for its disposal.

May a Zemindar make a grant of Rent-free land?

121. *Section 211.*—Is it intended that a landlord may make a grant of *lakheraj* or *rent-free* land? Section 226 would appear to suppose that he may; but the point is one upon which no doubt should be left. Such a grant should of course be good only as against him and those claiming through him, and should be voidable upon a sale for arrears of Government revenue.

Reclamation Contracts.

122. *Section 212.*—What is the meaning of the words "contract for the reclamation of waste land?" Are they to be strictly limited to *reclamation*, or do they include a *tenancy*, such as that created by a *jangulburi* lease upon the basis of reclamation and investment of labour and capital by the lessee?

Local custom as to homesteads.

123. *Section 216.*—The provision as to local custom looks very well upon paper in an Act of the Legislature, but my experience shows that evidence of such customs is never forthcoming.

Provisions as to Limitation.

124. *Section 219* implies that the whole of the Limitation Act with the exception of sections 7, 8, and 9 is to apply to suits under the Bill; but why should sections 10 and 11 and Part IV of the Act be applicable to such suits? Section 94 of the Commission Bill which embodies an important principle (the result of litigation finally dealt with by the Privy Council) has, I think, been inadvisably omitted.

Constructive Offences connected with distraint.

125. *Section 220* (1).—I do not see the utility of the fiction in criminal law here proposed to be created. It is slightly incongruous that resistance to distraint, or forcibly or clandestinely removing distraint property, should be deemed to be criminal trespass. Why not make these acts substantive offences punishable with specific punishments?

Evidence of Agency.

126. *Section 221* 2).—This provision as to agents being empowered by written authority will be productive of litigation and injustice. The written authority will be denied and suppressed. Surely it ought to be sufficient to show that the agent acted as such with the knowledge of his landlord.

Exemption of Government from the twenty years' Presumption.

127. *Section 225.*—I do not see why the Government should here retain for itself a special privilege which is not allowed to private landlords.

I proceed to examine the principles of the Measure, an opportunity of expressing my opinion upon which has not before been offered me.

128. Having examined the sections of the Bill in detail, I now proceed to consider some of the principles which have been accepted and adopted in determining the main lines of the proposed enactment, which is at present before the Legislative Council. Since I closed my connection with the Rent Commission in June 1880, no opportunity has been offered me of expressing my views upon the general principles of this very important measure. As my judgment and opinion were well known to be opposed to the extreme views pressed upon the members of the Rent Commission, and which failed to convince the majority of them, but were subsequently adopted by the Lieutenant-Governor of Bengal and the Supreme Government, I assumed that Government did not wish to hear further criticism from me of the principles which have been adopted as the main lines of the present Tenancy Bill; and I, therefore, abstained from volunteering

[1] I have so fully shown this elsewhere (see *Landholding*, pages 482, 494, 503, 504, 582 *note*. and 590), that I abstain from increasing the length of this Minute by reproducing the facts and arguments.

any opinion. In letter No. 785 of the 5th May last, from the Secretary to the Government of India in the Legislative Department, it is now said that the Government of India will be glad to receive any remarks which the Judges may think fit to offer on the provisions of the Bill as amended by the Select Committee. I understand from this that it is now intended to offer me, in common with the other Judges of the High Court, an opportunity of placing our views upon record; and I think it due to myself, to the interest which I have taken in the whole subject for the last four-and-twenty years, and to the share which I took in preparing the original Bill, to express my sentiments without reserve on the present occasion.

Infringement of Proprietary interest by taking from the Zemindars the right of letting as they please lands not in the possession of Occupancy-Raiyats.

129. One of the most serious infringements of proprietary interest proposed by the Bill is the taking away from the zemindars the right of letting in any manner they please lands not in the possession of occupancy-raiyats or other protected classes of tenants. Throughout the whole of the discussions upon the Bill, it has been assumed that from 70 to 90 per cent. of the land in these Provinces is already in the possession of occupancy or other protected raiyats, and the Bill now professedly proposes to create, or facilitate the immediate creation of the occupancy right in the remaining lands, either directly or by indirect means, which must in a short time bring about this result. In the despatch of the 21st March 1882 from the Government of India to Her Majesty's Secretary of State, the arguments in support of this change are given in the following language, which I quote *in extenso* :—

"52. The Famine Commissioners observe in their report [1] :—'One of the most prevalent forms of oppression on the part of the landlords is their habit of breaking up the holdings of their tenants, and compelling them to change the fields they cultivate, with a view to the destruction of occupancy rights, or rendering them indistinct where they exist, and preventing the accrual in the case of tenants-at-will.' We have reason to believe that practices of this kind do, in fact, prevail in many parts of India. In the North-Western Provinces during the year 1878-79 the increase in the number of notices of ejectment was marked in every division and in every district, and the Board of Revenue [2] observed that the proprietary classes had exhibited a very general anxiety to prevent tenants and lessees from acquiring occupancy rights. In the following year the Commissioner of Allahabad reported, [3] 'as the twelfth year of occupation approaches, notices are invariably served.' 'Landlords,' said the Board, 'are, naturally enough, anxious to prevent the growth of occupancy tenures, and the Local Rent Act virtually points out to them the easiest way of effecting this object, *viz.*, by ejecting tenants-at-will before the twelve years' occupation, which creates a right of occupancy, is completed.' The efforts of the proprietors to extinguish occupancy rights have been frequently noticed in reports from the Central Provinces. In 1874-75 the Deputy Commissioner of Jabalpur had 'seen many instances where the *malguzars* are carefully causing their tenants to give up the land they have held for eleven years in order to prevent their acquiring occupancy rights.' The Deputy Commissioner of Seoni stated that the absolute occupancy and Act X occupancy-holders were being slowly but surely ousted by the *malguzars*. In 1875-76 systematic attempts to prevent tenants from acquring rights under Act X appear to have occurred in the Jabalpur District. In 1877-78 the Chief Commissioner wrote [4] :—'There is no doubt a general cause at work which is calculated to produce a gradual increase in the number of suits for ejectment, *viz.*, the desire of *malguzars* to prevent the accrual of occupancy rights which leads them, as the end of the twelve years period since the settlement approaches, to take more and more active steps to eject those tenants who would otherwise, by continued occupation, pass out of the class of mere tenants-at-will.' The Deputy Commissioner of Saugor, in 1878-79, speaking of occupancy tenants and occupancy rights, said [5] :—'There is a strong animus against these tenants among all the *malguzars* of this district, and (as in other districts) they use their best efforts to oust every tenant who has succeeded in acquiring these rights, and do their best to prevent any such further acquisition, by applying to the Court to issue notices of ejectment on all tenants who have held for nearly the prescribed time.' In the report however, for the year 1879-80, the Chief Commissioner observed :—'The eventual result of a twelve years occupancy rule, or an occupancy rule laying down any fixed period for the accrual of occupancy right, must ordinarily be to cause a disturbance of possession in order to check the growth of a class of privileged raiyats. Any such rule is disastrous to the well-being of the cultivating class wherever there is a struggle for land. In these provinces, in most districts, there is no such struggle, and as a fact the occupancy right is allowed to accrue in a large number of cases."

"53. In Behar it is said that not one quarter per cent. of the raiyats hold pottahs; and 'an examination of the *jamabandi* papers (rent-rolls) of Behar estates has shown that while 60 per cent. of the present raiyats have held some land in the villages in which they reside for more than twelve years, less than one per cent. of them hold at present the same area of land which they held twelve years ago. Inasmuch as these raiyats hold no *pottahs* or other documents showing which are the particular fields which they have held for more than twelve years, and which fields were subsequently acquired, it is doubtful whether any of them could, under the existing law, prove their occupancy rights even where these rights exist beyond all doubt.' The Collector of Patna reports that whenever the zemindar has felt himself strong enough to break occupancy holdings, he has done so, and that the landlords are very active in shifting the tenants from time to time to prevent the acquisition of occupancy rights. The zemindars of Shahabad, at a meeting held on 30th October 1880 at Arrah, deprecated the concession to resident raiyats of rights of occupancy of lands held by them for three years. 'At present,' the zemindars said, 'land-owners prevent the growth of occupancy rights by granting leases for five years only, or by changing the lands, or by managing so that a raiyat shall never hold at the same rent for twelve years. In practice, the last expedient is found sufficient, as the Courts find claims to occupancy rights not proved, unless the raiyats can show that he held the same land for twelve years by proving that he paid the same rent. Under the proposed law, the zemindars would not suffer raiyats to remain for three years.' 'Interchange of lands,' observes the Officiating Collector of Saran, Mr. McDonnell, 'between raiyats in a zemindari occasionally occurs, but it is the rare exception, not the rule. Manipulation by the *patwaris* of the village *jamabandis* to prevent identification of the plot held this year with the same plot held five years ago, is of usual occurrence to prevent proof of continuous holding, and to furnish evidence of the contrary, as well as of a change in the rates.' The Maharaja of Darbhanga informed Mr. Reynolds that his present practice was to give leases for ten years, and if the raiyat showed himself a good tenant, to renew his lease, and allow him to acquire a right of

[1] Report of Famine Commission, Part II, page 119, para. 27.
[2] Board's Report, page 28.
[3] Board's Report, 1879-80, pages 26-27.
[4] Annual Report, page 29.
[5] Annual Report, page 20.

occupancy, but that if the term were reduced to three years, he would be obliged to eject all his tenants at the end of two years, so as to bar the acquisition of the right."

"54. In Bengal Proper, the Commissioner of the Chittagong Division states that most landlords have been taking precautions against allowing their raiyats to obtain occupancy rights. A petition from the cultivators of the Attia Sub-division of the Mymensingh District alleges that the zemindars are busy sending their dependents and club-men about from village to village to take leases for limited periods from raiyats likely to be entitled to rights of occupancy under the provisions of the draft Bill of the Rent Commission. The Collector of Purneah asserts that it is the practice in many districts to take *kabuliyats* from raiyats for fixed terms, which are renewed or not at the pleasure of the landlord, and that, in this way, the accrual of the right of occupancy has been prevented. The Collector of Dacca reports:—'At present, as long as they (the raiyats) pay their rent, they are not in much danger of having their tenancy interferred with, unless the landlord is anxious to prevent their acquiring a right of occupancy.' The Collector of Faridpur has heard that a large landlord of that district has issued, in anticipation of the enactment of the Bill of the Commission, hundreds of temporary leases for the purpose of preventing the acquisition of rights of occupancy under the new law. Your Lordship will have noticed that the Pubna disturbances originated in a case in which the landlord had attempted to obtain agreements from the tenants, admitting that he might eject them on displeasure. Mr. Wace, the Officiating Collector of Birbhum, is of opinion that the tendency of the Bill of the Commission would be to foster the execution of formal leases and to make the insertion of a clause barring the growth of a right of occupancy even more common than it now is. 'There are doubtless many raiyats,' say Mr. Reynolds, 'who have been induced to execute contracts which specify no term of years, but which provide that the right of occupancy shall not accrue and that the lands shall be surrendered to the zemindar on his demand.' The Commissioner of Chota Nagpur refers to the disturbance of rights by extraneous and unauthorised action on the part of the land-owners and to attempts made to deprive the tenant of the privileges which are admittedly vested in raiyats who have held land for twelve years. Mr. Nolan, a Collector who is said by the Lieutenant-Governor to know both Bengal and Behar, believes that occupancy rights are being very rapidly extinguished, especially in Eastern Bengal. Mr. O'Kinealy remarks that twice in the course of the last 70 years have great attempts been made to treat the raiyats of Bengal as tenants-at-will and to reduce them to the position of the *paikasht* raiyats of the North-Western Provinces—*first*, after 1812,[1] when the zemindars, admitting they could not eject, sought to attain their object by claiming a right to enhance at discretion; and *secondly*, at the present time, when, though unable to enhance at discretion, they are seeking the same end by dispossession after notice Mr. Reynolds holds that it is now the avowed object of the zemindars to restrict and destroy the right of occupancy."

"55 Plainly an Act intended to affirm the then existing occupancy rights of the great mass of the settled cultivators is being deliberately defeated in practice; partly by the assumption, now usually impossible to controvert by judicial proof that such rights did not exist antecedently to that Act, but were meant to accrue under its provisions, and partly by legal or illegal measures taken by the zemindars under colour of the law and in consequence of that assumption to prevent the accrual of such rights. Whether the fields be changed or evidence be manufactured in the zemindari accounts, or written renunciations of permanent right be extorted from the ignorance or weakness of the peasantry, the object is one which is opposed to public policy. Even if no more decisive step were advisable, it would, we think, be imperatively necessary to provide that shifting occupancy within the same village or estate shall count as continuous occupancy; and to declare, as is proposed in the Bill of the Lieutenant-Governor, that no contract shall in any case debar a raiyat from acquiring the occupancy right. But such provisions would have wide consequences. If the estimate of the Behar Committee may be generally accepted, they would affect not less than 60 per cent. of the raiyats in Behar; nor can it be doubted that the avoidance of past contracts debarring the acquisition of the right would have, in Bengal Proper, an extensive operation. In these circumstances, as a change involving very far-reaching effects seems inevitable, we think that a complete remedy is more expedient than any partial reform, which, however unavoidable, would have to encounter equally strong opposition."

Examination of the Arguments advanced in support of this portion of the Measure.

130. Now let us examine these arguments, and while doing so let us have clearly before our minds the proposition to be proved. We have first an extract from a report of the Famine Commissioners unsupported by exact evidence, and having a general applicability to the whole of India. We have, then some observations of the Board of Revenue of the North-Western Provinces founded upon facts which have occurred, not in the Lower Provinces, in respect of which the proposition is to be proved, but in the North-Western Provinces, for which we are not about to legislate. Then follows some evidence derived from facts which are said to have occurred in the Central Provinces, and especially in the Districts of Jubbulpore and Saugor. If the proposition which is advanced had to be proved—if the issue which is raised had to be determined—in a Court of Justice, proceeding upon accurate principles and logical inferences, the first observation that would here be made is, that evidence obtained from the North-Western Provinces and from the Central Provinces is irrelevant to prove a proposition which concerns, and for the purpose in hand must be proved to be true as regards, Behar and Bengal. In paragraph 53 we have a statement as to Behar. It is *said* that an examination of the Rent Rolls of Behar estates has shown that while 60 per cent. of the present raiyats have held some land in the villages in which they reside for more than twelve years, less than one per cent. of them hold at present the same area of land which they held twelve years ago. Who are the responsible officers who have found leisure to examine all the Rent Rolls of the Behar estates for twelve years—where is their report—Where are their figures and calculations? Do not the pressure of population on the soil and the operation of the laws of inheritance furnish other explanations of these varying areas besides that suggested as the only possible explanation, namely, the conduct of the zemindars? Then it is declared to be doubtful whether the raiyats could, under the existing law, prove their occupancy rights even where those rights exist beyond all doubt. Now, clearly an assertion of this kind has not much value as an argument. If it could be shown that the raiyats had attempted to prove their occupancy rights and had failed altogether or in the majority of instances, this would no doubt be good evidence as regards Behar. But

[1] The effects of the legislation of 1812 will be found described in *Landholding*, pages 615—620, 646—664, and 670—678. Let the candid reader say whether a different view is not the reasonable one.

a mere assertion that it is doubtful whether, under the existing law, they could succeed in proving them possesses, in a controversy of the present kind and in the absence of facts, little value as evidence in support of the conclusion to be established. Then it is stated that the Collector of Patna reports that whenever a zemindar has felt himself strong enough to break occupancy holdings, he has done so. This allegation also is unsupported by facts or evidence. It is further asserted upon the same authority and without further evidence that landlords are very active in shifting the tenants from time to time to prevent the acquisition of occupancy rights. Reference is then made to what occurred at a meeting of the zemindars at Arrah on the 30th October 1880, on which occasion they said that the landholders prevent the growth of occupancy rights by granting leases for five years only or by changing the lands or by managing, so that a raiyat shall never hold at the same rent for twelve years. Now this is an admission of an intention on the part of the Behar zemindars—not to destroy the occupancy right where already existing or acquired—but to prevent its acquisition where it does not exist and has not been acquired. What, then, is the charge which this admission proves against the zemindars of Behar? It is a charge of having done that which the law has allowed and still allows them to do. Section 7 of Act X of 1859 (to which corresponds section 7 of Act VIII (B.C.) of 1869) provides that nothing in the preceding section (that is, the section which provides for the acquisition of a right of occupancy by cultivating or holding land for twelve years) shall be held to affect the terms of any written contract for the cultivation of land entered into between a landholder and a raiyat, when it contains any express stipulation contrary thereto. It will thus appear that the zemindars were left by the Legislature at liberty to take their own measures in order to prevent the acquisition of the occupancy right in lands in which no such right had previously existed. I am unable to see the *gravamen* of the charge brought against the Behar zemindars. They have done that which the law allowed them to do, and the doing of which was deliberately contemplated by the Legislature. Then it is said that the Maharajah of Durbhanga informed Mr. Reynolds that his practice was to give ten years' leases, and if the raiyat showed himself a good tenant, to renew the lease, and allow him to acquire a right of occupancy. Surely this course, sanctioned as it is by the Legislature, is merely the action of a prudent landlord.

That they have done what the law allowed them to do made a charge against the Behar Zemindars.

131. In paragraph 54 we are told that the Commissioner of Chittagong states that most landlords have taken precautions against allowing their raiyats to obtain occupancy rights. There is further evidence to the same effect—evidence to show—not that the zemindars have violated the law by *destroying* the occupancy right where it exists or has been acquired—but that they have done what the law allows, *viz.*, taken steps to *prevent its acquisition*, when they believed this course to be for their own interest. Then comes the conclusion in paragraph 55 in the following words :—"Plainly an Act, intended to affirm the then existing occupancy rights of the great mass of the settled cultivators, is being deliberately defeated in practice; partly by the assumption, now usually impossible to controvert by judicial proof, that such rights did not exist antecedently to that Act, but were meant to accrue under its provisions; and partly by legal or illegal measures taken by the zemindars under colour of the law and in consequence of that assumption to prevent the acrual of such rights." I think that any candid, unbiassed, and intelligent person who will examine the arguments advanced and the facts relied upon in support of the conclusion which I have just stated, will unhesitatingly admit that, assuming the facts to be correct, the arguments based thereupon do not prove the conclusion. We have evidence that the zemindars have taken the steps allowed and contemplated by the Legislature to prevent the accrual of the occupancy right in land in which no such right existed or had been acquired; but there is no evidence, nothing but mere assertion, that they have destroyed that right where it existed or had been acquired. This being so, it is impossible to say that the Act is being deliberately *defeated* in practice.

Conclusion that the Zemindars have defeated the provisions of the Act of 1859 as to the Occupancy Right, not supprted by the evidence.

132. The conclusion just stated is presented in still stronger language in the subsequent paragraphs of the despatch. It is said in paragraph 59 :—"We entirely concur in the opinion of the Lieutenant-Governor that the substantive law touching the occupancy right must be amended so as to prevent the old and unquestioned privileges of the raiyats remaining in jeopardy and being in many cases broken down." This assumes that it has been proved that the old and unquestioned privileges of the raiyats have in many cases been broken down; but as a matter of fact this has not been proved. I think there must be great danger in legislating upon the basis of data which have been assumed rather than proved: certainly the substantial rights of land-owners, many of whom are purchasers for valuable considerations upon the faith of the Government Sale Law, ought not to be destroyed without clear proof that they have abused their powers to the injury of the community.

Danger of legislating upon data which are assumed rather than proved.

133. In paragraph 60 of the same despatch there is the following passage :—"It is thus concluded that in the matter of rent-rates and protection from arbitrary eviction, all raiyats were on a par." I beg leave to challenge the accuracy of this conclusion. In the course of the discussions

Conclusion that all Raiyats on a par as regards Rent-Rates and protection from arbitrary Eviction contrary to fact.

which have taken place since the Rent Commission of 1879 began their labours, the equal position of all raiyats has been attempted to be proved by arguments of two kinds:—*First*, it was said that any period of residence, however short, and any occupation of land, however brief, were sufficient to create a *khudkasht* raiyat, and thus every person who entered upon possession of land in a village and made his residence there, became at once a *khudkasht* raiyat; *secondly*, it was said in a more general and sweeping manner that the position of all *raiyats* was equal. I will attempt once more to disprove both these allegations.

Error of supposing that any residence and occupation of land created a Khudkasht Raiyat.

184. *First*, as to the assertion that any period of residence, however short, and any occupation of land, however brief, were sufficient to create a *khudkasht* raiyat, let me quote some opinions which must be allowed to possess more or less authority. Mr. Justice Campbell said in the Great Rent Case:—

"At the time of the passing of Act X of 1859 the state of things was this:—The tenures and rents of the raiyats were still for the most part regulated by the old customs of former times, but two things specially required legal definition: —*First*, there was doubt as to the mode or *prescription* by which a *khudkasht* or occupancy tenure was acquired, and which tenures were of this character. It was not certain whether mere settlement in the village on the ordinary terms without limitation of tenure gave such a right, or what length of prescription established that right."

Mr. Justice Steer said in the same case:—

"That a right of occupancy was acquired by anything short of an occupation from a period prior to the Permanent Settlement—an occupation which entitled the raiyat to be called a *khudkasht* raiyat—has always been, I think, a matter of doubt. . . . .

"What raiyats were entitled under the old laws to be called *khudkasht* raiyats, and what raiyats were entitled to be considered as raiyats who had acquired a prescriptive right of occupancy, are subjects which, I think, have never been cleared up, either by the express authority of law, or by the authority of any judicial ruling. Are *khudkasht* raiyats then, as spoken of in the Regulations, those, and exclusively those, who were *khudkasht* at the time of the Permanent Settlement; or does the term *khudkasht* embrace also those raiyats who, since the time of the Permanent Settlement, had, by a long residence in the village in which they held and cultivated land, acquired a prescriptive right of occupancy? These were, I think, even up to the passing of Act X, moot questions, and are so still.

"While no doubt exists as to the right of those raiyats who, from generation to generation, have cultivated the lands of the village in which they reside for a period antecedent to the Permanent Settlement, and who without any doubt are entitled to be called and classed with *khudkasht* raiyats, the greatest doubt exists as to whether any other class or description of raiyats are entitled to be called *khudkasht* raiyats. If any raiyat, whose tenure came into existence since the Permanent Settlement, can by any means be called a *khudkasht* raiyat at all, it certainly is not the raiyat who simply lives in the village and cultivates the land of the village. To be a *khudkasht* raiyat at all implies that the raiyat must not only be a cultivator of lands belonging to the village in which he resides, but he must be an hereditary husbandman. A *khudkasht* right is not acquired in a day, but is transmitted; and it has never, so far as my knowledge extends, been laid down what exact length of holding gives a title to a tenant to consider himself a *khudkasht* raiyat.

"Certainly, the old Regulations seem to point to other than those undoubted *khudkasht* raiyats whom the Permanent Settlement found upon the land; but what length of holding constituted a right by prescription has never been definitely or inflexibly laid down. If decisions are to be found in which a prescriptive right was deemed established by an occupation short of the Permanent Settlement, there are, on the other hand, plenty of decisions to show that length of occupancy was not deemed to entitle the tenant to be considered anything better than a tenant-at-will. If any other but the ancient raiyat, occupying from generation to generation, had the right of occupancy, no others had it; and therefore in a vast majority of cases Act X by the twelve-year rule of occupancy has created rights which never existed before."

Mr. Justice Trevor said in the same case:—

"At the time of the Decennial Settlement, the raiyats were in Bengal, as in other parts of India, divided into *khudkasht* or resident, and *paikasht* or non-resident. It has indeed been contended before us that time is of the essence of a *khudkasht* tenure; that a raiyat simply residing in a village, in which his land is, is not a *khudkasht* raiyat; and that, in order to constitute a *khudkasht* raiyat under the Regulations, he must be a resident-hereditary raiyat; and that if he has not succeeded by right of heirship, he does not fall within that class of tenants. But it appears to me that, whether we look to the etymology of the word or to the thing itself, there is no reasonable ground for question. *Khudkasht* raiyats are simply cultivators of the lands of their own village, who, after being once admitted into the village, have a right of occupancy so long as they pay the customary rents, and therefore with a tendency to become hereditary, and with an interest in the produce of the soil over and above the *mere wages of labour and the profits of stock;* in other words, above the cost of production.

"These tenants seem at the settlement, practically and legally, though not by express statute, to have been divided into two classes, the *khudkasht kadimi*, and the simple *khudkasht*, or those who had been in possession of the land for more than twelve years before the settlement, and those whose possession did not run back so long. Both by the Hindu and Muhammadan law, as well as by the legal practice of the country, *twelve years had been considered sufficient to establish a right by negative prescription*, that is, by the absence of any claim on the part of other persons during that period; and hence the doctrine which has obtained that *khudkasht* raiyats in possession twelve years before the settlement were, under no circumstances, not even on a sale for arrears of revenue, liable either to enhancement of rent, or eviction from their holding, so long as they paid the rents which they had all along paid," . . . . "But when Regulation XI of 1822 was passed, the use in section 32 of that law of the terms *khudkasht kadimi* raiyat, or resident and hereditary raiyat with a prescriptive right of occupancy, to designate the cultivator, who would not be liable to eviction on a sale for arrears of revenue, gave rise to the doctrine that *khudkasht* raiyats who had their origin subsequent to the settlement were liable to eviction, though, if not evicted, they, under section 33, could only be called upon to pay rents determined according to the law and usage of the country; and also, *that the possession of all raiyats whose title commenced subsequent to the settlement was simply a permissive one;* that is, one retained with the consent of the landlord. Again, by Act XII of 1841 and Act I of 1845 (which repealed the former) a purchaser acquired his estate free of all encumbrances which had been imposed on it after the time of the settlement; and he is entitled, after notice given under section 10 of Regulation V of 1812, to enhance at discretion—anything in the Regulations to the contrary notwithstanding—the rents of all under-tenures in the said estate,

and to *eject all under-tenants with certain exceptions, amongst which are khudkasht kadimi, but not simple khudkasht raiyats.* It follows that these laws *distinctly gave the purchaser the power to eject a khudkasht raiyat whose tenure was created after the Permanent Settlement, and, if not ejected, they are liable to be assessed at the discretion of the landlord.* This word 'discretion' entirely annihilated the rights of the *khudkasht* tenants created subsequent to the settlement in estates sold under these laws. It reduced them from tenants with rights of occupancy, so long as they paid the established rate of the pargana, or the rate which similar lands paid in the places adjacent, into mere tenants at the will of the zemindar, who might in any year eject them, and place in their stead any tenant competing for the land. It is, in short, introducing into this country competition in the place of customary rents."

Sir Barnes Peacock gave the following opinion :—

"I do not believe that, even before the Permanent Settlement, every cultivator who resided in the village in which his lands were situate, whether let into possession for a term or only as a tenant-at-will, or to hold from year to year, necessarily became a *khudkasht* raiyat. The definition of *khudkasht* in Wilson's Glossary (287) is, a 'cultivator of his own hereditary land.' The words *khud*, self or own, and *kasht*, to sow, show that the term has reference to some proprietary rights, rather than to the fact of residence in the village. In column 267 of the same Glossary, tit "*khudkasht*," the definition is a 'resident cultivator—one cultivating his own hereditary lands, either under a zemindar or a co-parcener, in a village.' In Bengal, one class of them holding their lands at fixed rates by hereditary right sometimes sublet them, except the part about their dwelling, in which they continue to reside, and although ceasing to cultivate and engaged in trade or business, they retain their designation of *khudkasht*. The term is also applied in the North-Western Provinces to lands which the proprietor, or the payer of the Government revenue, cultivates himself."

"A *khudkasht* raiyat probably derived his title by descent from or succession to one of the old village community, or some person who in ancient times had acquired a proprietary right in the land under the old Hindu or Muhammadan law by reason of his having reclaimed it. Menu says—'Sages pronounce cultivated land to be the property of him who cut away the wood, or who cleared and tilled it,'—(Chapter IX, paragraph 44). So property in waste land was, according to the Muhammadan law, established by reclaiming it with the permission of the Imam according to Aboo Hanifa, and by the mere act of reclaiming it according to Aboo Yusaf and Muhammad (*see* Baillie on the Land-tax of India, Chapter VI, paragraph 42). But, however this may be, it is clear that since Regulation II of 1793, *by which the right of property was declared to be vested in the landholders, i.e.*, in the zemindars and independent talukdars, property in land which formed part of a permanently-settled estate could not be acquired by reclaiming it from waste. How then could it be acquired except by contract or adverse possession, or by prescription going back as far as to the time of the Permanent Settlement? I am of opinion that neither a right of proprietorship nor a right of occupancy could have been acquired by any other means in a permanently-settled estate."

"The Directions to Revenue Officers, paragraph 130, show that the right depends upon *prescription*. It is there said—'It is impossible to lay down any fixed rule defining what classes of cultivators are to be considered entitled to hold at fixed rates. They are known in different parts of the country by different names, as *chapperbund khudkasht kadimi, maurossi hukdar, &c.*, all of which terms imply attachment to the soil or *prescriptive* right. Those who have no such right are commonly called *kutcha assamis* or *paikashts*. It has sometimes been supposed that all raiyats resident in the village (*khudkasht*) are of the former class, and that those who reside in another village (*paikasht*) have no rights. But there are frequent exceptions to this rule. Many cultivators residing in the village are mere tenants-at-will, whilst those residing in neighbouring villages may have marked and recognised rights. *Prescription* is the best rule to follow."

"I am clearly of opinion that a raiyat who, after the date of the Permanent Settlement, and specially after Regulation V of 1812, was let into possession by a zemindar to hold as tenant for a fixed term, or at will or from year to year, or without defining the period during which his tenancy was to continue, did not before Act X of 1859, merely by reason of an occupation for twelve years, become a *khudkasht* raiyat.[1]"

Mr. Shore (afterwards Lord Teignmouth) considered that the rights of the raiyats depended upon long occupancy, and Mr. Harington in his Analysis quotes him on several occasions. The following are a few brief passages :—"It is understood that the raiyats by *long occupancy* acquire a right of possession in the soil, and are not subject to be removed." . . . . . "To require that the pattas should be given for a definite time, as proposed by some of the Collectors, would diminish the force of that *prescription* which has established a right of occupancy in favour of the raiyats." . . . . . "On the whole, therefore, I do not think the raiyats can claim any right of alienating the lands rented by them by sale or other mode of transfer, nor any right of holding them at a fixed rent except in the particular instances of *khudkasht* raiyats, who, *from prescription*, have a privilege of keeping possession as long as they pay the rent stipulated for by them.[2]" The opinion of the Legislature may be inferred from Act XII of 1841, section 27, which speaks of "*khudkasht* or *kadimi* raiyats having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force." Section 16 of Act VIII (B.C.) of 1865 speaks of *khudkasht* raiyats or resident and hereditary cultivators. In 1820 Sir Edward Colebrooke pointed it out as one of the errors of the Permanent Settlement that the peasantry had been sacrified by one sweeping enactment which left the zemindar to make his settlement with them on such terms as he might choose to require. In the rules for the management of Khas Mehals, dated 19th November 1850, there is the following direction :—"The claims of *khudkasht* and *kadimi raiyats* should be carefully respected. Should cultivators of this class be found holding lands at lower rates than other raiyats occupying lands of a similar description, their rents should not be raised without considering their right to continued occupation at the rent heretofore paid. Some of these *raiyats*, being the descendants of those who originally broke up the land, have held at a jama now paid since twelve years previous to the decennial settlement. They have a lien on the soil beyond wages of labour and profits of stock. *By prescription, they have a proprietary interest.*" Again in the same Rules we have the following passage :—"Should an arrear remain due at the close of the year, if the defaulter be a mere *raiyat* having no transferable interest in the soil, he may be summarily ousted, and his lands given to another."

[1] B. L. R. Sup. Vol. F. B., pp. 318—320.

[2] Harington's Analysis.

I think the above opinions, which can be multiplied, if necessary, altogether disprove the idea that any period of residence, however short, and any occupation of land, however brief, were sufficient to create a *khudkasht* raiyat. There are innumerable passages in the Regulations, in the Minutes and other State Papers of the early part of the present century and in other contemporaneous documents, which couple the idea of prescription with the acquisition of the *khudkasht* right. The truth of the case then appears to be this:—Where the village community existed, any member of that community who possessed a proprietary interest in the land belonging to the village and cultivated a portion of it, was a *khudkasht raiyat;* where the proprietorship of the land had passed from the village community to individual owners, under whom the occupants of the soil held the position of tenants, those *raiyats* who resided in and held land belonging to the village in the early days of our rule were *khudkasht raiyats;* and this is also true of raiyats belonging to villages in Bengal, where there is nothing to show that the ownership of the village community ever existed. At the time of the Permanent Settlement, there was an abundance of land and a paucity of raiyats, and no doubt, new raiyats were readily admitted to residence in the village and occupation of land; in other words, were allowed to become *khudkasht* without much question or difficulty. As population increased and the area of the cultivated land became fully occupied, new raiyats were not so easily or readily admitted to a position which, as time passed on, became more valuable. The progress of the country and the effect of our legislation had the gradual effect of rendering the *status* of a *khudkasht* a valuable right. In all countries where the origin of rights is doubtful, prescription has come in to remove the doubt and confirm rights after the lapse of time; and thus the period of prescription, from which the right is to be inferred, has come to be regarded as the origin of the right itself. In these Provinces from analogy to the period of limitation for immovable property, twelve years came to be regarded as the period of time sufficient or necessary to create the *khudkasht* right. There is, however, no authority for saying that this right has, according to the custom of the country, accrued immediately upon residence in, and occupation of, land belonging to the village.

135. Then, as to the second and more general allegation, that all raiyats were on a par in the matter of rent rates and protection from arbitrary eviction, I think there is overwhelming evidence to show that this was not so. Lord William Bentinck in 1832 said :—

All Raiyats not on a par. Different Classes of Raiyats and difference between Old and New Raiyats.

"I am of opinion that throughout the country there are three descriptions of raiyats. The first class, I consider, as being to all intents and purposes proprietors of the lands which they cultivate; the *second* as having been originally tenants-at-will, but acquiring in course of time a *prescriptive right of occupancy* at fixed rates; and the *third*, as mere contract cultivators. The result of the investigation instituted by my orders into the privileges of the different kinds of cultivators and other matters connected with the fiscal administration of the country was, as stated by the Sadr Board, that in most zemindari estates composed of single villages the raiyats are mere tenants-at-will, but that in some of the large *zemindari* estate there are hereditary raiyats in villages who seem to be connected with the land and the parties to whom they paid rent, as individuals in *pattidari* estates (where there was no superior zemindar) were with the Government, before the enactment of the British Regulations. In a Resolution of Government, dated 1st August 1822, it was observed that where the raiyats may be merely contract cultivators, holding from year to year, without any permanent obligation or tie, His Lordship in Council would not be disposed to introduce any change, for the system which attaches to the land various permanent interests independent of any contract between the parties, though it cannot without cruel injustice be destroyed, is not one desirable to establish. Entertaining this conviction, I need hardly add that I entirely differ from the proposition laid down in the Note recorded by Mr. R. M. Bird on the Rights of Resident Raiyats, namely, that all resident cultivators are entitled to have their rent fixed, without reference to the term of their residence, for I am of opinion that it should always be borne in mind that, though there may be cultivators who have proprietary right or rights of occupancy, *it does not follow that all cultivators have such rights* . . . . The greatest care should be taken to discriminate between the different classes . . . . of cultivators, and to avoid confounding the mere agricultural labourer or individual who, having settled in the village as a stranger many years ago, has ever since continued to cultivate at the discretion of zemindar with the hereditary raiyats whose ancestors perhaps first broke up the soil and paid the revenue or rent of the land direct to the servants of the State.[1]"

In one of the Rules for Settlements laid down by Lord William Bentinck's Minute of 1832, there is a direction that no new rights should be created, and all cultivators who hold as tenants-at-will should make their own bargains. At page 197 of Volume II of the Thomason Despatches, it is said that it is quite a mistake to suppose that every *asami*, who takes land in a village, should join the community on the same footing as his neighbour. Lord William Bentinck again said, in the Minute already referred to, that where no rights have attached to the cultivators and they have been considered as tenants-at-will, neither justice nor policy requires that Government should interfere with them or their superior landlords.

If further evidence be wanting, it will be found in the cases contained in the *Appendix* to this Minute. Let me quote one. In No. 34 the Sadr Díwáni Adálat said :—

"The essential characteristic of the tenure of a *khudkasht raiyat* is *the right of prescriptive occupancy.* In this case the raiyat, it has been found, has no such right, and necessarily he is simply a raiyat whose occupancy arises from the discretion of the zemindar." And again: "The will and interest of the zemindar are intended by the law to be the measure and regulator of the rent to be demanded from raiyats whose occupancy is limited and temporary."

136. In paragraph 62 of the same despatch the Government of India say :—"We prefer

[1] I take the liberty of referring to the further evidence and arguments which will be found in *Landholding*, pages 525, 537—538, 555, 560, 566 and 665, 706, 725, 726—729; and as to Government having deliberately propounded and acted upon contrary views in its own *khas* mehals, pages 776 and 779.

simply to take the land as the basis of the occupancy-right, and to declare that all raiyats holding or cultivating *raiyati* land shall have a right of occupancy therein. The occupancy-right would then attach to all *raiyati* land without exception, that is to say, to all land that is not *khamar* or private land." The despatch, at the same time, proposes to restore the great body of the raiyats in Bengal to the position which they held under the ancient land law and custom of the country. To annex the right of occupancy to the land in whatever hands it may be, would introduce a principle wholly new and altogether at variance with the common law of the country; and would, most certainly, not be a restoration of anything that is discoverable in its ancient institutions. As I have elsewhere fully discussed the whole question, I shall not pursue the matter further on the present occasion. I shall merely say that I entirely agree with the view which has been taken by the Secretary of State as to the propriety and policy of this proposal in the despatch of 17th August 1882. The Secretary of State there says that he is not satisfied that a measure is advisable which appeared to him to make so great and so entirely novel a departure from the ancient custom and the existing law of Bengal.

Proposal of the Government of India to annex the Occupancy-Right to the land itself.

This proposal rightly disapproved by the Secretary of State for India.

137. The despatch of the Secretary of State then proceeds as follows :—

Principle proposed to be substituted by Secretary of State for India.

"Your proposal, in the first place, annuls the distinction, deeply rooted in the feelings and customs of the people, not only in Bengal but in most parts of India, between the resident or permanent and the non-resident or temporary cultivator. This, when your avowed intention is to restore to the raiyats their original position and rights, appears to me anomalous and undesirable. In the next place, it abandons a principle on which the statute law has been based for nearly a quarter of a century, and which was adopted in 1859 by the Legislature on rational and intelligible grounds. And thirdly, the present papers show that the failure of the law of 1859 has arisen from an error, not in the principle itself, but in the provisions for its application. The provision that accrual of the occupancy-right depends on proof, not of the raiyat's having been a cultivator for twelve years, but of his having held the same land continuously for that period, has enabled the landlord to prevent the tenant from acquiring the right, either by shifting his fields within the twelve years, by inducing him to enter into a written contract barring the right, or merely by destroying his evidence of continuous possession. This error it appears to me may be guarded against without abandoning the principle.

"I would therefore suggest for your consideration whether, in place of adopting the principle you recommend as the basis of the proposed legislation, it would not be desirable to introduce into the Bill provisions somewhat to the effect that every resident raiyat shall have a right of occupancy in the land which he occupies and pays rent for, and that a resident raiyat shall be one who or whose ancestor has occupied any land in the village or estate for twelve years.

"You will observe, that the object aimed at is that a raiyat shall be deemed to have an occupancy-right in all the land which he holds in a village or estate, if he has occupied for twelve years any land whatever in such village or estate. It will be necessary in actual legislation to provide that this right is not forfeited by any sub-division of estates or alteration of village boundaries.

"These provisions will, you remark,[1] have practically almost as wide an effect as your own proposals. They will, at the same time, avoid the abandonment of a principle which is, with reason, strongly insisted upon by the zemindars, and to which I attach much importance."

There was a difference of opinion between the Government of India and the Bengal Government as to the principle upon which the right of occupancy ought in future to be based. The Bengal Government would take the *status* of the tenant as the basis upon which the recognition of the occupancy-right should be effected. The Government of India, on the other hand (*see* paragraph 84 of the despatch of 21st March 1882), desired to take a classification of the lands as the basis of recognition and would make that recognition general in order that it might be perfectly secure. Between these conflicting views the Secretary of State inclined to accept the *status* of the tenant as the proper basis of recognition.

Difference of opinion between the Government of India and the Bengal Government.

138. To this view I beg to express my assent. I entertain no doubt that, as a general principle, the *status* of the raiyat is the proper basis of recognition of the occupancy-right. I think that the whole of the past history of the country, as well as the peculiar features which characterize the social life of the inhabitants of these provinces, altogether support the idea of personal *status*. The Secretary of State, however, while accepting the principle of personal *status*, suggests a provision that every resident-raiyat shall have a right of occupancy in the land which he occupies and pays rent for, and that a resident-raiyat shall be one who or whose ancestor has occupied any land in a village or estate for twelve years. The exact meaning of this language is not altogether clear. It is intended that the resident raiyat, as here defined, shall have a right of occupancy in the land which he occupies and pays rent for at the time when the the Bill becomes law, or is it the intention that he shall have a right of occupancy in all land which, at any time after the Bill becomes law, shall come into his possession, the effect of the latter intention being to give him a right of occupancy in any additional land which he may acquire, by renting it, by inheritance, by gift, or by purchase. If the latter intention is contemplated, I think that what is proposed is not in accordance with the common law or custom of the country, under which, both before and since the Perma-

Proposal of the Secretary of State to make the Status of the Raiyat the basis of recognition of the occupancy-right sound in principle.

The intended application of this principle not quite clear.

[1] Paragraph 107.

nent Settlement, the zemindars have always enjoyed the right of letting land not in the occupation of the protected classes of raiyats, in any manner which they considered best for their own interest. At the same time, in order to avoid the mischief of the existence of which in Behar there is some evidence, it might be reasonable to allow the raiyats in that province a right of occupancy in a quantity of land equal to the average quantity held by them during the previous twelve years, the condition of continuing to hold the *same land* being dispensed with in their case as a reasonable remedy for the mischief which is said to have existed in that part of the country.

Let Behar raiyats have a right of occupancy in a quantity of land equal to their average holding of the previous twelve years.

139. There is a further suggestion which may be made, and that is, to limit the quantity of land in which a right of occupancy can be acquired to a holding of sufficient size to maintain an average family in average comfort. I press it for consideration whether this latter suggestion does not, for all parts of the country, confer all that may be reasonably demanded in the interest of the cultivator of the soil. I cannot see, and I have never heard any argument advanced to prove, how the community at large can be benefited by allowing a raiyat to acquire a quasi-propietary right in land which he cannot himself cultivate and which he must necessarily sublet. I entertain a strong opinion that the substitution of petty landlords of this class for the larger landlords who now exist can do no possible good, and will, in all probability, do much harm. If the acquisition of a right of occupancy by prescription were limited to holdings of a sufficient size to maintain an average family in comfort, the zemindars should be allowed to grant, on such terms as might be agreed upon, the same right in similar holdings. The Agricultural class would thus be incited to thrift in order to obtain this right. This incitement will be wanting if a quasi-proprietary interest is given without labour or exertion or provident care being devoted to its acquisition.

Proposal to limit the right of occupancy to a holding of sufficient size to maintain an average family in average comfort.

Zemindars should be allowed to grant occupancy-right in similar holdings.

140. Then it appears to me that the principle propounded by the Secretary of State has been altogether neutralized by the other provisions which have been inserted in the Bill. I refer to the presumption in section 26 (2), that when it is proved or admitted that a person holds land as a raiyat, it shall, as between him and his landlord, be presumed that he has for twelve years held the land or some part of it as a raiyat. The provisions of section 27 defining a village or estate will also, as I have already pointed out, be productive of most serious consequences. Then the provisions of the Bill altogether ignore the idea of residence, and I can scarcely think that this was intended by the Secretary of State.

Principle sanctioned by Secretary of State neutralized by other provisions of Bill.

141. In considering the zemindar's rights, the despatch of the Government of India contains the following passage:—"Practically, they did enhance the rents, though they had no legal claim to raise them with any direct reference to the increasing value of the produce." Upon this proposition thus introduced without comment, and without proof, an important train of reasoning and an ultimate conclusion of serious consequence depend. Now, here again I venture to question the accuracy of the proposition which forms the major premiss of the whole of the subsequent reasoning. I have shown, upon evidence which I think it is impossible to controvert, that the zemindars have legally exercised the right of enhancement ever since the time of the Permanent Settlement; and that the right to enhance, with reference to the increase in the value of the produce, was not, as it is termed in paragraph 105 of the despatch, a novel right which they never had before 1859, but was recognized as belonging to them, and was claimed and exercised by Government itself in its capacity of zemindar (see *Landholding*, pages 533 to 556). Let any unprejudiced individual read the evidence and form his own conclusion. In addition to that evidence, further proof will be found in the cases contained in the *Appendix* to this Minute. In case No. 13, the Sadr Díwání Adálat spoke of the zemindar as being entitled to demand an increase of rent in proportion to the *ascertained assets:* and the ascertained assets necessarily included the value of the produce. In case No. 20, we have enhancement at the improved pargana rate, the increase being 166 per cent., and the Sadr Díwání Adálat spoke of the local rent of land *progressively increasing*. Abundant evidence to the same effect will be found in the other cases and in the old reports. Upon a fair review of the whole evidence, there can be no reasonable doubt that the right to enhance rents on the ground of the increase of the value of produce, or in other words, on the ground of increase in prices, has been admitted to exist in, and has been exercised by, the zemindars from the time of the Permanent Settlement down to 1859 and to the present day. It may be observed that the application by the Government itself[1] of the principle of rent taught by English Political Economists, into which the element of price of produce necessarily enters, supplies a strong argument to show that the Government itself considered that rise of price was a legal ground of enhancement.

Assumption that Zemindars had no legal right to enhance on ground of increased value of produce not based on fact.

[1] See *Landholding*, page 555, where Government made an exception in favour of the *khudkasht* and *kadimi raiyats*, allowing them something beyond *wages of labour and profits of stock;* and pages 675-676, where Lord William Bentinck, in 1832, spoke of *the increased rent, which would have accrued naturally from increased produce, enhanced prices, and the re-claiming of waste lands.*

142. The enhancement provisions of the Bill will leave the zemindars very little chance of increasing the annuities which will in future be derived from their estates. As I have already said, the possible advantages to be derived from successful enhancement litigation will in few (if any) instances afford a sufficient return for the expense that will have to be incurred, and enhancement without expensive litigation will be improbable, regard being had to those provisions of the Bill which almost force the parties into Court for the settlement of all questions which may arise as to the payment of higher rent. I am of opinion that the limit of enhancement, contained in the Commission Bill, namely, that the new rent shall not be more than double the old rent, taken with the provision as to progressive increase where a sudden raising of rent would involve hardship, was fair to both parties. Looking at the matter from the zemindar's point of view, we must remember that in many parts of Bengal the raiyats have successfully resisted even reasonable enhancement, and have for many years been appropriating the whole of the increased profit, a portion of which even the principle of the present Bill admits to have justly belonged to the zemindars. The combined effect of the enhancement provisions of the Bill, and those other provisions which facilitate the rapid acquisition of a right of occupancy in the remaining lands, will be that the zemindars will be converted into mere annuitants, and cannot be expected to take any interest in the management of their estates, while the real beneficial ownership will be transferred to middlemen who will have a direct interest in raising rents, inasmuch as the provisions of the Bill will have no practical effect in preventing the enjoyment by them of the whole of the increase.

Successful litigation, without which enhancement will not be possible, will not afford a sufficient return for the expense incurred.

Effect of the Bill will be to convert the zemindars into mere annuitants, and take away all their interest in the management of their estates.

143. One of the professed objects of the Bill is to create peasant-proprietors. This object postulates that the agricultural class in these provinces possess habits and feelings which will ensure the success of this system. Whether this can be safely postulated or not is an exceedingly doubtful question. Mr. Longfield entertained a strong idea that peasant-proprietorship could never flourish in Ireland. Mr. Sackville West, in his report on the tenure of land in France, expressed his opinion that the Irish and French systems were originally almost identical, and that, in consequence of the peculiar proclivities of the people, what caused in the one country discontent and agrarian outrage has in the other country been productive of social order and general contentment. At page 158 of the Parliamentary Blue Book on Land Tenures, it is observed that it would be erroneous to suppose that a system of husbandry, such as exists in Belgium, could be applied with advantage to other countries indiscriminately; that in order to meet with success, it must have been developed naturally by the force of circumstances and events, and must, moreover, be in harmony with the customs and institutions of the inhabitants, and adapted to the climate and general capabilities of the soil. It has been repeatedly said that the great danger of peasant-proprietorship in Ireland is that the peasant, as soon as he found himself a proprietor, would prefer the *role* of proprietor to that of peasant-cultivator and would sublet his land, thus introducing again the worst evils of the cottier system. Let any one who has had experience of the great agricultural community in these provinces give his candid opinion as to whether this danger is not especially to be apprehended in this country, in which the great ambition of every child of the soil is to have some one subordinate to him, some one over whom he may be *malik* or superior.

Bill will not effectuate intention of creating Peasant-Proprietors.

144. But even supposing for argument's sake that the raiyat possesses every single qualification which is necessary to ensure the success of peasant-proprietorship, there are two principles inherent in the law and custom of this country, and permitted by the Bill, which must prove fatal to the hope of this success. I refer to *sub-division* and *sub-letting*. Sub-division is necessary result of the law of inheritance both of the Hindus and of the Muhammadans, under which every child is entitled to a share of his father's holding; and although the landlord cannot be compelled to apportion the rent, the sharers, as between themselves, have a legal right to a partition of the land itself. Then *sub-letting* is sanctioned by the express terms of the Bill, which, in my opinion, contains no provisions that will have any practical effect in discouraging or stopping the practice. The provisions of section 62, which restrict the landlord of an under-raiyat from recovering anything in excess of 25 per cent. or, in case of a registered lease, 50 per cent. more rent than he himself pays, will be nugatory in practice. Either a *salami* or foregift will be taken in advance, or the under-raiyat, whom it is designed to protect, will, for obvious reasons, not avail himself of the protection offered him. In the case of numerous gradations or degrees of sub-letting, such as exist in the Backergunge District, the provision will be impossible of application.

Sub-division and Sub-letting, permitted by the Bill, fatal to any hope of successful Peasant-Proprietorship.

145. Then, the Bill, instead of suppressing, creates middlemen. Every raiyat, who has more land than he can himself cultivate, will become a middleman. The *Patni* system, the registration of tenures under Act XI of 1859, and the direct encouragement given by Government to the creation of intermediate tenures, have already had a most mischievous operation in creating middlemen in these provinces. But the mischief which has hitherto ensued will be nothing to what will follow if this Bill becomes law,

Bill will do mischief by increasing the class of Middlemen.

The creation of large taluks possesses a certain advantage in breaking up property into estates of convenient size for good management; and so long as sub-infeudation proceeds no further than this, no great evil is caused. But when petty middlemen come into existence—men who can only make their occupation profitable by exacting from their tenants all that remains above the poorest and barest sustenance—the system becomes fatal to the best interests of the agricultural community. In order to illustrate this observation, I may refer to the *gabelloto* system in Sicily (see *Landholding*, page 138), the cottier system in Ireland (*Ditto*, pages 269—270), and the system of *ejarah* and *dar-ejarah* in Behar (*Ditto*, pages 616 to 620). The middlemen who will be created by the Bill will be of that petty class which the experience of other countries has proved to be most baneful. I entirely concur in the following remarks of the late Babu Kristodas Pal in his recorded dissent from the Bill:—"The middleman of course gains much more than what he has under the existing law, but the *bonâ fide* cultivator, in whose behalf the greatest anxiety was evinced in the Committee, will, I fear, be practically worse off than he is at present."

Provisions of the Bill not sufficiently modulated to suit the different requirements of different parts of the country.

146. I think the Bill partakes too much of the nature of the "Chancellor's shoe," and that sufficient account is not taken of the great difference between different parts of the large territory to which its provisions are intended to apply. More especially, I fear that the Bengal provinces will in many things be sacrificed to the feeling of sympathy that has been created for the raiyats of Behar. The Devon Commission wisely observed, when speaking of Ireland, that substantial and permanent relief could only be hoped for from a combination of measures adapting themselves to the varying circumstances under which the owners and occupiers of land are placed in different parts of the country. And the Duke of Richmond's commission, quoting this observation with approval, added that the very nature of the soil and the geographical attributes of the country vary so much that remedies, which would serve in one locality, might be inapplicable or of little value elsewhere. This latter remark is especially true when applied to Behar and Bengal.

The Bill is hard towards the zemindars.

147. I think the Bill is hard upon the zemindars, more especially upon the Bengal zemindars. Every point of conflict between their interests and those of the raiyats is ruled against them and in favour of their tenants. They are now declared to have the smaller share in the proprietary right in all their lands—as well in the lands which were in the occupation of raiyats at the time of the Permanent Settlement, as in those lands which were then waste but have since been reclaimed and brought under cultivation. Lord Hastings in 1822 said that the whole foundation of our Bengal Revenue Code rested on the recognition of private property in the soil; and that it might be assumed that the sadr malguzar, if admitted to engage as proprietor, was intended to be vested, subject to the payment of Government revenue, with the *absolute property of all land in which no other individual possessed a fixed and permanent interest*; that lands occupied by contract cultivators, accounting for their rents immediately to the sadr malguzar, were thus to be regarded as his full property, subject to the stipulations of the contract, and that it was doubtless intended to recognize the full property of the zemindars in unclaimed waste land lying within the limits of their estates. Lord Cornwallis in 1793 observed that the waste lands far exceeded what sufficed for pasturing cattle, but that it was the expectation of bringing them under cultivation and of reaping the profit of them, that had induced many zemindars to agree to the revenue then assessed upon their lands. And it will be borne in mind that Lord Cornwallis elsewhere declared the reclamation of waste land to be a legitimate means of increasing the zemindar's profits, in a passage which has been often quoted:—"The rents of an estate can only be raised by inducing the raiyats to cultivate the more valuable articles of produce, and to clear the extensive tracts of waste land which are to be found in almost every zemindari in Bengal." When we remember that many of the present zemindars are purchasers for valuable consideration at Revenue Sales, it becomes a matter of grave consideration whether the right of letting the remaining lands in any manner they pleased, expressly conferred at the time of the Permanent Settlement and exercised ever since, can now be taken away without compensating those whose interests must suffer. It has been said that one of the objects of the present Bill is to restore the ancient law and custom of the country. How is it possible to contend that the ancient law of the country, which conferred upon the zemindars the absolute proprietorship of lands that were waste at the time of the Permanent Settlement, is restored by now making over the larger share of the proprietary interest in those lands to their tenants who have since been let into possession?

Full proprietary right of the zemindars in land waste at the time of the "Permanent Settlement.

Design of Codifying the whole Law of Landlord and Tenant abandoned in the present Bill.

148. By the Bill which I prepared for the Commission it was proposed to codify the whole law of Landlord and Tenant in these Provinces. This part of the project has been abandoned in the present Bill, and the reasons given for abandoning it will be found in paragraph 10 of the *Statement of Objects and Reasons*. I regret exceedingly the decision which has been arrived at on this point. It appears to me that if there is any portion of the law of India, the codification of which is eminently desirable and urgent, it is the law of Landlord and Tenant within the provinces subject to the Lieutenant-Governor of

Bengal. That law affects the great majority of the community, the large mass of the population being agriculturists. Cases governed by that law form the largest class of suits which come before the Courts. Complaints have been made of late years that Codes have been prepared which the country does not require and will not require for many years to come. But a Code of the law of Landlord and Tenant is required and has been required for many years. It is of the very first importance that the people should be able to learn and know their rights as affected or settled by this law. The knowledge of these rights would do much to prevent disputes, which are more frequent and more prone to arise when men are mutually ignorant of what they can properly claim and legally enforce. In the despatch of the Government of India of the 10th May 1877, the following remarks were made with reference to the subject of Codification in India:—

"We feel, on the contrary, that the reduction, to a clear, compact, and scientific form of the branches of our Substantive Law which are still uncodified would be a work of the utmost utility, not only to the Judges and the legal profession, but also to the people and the Government. It would save labour and thus facilitate the despatch of business and cheapen the cost of litigation: it would tend to keep our untrained Judges from error: it would settle disputed questions on which our Superior Courts are unable to agree: it would (as Your Lordship has observed in the despatch under reply) preclude the introduction of technicalities and doctrines unsuited to this country: it would, perhaps, enable us to make some urgently-needed social reforms without the risk of exciting popular opposition; and it would assuredly diffuse among the people of India a more accurate knowledge of their rights and duties than they will ever attain if their law is left in its present state, that is to say, partially codified, but the bulk ascertainable only from English text-books written solely with reference to the system of English law, and from a crowd of decisions, often obscure and sometimes contradictory, to be found in the English and Indian Law Reports. . . . . We should of course be influenced more by the actual wants of the country than by any love for logical arrangement, legal symmetry, or scientific completeness."

149. It appears to me that if these principles are to be adhered to, if due regard is to be paid to the actual wants of the country, there is no more pressing subject for Codification than the law of Landlord and Tenant in the provinces which constitute the Bengal Lieutenant-Governorship. Personally, I see no difficulty in carrying on the work of Codification along with the consideration of important substantive amendments of particular portions of the existing law. I think the policy and propriety of these amendments will be more fully apprehended and more correctly estimated by those who have to consider them, if they have first obtained that complete acquaintance with the whole subject which is or ought to be indispensable to undertaking the task of Codification. Then, again, the work of Codification, if entered upon at some future time, will cause a reopening of cardinal questions, a fresh unsettling of ideas, and a fresh disturbance of rights, which cannot fail to bring about pernicious consequences. Amongst the subjects included in the Commission Bill and omitted from the Bill now before the Legislature are the following:—The use of land, not forming part of an agricultural holding, for building purposes; the principle of merger; apportionment of rent; the right of co-sharers to sue for and recover separate shares of the rent; the right of co-sharers to measure or enhance; the duty of a landlord to put his tenant in possession; the incompetency of any person to grant a lease for a term exceeding his own interest; and the provisions of the previous law as to suits against an agent for money, or accounts, or papers. All these portions of the law are called into daily operation throughout the country; but although their principles have been generally well settled by judicial decision, the errors committed by the parties themselves, and occasionally by the inferior Courts, show that the law as settled is not known or understood by the community. If Codification is the true remedy for mischiefs that arise from want of knowledge of the law, surely, that remedy ought to be applied here.

Impolicy of reopening the whole question by future Codification.

150. One of the questions upon which the Judges of the High Court are asked their opinion is:—What modifications is it desirable to make, whether by rules or otherwise, in The Code of Civil Procedure with a view to expedite the trial of Rent Suits? It is further inquired whether it is desirable that landlords should be empowered to institute, by means of a single plaint, suits for arrears against a number of raiyats holding independently of each other. Upon this point, after five years' further experience, I adhere to what is said in paragraph 174 of the Report of the Rent Law Commission, which embodies the views then entertained by me and accepted by my colleagues without dissent. It is there said that any attempt to abridge judicial inquiry by arbitrary and abnormal presumptions in favour of either party which, by precluding the production of evidence, may enable Judges to arrive at rapid conclusions, is retrogressive and unsafe; that in order that justice may be done, truth must be elucidated, and the elucidation of truth, especially in this country, requires time and patience; and there is, in consequence, extreme danger in summary methods of proceeding. It was further pointed out that the history of the judicial administration of this country for the last half century has been a continuous record of the abandonment of a system of procedure under which rights were hastily and perfunctorily adjudicated upon, the person defeated and dissatisfied being forced to resort to a regular suit in order to find a remedy for the wrong caused by an irregular proceeding; and with this result that he was too often saddled with the burden of proof, which should have been laid upon his opponent—his chance of ultimate success being thus unfairly diminished.

Can the trial of Rent-suits be expedited by modifications of the existing Procedure?

151. I think that increased facility should be afforded to landlords for the realization of their rents, more especially when those rents are contumaciously withheld. But I believe that this facility can be afforded, not by any abbreviated form of procedure, but by supplying a sufficient staff of judicial officers, who may, with all possible despatch, hear and dispose of the cases brought into Court. I think zemindars have a right to ask for this facility, more especially as the Court-fee stamp upon Rent suits has been quadrupled since 1869. Before that year Rent suits were tried in the Revenue Courts and the institution fee for these suits was one-fourth of the fee required for suits instituted in the ordinary Civil Courts. If the Court-fee is retained at its present high rate, there ought to be a staff of judicial officers capable of disposing of every Rent suit within a month of its institution; and an appeal, when preferred, ought not to take more than another month for its disposal. This would be quite possible with the Small Cause Court Procedure contained in the Commission Bill, if the judicial agency were made sufficiently strong. Then as to the question of Court-fees. When the whole of the raiyats on an estate conspire together to refuse payment of their rents even at the old rate, a large amount of capital is necessary in order to enable the landlord to bring suits against them all individually, and, when decrees have been passed, to obtain satisfaction by successful execution. I think that the Court-fee upon the institution of Rent suits generally ought to be reduced; or that the Local Government should have power to direct a special exemption in the case of landlords forced to sue their tenants *en masse*.

Increased Facility for Realization of Rent should be afforded to Landlords—How it is possible to effect this.

152. As to the question of including a number of raiyats, holding independently of each other in a single case, I have expressed my opinion on several occasions. I do not see how this course is possible as regards suits for arrears of rent. The extent of land held or denied to be held; the rent or the rate of rent; the amount payable, and the amount paid or alleged to have been paid, differ as regards each individual raiyat. There is therefore no question common to all the defendants which can be tried in a case of this nature, and to join a large number of raiyats as dependants in a single case would only lead to confusion, which would retard, instead of accelerating, the decision of their cases. Where the main question at issue is common to a large number of raiyats, for example, where the question is one of enhancement on the ground that the rents previously paid are below the prevailing rate, or on the ground of increase in price, I think that provision may well be made for including a number of raiyats as co-defendants in a single case, and I have elsewhere shown that this practice is not unknown in the Court of Chancery in England. As to the question whether any provision can safely be enacted restricting the right to claim a re-trial when a decree has been given *ex parte*, I entirely concur in the answer which has already been given by the Judges in the Registrar's letter No. 1986 of the 8th August last. I am also of opinion that it would be exceedingly dangerous to enact that a tenant in a suit for arrears should not be allowed to appeal from a decree passed against him except on depositing the amount of the decree.

Feasibility of joining a number of raiyats as co-defendants in a single case.

Proposed restrictions on right to claim a new trial when decree made *ex parte* and on right of appeal.

153. I may here conveniently deal with certain points which are proposed for consideration in letter No. 784 of the 5th of May last, from the Secretary to the Government of India, Legislative Department, to the Secretary to the Government of Bengal. It is asked whether, with reference especially to landlords' improvements, it is desirable to empower Revenue Officers to arrange for the cutting of irrigation channels, the distribution of water, and the payment of compensation. In Behar such powers might perhaps be conferred upon Revenue Officers with advantage; and if under the provisions of the new Bill zemindars are inclined to invest their money in improvements of this kind, I think it imperatively necessary that a reasonable interest on their outlay should be secured to them under the authority of Government.

Should Revenue Officers be empowered to make irrigation channels.

154. As to the question whether the Summary Sale Procedure can be applied to those dependent taluqs, the revenue of which was settled direct with Government, though the holders pay it through the zemindar who is responsible for its realization, I think the question possesses no real importance, having regard to the number of cases which it affects or is likely to affect. In the whole course of my experience, I have had only one case concerned with a taluk of this class. The amount of revenue is generally so small, as compared with the profits, that, except under the most abnormal circumstances, the property is not likely to be jeopardized by withholding the revenue payable thereupon. As to whether the same procedure should be applied to the recovery of arrears of Road Cess and Public Works Cess from rent-free tenure-holders, I think that it should not. I apprehend that it would open a door to fraudulent attempts to destroy these tenures.

Application of Summary Sale Procedure to Taluks paying revenue to Government through zemindars.

And to the recovery of road-cess, &c., from the holders of Lakhiraj tenures.

155. As to whether provisions are required in the Bill with respect to tenants of homestead or *bastu* land which does not form part of an occupancy holding, I still entertain the opinion

Bastu land not forming part of a holding.

which I expressed when a member of the Rent Commission—that this is a proper subject for legislation. I have since met many instances of hardship resulting from the want of equitable provisions upon this subject. I think the provisions of the Bill as to *utbandi* and *hal-hasili* lands should be extended to lands held upon similar conditions, and this can be done by an *ejusdem generis* clause without any specification which it might be inexpedient to attempt. A similar clause may be used for the purpose of exempting from preemption transferable occupancy-rights such as those in *guzashta* and *gora* holdings.

Utbandi, Hal-hasili, and similar lands.

156. With reference to the Price Lists which have been published within the last twelve years I have already expressed my opinion. I think that any attempt to rectify them now would be futile. I entirely approve of the omission from the Bill of the section which limited money rents to a maximum of one-fifth of the gross produce. Any such provision could be just only where the legislature had a clean sheet of paper to write upon. In a country in which inequalities have come into existence as the natural consequence of different circumstances and different rates of progress in different parts of the country, the introduction of a uniform rule of this kind would have most mischievous effects. In some parts of the country rents would have to be lowered to the new standard, whilst elsewhere enhancement, beyond the natural outcome of gradual prosperity, would be attempted, and the result would be a vast mass of injurious litigation.

Price Lists.

General limit for Money Rents properly omitted from the Bill.

157. In conclusion I still adhere, after five years' further experience, to the views which I entertained and expressed when I was a member of the Rent Commission, as to the safe and prudent lines of legislation. I think we ought not to interfere with existing rights which have been the creation of our own administration operating upon the natural progress of the country. I think that no case has been made out for disturbing the land-marks of property It must be borne in mind, as I have more than once pointed out, that a large proportion of the present proprietors are *boná fide* purchasers for valuable consideration, men who have paid their money for property sold at Revenue Sales and in execution of the decrees of the Civil Courts upon the faith of the existing state of things and the rights created by our laws and by our own action or inaction. I am quite prepared to admit, as I have already admitted, that if it is necessary in the interests of the whole community that existing rights, even though acquired in the manner just stated, should be interfered with, the Legislature has full power to interfere, and such interference may be the imperative duty of an enlightened Government. But before such interference can be justified, a strong case for its expediency, or necessity, must be made out, and I am of opinion that such a case has not been established in the present instance. In my view, legislation ought to accept as its proper basis the existing state of things, and whilst putting down oppression and injustice with a strong hand, should respect those rights which we ourselves have created in landed property in these Provinces. I quite assent to what was said by Sir Ashley Eden that he would like to see the Bengal raiyats as a class secure in the enjoyment of rights which they held under the ancient land law and custom of the country. This is, I think, a safe and sound basis for legislation; but I feel constrained to express a strong opinion that the Bill in its present form covers much wider ground, and will, in consequence, be fraught with exceeding mischief. It alters in very essential particulars the rights of all persons having any interest in land; and the re-adjustment of those rights upon the basis of the Bill will be affected only after an enormous amount of litigation extending over many years of the future. The Bill is exceedingly complicated in its details, and here again we find the elements of litigation; and, in consequence of the parties concerned being debarred from settling by mutual agreement many of the questions which are sure to arise between them, they will be forced into Court, inasmuch as no other mode of settling their differences is left open to them. In expressing those opinions which have been suggested by practical knowledge of the subject and matured by experience and some study of other systems, I am *nullius addictus jurare in verba magistri*. I entertain a strong feeling that the whole question should be dealt with upon its own merits, in the light of the past social history, and with a single view to the future welfare of the millions whose interests are concerned, and I deprecate any legislation conducted in the spirit of English party politics, or upon the basis of an economy which has no existence in India.

My personal views as to the course which Legislation ought to take.

APPENDIX.

CASES IN THE ZILLAH COURTS.

1. In *Radha Charan Das, &c.*, v. *Bungshi Mohun Sirkar* (decided by the Judge of Rungpore on the 26th June 1846) certain *paikasth raiyats* had instituted a suit against their under-tenants in order to obtain an increase of rent after issue of the notification prescribed by section 9 of Regulation V of 1812. It was held that the plaintiffs were not competent to exercise the right of landholders in issuing a notice under that section.

2. The case of *Nand Kissore Das* v. *Busch and Bonnevie* (decided by the Judge of Rungpore on the 5th December 1846) was a suit by farmers for *enhanced rent founded on a measurement* and *jamabandi*.

3. The case of *Furruck Mahomed Sirkar* v. *Busch and Bonnevie* (decided by the Judge of Rungpore on the 11th December 1846) was a suit by certain *kutkinadars* for the recovery of enhanced rent *assessed on measurement*. The defendant objected that he was a *khudkasht raiyat* not liable to increased rent, and that the rates of assessment and the length of the measuring rod were not given in the plaint. The case was remanded for a re-trial.

4. In *Sheodyal Rai* v. *Mussamat Rajbunshi Koer, &c.* (decided by the Judge of Sarun on the 28th May 1846) the plaintiffs sued for alleged arrears of rent. It was held that their claim was clearly an attempt on the part of farmers to enhance the rents of the tenantry by the imposition of illegal cesses; and that farmers had no power to enhance rents in excess of previous existing engagements *without a general measurement* or except upon proof of collusion.

5. *Jaijeet Singh* v. *Nasib Mahto* (decided by the Judge of Sarun on the 30th July 1846) was a suit by a farmer for enhanced rent after "notices to the tenantry to come forward and engage for their lands." These notices were a "general call," which was held insufficient. It was observed that zemindars and farmers in prosecuting for enhanced rent must show that the amount demanded in the notification is conformable to the pargana rates; and the provisions of section 7, Regulation IV of 1794, and sections 7, 9, and 10 of Regulation V of 1812 were referred to.

6. In *Jaijeet Singh* v. *Badhur Bhuggut* (decided by the Judge of Sarun on the 30th July 1846) it was held that plaintiff had failed to prove his legal right to enhanced rent either by the defendant's *voluntary contract*, or by a comparison with the *established pargana* rates.

7. *Dena* v. *Lallit Ram* (decided by the Judge of Sarun on the 11th December 1846) was a suit to reverse a summary award for rent. The Judge said:—"No written engagements exist, therefore defendant was bound to conform to the rules of Regulation V of 1812 both in assessing and demanding payment of his rent. This he has failed to do. No formal notice was served at the season of cultivation, notifying the specific rent to be paid by the tenant for the ensuing year: nor is it shown that the amount demanded was conformable to the pargana rates."

8. *Dindiyal Singh, &c.* v. *Rajha Misser* (decided by the Judge of Shahabad on the 26th October 1846) was a suit for rent. Both parties disputed the rate. The Judge said:—"Neither parties have any documentary nor oral evidence to prove what is the actual rate per bigha on which this cultivation is held; and the only course left for Munsiff to pursue was to ascertain the rates paid for lands in the surrounding villages, and then strike and apply an average."

9. In *Bakir Ali, &c.* v. *Shuffee Alnissa, &c.* (decided by the Judge of Chittagong on the 1st July 1847) plaintiffs sued to enhance the *rent of a taluk*. A rent of Rs 72 odd had been assessed upon 4 druns odd at the time of the decennial settlement; and the question was whether the plaintiffs were entitled to additional rent for some 12 kanees of land found by measurement in excess of the 4 druns upon which the rent of Rs. 72 was originally assessed. It was held that as these surplus lands had never been assessed the defendant was liable to pay rent for them.

10. In *Mahomed Ruffic* v. *Golam Hossein* (decided by the Judge of Chittagong on the 6th July 1847) defendant set up, but failed to prove, a fixed jama of Rs. 11-11; and it was held that he was liable to pay rent for 9 kanees odd at the local rate of Re. 1-12 per kanee; that he must enter into an engagement to pay rent at that rate within a month or give up the land.

11. In *Stewart, &c.* v. *Raj Mohun Rai* (decided by the Judge of Dacca on the 20th April 1847) the Appellate Court directed the *pargana rate of rent* to be ascertained by a local Amin, and it was ascertained accordingly.

12 In *Jai Narain Mitter* v. *Asimuddin Khalasi* (decided by the Judge of Jessore) the Munsiff dismissed a suit for rent because the defendant had sold the land. The Judge held that since the landlord had not sanctioned the sale, and the land in the *jote* of a cultivating *raiyat* is not transferable by sale according to construction No. 702 of the 6th July 1832, the *raiyat* must be answerable for the usual rent, until he may give up the land to the landlord.

N.B.—Many of the reported enhancement cases proceed on the ground of more land being discovered by measurement to be under cultivation. The rates seem to have been taken as discoverable in the neighbourhood, and an Amin was usually sent to discover them.

CASES IN THE SADR DIWANI ADALAT.

13. In *Banchanand* v. *Hargopal Bhaduri, &c.* (1 S. D. A. Rep. 145) the Sadr Diwani Adalat in 1806 (present J. H. Harington and J. Fombelle) "entertained no doubt of the lands being held by the respondent at a variable rent or of their being of that description of tenures on which the zemindar is entitled to demand an *increase of rent in proportion to the ascertained assets*; and as there did not appear to be in the Pargana any settled rates of rent for similar tenures according to which the proper rent could be adjusted, it was determined that *the rent* demandable from the respondents *should be settled by an actual survey and measurement* to be made at the expense of the appellant, unless the parties should come to an adjustment between themselves. In the event of no adjustment being made by them, it was directed that the Zillah Judge should cause a *measurement of the lands and estimate of their produce* to be taken, and after deducting from the produce ten per cent. as the customary profit of the talukdars, together with the actual charges of collection, should fix the residue as the annual rent demandable by the appellant for future years."

14. In *Hari Mohun Thakur* v. *Ramnarain Deo* (1 S. D. A. Rep. 255) "the plaintiff stated" (in 1808) "that, *according to the actual survey and measurement*, the rent payable on the lands tenanted by the defendant for the year 1811, at the rate of similar tenures in the pargana, was 1,326 rupees."

15. In *Gopi Mohun Thakur* v. *Radha Mohun Ghose* (2 S. D. A. Rep. 17) the plaintiffs sued in 1805 to obtain a measurement and allotment of the rent of a certain mauzah which was held as a dependent taluk. The Provincial Courts were of opinion that the rent of dependent talukdars ought not to be ascertained by the pargana rates which were applicable to common tenants; but that under the spirit of section 10, Regulation I of 1793, it was to be estimated by adding to the proportionate amount of public revenue assessable on the mehal held by the talukdar a ten per cent. allowance as the *malikanah* of the zemindar. The Sadr Diwani Adalat in 1812 reversed this decision, observing that the principle here laid down was applicable only to independent proprietors of estates; and, referring to the previous case of *Banchanand* v. *Hargopal*, followed the rule there prescribed by which the rent demandable from a dependent talukdar was directed to be fixed on a *measurement of the lands and estimate of their produce* by deducting from the produce ten per cent. as the profit of the talukdars, together with the actual charges of collection, the residue to form the rent demandable by the zemindar. Section 8 of Regulation V of 1812 was referred to as containing the same rule.

16. In *Gopi Mohun Thakur* v. *Ram Tonu Bose* (2 S. D. A. 19) the Sadr Diwani Adalat directed that the respondent's "jama should be adjusted on a *measurement* and adjustment in conformity with the principle laid down in section 8 of Regulation V of 1812."

17. In *Ramkanth Dutt* v. *Radhakanth Dutt* (2 S. D. A. 55) the plaintiffs sued to recover possession of a taluk, alleging that the zemindar had attached it, and sent a *Sazawal to measure and re-assess it*; that the *Sazawal* made the mufassil collections (*i.e.* the collections of rent from the cultivators) in 1210 B. S; and in the following year offered them a lease at an enhanced rent; that they refused this lease, considering the demand excessive, and were in consequence ejected. They admitted that the defendant had the right of annual re-adjustment of the rent at the pargana rate, but objected to the amount demanded and the *data* on which it was calculated. Defendant maintained that this amount had been fixed after a survey and careful ascertainment of what was usual in the pargana. The Zillah Judge had sent an Amin to re-measure the whole land, as well as to examine the mufassil papers, and what evidence he could procure on the spot with a view to ascertain the *sirikh* or rate per *kanee* current in the pargana. The Sadr Diwani Adalat adopted the rates of a previous settlement, which had been acknowledged "agreeably to the statement of the Collector" by the plaintiffs and had been paid for four years.

18. In *Khaja Arratoon* v. *Durga Pershad Bhattacharjya* (3 S. D. A. 34) the plaintiffs sued for Rs. 2,682, rent in respect of lands which they had recovered by a decree of the Sadr Diwani Adalat from the zemindars of Sundeep. They alleged that these zemindars, while in possession, had, for the purpose of defrauding them, let out lands at a low rent, and that at the settlement of the pargana the farmers, colluding with the *zemindars' gomashthas* and with the *amins*, had caused them to make an improper *measurement* and *assessment*, and had so acquired lands at low rents. They further alleged that on discovering this they issued notices to the tenants to appear, and pay rents according to the rules and measurement of the pargana, but the defendants did not appear. The defendants set up a *Mukurrari Jangalburi* lease granted by the zemindars of Sundeep, and pleaded that the plaintiffs had no right to enhance the rent paid by them for 28 years and assessed before the decennial settlement, or to *measure* the land which had already been formerly subjected to *measurement*. The Sadr Diwani Adalat decided that, although the meaning of the patta was not clear, yet regard being had to section 8 of Regulation VIII of 1793, the defendants ought to have paid an increase of rent in proportion to the quantity of land brought into cultivation, and, if at the time of measurement they possessed any land for which rent had not been paid for 23 years, they ought to have paid the rent of such lands to the plaintiffs according to the pargana rates.

19. In *Fiazudin* v. *Rai Chundra Rai* (5 S D. A. 46) the plaintiff sued in 1820 to enhance the rent of a tenure. The defendants pleaded, but failed to prove, a *mukurrari* holding. The defendants were declared liable to pay rent on their tenure at the rate of the pargana; and the Judge was directed to *settle the amount* with reference to the local enquiry already made, or the result of a *fresh investigation and measurement*, which he was authorized to make."

20. In *Mussammat Deb Rani* v. *Ram Narain Nag* (5 S. D. A. 102) the plaintiff sued in 1819 to assess "at the improved pargana rate" certain lands which formed part of a *patni* tenure which he had purchased. He alleged that according to survey the proper pargana rent on these lands was Rs. 367½. A *measurement* was made by an Amin and afterwards by a Munsiff, both of whom reported the quantity of land to be 197 bighas 2 biswas, *liable by the pargana rates* to the rent of Rs. 424 odd. The defendants contended that they held only 129 bighas at a rent of Rs. 89 odd according to the *survey and jamabandi* of 1190 B. S. (1783) made by the officers of Government, and that no talukdar or zemindar could enhance the rents of the under-tenants of land in the 24-Parganas settled on the occasion of the public survey and measurement. The Sadr Diwani Adalat said—"We are of opinion that the respondent is entitled to enhanced rent on the tenure of appellants according to the current local rate. By section 57, Regulation VIII of 1793, a zemindar may levy increased rent at such rate, except on the tenures declared exempt from increase. Appellants have filed papers purporting to show particulars of the admeasurement and *jamabandi* of 1190. The lands are there stated to be 125 bighas 1 biswa assessed with the rent of Rs. 86 odd, that is something less than 12 annas per bigha. From the inquiries of the Amin and Munsiff it appears that according to the rates now current in the vicinage the proper rent of 197 bighas 2 biswas would be about Rs. 400. This gives an average of more than two rupees per *bigha* (or an increase of 166 per cent.). It is evident therefore that since the year 1190 until now *the local rent of land has been progressively increasing*. Appellants admit the tenure of 129 bighas 2 biswas of mal land, but have failed to establish any right to hold the same on any invariable jama. Amending, therefore, the decree of the Court of Appeal, we award to the respondent the right to levy from these lands rent at the customary rate. Let the respondent proceed under Regulation V of 1812 to assess the proper rent on the same and any other *mal* lands held by the appellants, which he may consider liable."

21. In *Durga Persad* v. *Clementi* (6 S. D. A. Rep. 218) the holder of a *mukarrari* tenure had absconded and the *then* proprietor gave the land to a new tenant at the old rent. It was held (1837) that a subsequent purchaser, at a sale for arrears of revenue, of the estate in which the tenure was included was entitled to enhance. "The respondent," it was said, "is entitled to rent according to the pargana rates, and as these are ascertainable from the records of the Collector's office, copies of which have been filed, I would give judgment accordingly, taking these rates as the basis of the calculation of the rent to be annually paid by the defendant."

22. In *Sobhnath Misser, &c.* v. *Geinda Lal, &c.* (7 S. D. A. Rep. 182) it was held that the enhancement notice required by section 9, Regulation V of 1812 must specify the rent to which the parties served with it are to be made liable, and must intimate how the landholder has acquired the right of enhancing the rent.

23. In *Maharaja Kishen Kishore Manik* v. *Rajchunder Dhur, &c.* (7 S. D. A. Rep. 311) the plaintiff's title to assess the defendant's taluk at the pargana rates was held to be unquestionable; and the enhancement notice was held not to be bad because it did not specify the quantity of land in the possession of the tenants or the names of the parties in possession, it being sufficient to specify the names recorded in the *zemindari sarishta* or office.

24. In *Ganga Persad Ghose* v. *Ram Fotdar, &c.* (7 S. D. A. Rep. 314) the plaintiff claimed, under clause 8, section 15, Regulation VII of 1799, damages against the *raiyats* for opposing him and preventing him from *measuring* his estate. Under the head of damages he included the excess of rent that he would have been entitled to had the *measurement and consequent assessment* been effected. The Sadr Diwani Adalat held that he was entitled to damages, and directed the deputation of an *amin* to ascertain the rents of the estate in order to assess the damages.

25. The case of *Mulvi Abdula* v. *Ramzi Dye* (7 S. D. A. Rep. 370) was a suit to recover possession brought by the transferree of a raiyat's holding who had been ousted. The Sadr Diwani Adalat declined to pronounce any decision upon the general question of a raiyat's right to sell his holding; but finding that transfers by the raiyats had been sanctioned in the particular property by the landlords, who were *mutawallies*, decided that if the present *mutawalli* considered the particular transaction illegal, he should have taken his legal remedy by an action at law instead of ousting the plaintiff.

26. In *Mirtanjai Mukherji* v. *Maniek Chandra Das* (7 S. D. A. Rep. 506) the plaintiff, alleging himself to be the twelve-anna proprietor of a certain *hawala*, sued to enhance the rent of his *nim-hawaladars* on the ground that the ten-anna sharers of the taluk, under which he held his *hawala*, had by a decree of Court enhanced his rent. The Principal Sadr Amin held that the subordinate tenants were liable to enhancement in the same proportion as their superior tenure-holders. The *Sadr Diwani Adalat* set aside this decision, holding

that he ought to have enquired into the rates paid in the pargana by *nim-hawaladars* to *hawaladars* and have decided accordingly, awarding rent at these rates. The case was therefore remanded that this might be done.

27. In *Darpanarain Rai* v. *Srimunt Rai, &c.* (S. D. A. Decisions for 1849, p. 188) it was held that a raiyat, who had paid an uniform rent for more than twelve years as for a certain supposed quantity of land, was not thereby debarred from claiming a *measurement* of the land actually in his occupation, and reduction of his rent upon the *pargana* rates according to the result of such measurement.

28. *French* v. *Kissen Kumar Khan, &c.* (S. D. A. Decisions for 1849, p. 459) was a suit by a *dar-patnidar* to enhance the rent of a *miraadar* holding directly under him. A *dar-miraadar* and *se-miraadar* were joined in the suit unnecessarily, as the Sadr Diwani Adalat thought.

29. *Jai Narain Bose* v. *Madhub Chandra Sikdar* (S. D. A. Decisions for 1849, p. 764) was remanded to try whether the raiyat's tenure in dispute had been acquired before the permanent settlement by the party then in possession on a recognition of his being a resident cultivator or raiyat with hereditary rights of occupancy at a fixed rent, and also whether the permanent settlement formed for the 24-Parganas district was granted on the basis of the *pattadari* or *jamabandi* engagements that had been previously concluded with such raiyats by the Government being maintained inviolate.

30. In *Harnath Rai* v. *Gauri Persad Bhattacharjya* (S. D. A. Rep. for 1856, p. 611) a suit for enhancement was dismissed, the tenure being found to be a *mukarrari* one, which had existed twelve years before the permanent settlement. Former decrees between other parties were here admitted as evidence of the nature of the tenure.

31. In *Digamber Mitter* v. *Ram Sundar Mitter* (S. D. A. Rep. for 1856, p. 617) it was held by four Judges out of the five that the law of limitation did not apply to claims for enhancement of rent by a landlord against a tenant, when the latter holds no lease determining the rate of rent payable by him and did not come within the exceptions of the Sale Law, Act I of 1845, *first*, because the claim to assess is a constantly recurring cause of action; *secondly*, because the possession of the tenant under the circumstances is not *adverse* to the landlord, but only *permissive*. See also *Digamber Mitter* v. *Harinarain Chakravarti*, S. D. A. Rep. for 1860, p. 118

32. In *Hurdeb Pridhan* v. *Ram Kumar Mustaufi* (S. D. A. Rep. for 1856, p. 771) the plaintiff sought to enhance, and the defendant unsuccessfully set up a *mukarrari* title alleged to have been in existence twelve years before the permanent settlement. See also *Ram Ruttun Rai* v. *Tripura Sundari Dasi*, S. D. A. Rep. for 1859, p. 465.

33. In the matter of *petition* No. 740 of 1856 (S. D. A. Rep. for 1857, p. 214) it was said that *khudkasht raiyats* are by no means exempted by law from suits for enhancement; that it may at any time become a question whether or not land held by them is fairly assessed.

34. In *Jainarain Bose* v. *Massamat Radhamoni* (S. D. A. Rep. for 1859, p. 628) the Sadr Diwani Adalat said:—"The Zillah Judge has clearly held that the tenure of the raiyat was not any one of the special classes, which it was the purpose of section 26 of Act I of 1845 to protect from discretionary enhancement. Not being a *khudkasht raiyat*, what is the status of the present defendant? The essential characteristic of the tenure of a *khudkasht raiyat* is the right of *prescriptive occupancy*. But in this case the *raiyat*, it has been found, has no such right; and necessarily he is simply a *raiyat* whose occupancy arises *from the discretion of the zemindar*. For the purpose of the present contest we have no intermediate class of raiyats between *khudkasht* or old resident *raiyats* and *raiyats* who hold their lands from year to year; and to all who are not *khudkasht raiyats* Act I of 1845 applies one rule. Clearly, therefore, section 26 of Act I of 1845 empowers the *zemindar*, plaintiff in this action, to enhance at discretion the rent payable by the *raiyats*, defendant, anything in the existing Regulations to the contrary notwithstanding; and it appears to us that as the defendant in his appeal to the Judge failed to establish his title to the possession of any tenure which should exempt him from the operation of this rule, it was not competent to the Judge to set aside the finding of the Principal Sadr Amin as to the rates or *quantum* of rent payable by the raiyat. The Judge has observed that the zemindar in conformity with clause 2, section 60 of Regulation VIII of 1793, section 9 of Regulation V of 1812, and other enactments bearing on the question, can enhance only according to the *general rates of the pargana*; but the first law here quoted, *viz.*, clause 2, section 60 of Regulation VIII of 1793, refers to the assessment of *khudkasht raiyats'* lands and (whatever construction should be given to it when a question arises) is not applicable to the present suit; and undoubtedly, considering the limited interest possessed by the *raiyat* defendant now before us, the rules as to rates laid down in Regulation V of 1812 are modified by section 26 of Act I of 1845. It seems to us to be the object of this enactment to enable zemindars *to revise at their discretion the assessment of the lands occupied by raiyats*, who have not a permanent right of occupancy; that in this sense it distinguishes between *raiyats*, who have and those who have not a right of prescriptive occupancy; and that *the will and interest of the zemindar are intended by the law to be the measure and regulator of the rent to be demanded from raiyats, whose occupancy is limited and temporary*.

35. In *Raja Prasannonath Rai* v. *Bungshibudhun Das* (S. D. A. Rep. for 1857, p. 973) it was laid down that it is *erroneous to suppose that the right to enhance rents is confined to auction-purchasers* and others, named in sections 9 and 11 of Regulation V of 1812; that these sections only lay down rules in which the mode of enhancement is pointed out, and for extending it to other parties than those already enjoying it, but that *all landholders possess the right*.

36. In *Rani Oojulla Kumari* v. *Birjo Mohan Hajra* (S. D. A. Rep. for 1857, p. 1268) it was pointed out that it was not for the landlord plaintiff to show that the tenant defendant's lands were liable to enhancement, but for the tenant to show that his lands were not liable to enhancement. See to the same effect *Radhika Chaudhrain* v. *Bholanath Ghose*, S. D. A. Rep. for 1859, p. 677, and cases there cited.

37. In *Ruttun Kishore Rai* v. *Khaja Abdul Gani* (S. D. A. Rep. for 1857, p. 1413) a majority of the Court held that a tenure was liable to enhancement, which, though in existence at the time when the permanent settlement was made, had not been held at a fixed rent for twelve years before such settlement. The tenure here was a *hawala* in Backergunge.

38. In *Ram Kanhye Chaudhri* v. *Ajudhiaram Dutt, &c.* (S. D. A. Rep. for 1858, p. 653) it was laid down that the mere fact of the defendant being a *kadimi raiyat*, who had held for more than fifty years, or the fact of his being allowed to hold at a certain rate for a series of years without any written engagement, could not bar the zemindar's right to enhance.

39. *In the matter of the petition of Mukdun Bibi* (S. D. A. Rep for 1858, p. 1013) a District Judge was held to be in error in ruling that only auction-purchasers could apply the provisions of Regulation V of 1812 to claims for enhancement of rents. To the same effect is *Rani Mohamya Dasi* v. *Nilmani Jugi*, S. D. A. Rep. for 1858, p. 1800.

40. In *Sreemunt Addy Photedar* v. *Ram Tonu Karmokar* (S. D. A. Rep. for 1859, p. 930) the holder of a shop was held not to be in the position of a *khudkasht raiyat*, but to be subject to enhancement at the pleasure of the owner and liable to ejectment if he failed to pay the enhanced rent demanded.

41. In *Jogendro Chandra Rai* v. *Tarachand Khan*, &c. (S. D. A. Rep. for 1859, p. 1303) it was held that under section 9, Regulation VII of 1822, it was quite competent to a zemindar, notwithstanding his acceptance of a settlement from Government, to maintain a suit to set aside the rates entered in the settlement *jamabandi*; and that, to entitle him to succeed in such a suit, it was only necessary for him to show that the rates therein entered are not the *pargana* rates which lands of the particular nature and in the particular situation ordinarily bear. Where such a suit was brought ten years after the acceptance of the settlement rates it was held that it lay on the plaintiff to show that, since the settlement, circumstances had occurred which had attended to raise the value of the raiyats' lands, and consequently to entitle him to an increased share of the surplus profits of those lands, or, in other words, to an enhanced rent.

42. In *Guru Charan Dass* v. *Mudu Kushai* (S. D. A. Rep. for 1859, p. 1243) it was decided that the purchaser of a dependent *taluk* under Act VIII of 1835 was not entitled to raise the rents of tenants with fixed rights acquired by grant, prescription, or otherwise; but the defendant in that particular case, having failed to prove a *mukarrari* interest set up by him, was held to be a tenant without any rights other than those of occupancy and to be therefore liable to have his rents raised according to the capabilities of the land.

43. The case of *Lalla Sheo Lal* v. *Nobodip Chandra Sirkar, &c.* (S. D. A. Rep. for 1860, p. 10) was remanded to try whether defendant was entitled to exemption from enhancement, because his *jama* was fixed under a lease of the period of the decennial settlement held continuously since then at uniform rates, so as to be covered by the term *khudkasht* or *kadimi* in clause 3 of section 26 of Act I of 1845.

No. 1906T—R., dated Darjeeling, the 15th September 1884.

From—A. P. MACDONNELL, Esq., C.S., Secretary to the Government of Bengal, Revenue Department,

To—The Secretary to the Government of India, Legislative Department.

Introductory remarks.—The Bengal Tenancy Bill, as revised by the Select Committee, was forwarded, under cover of your letter No. 784 of 4th May last, to the Bengal Government, for an expression of its own views on the subject, and of the views of those officers whom the Lieutenant-Governor might desire to consult. The revised Bill, with the Select Committee's Report and the minutes of the dissentient members, had been previously published in the *Gazette of India*; and, with the view to giving the Bill the utmost publicity, the Lieutenant-Governor, in anticipation of formal sanction, had the Bill republished in the *Calcutta* and *Vernacular Gazettes* on the dates stated in the margin, while translations were at the same time made freely available to the public at a nominal price.

Calcutta Gazette, 2nd, 9th, and 16th April 1884.
Bengali Gazette, 29th April, 6th, and 13th May 1884.
Behar Gazette, 6th, 13th, and 20th May 1884.
Urya Gazette, 8th and 15th May 1884.

2. On receipt of your letter under reply, no time was lost in communicating its contents to the Board of Revenue, to the Commissioners of Divisions, to District Officers, and to Judicial Officers of all grades, whose general experience or special acquaintance with rent litigation rendered their advice valuable. Copies of your letter were also sent to the various public Associations which have, from time to time, addressed the Government on the Rent Question. This action was followed by the issue of a circular letter (a copy of which is herewith forwarded for the information of the Government of India) in which the Lieutenant-Governor sought to lighten the labour of all officers consulted by bringing to their notice the chief points for enquiry and report. Thus no effort has been spared by this Government to give the fullest publicity to the revised Bill, and to secure the fullest examination of its provisions.

3. **Method of enquiry.**—The discussion of the Bill by Executive officers was carried through by a system of divisional conferences. It seemed to the Lieutenant-Governor to be desirable that, at the stage the rent controversy had then reached, the enquiry should be limited as far as possible to practical considerations, to the exclusion of abstract or theoretic speculations. He therefore directed that district officers, having made necessary enquiries on obscure points, and having consulted all interested in the subject or willing to give advice, should meet their Commissioners and discuss with them the clauses of the Bill in the light of actual facts prevailing in each district. No doubt all officers the last year, when the Bill, as introduced into Council, was referred to them for opinion, expressed their views with reference to local facts; but on this occasion the Lieutenant-Governor believed that each officer's opinion, when exposed to the criticism of other officers cognizant of the facts or of similar facts, would assume due proportions, while many of the advantages of a Commission of Enquiry would be attained without the dangers which a Commission in the present state of agrarian feeling in these Provinces would unquestionably produce. The result has justified the Lieutenant-Governor's hopes, for some of the reports now submitted exhibit a knowledge of the country, a grasp of the

many complications of this large measure, and an impartial sympathy with all classes, which challenge the highest praise. It is a pleasure to the Lieutenant-Governor to feel that there are but few points in these reports on which he finds himself not in accord with the views of the majority. Where he does differ, he has felt himself bound to justify his opinion in the fullest manner.

The duties of judicial officers did not permit of their attending the conferences. They accordingly have submitted separate reports, many of which are distinguished by ability and value. Some private gentlemen interested in land, and some Landholders' Associations, have also contributed criticisms which are worthy of consideration. The Bengal and Behar Landholders' Association, though asked to advise, have not yet favoured the Government with their views, owing, the Lieutenant-Governor understands, to the interruption in the Association's arrangements consequent on the lamented death of their Secretary, the Hon'ble Rai Kristo Das Pal Bahadur. The Association promise, however, to forward an expression of their views at a later date.

4. Thus to the already imposing mass of evidence on this subject, a large addition has been made, which should, in the opinion of the Bengal Government, render the early decision of the question a matter of ease, as it is a matter of the utmost consequence to the peace and prosperity of these Provinces. The new evidence, however, possesses features of interest which are all its own. In the first place it is interesting as impartially reflecting every shade of opinion in the controversy. In the next place, it is remarkable for the proof it affords (if, indeed, any was wanting) of the necessity, not only for legislation on the Tenancy question, but for legislation in the general direction of this Bill. Even those officers who are in principle most opposed to the Bill admit, by their comments, the necessity for improvement in the existing law. On matters of detail, there is of course much difference of opinion, and on some points of principle further reflexion and enquiry have modified previous views. All this was what was expected: unanimity was neither possible nor indeed desirable. But through all these varieties of opinion, the Lieutenant-Governor on most points perceives a general under-current of agreement as to what ought to be done, though the way to do it is not always clear. It will be his endeavour in the following observations to indicate the direction in which agreement lies and the best way to give effect to it where desirable. The result will, the Lieutenant-Governor believes, prove that the main principles of this measure have passed successfully through a trying ordeal, while many modifications suggested thereby are in the direction of the results for which this Government has consistently contended.

5. **Applicability of the Bill to Government Estates.**—There is one other point on which the Lieutenant-Governor would touch in these preliminary remarks. It has been made a subject of reproach against the Bengal Government, both in the Press and on public platforms in this country and in England, that while forward to recognize tenant-right in settled estates, it was unwilling to recognize it in its own property, the khas mehals. This Government has accordingly been upbraided with inconsistency; and a settlement case which, though carried out seven years ago, has recently come on appeal before the High Court, has been used to charge it with disingenuousness. The reproach is as unmerited as the charge is baseless. The Bill lends no countenance to the reproach, and, by repealing the special procedure of Act VIII (B. C.) of 1879, plainly refutes it; while the liberal policy which this Government has inaugurated in all its dealings with ryots, and in all questions connected with land—a policy which, in harmony with that recently enunciated by the Government of India in regard to Land Revenue Settlements, has to some extent, anticipated the Bill—should have saved it from the charge. If the cases to which reference is made teach any moral, it is this: that there is an urgent necessity for a revision of the Tenancy Law throughout these Provinces. For, if despite checks and counter-checks, large enhancements, promoted by men who had nothing to gain thereby, were decreed by the courts and upheld on appeal, what, it may be asked, is not possible where the stimulus of self-interest has full play, and where the adjudication of the courts is not

awaited? There is no doubt—indeed the reports now submitted prove—that there are officers who take far more extreme views of the zemindari rights of Government than the Government itself does; still all that the the present Government of Bengal could, by executive action, do, has been done to soften the rigour of the present procedure in every portion of these Provinces where re-settlements are in progress. And nowhere has leniency been more conspicuously shown than in the Midnapore estates (which it is a mistake to think belong to Government), where for about forty years the ryots had held their lands without any enhancement; and where, during the litigation with some 2,654 ryots, collection of the enhanced rent from 88,538, who did not litigate, was postponed; where, after the Government had been successful in the litigation, remissions, amounting to over two-and-a-half lakhs of rupees, were allowed; where since the conclusion of the settlement, the number of holdings sold up for arrears of rent has averaged no more than ·03 per cent. per annum on the total number of holdings; and where special arrangements were made to receive and treat with leniency the representations of all who felt aggrieved. It is as reasonable to blame this Government for the evil results of the existing law as it would be to blame Wilberforce or Clarkson for the evils of slavery. The Government is doing its best to remedy the evils which it recognizes.

6. With these remarks I am now to discuss the Bill, chapter by chapter, postponing, as in my letter of 27th September 1883, minute points of detail and verbal criticisms for those communications which the Lieutenant-Governor trusts to make from time to time, as during last session, to the Select Committee. I am also to add here that such of the points raised in the second and fourth paragraphs of your letter under reply, as may not be noticed in their proper connection, will be discussed when the Lieutenant-Governor has concluded his comments upon the Bill.

CHAPTER I.

7. Definition of "estate."—Exception has been taken to the definition of "estate"* in section 3 as not including Government khas mehals. The objection is groundless, as already stated; but it may be desirable here, with the object of obviating further misapprehensions, to state precisely how the matter stands. Under the provisions of section 6, Act VII (B.C.) of 1876, the Collector of every district is bound to maintain registers of revenue-paying and revenue-free lands. One of those registers exhibits the "estates," borne on the revenue-roll of the district. Now the revenue-roll of every district consists of two departments—the fixed and the fluctuating. The fixed department deals with "estates" the revenue of which is settled permanently or for a term of years with proprietors or farmers; the fluctuating department treats of Government "estates" the rents of which are collected direct from the tenants. Thus every estate or khas mehal of which Government is the proprietor is borne on the revenue-roll of some district, and as a consequence is inscribed in the register to which section 3 (1) alludes. If Government be not the "proprietor" of the khas mehal; in other words, if the land be such a tenure as is referred to in the proviso to section 3 of the Bill, and held under some owner of an "estate," it will still be included in that "estate," and thus object to the provisions of the Bill. There can therefore be no doubt whatever that "estate," as therein defined, does include Government khas mehals, and that the substantive provisions of the Bill will be as largely enjoyed by the ryots on Government estates as by those in ordinary zemindaris. The statements to the contrary effect, which have from time to time been made by the opponents of the Bill, are entirely without foundation. If the Bill, as drafted, afforded any foundation for them, the Government of Bengal would be the first to demand that the Bill should be so modified as to include Government estates. The only advantage the Government retains over the ordinary zemindar under the Bill is the certificate procedure. In paragraph 28 of my letter of 27th September 1883, the reasons are given which justify that advantage.

* "Estate" means land included under one entry in any of the general registers of revenue-paying lands and revenue-free lands prepared and maintained, under the law for the time being in force, by the Collector of a district.

8. Definitions of "rent" and "holding."—Rent is defined in the Bill to mean "whatever is payable or deliverable in money or kind by a tenant to his landlord on account of the use or occupation of land held by the tenant." To that definition it has been objected that it may be held to include cesses (which are prohibited by section 85), if such cesses are willingly paid by the ryot, as, to avoid an increase of the rental for land, they often are. But it seems to the Lieutenant-Governor that any payment which is prohibited by the Bill cannot be a legal payment; and as "rent" must be a legal payment, it necessarily excludes all cesses not recognized by law. It is a matter of drafting, and if the definition would be made clear, as by the insertion of the word "legally" before the word "payable," the Lieutenant-Governor would have no objection.

A point is raised by Mr. Dampier, late member of the Board of Revenue, in connection with the definition of "holding,"* which may here be made the subject of some explanation. A ryot is let into possession of a plot of land in 1880, and afterwards in 1884 is let into possession of another plot on the same conditions. As both plots are held on the same conditions, do they, asks Mr. Dampier, form one holding? To Mr. Dampier's question the answer would seem to be that as the lands are not held on the *same*, but on *similar* conditions, they do not necessarily form part of an entire holding. Whether in point of fact the new and the old land should be regarded as amalgamated, depends on the arrangement made by the ryot with his landlord. It is true that in common phraseology all the land a tenant holds is called his holding; but cases constantly occur in which the parcels of land making up the holding are held by distinct titles and on separate terms. The Lieutenant-Governor, then, thinks that ordinarily the question of one or two holdings should be a matter of contract between the landlord and tenant; but the ryot should, apart from any contract on the point with the landlord, have the option of amalgamating the new land with the old, or holding it apart. The latter point is important in the deltaic districts, where settled ryots may take fresh land by the year, relinquishing at the year's end if they find the cultivation unremunerative. If every new plot of land taken up in this way within the village or estate for temporary cultivation were regarded as an addition to the "holding," the settled ryot of these deltaic districts might often suffer, while the landlord, too, might be put to trouble. Instead of a simplification and a benefit, the settled *status* might then prove a difficulty and a loss.

* *Section 3 (7).*—Holding means a parcel or parcels of land held by a tenant of a landlord under one lease or one set of conditions.

9. In concluding his remarks on this chapter, the Lieutenant-Governor would call attention to the words "held immediately from a proprietor," in section 194, as they seem to him to exclude *durputnis* and similar under-tenures from the operation of Chapter XVI. In accordance with section 16, Regulation VIII, 1819, and Act VIII (B.C.) of 1865, tenures (other than *patnis*) transferable by the title-deeds or established usages of the country are saleable, after decree, in the same way as *patni* taluks. The object of the present Bill is not to alter the existing law in regard to such tenures; but the Lieutenant-Governor fears that the words quoted from section 194 may, if no further explanation be given, have the effect of neutralizing the definition in section 3 (16).† The question is one of mere drafting, and needs only that attention should be called to it.

† *Section 3 (16).*—"Patni tenure" means a tenure of the kind described in Schedule II annexed to this Act, and includes the darputni and other similar tenures referred to in that schedule.

CHAPTER II.

10. Definition of "tenureholder."—The definition of "tenureholder"‡ in the Bill has been objected to because of the too great prominence given to the conception that the tenureholder is primarily a rent-collector. It has been urged by the Legal Remembrancer that the tenureholder "has undoubtedly ac-

‡ *Section 5 (1).*—"Tenureholder" means primarily a person who has acquired from a proprietor or from another tenureholder the right to collect rents, and includes also the successors in interest of person who have acquired such a right and the persons who are to be deemed tenureholders under section 37.

quired a right to the land itself subject to the right of the cultivator," and accordingly Mr. Garrett, to give effect to that view, would define the tenureholder as "a person who has acquired land by grant of purchase, primarily with the object of subletting it to others," &c. Mr. Garrett's way of looking at the matter is supported by the Burdwan Conference and by the general consideration that tenures, in districts with an abundance of waste land, were not created on the basis of an existing rent-roll. It is, however, probably true at the present day, that in most districts there is but little surplus land, and that where tenures are created at all they are tenures in regard to land under cultivation and not in regard to waste land. It would, in the Lieutenant-Governor's opinion, be less true to the fact to say that a tenureholder in the present day acquires land to bring it under cultivation than that he acquires a right to collect rents from lands already under cultivation. While, therefore, the Lieutenant-Governor does not question Mr. Garrett's view that, subject to the cultivator's interest, the tenureholder does acquire a right to the soil of his tenure, he must express his belief that the definition of the Bill is more in harmony with facts than the proposed emendation. It is, moreover, to be observed that settling ryots is the ordinary method of reclaiming waste land, and from this point of view the Lieutenant-Governor has no objection to Mr. Wilson's proposed addition "or to bring land under cultivation by establishing tenants upon it."

11. Definition of "raiyat." Objections.—There is, however, one point on which the definition of tenureholder is clearly defective. It does not provide for those tenureholders who derive title from persons who are themselves neither tenureholders nor proprietors, as defined in the Bill. On this point also the definition of "raiyat"* is by common consent defective. A "proprietor" is defined to be a person or a number of persons† owning an "estate," while an "estate" means land covered by one entry in the register of revenue-paying or revenue-free lands. Thus a "proprietor" is a registered revenue-paying owner of land or a registered lakhirajdar. A tenureholder, as defined in section 5 (1), on the other hand, derives his title either from a proprietor or another tenureholder. But there are many owners of land in these Provinces who sublet, yet are neither "proprietors" nor "tenureholders" as defined in the Bill. There are, for instance, the dependent talukdars referred to in paragraph 92 (5) of the Select Committee's Report, not a numerous class, it is true, but still existing in some districts. There are petty lakhirajdars and the aymadars referred to by the Burdwan Conference—a far more numerous class—whose names appear at present in no registers of revenue-free property. Possibly there are the ryots on churs, which have not come within the operations of the *dearah* survey, though the Lieutenant-Governor is not prepared to say that they are so clearly outside the definition as the others are. As the Bill stands, no tenureholder and no cultivator holding land under these possesses the *status* which it is intended to confer. It would seem therefore that the definitions of both tenureholder and raiyat need correction with reference to the preceding considerations. The correction suggested by the Presidency Conference would meet the difficulty were those owners of lakhiraj holdings, to whom the proviso in section 3, Regulation II, 1819, refers, liable to be registered; but in the Lieutenant-Governor's opinion it is doubtful if such liability attaches to them. Possibly an adaptation of the suggestion of the Bhagulpore Conference might suit—"or under a holder of revenue-free lands not coming within the definition of estate; or under a holder of lands that are rent-free."

* *Section 5* (2).—"Raiyat" means primarily a person who has acquired land for the purpose of cultivating it by himself or by members of his family, or by hired servants, or with the aid of partners.

† Having regard to section 2 (3) of the General Clauses Act (I of 1868), the words "number of persons" might be omitted. If retained, they should also be inserted in the definition of "tenant."

12. Its applicability to the deltaic districts.—There are two other points in connection with the definition of ryot—one raised by the Presidency Conference, the other by the Commissioner of Chittagong—which deserve notice. The Presidency Conference, in order to bring private thatching-grass lands and the like within the definition, would insert the words "gathering the

produce" after the words "cultivating it," and this notwithstanding the provisions of section 225 (Rights of Pasturage, &c.). It seems to the Lieutenant-Governor that the questions dealt with by section 225 would come more naturally under Chapter IX (miscellaneous provisions regarding rent). In connection with that chapter, he will propose that section 225 be inserted after section 88 (produce rents), and that some modifications be introduced into it which will meet the object which the Presidency Conference has in view. The point raised by the Commissioner of Chittagong needs more detailed notice. In the Chittagong Division there is still a good deal of waste land and much room for the expansion of cultivation. The supply of land is larger than the demand for it, and accordingly there are fluctuations in the area under tillage varying with the state of the rice market. The same description is applicable to other tracts of country in Bengal, as instanced by the report of Mr. H. Reily, the Manager of the Chanchal Wards' Estates in Maldah, in the Government estate of Jeypur in Bogra, and elsewhere. If in such localities there is a prospect of a dear market, more land is cultivated; if the market promises to be cheap, cultivation is contracted. But as in a favourable year a ryot may thus sublet more than half his holding, the fear is that by the operation of section 37 ("the convertible tenureholder") he would be converted into a tenureholder. A tenureholder might find himself deserted by his ryots the following year of cheap prices, and he might have all the land on his hands again.

If, as seems probable, section 37 be not retained in the Bill—a point which will be discussed later on—the difficulty which Mr. Lowis foresees will of course disappear; the person on whom falls the risk of cultivation will remain the "raiyat," not the nomad who is here this year and away the next. But if it be resolved to maintain section 37, then, in the Lieutenant-Governor's opinion, the only way to provide for the peculiar circumstances of the Chittagong Division and other portions of the country to which the conception of the "convertible tenureholder" may be deemed inapplicable, would be to invest the local Government with the power of suspending the operation of the section in these localities. The necessity for such a suspensory power must of course tell against the retention of section 37; but it seems clear that the adoption of Mr. Lowis' proposal (*i.e.*, the addition of the words "or by means of inferior cultivators holding by the year or at fluctuation rates") would frustrate the object of the section all over Bengal.

13. Apart from the reference to section 37, which will be dealt with in its proper connection, the Lieutenant-Governor has no criticism to offer on clause 4 of the section.* He must, however, deprecate the suggestion of the Legal Remembrancer that sub-clause (*c*) should be placed before sub-clause (*a*), the object of the suggestion presumably being to direct the court's attention more to the origin of the tenancy than to existing custom. The Lieutenant-Governor is clearly of the opinion that, where a custom is well established, it should rule the character of the tenancy. Where a custom is not well established, there only should the courts have recourse to the always debateable ground of the origin and nature of the right.

* In determining whether a tenant is a tenureholder or a raiyat, the Court shall have regard to—

(*a*) local custom;
(*b*) the provisions of section 37 with respect to raiyats who sublet more than half their holdings; and
(*c*) the nature of the right of tenancy as originally acquired, that is to say, whether it was a right to collect rents or a right to cultivate land.

14. Presumption of status of tenureholder from area of holding.—Coming now to clause (5) of the section,† it will be noticed that the proposal has called forth various expressions of opinion. The Commissioner of Chittagong thinks that 100 bighas (33 acres) is too high a limit, and would reduce it to 50. The Presidency Conference accept the clause as it stands; the Dacca Conference and Mr. Dampier, who even favour a reduction of the area, would change the presumption into an absolute rule, in which case Mr. Dutt, Collector of Backergunge, hereby meeting several objections, would allow a fee to be levied on the creation of the tenure. The Bhagulpore Conference would support the Bill if

† Where the area of a holding exceeds 100 standard bighas, and the whole or part of it is sublet, the tenant shall be presumed to be a tenureholder until the contrary is shewn.

the greater part of the holding were sublet; while the Patna and Burdwan Conferences oppose the presumption, the former alleging it to be contrary to fact,* the latter because it deprives the zemindar of the *bonus* said to be usually taken on creation of tenures. Judicial officers' opinions are less divergent, the majority agreeing in considering the presumption fair and in accordance with existing facts. This is the view which the Lieutenant-Governor himself entertains and supports, although no doubt some weight is lent to the more absolute proposal by the adhesion it has received not only in these reports, but also in the Rent Commission's Bill. In this connection the attention of the Government of India is requested to Mr. Dampier's remarks, and to the observations made on the subject at page 19 of the Report on Sir Ashley Eden's Bill.

* On this point the Lieutenant-Governor, doubting the correctness of the Conference's view, has called for further information.

CHAPTER III.

15. Status, rights and liabilities of tenureholders.—This chapter has met with general approval, though some officers object on the point of the limitation on enhancements. This result must be pronounced very satisfactory having regard to the fact that in previous drafts on this part of the subject success was not thought to have been achieved. The officers most competent to advise on the subject of tenures are those acquainted with the deltaic districts of the Chittagong and Dacca Divisions, and it is from them that the chapter has received the greatest approval. The remarks of Mr. Lowis, Commissioner of Chittagong, and of Mr. Romesh Chunder Dutt, Officiating Collector of Backergunge, are especially valuable, and to them the Lieutenant-Governor would invite particular attention.

16. Discussion of the 20 years' presumption in relation both to tenureholders and to raiyats.—The first noticeable point in connection with the chapter is the question of the 20 years' presumption afforded by the existing law, in the case of tenures as well as of occupancy holdings. As the arguments for and against the 20 years' presumption are practically the same, whether applied to tenures or to occupancy rights, it may be convenient to discuss the point once for all, and, as a whole, in this connection.

In the first place, then, the Lieutenant-Governor calls special attention to the enormous preponderance of evidence in favour of retaining the presumption as it now exists. The Patna, Burdwan, Presidency, Dacca and Orissa Conferences are unanimously against any change. The Bhagulpore Conference (by a majority) and Mr. Lowis would allow a sufficient time for registration, and then annul the presumption. The Rajshahye Conference alone would give the ryot two years in which to *sue* for the establishment of the presumption or forfeit his privilege—a proposition which the Lieutenant-Governor would absolutely reject as affecting a right which the ryots have enjoyed under the present law since 1859, and as tending to extreme litigation. Of the judicial officers, a very few would annul the presumption altogether, a larger proportion would modify it, while a still greater number would retain it unchanged. Thus the Lieutenant-Governor feels himself fully justified in saying that the weight of authority is against any alteration. Those who would abolish the presumption proceed altogether upon speculative reasons; those who would modify it say nothing to discredit the opinion of the Subordinate Judge of Burdwan (himself for modification) that it "has worked remarkably well without placing the zemindárs under any serious disadvantage." Those, lastly, who would make no change can point to many benefits conferred on the country by this presumption, and to the frustration by means of it of many attempts to fraudulently destroy old established rights.

On the merits of the question, I am to say that the only arguments urged against the presumption which do not elude one's grasp are that it is an

infringement of the Permanent Settlement, and that it does injury to auction-purchasers. Apart altogether from the debateable ground of ryots' rights under that Settlement, the argument in fact involves the absurdity that no rules of procedure are to be laid down with a view to shorten litigation in disputes between landlord and tenant. No regard is to be had by the courts to the proverbial carelessness of most ryots in preserving receipts* or to the ease with which zemindars can refute the presumption if falsely raised! The argument based on injury to auction-purchasers is hardly more substantial. Throughout these discussions the Lieutenant-Governor has sought in vain for any authenticated instances of such injury. Vague theoretic denunciations take the place of fact, and even these papers furnish instances on this point of many who come to curse remaining to bless. The same result emerges from an examination of the statistical information available on the point. The published reports of the Board of Revenue show that (taking an average over five years) out of 147,942 estates in these Provinces, paying a revenue of over three-and-three-quarter crores of rupees, only 647 estates, chargeable with a revenue of little more than a lakh-and-a-quarter of rupees, have been sold yearly for arrears. It is impossible to maintain that when sales are few—the estates sold being at the same time so small—that this 20 years' presumption does, in point of fact, work any practical hardship.

* On this point see the report (paragraph 46) of Mr. Reily, Manager of the Chanchal Ward's Estates.

On the evidence before him, therefore, Mr. Rivers Thompson feels that he might, with the weight of authority, argument and fact in his favour, ask for the retention of the presumption contained in the existing law as regards occupancy rights as well as tenures. But on a full review of the Bill as a whole, he abstains from taking up that position. Recognising the sincerity of the zemindars' objections to the presumption, and the insistance with which they have urged their views, he is willing to make a concession to their wishes, provided that the interests of the ryots shall not, in the long run, suffer from the change in what is to them a most valuable provision. Considering that the proposals he will, in the sequel, make in connection with occupancy rights and fair rents, will secure the interests of the ryots, the Lieutenant-Governor is willing to modify the 20 years' presumption and make it run, in all future cases, from 20 years before the passing of the Bill.

17. Limitations on enhancement of tenureholders' rents. Risks of collection.—The next question for discussion is the limitations on enhancements of rent of tenures, the main points being whether in enhancement suits any allowance should be made to the tenureholder for the *risks* of collection; whether the limits of double the former rent in section 8† and of immunity from enhancement in section 10‡ are fair; and whether a *bonus*, if paid on the creation of the tenure, should be taken into consideration in a suit to enhance the tenure's rent. To the first point objection was taken in the dissent of the late Rai Kristo Das Pal, on the ground that it was objectionable in itself, and an unnecessary innovation on the existing law. The hon'ble gentleman's objection has not been supported by those officers who have noticed the point; but Mr. Rivers Thompson must say that he admits its force. Where facts do not show existing law to be defective and unsuited to the circumstances of the time, the Lieutenant-Governor holds by existing law. In the provisions of section 8, Regulation V of 1812, on which this portion of the Bill seems founded, the *risks* of collection are not taken into account. It is not shown that any difficulties have resulted from this particular omission in that law. Risks of collection would in any case be very difficult to estimate as apart from costs, and it may be doubted whether it is wise, without clear necessity, to launch the courts on a sea of speculation with no certain course to steer by. The Lieutenant-Governor would therefore support the proposal

† Where the rent of a tenureholder is liable to enhancement, the enhanced rent fixed under the last foregoing section shall not be more than double the rent previously payable.

‡ When the rent of a tenureholder has been enhanced by the Court or by contract, it shall not be again enhanced by the Court during the ten years next following the date on which it has been so enhanced.

to eliminate the *risk* of collection as a distinct factor in the question to be considered under section 7, clause 3(*c*).

"Bonus" paid on creation of tenure to be a factor in enhancement suits.—Next, as to the third point—taken by Mr. Dampier and the Subordinate Judge of Tipperah—that in enhancement suits the *bonus* paid on creation of the tenure shall also be taken into account. The point is a legitimate one, and the Lieutenant-Governor would accept the suggestion to add the words "or any *bonus* paid by tenureholders on creation of tenures" at the end of clause 3(*a*), section 7.

Necessity for same period of immunity from enhancement of rent in case of tenures as of occupancy holdings.—Coming now to the question of the limitations in sections 8 and 10, the Lieutenant-Governor agrees with those who think that there should not be one rule for occupancy ryots and another for tenureholders. *First*, as regards section 10, the main point to look to is the tenureholder's capacity to pay, and his right, if he increased his burden, to pass on a reasonable portion of it to his ryot. But if the tenureholder's rent is enhanceable three times in 30 years, while the ryot's rent is enhanceable only twice in the same period, there would be ground for the complaint either that an injustice have been done to the tenureholder, or that he had some reason for treating the ryot unjustly. Therefore the Lieutenant-Governor is of the opinion that, whatever period of immunity from enhancement you allow the ryot (and he has no doubt that the ryot should have at least 15 years), that same period should the tenureholder also enjoy. If rents are to be increased, there is an advantage in general contemporaneous adjustments.

Limitation of enhancement to double the former rent: Exceptions.—Then, as regards section 8, the Lieutenant-Governor, agreeing with the Presidency Conference and the Collector of Backergunge, is of the opinion that some amendment must be introduced. In cases of recent reclamation, where land is let at an initial peppercorn rent, the limit of double rent would be unjust to the landlord; in other cases it would tend to injustice to the tenant. The Lieutenant-Governor is aware that section 212 saves contracts for the reclamation of waste lands; but he is not quite satisfied with the wisdom of such a provision which, in point of fact, excludes all such contracts from the provisions of this Bill. Agreeing with those who hold that the substantive law should meet all cases, where this can be done, the Lieutenant-Governor would cut out section 212, and provide for such cases in this place and also under Chapter V, by substituting for section 8 the section in the margin, which he has adapted from the excellent report of Mr. Dutt, Officiating Collector of Backergunge. It will be seen from the observations I am to make under section 45, withdrawing the limitations on the enhancements by suit of ryots' rent, that a tenureholder will always be able to raise his ryots' rents in due proportion to the increase which he himself may have to pay.

"Where the rent of a tenureholder is liable to enhancement, the enhanced rent, fixed under the last foregoing section, shall not be more than double the rent previously payable.

"Provided that when waste land has been let at a low rent for the purpose of reclamation, the limit of enhancement fixed by this section shall not apply, and the court may order such enhancement as it may think proper, after taking into consideration the cost of reclamation, the profits on that outlay, and all other facts connected with the case."

18. Simplified procedure for registration of transfers.—The only other point on the subject of tenures which the Lieutenant-Governor desires to notice is registration, and in regard to it he invites the attention of the Government of India to the following remarks made by the Collector of Backergunge:—

"The provisions made in sections 16 and 17 for the registration of transfers by sale in execution of decrees are simple and workable; but the provisions made in sections 15, 18, 19, 21, and 22, for the registration of voluntary sales, are exceedingly complex and impracticable. * * * When it is remembered that the landlord in this district means very often an illiterate *hooladar* or *miras karshadar*, or is represented by a gomasta on R 3 a month, that

forgery is one of the commonest crimes in the district—the utter impracticability of the complex provisions stated above will be abundantly manifest.

"I had this matter thoroughly discussed in the meeting* which was convened in Burrisal for considering the Bill. The meeting agreed with me in thinking that a simpler and more practicable procedure should be laid down for the registration of private sales of tenures. The simplest possible procedure is this: Parties transferring tenures generally register the deeds-of-sale, and this may now be made compulsory under the provisions of this Bill. Registrars will in such cases take an additional fee of two per cent. on the annual rent of the land, and also the sum of one rupee for service of notice on the landlord. These sums he will remit to the Collector, with an intimation of the contents of the document. The Collector will transmit the fee to the landlord, and also serve notice on him to show cause within a month why the sale should not be declared valid. In case there is no objection raised, the sale will be declared valid (after the expiry of the month). In case objection is raised by the landlord, the Collector will refer the matter to the civil court, which will then proceed under section 19 of the Bill. This procedure will require only an additional register being opened in the Collector's office, and will avoid much litigation, fraud, and forgery. The opening of registers by *hoaladars* and *kaem karshadars* will not be required, nor will they be fined for not doing what it is impossible for them to do."

* Of zemindars, tenureholders, &c.

This procedure is accepted by the Lieutenant-Governor as at once simple and effective as far as transfers by sale are concerned, while, as far as transfers by succession are concerned, the point will be met by the plan to be described in the next succeeding paragraph. Mr. Rivers Thompson therefore commends the procedure to the favourable consideration of the Government of India. He will also recommend a similar procedure in connection with the pre-emption clauses of Chapter V.

19. Registration of tenures for rent-suit purposes.—I am here to take the opportunity of making some observations on the general subject of the registration of tenures raised in paragraph 14 of my letter of 27th September 1883. It will be remembered that one of the proposals made by the Lieutenant-Governor for facilitating the recovery of arrears of rent was the extension to tenures of the law for the sale of *patni taluks*, or of a modification of that law. Before any such extension could take place, it was, however, deemed essential that the tenures to be brought under the operation of summary procedure should be registered. Accordingly the attention of executive officers was called to the point in paragraph 28 of my circular letter of the 24th of May last to Commissioners. The call has not elicited as full an expression of opinion as the Lieutenant-Governor had expected, many officers who have noticed the point, dwelling more on the difficulties in the way of such registration than on the means of surmounting them or on the advantages of such a record. The question has again received the Lieutenant-Governor's careful attention, and he is satisfied, not only in the interests of the landlords, but of the general administration, that an effort should be made to register tenures. One of the most persistently-urged claims of the zemindars is that they should be given a summary means of recovering arrears of rent. There are, as the Government of India know, insuperable objections in the way of recognizing that claim in respect to occupancy holdings; but in respect to tenures the case is quite different. The number of tenures in Bengal is estimated to be very considerably in excess of one million. From this it will be apparent that if by any administrative arrangements these tenures could be made amenable to a summary procedure for arrears of rent, a most valuable boon would be at once conferred on zemindars.

That boon can only be conferred if these tenures are registered. The Government could not possibly agree to bring any holding under a summary sale procedure unless its character was first determined by registration. But it is said you can never hope to register such a vast number of titles; you have no means of making your will effective. The Lieutenant-Governor admits that at present this is true, though if it be to the superior landlord's interest to have tenures registered, as it undoubtedly would be under the right of summary sale for the recovery of rent, the objection loses force. But at present no doubt in the case of proprietary interests, not to speak of the subordinate interests of

tenureholders, the means for maintaining a correct registry are defective, although the initial registration of estates has been on the whole successfully effected. There is one, and only one, effective means of compelling registration, and that is refusing to any proprietor (or tenureholder) the right to sue for rent unless his name be registered under the law provided for the purpose. That means is simple, and it would be effective.

In regard to the registration of proprietary titles under Bengal Act VII, 1876, the Lieutenant-Governor has now under consideration the amendment of the Act in the direction indicated. By enacting that law we have proclaimed the necessity for maintaining a proper and correct register of titles to land, and it would be inconsistent to stop short of giving effect to our declaration. The Lieutenant-Governor would make registration as cheap and convenient as possible; but he would insist upon it. He sees no more hardship in refusing an unregistered proprietor liberty to sue for rent than refusing him liberty to sue on unstamped paper. If this principle is affirmed, the registration of all tenures becomes a matter of easy accomplishment. Moreover, if, as will be proposed later on, the landlords' power of bringing tenures after registration to summary sale be recognized, his self-interest will furnish a most efficient means of procuring such registration. Further, the registration of tenures may become a method of enforcing the maintenance of a correct and full registry of proprietary rights. A tenureholder would be (in the Lieutenant-Governor's plan) prohibited from suing for arrears of rent, unless his superior landlord's name, as well as his own, were registered. The tenureholder would thus have the most powerful motive for informing the Collector of any default on the superior landlord's part. The Collector would then enforce registration as under the provisions of the existing law which is now inoperative, because there is no one to move the Collector to put it in force. As a reward to the informing tenureholder, permission to him to go on with his suit might be endorsed by the Collector on his plaint. Thus, the ends of the Registration Law would be secured, and no obstruction offered to the assertion of private rights by those who were not themselves to blame.

In course of time this system would become a self-acting harmonious one. No tenures would be created unless by registered proprietors, and it would probably be a stipulation in the deed that the registration shall be maintained. At all events, if it be not adopted, or if some system of the sort be not adopted, it will not be possible to afford to zemindars in regard to tenures that summary procedure which, under proper precautions, this Government is willing to grant. I am to revert to the subject in connection with Chapter XIV of the Bill.

CHAPTER IV.

20. **Status of ryots holding at fixed rates.**—This chapter, apart from the question of the 20 years' presumption already dealt with, has elicited but few comments. A minority of the Burdwan Conference, a majority of the Patna Conference, and Mr. Dampier see no reason for distinguishing old-established ryots with fixed rates from occupancy ryots at variable rates. The reasons given, however, are inconclusive. The silence of the great majority must be taken for approval, and the Lieutenant-Governor himself does not think that any alteration in the chapter is necessary or desirable. He therefore approves of it as it stands.

CHAPTER V.

21. This chapter has been most thoroughly discussed, and it has received the earnest consideration of the Lieutenant-Governor in all its details and bearings. I am now to state the final conclusion to which Mr. Rivers Thompson has come on a review of the entire evidence on the subject of the settled ryot, his *status*, rights, and liabilities.

22. Definition of the settled ryot.—The Lieutenant-Governor at the outset fully admits that the majority of the officers consulted disapprove of the definition of the settled ryot as given in the Bill.* A very small and uninfluential minority are in favour of adhering to the declaration based on Act X of 1859; but it is generally perceived that this would be an improper limitation, and the proposal which finds favour is the elimination of the word "estate" from the definition. This proposal is, in point of fact, a reversion to the definition in section 19 of Sir Ashley Eden's Bill, *minus* the very noteworthy explanation to that section, by which a ryot became "settled" after three years' residence, and *minus* the alternative two-mile radius limit.

*1. Every person who for a period of twelve years, whether wholly or partly before or after the commencement of this Act, has continuously held as a raiyat land situate in any village or estate, whether under a lease or otherwise, shall be deemed to have become, on the expiration of that period a settled raiyat of that village or estate.

2. If, in any proceeding under this Act, it is proved or admitted that a person holds land as raiyat, it shall as between him and the landlord under whom he holds the land, be presumed for the purposes of this section, until the contrary is proved or admitted, that he has for twelve years held the land or some part of it as a raiyat.

3. A person shall be deemed for the purposes of this section to have held land continuously in a village or estate, notwithstanding that the particular land held by him has been different at different times.

4. A person shall be deemed, for the purposes of this section, to have held as a raiyat any land as a raiyat by a person whose heir he is.

5. Land held by two or more co-sharers as a raiyati holding shall be deemed, for the purposes of this section, to have been held as a raiyat by each such co-sharer.

6. A person shall continue to be a settled raiyat of a village or estate as long as he holds any land as a raiyat in that village or estate, and for one year thereafter.

7. If a raiyat recovers possession of land under section 96, he shall be deemed to have continued to be a settled raiyat notwithstanding his having been out of possession more than a year.

In regard to the definition of the settled ryot, the Lieutenant-Governor regrets to find himself at variance with the majority of his officers. This is the only point in connection with this Bill on which the difference between them is irreconcileable, and therefore Mr. Rivers Thompson deems it the more necessary to set forth plainly the grounds of difference, and the reasons why he adheres to the definition in the Bill. It might, indeed, be possible to avoid a conflict of opinion by an appeal to authority. Her Majesty's Secretary of State in the 11th paragraph of his despatch† of the 17th August 1882 has already suggested, as a proper definition of the resident ryot, that he "shall be one who, or whose ancestor, has occupied any land in the village *or estate* for 12 years." That is substantially the definition of the Bill, and an appeal to this authority, if pressed, should go far to decide the question. Mr. Rivers Thompson, however, does not desire that the question should be disposed of otherwise than on a full consideration of its merits.

† Correspondence between Government of India and Secretary of State, p. 55.

Discussing the question on its merits, then, the Lieutenant-Governor presumes that no one will question the position that at the time of the Permanent Settlement resident ryots, if given new lands in their village held them subject to the pergunnah rate, and on the same certain tenure as the old. This right of fixity of tenure at fair rates became obscured between 1793 and 1859, owing to causes which, during this controversy, have been too often discussed to need relation here. The right, however, lived as well in popular tradition as in the conscience of the Government, and at last an effort was made in 1859 to give it vitality and effect. The intention of the Legislature* then was that a resident ryot, to establish rights of occupancy in any land in the village, should merely have to prove the occupation of *some* such land for 12 years. It is well known, however, that judicial interpretation thwarted that intention, the proof of *status* being thereby made difficult where it should have been made easy. This error has had injurious results not only in these Provinces but elsewhere, and it is now generally agreed that it should be corrected. The only difference between the Lieutenant-Governor and his officers is the extent to which the correction should go. The majority of officers think it only necessary to place the ryot in the position in which the Act of 1859 had intended to place him. The Lieutenant-Governor having over his officers in this matter the advantage of a wider sweep of view, thinks that we cannot ignore the

* *See* despatch from Secretary of State, dated 17th August 1882, paragraph 10.

progress of events during the last 25 years. He does not agree in thinking that you can put back the hand on the dial.

All—a very few dissentients excepted—agree in accepting the mouzah or village as an integral portion of the definition of the settled ryot. The majority of officers consulted would accept it as the envelope of his rights, giving those rights free scope within it, but not letting them go beyond it. The Lieutenant-Governor, on the other hand, would, if the "estate" were larger than the village, give the settled ryots' rights the same scope within the "estate" that his opponents would within the village. In other words while the majority of officers would allow the settled ryot to hold *ab initio* on an occupancy title any land of which he gets possession in the village in which he lives, the Lieutenant-Governor would, in addition, give him the same right in the "estate" if the "estate" be larger than the village. Thus, the difference between the Lieutenant-Governor and his officers is one of degree, and not one of essence.

The objections raised to the wider definition which the Secretary of State has suggested, and to which the Lieutenant-Governor holds, may be summed up in the statement that it is unfair to give a man occupancy rights in one village of an estate because he happens to be settled ryot of another. Because a man is a settled ryot in village A of an estate, why, asks a Collector of pronounced views, should he "taint," by the occupancy right, land in village B of the same estate?

To this question an answer has already been given in my letter of 27th September 1883. I am now to answer it again; but before doing so I would point to a grave inconsistency in the position of those who would eliminate the "estate" from the definition. The sole ground of their opposition is the alleged injustice which would be done to the landlord. It would, they admit, be injustice to the ryot not to give him the privilege of fixity of tenure in his native village, but to extend it further would be, they say, unjust to the zemindar. But it is notorious that the village may, and often does, comprise portions of more than one "estate." In Behar, where an assured tenure is even more needed by the ryot than in Bengal, this state of things is very common. The question then occurs—with what consistency can a privilege be refused to a ryot in the "estate" on which he lives, and under a landlord to whom he owes fealty, yet be granted to him in an "estate" in which he does not live, and under a landlord to whom he is a stranger? Is not this swallowing the camel and straining at the gnat?

But the question is not to be decided by a detection of inconsistency in the views of men who are not usually inconsistent. When a body of men, whose judgment ordinarily there is good reason to trust, are found to be supporting an apparently illogical position, it is necessary to examine well the foundations of a contrary belief that there should be no betrayal into hasty judgment by any argumentative victory. This is the spirit which animates the Lieutenant-Governor in opposing the views of the majority of his officers. He does not oppose them hastily, or in any depreciatory spirit; he opposes them on the higher ground which, as head of the administration, it is his province to take.

The Lieutenant-Governor's substantial reasons for adhering to the Bill as it stands are, first, that under the circumstances of the time as large a basis as is consistent with the rights of the landlords should be given to the occupancy right; second, that the injury to landlords' rights from the proposed definition is mostly imaginary. In my letter of the 27th September 1883, the first point was dwelt upon at length, and with the object of recalling the argument on which he would lay stress the Lieutenant-Governor would request a reference to the 11th paragraph of that letter. Here, however, allusion may be made to the statistics therein cited from the Report of the Famine Commission to prove that over nine-tenths of the peasantry of Bengal were so poor that in their case

any abuse of this privilege was not a practical question. These figures borrow singular corroboration from some of the reports now submitted. Attention is specially invited to the reports of Mr. Reily, Manager of the Chanchal Ward's Estates, and of Mr. Hennessey, a zemindar of the Bhagulpore district. Mr. Reily states that out of 29,335 ryots in the Chanchal Estate, 17,023 hold less than 5 bighas, and 10,603 less than 20 bighas* of land each. It seems obvious that the definition could not work any harm in Chanchal; for a man with even a six-acre holding is not likely to be the sort of "land-grabber" whom zemindars have any reason to fear. A similar conclusion is enforced by Mr. Hennessey's figures, which show that out of 9,885 ryots, 8,369 pay a yearly rent of R10 and less, while 1,020 pay no higher rent than R20. In other words, while 95 per cent. of his ryots can barely keep body and soul together, Mr. Hennessey fears from them encroachments on his proprietary rights, and claims that the law shall discourage their endeavours to raise themselves from the miserable serfdom of being tenants-at-will!

* The bigha here is about one-third of an acre.

The fact is that the zemindars on this, as on several other portions of the Bill, are fighting a shadow. As the Lieutenant-Governor has already stated, the settled ryot of a village usually holds no more than a few acres of land. He is far too poor to maintain two homesteads. He can never cultivate far from his home. The village in Bengal, owing to various disintegratiug influences, is far smaller now than it was a century ago. Then, a large margin of uncleared waste afforded ample scope for enterprising ryots. Now, the settled ryot finds in his village small scope for enlarging his holding or improving his condition. He does not often find it in adjacent villages either; but should he come to terms with his landlord for vacant land in a neighbouring village (and it is only with the knowledge and consent of the landlord that the ryot could acquire a new holding), it is surely a monstrous proposition to maintain that there should be no stability in the contract. The Lieutenant-Governor asserts that it is essential to the public interest that there should be stability in the contract. Stability of that sort is no larger development of the old customary law of the country than the circumstances of the times require. As the Famine Commission say:† "It is desirable for all parties that measures should be framed to secure the consolidation of occupancy rights, the enlargement of the numbers of those who hold under secure tenures, and the widening the limits of that security." To these principles Sir Ashley Eden sought to give effect by creating a settled *status* after three years' residence. Mr. Rivers Thompson, anxious to break with the past as little as possible, prefers to allow the landlord four times that period within which to know his tenant. The landlord surely ought to know his ryot well in twelve years. When he knows him, when once the accrual of the settled *status* has put the seal of the landlord's approval upon the connection, from thenceforward the Lieutenant-Governor would not allow the ryot to be treated as a nomad in any portion of the landlord's estate. From the standpoint of public policy, as well as of consistent legislation, this is essential.

† Report, Part II, Chapter iii, paragraph 25.

Should the "estate" be limited as to extent, or period of creation? — The Government of India, in paragraph 8 of your letter under reply, ask whether, with reference to unusually large estates, any exception might be made to the general rule the Lieutenant-Governor has now approved of, and whether any modification is desirable in section 27(*b*). On the first point I am to say that the Lieutenant-Governor, having regard to the condition of the ryot and the perfect freedom of the landlord to give or withhold the land, is satisfied that abuse of the rule is not a practical danger to fear. He therefore would admit of no exception to its simplicity; but to save disputes, he is willing that the limits of the "estate" should be taken as at the time of the introduction of the Bill into the Legislative Council.

In conclusion, the Lieutenant-Governor desires me to say, with reference to the presumption raised in the 2nd clause of section 26, that, as it is no more than a recognition of facts which generally prevail, it receives his cordial support. The suggestion that has been made in places, that a three or six years' occupancy should be proved before the presumption is recognized, would only introduce complications and litigation.

23. Acquisition of occupancy right by landlord.—Passing on now to sections 28,* and 29†, a minute, though not unimportant, criticism on the former is that it should be made to cover a purchase by a co-sharer as well as by a 16-anna landlord. It might probably be so held by the courts, but, as the doubt has been started, it is well to remove it. As the Lieutenant-Governor understands the section, it means that if a landlord buys or otherwise comes into possession of an occupancy right, the right shall be *de facto* extinguished. The land, however, continues portion of the *ryotti* stock of the country, and the under-ryots, if any, in it become elevated to the non-occupancy *status*. If this view of the section be correct, the Lieutenant-Governor approves of it. He is opposed to the opinion of those who would allow the purchasing landlord the discretion of keeping the occupancy right alive, for that would be tantamount to the extension of subletting in a very objectionable form.

* "If the landlord of a raiyat having a right of occupancy acquires, by purchase or otherwise, the interest of the raiyat, the occupancy right shall cease to exist; but nothing in this section shall prejudicially affect the rights of any third person."

† "Any person holding land as a raiyat shall not be prevented from acquiring an occupancy right in the land by reason only that he is jointly interested in the land as proprietor or tenure-holder."

Acquisition of occupancy right by joint- roprietor or farmer.—The provisions of section 29 are not so clear; and, though supported by some officers as in accordance with actual facts, are opposed by others as an injurious innovation. If the provision of section 29 (1) were restricted to proprietors, and not extended also to tenureholders, the Lieutenant-Governor would see but little to object to. If each of several proprietors, by mutual consent, cultivates specific land in a joint estate, it would be a hardship in case of a partition that such land held for years, and possibly improved by one co-sharer, should lapse from his possession on a division of the estate, or on sale. Where, however, a person is let by the proprietor into possession of land under certain specific conditions, non-performance of which will void the contract, it seems to the Lieutenant-Governor objectionable to provide that, during the continuance of the contract, the lessee may fortify himself against the lessor by acquiring rights which ought not to be separate from the larger title conferred by contract upon him. It is to the public interest that the privileges conferred by section 29 be restricted as much as possible, for it obviously opens a door to the extension of the objectionable *khurfa* system. The Lieutenant-Governor would therefore strike out "or tenure" holder at the end of section 29 (1).

Mr. Rivers Thompson agrees with the Patna Conference in the desirability of making it perfectly clear that a temporary landlord shall not be permitted, by any species of occupation during the currency of his lease, to acquire occupancy rights; and he also thinks it necessary to provide that, if an occupancy ryot buys a share in an estate, he shall not lose his occupancy right in the land, unless, on a partition of the estate, that land fall to his share. In this case the Lieutenant-Governor would not have the anomaly of an independent proprietor holding an occupancy right as against himself. He would then have the occupancy right extinguished, and the land converted into *khamar*, in which occupancy rights may grow if not barred by the landlord. If, in a partition, the land do not fall to the ryot's share, he should, as in the last preceding paragraph, retain his occupancy right in it as against his co-proprietors.

24. Incidents of the occupancy right.—I am now to discuss the important questions connected with the incidents of the occupancy right.* The first incident specified in clause (*a*) of section 31 may be passed over briefly, the only noteworthy criticism passed on it being that in portions of the country occupancy ryots have already the right to fell timber. If a local custom to that effect be well established, that custom will, the Lieutenant-Governor presumes, continue to rule the question. If there be no well established custom, the clause seems to be in accordance with the general interests of the country. The Lieutenant-Governor will also make no lengthened comments on incident (*b*). The reports strengthen his previous conviction† that, as a general rule, it is the ryot, not the landlord, who improves. When the landlord does improve, either directly or through the Government, under the Drainage Acts the ryot bears the costs, and is often afterwards saddled with an increase of rent. The Lieutenant-Governor must therefore support clause (*b*) of the section.

To clauses (*c*) and (*e*) no objection has been taken by any one, and in themselves they are unobjectionable; but in regard to clause (*d*) a very important proposal is made by the Patna Conference, which the Lieutenant-Governor is willing to accept. Where an occupancy ryot uses his land improperly, or breaks a condition of his lease consistent with this Act, he is liable to eviction as the Bill now stands. But the rigour of section 31 on this point is softened by the provisions of section 170, which grant the ryot a relief against forfeiture on payment of damages. It may however, happen that the ryot may not be able to pay damages, and the question thus raised is—shall he be evicted or shall his interest be sold, and the damages made good to the landlord from the sale proceeds, the balance, if any, going to the ryot? In the opinion of the Patna Conference the latter course should be adopted, and they accordingly suggest that, for the words "except in execution of a decree for ejectment passed," be substituted the words "but his interest in the holding may be sold." This modification of the section seems to the Lieutenant-Governor perfectly just and reasonable, contributing to the advantage of both landlord and ryot alike, while conferring the additional public benefit of keeping alive the occupancy right. He therefore desires to give the proposal his entire support.

* *Section 31.*—"Where a raiyat has a right of occupancy in respect of any land, the following provisions shall apply, namely:—

"(*a*.) He may use the land in any manner which does not render it unfit for the purposes of the tenancy, but shall not be entitled to cut down trees in contravention of any local custom.

"(*b*.) He may make improvements on the land as by this Act provided.

"(*c*.) He shall pay rent at fair and equitable rates.

"(*d*.) He shall not be ejected by his landlord from the land, except in execution of a decree for ejectment passed on the ground—

"(*i*) that he has used the land in a manner which renders it unfit for the purposes of the tenancy, or

"(*ii*) that he has broken a condition consistent with the provisions of this Act, and on breach of which he is, under the terms of a contract between himself and his landlord, liable to be ejected.

"(*e*.) He may surrender his holding in accordance with this Act.

"(*f*.) His right of occupancy in the land shall, subject to the rights reserved to the landlord by this Act, be capable of being transferred and bequeathed by will in the same manner and to the same extent as other immoveable property.

"(*g*.) He may, subject to the provisions of this Act, sublet his land or any part thereof.

"(*h*.) His right of occupancy in the land shall, if he dies intestate in respect of it, descend in the same manner as any other immoveable property; provided that in any case in which, under the law of inheritance to which he is subject, his other property goes to the Crown, his right of occupancy shall be extinguished."

† *See* on this point the protest recorded by the Patna Conference against the statement made in the late Rai Kristo Das Pal's dissent that it is the landlord who improves. See also the similar remarks of the Collector of Backergunge.

25. Transferability of occupancy rights. Unobjectionable in execution of decree for arrears of rent.—The great question of the free transferability of occupancy rights has attracted the widest public attention; and in approaching the consideration of it here, the Lieutenant-Governor proposes to discuss with it the question of pre-emption. Both questions are intimately connected, and it will be convenient to deal with them together. It is also to be understood that the following remarks apply only to transfers by private sale or for debt. The Lieutenant-Governor, and nearly all his officers, accept the decision that occupancy rights throughout these Provinces shall be saleable for their own arrears of rent, the occupancy ryot being no longer liable to ejectment for such arrears.

History of the proposal to make occupancy rights transferable.—It will be in the remembrance of the Government of India that, in my letter of 27th September 1883, Mr. Rivers Thompson, on a review of the evidence then available, pronounced in favour of a general recognition of the right to transfer, subject to the landlord's privilege of pre-emption. Since then a large mass of statistics, to which I am presently to refer, has been collected from all the civil courts and registration offices throughout the Province; while important contributions to our information on the subject have been made by judicial and executive officers of every grade in the service, as well as by private gentlemen interested in land. On the value of this mass of evidence the Government of India will form their own estimate, but I am to say that, in the opinion of the Lieutenant-Governor, this evidence, while indicating the necessity for caution in dealing with the Province of Behar, vindicates in all other respects the general correctness of the view which he has already expressed upon this subject. This view is that if by any limitation or legal provision the limitation of the occupancy right to actual cultivators could be secured, most, if not all, of the objections to free transfers would be removed.

It is within the knowledge of the Government of India that in an early stage of the discussion on the amendment of the Bengal Tenancy Law, the proposal to make occupancy rights freely transferable was considered by the Behar Rent Committee and negatived. The opinion of the majority of that Committee, however, was that if occupancy right could not be safely rendered transferable by sale or purchase, occupancy ryots should, at all events, have the power of subletting their holdings. The necessity under the circumstances of the time of conferring on the ryot some legal power of turning his interest in his holding to more use than is safe under the existing law was recognized, and the method of subletting seemed to the Committee least likely to result in injury to the ryot through his improvidence.

That, however, was not the view which commended itself to the Rent Commission, who, on this point, adopted the arguments urged by Mr. Justice Field in the appendix to his Digest. Subletting, in the Commission's opinion, was as far as the expropriation of the owner went, an effective substitute for sale, while by depressing the industry of the actual cultivator of the soil and by depriving him of all motive for thrift, it produced grave evils from which free sale was held to be free. The Commission accordingly in section 20 of their Draft Bill recognized sale by private contract and in execution of a decree for arrear of rent, while by prohibiting mortgages and consequently sales in execution of decrees for debt, they aimed a blow at the money-lender and at the system of subletting—a system which the Behar Committee would have recognized.

The Commission's proposals were not accepted in their entirety by Sir Ashley Eden, who held (reasonably as Mr. Rivers Thompson thinks) that mortgages were often better for the raiyat than sale, and who thought that, in view of the provisions of section 19, clause (3) of his Bill which gave the landlord a veto on the sale if the purchaser were not resident in the vendor's village, the fullest freedom of transfer might be allowed. Sir Ashley Eden's views, as embodied in sections 19-21 of his Bill, were not adopted by the Government of India without change; the change being in one way opposed to, and in another way in favour of, the ryots' interests. The change was opposed to the ryots' interests, inasmuch as under Sir Ashley Eden's Bill transferability among the resident ryots of a "village" was altogether free. It was subject to no veto, and to no right of pre-emption on the landlord's part. On the other hand, the change was in favour of the ryots' interests, in so far as by removing the restrictions of place and class of purchasers, it opened a wider market for the sale of the occupancy right. It must be added, however, that, in the opinion of many competent judges, the benefits of the wider market were neutralized by the very complex pre-emption provisions of the Bill, as introduced in Council in March 1883.

Such was the state of this question when Mr. Rivers Thompson was called on to deal with it last year. He approved of the recognition of free sale in

Bengal, and he also accepted the principle as regards Behar, though not so unreservedly. He admitted that the intrusion of the money-lender was undesirable; but he believed that such intrusion was not always a practical danger, as the British Indian Association itself had admitted, while it might, when dangerous, be guarded against, or its effects minimized. Granting this to be possible, the Lieutenant-Governor was satisfied that the recognition of the right of transfer would create a direct interest in the improvement of the soil, would stimulate cultivation, would tend to establish a substantial peasant proprietary, would give a valid security for the realization of the landlord's rent, and, by increasing the marketable value of the land, would lower the rate of interest when the raiyat had to borrow.

Objection to the provisions of the Bill on the subject of transferability of occupancy rights.—But, as I have stated, this adhesion on the Lieutenant-Governor's part to the principle of free sale was not an unqualified adhesion. It was conditional on the acceptance of certain safeguards. Admitting as a theoretical proposition that the free right of transfer was desirable, Mr. Rivers Thompson was careful to make such recommendations as on the evidence then before him seemed necessary to safeguard the gift from proving a fatal one to the raiyat or a hurtful one to the zemindar. The chief, if indeed not the only, evil to be feared from the unrestricted right of transfer was the expropriation of the raiyat by the money-lender. As remedies, the "convertible tenureholder" (section 37 of the Bill) was created, and the pre-emption sections (32-36) were reproduced in, it was thought, a simpler and more workable form. These supposed safeguards have now been subjected to searching criticisms, which the Lieutenant-Governor must admit they have not satisfactorily withstood.

26. During the last few months, various representations deserving of all respect have reached the Lieutenant-Governor as to the danger of recognizing in the Bill the free sale of occupancy rights. Far better, it was said, not to interfere in a matter where mistaken interference might produce disastrous consequences of great magnitude. Better, it was said, to allow things to take their course, and permit custom to mature and crystallize. Certain inconveniences might possibly be felt from the uncertainty as to title, but in time these would wear off, and perhaps facilitate legislation; meanwhile it was better to bear those ills we have than to incur the risks of greater evil.

On the other hand, very weighty arguments were pressed to the opposite effect. It was urged that the free sale of occupancy rights was an established and growing fact all over Bengal; that while it had nowhere produced any evil consequence (the case of the Sonthal-Pergunnahs cited on the other side not having been yet admitted to be a case in point by this Government), agricultural prosperity had invariably attended its establishment, and lagged behind where it was still unacknowledged. Finally it was urged that things had now reached that pass that action was necessary in order to quiet titles and give formal sanction to a custom which had done nothing but good throughout the more advanced districts of Bengal Proper.

General character of local opinions on the subject of transferability of occupancy rights.—In the papers now submitted to the Government of India, the same conflict of argument and feeling is apparent. There is the absence of objection to complete freedom of transfer on the part of officers in the advanced metropolitan and in the Eastern deltaic divisions. There is hesitancy in Northern Bengal, where, however, the prevalence of the custom of unrestricted sale is admitted, but doubts are entertained as to the effect of its formal recognition by the law. Lastly, there is open hostility to the proposal on the part of Behar executive officers. They fear that the provisions of the Bill may deprive raiyats of their land; in fact may bring about in the Patna Division all the evils which the Bombay survey and settlement system is popularly, even if ignorantly, credited with having caused in the Deccan. On the other hand, the judicial officers in the Patna Division are disposed to recognize transferability if it could be restricted to actual cultivators of the soil—a result towards which no practical solution has hitherto been suggested.

27. The Lieutenant-Governor need hardly say that he has weighed these conflicting views with all the care and attention which the gravity of the case demands. He has sought, not unsuccessfully, for evidence on every point of importance; and he has been ready to consider all proposals which, by way of reasonable adjustment, seemed calculated to preserve to each party their substantial rights while admitting of mutual concession. It will be in the recollection of the Government of India that in the earlier stages of these discussions the landlords denied that free sale did exist in any portion of these Provinces. The correctness of that assertion was challenged in my letter of the 27th September last, and statistics adduced from the records of the Civil Courts and the registration offices to establish that, as a matter of fact, occupancy rights were sold more or less freely in every district in Bengal. Those statistics exposed the fallacy of the objections that had been raised regarding the existence and prevalence of the custom of free sale; but their significance was questioned by the landlords on one material point. It was said that the sales exhibited in them were dependent on the landlord's consent. This was a new contention, and, if it were true, then obviously free sale was not prevalent in Bengal in the sense this Government had assumed. Further enquiries were therefore necessary. These enquiries have now been made, and, as the Government of India will perceive from the papers submitted, they have resulted in establishing, beyond further dispute, the position for which the Lieutenant-Governor has contended. It can no longer be doubted that wherever throughout these Provinces the custom of free sale is well established, there occupancy rights are bought and sold without interference on the part of the zemindar. The utmost extent to which interference proceeds is the levy of a fee when the purchaser's name is registered (which it often is not) in the landlord's *sherista*.

But in addition to solving the doubts which had been raised on this point of the landlord's consent to transfers—a point which had an essential bearing on the subject of pre-emption—the Lieutenant-Governor also thought it right to obtain, for the information of the Government of India and the public, as full and precise information as the purpose required, of the extent and progress in recent years of transfers of *ryotti* holdings, whether by private sale or in execution of decrees throughout these Provinces. The statistics thus collected will be found as appendices to this letter. They furnish all the information on the subject that it is within the reach of this Government to procure.

Statistical evidence as to prevalence of transferability of occupancy rights.—With Appendices I and III—transfers of holdings at fixed rates—the Lieutenant-Governor is not on this occasion concerned. No doubt as to the transferability of such holdings has, as far as he knows, been seriously suggested, and therefore the question does not come within the immediate scope of this discussion. It is with Appendices II and IV that we are chiefly concerned, and the latter of these statements is thus far significant that, while it shows a progressive increase in the number of transfers,* the price per holding is very low. At private sales, on the other hand, the price fetched is high as evidenced by Appendix II. No doubt one has to pay more for a clear title than for a doubtful one; but still it would seem that, as Mr. Reily, Manager of the Chanchal Ward's Estate, thinks, sales of occupancy rights anywhere except in the immediate neighbourhood of the holding itself, usually bring less than the market price. This fact may be turned to account with reference to Chapter XV of the Bill.

* This increase will be more marked if regard be had to the sale statistics published at page 373, Volume II of the Rent Commission's Report. These statistics show that in 1878-79 only 7,764 occupancy holdings were sold in court, while the number has now risen to 11,992.

Turning now to Appendix II, I am in the first place to call attention to the progressive and considerable increase in the number of transactions in every division in Bengal, to the considerable aggregate area annually transferred, to the high multiple of the annual rent for which the holding usually sells, and to the small number of purchasers recorded as money-lenders compared with the number recorded as ryots. In regard to the last point, it has been argued that no conclusion can be drawn regarding the profession of the purchasers, many mahajuns being raiyats, while most well-to-do raiyats lend money. There is no

doubt truth in this; the accuracy of the return is probably vitiated by cross-divisions of the sort. Still the main fact appears that transfers of occupancy holdings are chiefly made to cultivating raiyats. And as far as Bengal Proper is concerned, the great weight of evidence in the papers now submitted to the Government of India is to the same effect, that hitherto the operation of free sale has not been to throw into the hands of money-lenders, unconnected with cultivation, any disproportionate share of *ryotti* land.

28. Lieutenant-Governor's conclusion to recognize transferability of occupancy rights in Bengal Proper.—But although this has been the general and satisfactory effect of the operation of customary transfers, that effect is less marked in some divisions than in others. It is most marked in the Presidency, Rajshahye, Dacca, and Chittagong Divisions, where undoubtedly the position of a raiyat is better than elsewhere. In these Divisions the Lieutenant-Governor has no hesitation in saying that recognition of the free right of transfer, even if unaccompanied by restrictions, would be productive of good. He does not lose sight of the fact that officers connected with the Rajshahye Division think otherwise, and regard the recognition of free sale as likely to throw occupancy holdings into the money-lenders' hands. In those very localities, however, free sale is already established, and if the raiyats are so indebted that they are now the money-lenders' slaves in all but the name, the Lieutenant-Governor hardly thinks that the name will be changed by the operation of this Bill. In the sequel the Lieutenant-Governor will make certain proposals which will place in the landlord's own hands the power of preventing the money-lenders' intrusion.

In the Burdwan Division the statistics seem to indicate encroachments on the side of the mahajun; but the Lieutenant-Governor is willing to accept the assurance of the Burdwan Conference, and of all the judicial officers of that Division who were consulted, that no real danger to the raiyats is to be apprehended by the recognition of that which is, in point of fact, the established custom. The high value of the occupancy right and the general condition of the people support this view, which accordingly Mr. Rivers Thompson accepts, subject to limitations to be stated in the sequel.

29. Condition of transferability of occupancy rights in Behar.—Coming now to Behar (which term includes the Patna Division and the districts of Bhagulpore and Monghyr of the Bhagulpore Division), I am at once to say that the Lieutenant-Governor finds himself in the presence of a very different state of things from that prevailing in Bengal Proper. Whether the standard be the number of transactions effected or the area of land transferred, it must be confessed that free sale of occupancy rights has as yet not taken in Behar the root that it has taken in Bengal Proper. That free sale does exist in, and for many years has to some extent existed in, the Behar districts is true; and that the custom is increasing is undisputable. But it must not be overlooked that the number of transactions, which even now is small for such a population, has only risen to anything like an important figure within the last two years, when these Rent Bill discussions may conceivably have influenced the movement; while the total area of land transferred by private sale last year (17,255 standard bighas, or 5,752 acres, out of a cultivated area estimated at 13½ millions of acres) is so small as to afford significant proof that, having regard to the views expressed by the Famine Commission as quoted in the margin, free transfers have not become customary throughout the Province of Behar to such an extent as to justify recognition in the Bill. The preceding considerations as to the narrowness of any general custom of free sale in Behar seem also to gain additional support if we have regard to the average area of the holdings transferred. This is a point on which the statistics presented in paragraph 14 of my letter of 27th September last were unavoidably deficient, and on which the Lieutenant-Governor, at the

"Though, on the whole, we regard the general concession of the power of sale of these rights to be expedient and ultimately almost unavoidable, the immediate course to be followed by the Government must, no doubt, be, to a great extent, governed by local custom. Where the custom has grown up, and the tenants are in the habit of selling or mortgaging their rights in land, it should certainly be recognized by the law; but where it has not, it may be questioned whether the law should move in advance of the feelings and wishes of the people." (Part II, page 120.)

instance of the Select Committee, has now had careful enquiries made. It will be observed that in 1882 the average area of the holding was small in every district except Shahabad (where *guzastas* and occupancy rights are often confounded), and that in 1883 the average continues very low in the North Ganges districts. This fact suggests a doubt whether in the majority of cases the free sale now existing in Behar is transfers of entire holdings or only of parts of holdings. Possibly many of those transfers may not be transfers of entire holdings which the law proposes to recognize, but transfers of portions of holdings which, by section 97, the Bill prohibits. This doubt borrows confirmation from the Report of the Patna Conference (paragraph 15), which is decidedly opposed to the formal recognition by the law of the right of free transfer in that Division.

30. Lieutenant-Governor's conclusion to leave transferability of occupancy rights in Behar to custom.—In the face of these facts, and of this expression of local opinion, and having regard to the views expressed by the Famine Commission as quoted above, the Lieutenant-Governor no longer recommends the recognition in the Bill of the right of free transfer of occupancy rights in Behar. When recommending the recognition of free transfer in Behar last year, the Lieutenant-Governor, in order to check possible evil effects, proposed to make the operation of the provision "the subject of watchful supervision." A more full and thorough examination of the question has now satisfied Behar officers (whose opinions on most other essential portions of this Bill enquiry and examination have only tended to strengthen and confirm) that the recognition of the right of free transfer would be at best a measure of uncertain tendency, and, therefore, under the circumstances, not a wise measure to adopt. On the other hand, further enquiry has elicited the fact that the registration statistics, instead of being significant of a quickly extending custom as was thought last year, indicate that, although the custom obtains to a limited extent, it can by no means be said to affect largely the agrarian economy of the Province. This being so, the Lieutenant-Governor recommends that free transfers by private sale in Behar should not be recognized; but that the circumstances of that Province be, for the present, provided for by adding to section 217 a second illustration of the nature noted in the margin, and by excluding Behar from the operation of section 31 (*f*).

"The custom that occupancy rights are transferable by sale or bequest is not inconsistent with, and is not expressly, or by necessary implication, abolished by, this Act. That custom, therefore, wherever it exists, will not be affected by this Act."

31. Reservation of Power to extend transferability.—This Bill is not intended to apply *suo vigore* to Orissa or Chota Nagpore, or the scheduled districts (a fact which has been kept out of sight in the efforts made to excite the tea interests against it); but if the time comes for extending its provisions, or any portion of them, to those localities, and it be then found that the custom of free sale has not made more progress there than now appears to be the case, those regions may be appropriately treated, as, in the Lieutenant-Governor's opinion, Behar should be treated now. It is also a question whether power should be reserved for the Local Government to extend the provisions for free transfer to Behar, when the custom in that Province shall have further grown, or whether that power should be reserved to the Legislature. The latter course would save the Local Government from the pressure which might be brought to bear on it to recognize free sale. The point, however, is one on which the Lieutenant-Governor does not propose, in the present communication, to offer a decided opinion.

32. Limitation on transfers of occupancy rights in Bengal Proper. Substitute for pre-emption clauses of the Bill.— In now submitting to the Government of India the proposal as to the limitation which may be imposed on the free transfers of occupancy rights in Bengal Proper, I am to premise that on the evidence this limitation is in the nature of a concession to the zemindars, which they do not enjoy at present, and which is *pro tanto* calculated to diminish the value of existing occupancy rights. When, therefore, in the course of this letter, proposals are made to safeguard raiyats' interests where they are now insufficiently protected, the concessions made to the zemindars in the high-

ly important matter of transferability, as well as in the no less important matter of the 20 years' presumption, should not be lost sight of.

Mr. Rivers Thompson starts from the principle that if by any definition or legal provision the limitation of the occupancy right to the actual cultivators could be secured, the free right of transfer would by common consent be unobjectionable. This was the principle to which Sir Ashley Eden sought to give effect in section 21 of his Bill. Holding that no one ought to have a more lively interest in the raiyats' welfare than their landlord, and that none could have more local knowledge, Sir Ashley Eden proposed, as has been already stated, to utilize that interest and experience by giving the landlord a veto on sales to other than resident raiyats of the vendor's village. To that proposal there are two objections—one from each side. The objection from the landlord's point of view is that the right of veto does not enable him, if he so wishes, to exclude the *mahajun* resident in the vendor's village, while from the raiyat's point of view the fault is that the proposal narrows the market and consequently depreciates the price. It would seem, however, that both objections disappear if the raiyat's right to sell to any one be recognized subject to a veto on the landlord's part if the sale be made to a person who does not depend on agriculture as a raiyat for his chief means of subsistence and income. The wishes of the landlords in excluding money-lenders will thus be met, a larger market will be secured to the raiyat, and the pre-emption provisions of the Bill, to which most officers object, will be got rid of.

33. Objections to pre-emption clauses of the Bill.—The pre-emption clauses of the Bill meet, as the Government of India will observe, with no approval, and it is in the Lieutenant-Governor's opinion essential that they should be abandoned. The evidence submitted is conclusive on the point that as a general rule occupancy rights are now freely saleable in Bengal without any interference on the zemindar's part. To introduce the novel light of pre-emption therefore would very seriously depreciate the value of well-established occupancy interests. This seems to Mr. Rivers Thompson to be on the papers indisputable; while, even if that objection could be overcome, there is a consensus of opinion that the difficulties in working the procedure of the Bill as regards the pre-emption clauses are almost insuperable. As the Collector of Backergunge says, "a raiyat seldom sells his land except under sudden and pressing necessity. To give the landlord the right of pre-emption under such circumstances, and to compel the vendor to comply with the dilatory procedure laid down in section 32, would be virtually to stop the sale when the necessity is pressing."

Abandonment of pre-emption clauses of Bill recommended in cases of private transfers and gifts. Modification of the clauses in case of execution-sales.—The Lieutenant-Governor, accepting these views, recommends the abandonment of the pre-emption clauses of the Bill. He does this all the more willingly that he has no doubt the proposals, which he will now proceed to develop further, will give to the raiyat as large a market as seems necessary, will render needless the novel right of pre-emption in private transfers which the Maharajah of Durbhunga has declared to be a "phantom right," and Rai Kristo Das Pal to be "shadowy," which does not now exist, and which, if indroduced, would be cumbrous, if not unworkable. In place of such provisions, which all unite in condemning, the Lieutenant-Governor would substitute the simple provision, referred to in the preceding paragraph, which will effectively secure the position and prestige of the landlord, and make him, should he wish to exercise his power, the guardian of his raiyats' interests. In regard to sales in execution of decree, the landlord's right of pre-emption at the highest bid offered seems unobjectionable; an opportunity might be given him to exercise it by providing for the timely service of notice on him of the day fixed for the sale. In regard to gifts, the Lieutenant-Governor would remove the necessity for pre-emption by limiting gifts to the donor's family, and then giving no right of pre-emption at all.

Modus operandi of substitute for pre-emption clauses of the Bill.—The details of this plan the Lieutenant-Governor would work out in the same

way as in the case of tranfers of tenures. There need be no notice to the landlord of intention to sell, and consequently none of that initial delay which would in many cases frustrate the object of free transfer altogether. On registration of the deed-of-sale (to be made in all cases compulsory) the registering officer will recover a fee for service of notice of the sale on the landlord. The Lieutenant-Governor also would not object to the levy of a registration fee payable to the landlord. To the landlord would be given (say) a month to question the sale before the District Registrar or Collector (as execution of deeds is now challenged) on the ground that the transfer is of the kind prohibited by the Act. Should the landlords's objections seem valid to the Registrar, he will refer the parties to the Civil Court having jurisdiction, whose order may well be rendered final as the matter for decision is either a simple matter of fact, or of such inference as Civil Courts are already in the constant habit of dealing with. Should the objections seem to the Registrar untenable, he will overrule them, leaving the landlord, if he pleases, to his civil remedy as in the previous case. Such a plan as this seems to the Lieutenant-Governor calculated to secure most of the advantages of free sale with the minimum of risk. Parties will soon come to understand such a simple law, and if it be proposed to sell to a non-agriculturist, the landlord's previous consent will in all likelihood be applied for to avoid subsequent difficulty. At all events the plan departs no further from existing custom than the circumstances seem to require; it does away with the pre-emption sections, which by common consent are unworkable; and, under it, it will be the landlords' own fault if transfers are not restricted to the agricultural population, to which they are not unwilling to concede the right.

Such, then, is the scheme in regard to transferability which the Lieutenant-Governor commends to the consideration of the Governor-General in Council. Broadly speaking, the scheme consists of the recognition of transferability in Bengal Proper (but not in Behar) subject to the landlord's veto if the purchaser be of the objectionable class of money-lenders whom landlords desire to exclude from possessing land. To enable the landlord to exercise his veto, notice of the sale must be given him, and he may then, within a reasonable period, object to it on the ground of the purchaser being a person not relying on agriculture for his chief subsistence and income. If the objection seem to the Registrar untenable, the sale will be confirmed. If the objection be established, the sale will not be registered; but in this, as in the preceding case, the parties will be left to their civil remedy.

The scheme thus briefly summarized comes before the Government of India supported by the weight of evidence which accompanies these papers. It meets the noteworthy objections of the zemindars, and it enables us to dispense with those pre-emption clauses of the Bill which were not only cumbrous but novel, and calculated to depreciate the value of existing rights. It might be urged by those who advocate free sale in Behar that, as the plan now stated affords to the zemindars an effective means of preventing the intrusion of money-lenders, it might with safety be applied to that Province also. The idea is specious; but having regard to the fact that the subdivision of property in Behar has gone to very great lengths; that the process is still in active operation; that all landlords in Behar, except the largest, are needy; that mahajuns have money to lend; that the practice of private transfers, though existing for a long time, is still limited in character and extent; and, lastly, that, on full deliberation, local opinion is against the recognition of free transfer at present, Mr. Rivers Thompson finally adheres to the opinion already expressed on this point.

34. Subletting. The Convertible Tenureholder.—Restrictions on subletting next demand attention, and in this connection the Lieutenant-Governor thinks it convenient to discuss also the question of the under-raiyat (Chapter VII). Both provisions of the Bill, which are, after all, only phases of a single question, have engaged the Lieutenant-Governor's serious

attention, and he finds, with regret, that the method suggested by him for dealing with them has not been received with favour. There is a general agreement among the officers who have been consulted that section 37* is unworkable.

* If the portion of his holding sublet by an occupancy raiyat exceeds more than half his holding, he shall, on being registered in a public register as a tenureholder under any Act which may be passed for the registration of any tenureholder, be deemed to have become a tenureholder within the meaning of this Act.

The conception of the "convertible tenureholder" is not indeed open to many of the strictures passed upon it, and it will be observed that the Commissioner of Chittagong finds it not inappropriate to the circumstance of his Division. Still it must be admitted that as the Bill is drafted its efficacy entirely depended on registration. The Lieutenant-Governor quite accepted the necessity of not subjecting any tenure to the summary sale procedure unless previously registered. But he thought it possible that in each case the judicial proceedings might determine the character of the holding, and that, if it proved to be a tenure, it might then be registered and afterwards sold in execution of the decree. Conversion by registration and by decree of court as cases came up might, in his opinion, have proceeded simultaneously, pending that fuller knowledge of agricultural facts, and that more perfect basis for the operation of the section, which, in Behar at all events, the survey will secure. And if in districts where no survey is to be made immediately, co-operation of landlords and under-raiyats against the subletting occupancy raiyat did not in a self-acting way emerge from the Bill as it stands, it would probably have been secured by allowing the landlord to levy a fee on the conversion. The interest of the landlord in the success of the scheme would thus have been attained, while the under-raiyat would have gained, if not an occupancy right, at all events the non-occupancy *status*, possibly at a beneficial rent. Such considerations as these, coupled with the belief that if there be no such provision as section 37 in the Bill but little practical good can be obtained for the under-raiyat, predisposed the Lieutenant-Governor personally in favour of the provision. Besides, the question in its relation to subletting has not been as fully considered as the Lieutenant-Governor had expected. As, however, there is an agreement among the officers consulted against the retention of the section, and as the point is not of the first importance, the Lieutenant-Governor agrees to the omission of the section from the Bill. The presumption in section 3 (5) already dealt with may, perhaps, tend to the same end as section 37.

35. Checks on subleting. The under-raiyat.—If, then, section 37 goes out of the Bill, it seems to the Lieutenant-Governor that there is really nothing for it but to let the under-raiyat unprotected make the best fight he can, or to restore in his case the gross produce limit of section 119 of the original Bill. He believes that something should be done for the under-raiyat, and therefore he recommends the omission of section 62 (limiting the rent of the under-raiyat to 50 per cent. increase on the head rent if he hold under registered lease, and to 25 per cent. otherwise). The good that provision could do is very slight, for it can be easily evaded. There are large classes of occupancy raiyats, such as the *guzastadars* of Shahabad, holding at low fixed rates, who habitually sublet portions of their holdings at rents which are often double or treble the rents which they themselves pay. It profits the under-raiyat to cultivate even at such high rents; and any law which would run counter to an arrangement mutually beneficial to the lessor and lessee would be either evaded or would work injuriously to the interests of the community. This objection does not hold against the gross produce limitation, for it is wide enough to allow free play to the interests of all parties.

There is, then, no resource left but to let the under-raiyat alone, or to restore section 119 of the original Bill, limiting the rent to the value of five-sixteenths of the gross produce. Mr. Rivers Thompson does not abandon the hope that the gross produce limits on rents may be restored to this Bill. The circumstances under which he acquiesced in their removal will have changed, if the Lieutenant-Governor's new proposal is accepted to abandon the limitations which the Bill imposed on enhancements of rent owing to a rise in prices. Under that scheme gross produce limits need run no risk of

being worked up to in the case of occupancy rents, and made the measure of rent in practice. These are points which I am to discuss with fullness later on. Here I am very earnestly to press on the Government of India the revival of the gross produce limit of section 119 of the original Bill in case of the under-raiyat in substitution for section 62. Such a limit on *khurfa* rents would probably work itself in course of time into the mutual relations of the people. It is in accordance with their traditions. There will then be some resource left the under-raiyat; some practical standard to which he could appeal, and which the village punchayet's authority and sense of justice might in time enforce. At present there is practically none.

36. Enhancement by suit of the rents of occupancy raiyats.—Passing on now to enhancement of occupancy raiyats' rents, the Lieutenant-Governor thinks it convenient to deal with enhancement by suit (sections 44-50) before considering the question of enhancement by private agreement (section 41).

The law for the enhancement of occupancy rents by suit, now in force in these Provinces, is contained in section 18, Act VIII (B.C.) of 1869. Briefly stated the grounds of enhancement are (*a*) the prevailing rate; (*b*) a rise in prices; (*c*) increased productiveness of the soil not at the raiyat's expense; and (*d*) excess area. In these grounds of enhancement the Bill makes one (chiefly) formal and one substantial change.* The formal change is the transfer from the enhancement sections to a different connection (Chapter VIII, general provisions as to rent) of the last ground (*d*); and the substantial change is the limitation of the third ground (*c*) of enhancement to increased productiveness brought about by the landlord or by fluvial action. The Bill, indeed, greatly facilitates the operation of the third, and in a still more marked degree of the second, ground of enhancement; but in those grounds of enhancement themselves no further change has been made.

* *Section 43* (*a*)—That the rate of rent paid by the raiyat is below the prevailing rate payable by occupancy raiyats for land of a similar description and with similar advantages in the vicinity.

(*b*)—That there has been a rise in the average prices of staple food-crops in the locality or at the usual markets.

(*c*)—That the productive powers of the land held by the raiyat have been increased by an improvement effected by, or at the expense of, the landlord.

(*d*)—That the productive powers of the land held by the raiyat have been increased by fluvial action.

37. On the ground of excess area.—To the formal change—the transfer of point (*d*) above to a new connection—the Lieutenant-Governor makes no objection. He thinks, indeed, that it may serve to obviate some doubt and misapprehension as to the justice of assessing excess area. Mr. Rivers Thompson also takes no exception to the new garb which the provision assumes in section 66 of the Bill, although he notes that the Legal Remembrancer to this Government prefers the present hard-and-fast rule as calculated to prevent litigation. Only on one point would the Lieutenant-Governor wish for any change, namely, the clearer recognition of the tenant's reciprocal right to a reduction when the measurement shows him to be holding less land than the stated area of his holding.

38. On the ground of increased productiveness.—The Lieutenant-Governor also agrees in the more substantial change introduced into the third ground so far as it goes. The difficulty of proving an increase in the productiveness of the soil due to natural agency is admitted on all hands to have been insuperable, and this ground of enhancement has only been fruitful in disputes between landlord and tenant, without benefit to the landlord. The evidence in favour of the change in the law which the Bill proposes is thus conclusive. As the Eastern Bengal Landholders' Association say in their notes on the Bill, "enhancement on the ground of the increase of the productive powers of the land has always been found under the old and existing law to be the most unworkable of the provisions relating to enhancement."

39. On the ground of fluvial action. Objections.—But while the Lieutenant-Governor thus approves of the principle of exclusion adopted in the Bill, he fears that it will *pro tanto* be neutralized or vitiated by the recognition of enhancement on account of fluvial action. As far as Mr. Rivers Thompson

understands, this exception was made to provide for enhancement of rents in alluvial tracts which are fertilized by periodic deposits of silt brought down by the great rivers which water Bengal. It has, however, been pointed out that, as the clause stands, it would justify claims for enhancement over those vast areas which are not riparian or alluvial, but still are inundated in years of heavy rainfall, when rivers overflow their channels or burst through their embankments. In the Lieutenant-Governor's belief this was not the intention of the Select Committee in framing the clause; yet, as the provision stands, such inundations as those referred to, which only fertilize the land for one harvest at the expense of another, may be made the ground for claims to enhanced rent. In the Lieutenant-Governor's opinion such claims should certainly be inadmissible; and this consideration at once raises the question whether, in point of fact, it is either practicable or desirable that fluvial action should be retained at all as a ground of enhancement by suit in the Bill.

In his opinion, enhancement on the ground of fluvial action is not only impracticable, but also unnecessary. The land exposed to river action of the kind contemplated by the section must be either land which, though fully formed, is not above flood-level, or land in process of formation. If the latter, the idea embodied in section 213 (on which, however, the Lieutenant-Governor will afterwards have a few words to say) applies, and no suit for enhancement under this chapter would lie. The question would be one for private contract between landlord and tenant. If the lands be fully formed, though not above flood-level, their greater or less productiveness depends wholly on the character of the monsoon. If there be a good monsoon, there will be a good inundation, and a fertilizing deposit of silt. If the monsoon be bad, inundations are low; and the productiveness of these lands suffers. But it is obvious that no principle of permanent increase of rent can be fairly based on the continuance of good monsoons. Moreover, it is notorious that the increase of rents in chur or dearah lands keeps pace with their increased productiveness, and this practice will continue under section 213 of the Bill, or whatever similar provision may be retained in the Bill. When fully formed such lands pay adequate rents, while their productiveness becomes stationary. As far as rent-paying capacity goes, chur or dearah land thus becomes assimilated to the older formations, and if fluvial action be an inadmissible ground of enhancement in the one case, so should it be in the other. Fluvial action, while it remains a true and reasonable ground for increasing rent, is very fully recognized as such in section 213 of this Bill. Once the land is declared by the Collector to have ceased to be chur or dearah land, it will practically have ceased to derive from inundations increasing productiveness, or a greater capacity to pay rent. It should thenceforward be subjected to no other grounds of enhancement than apply to ordinary uplands. For these reasons I am to recommend that clause (*d*), section 43* and section 47† be omitted from the Bill. The Government of India will observe that the Commissioner of Chittagong and the Orissa Conference, who seem to have paid special attention to the point, agree with the Lieutenant-Governor, while the Patna Conference would greatly modify section 47.

* (*d*)—That the productive powers of the land held by the raiyat have been increased by fluvial action.

† Where an enhancement is claimed on the ground of an increase in productive powers due to fluvial action—

(*a*)—The Court shall not take into account any increase which is merely temporary or casual.

(*b*)—The enhanced rent shall not exceed the previous rent by more than four annas on the rupee.

(*c*)—The Court may enhance the rent to such an amount as it may deem fair and equitable, but not so as to give the landlord more than one-half of the value of the net increase in the produce of the land.

40. On the ground of "prevailing rate," Objections.—I now come to the subject of enhancement on the ground of the prevailing rate—in the Lieutenant-Governor's opinion the most objectionable provision of the Bill. In dealing in the sequel with the subject of the non-occupancy raiyat, I am to express Mr. Rivers Thompson's belief that, subject only to the gross produce limit on rents, if that be re-introduced into the Bill, as he trusts it may be, and subject to the stipulations to be made in connection with the settlement and Tables of Rates' Chapters, it is impracticable to save the *initial* rents of non-occupancy raiyats from the effects of free competition, except by provisions

of such delicate mechanism as to invite failure in practice. The Lieutenant-Governor has, therefore, on a very careful review of this part of the Bill, and the discussions which have passed on it, resolved to withdraw from the position he has hitherto maintained in regard to the *initial* rents of non-occupancy raiyats, and to look to other means for securing that equality of occupancy and non-occupany rates which is such a necessary safeguard to agricultural prosperity in Bengal. As an inevitable consequence of this decision, and subject to the gross produce limit noticed above, the check (section 42), if check it can be called, on the *initial* rate at which even the occupancy or settled raiyat is let into possession of fresh land must also be withdrawn. With non-occupancy raiyats (or for the matter of that, with occupancy raiyats) in the market, it would be clearly useless to provide that the settled raiyat "shall not be bound to pay for land any higher rent than that which was paid for it by the previous tenant." Apart from the possibility that a previous tenant may have been paying a rack-rent, to make such a provision as that effective, the non-occupancy raiyat must be prevented from bidding above the prescribed rate, and the landlord must be compelled to let the land at that rate to a settled raiyat, possibly chosen out of several competitors. Both propositions are utterly impracticable.

Necessity for protecting occupancy rates.—Appreciating, as the Government of India no doubt will do, the reluctance with which the Lieutenant-Governor has thus resolved to trust to indirect means for the important result of securing that equality of rates which he had desired to secure by direct means, they will the more clearly understand how vitally important is the principle that competition should not, by any provision of this Bill, be brought to bear on established occupancy rents. But competition will practically be brought to bear on occupancy rents by freeing the initial rent of fresh land from control, while the "prevailing rate" is retained as a ground of enhancement. If fixity of tenure be a necessity of agricultural progress, fair rents are no less so. But fixity of tenure is a conception incompatible with competition leading to rack-rent. If, therefore, the initial non-occupancy rent, and if occupancy rents for fresh lands, are to be competitive, as the Lieutenant-Governor, with the reservation mentioned, agrees to their being—if landlords are to have that power which in the Report of the Patna Conference (page 38) some of them declare they will exercise, of asking from the non-occupancy raiyat any rent they please,—it becomes absolutely essential that occupancy rents should be protected; otherwise this Bill will become an irresistible means for rack-renting—a contingency which, in those portions of the Province where rents are already too high, especially in Behar, cannot be regarded without apprehension. The "prevailing rate" deprives the occupancy raiyat of protection, and for this reason the Lieutenant-Governor—herein supported by a great weight of authority, judicial and executive—must respectfully press for the withdrawal of this ground of enhancement in the Bill.

In the early stages of this discussion, it was undoubtedly the fact that the question of "fair rents" did not attract as much attention as questions of fixity of tenure and methods of recovering rents. In truth it may be said that the interference of Government in the measure was accentuated by the tendency of the zemindar to destroy occupancy rights by "shifting" processes. When the question of fixity of tenure, as represented by the consolidation and extension of the occupancy right, had somewhat passed out of the dominion of the discussion into that of accepted necessity, it was recognized that fixity of tenure without fair rents would be valueless. Therefore the question of fair rents became at once prominent. When it was afterwards ascertained that Tables of Rates were not very practicable, and that the Select Committee, while rejecting the gross produce limit on rents, had also practically left non-occupancy rents to competition, the enormous importance of the "prevailing rate" ground of enhancement became at once apparent. It had, indeed, been previously known that, owing to the impracticability of enhancement on the rule of proportion, landlords were largely having recourse to the "prevailing rate." It was also known that this ground of enhancement was being abused. The "prevailing rate," however, was stated to have anti-

quity in its favour, though those conversant with its origin as a spurious substitute for the "pergunnah rate" in Regulation V, 1812, knew that to be an error. They knew, too, that the substitute had operated in exactly the contrary direction to that intended by its framer, Mr. Colebrooke. All this caused greater attention to be paid to this ground of enhancement, with the result that this Government on mature deliberation resolved to oppose its retention in the Bill. Further consideration of the question has only served to strengthen that resolve. There can, the Lieutenant-Governor believes, be no longer any doubt that the retention of the prevailing rate as a ground of enhancement is unjust and fraught with the utmost danger to occupancy raiyats, who form the vast mass of the peasantry in Bengal.

Weight of local opinion against "prevailing rate."—In paragraph 9 of my circular letter No. 3T—R of the 24th of May, the attention of officers, executive and judicial, and of public associations, was called to the question of the "prevailing rate." This invitation has elicited a weighty expression of well-informed opinion, judicial as well as executive, against the retention of this ground of enhancement in the Bill. The Conferences which support the retention of the rule are Burdwan, Rajshahye, Bhaugulpore and the Presidency. With reference to the first, it will be remarked from their 39th paragraph that they admit the non-existence of a "prevailing rate," but express belief that it would not be difficult to "ascertain a fair and generally existing *average* of rents for various classes of soil." On the other hand, in their 96th paragraph, they declare that it "would be impracticable to form Tables of Rates which would have any real value or represent actual facts." It is hardly necessary to point out that these two statements are contradictory, for the formation of a Table of Rates is nothing more than the establishment of fair averages for soil classes.

Then a majority of the Rajshahye Conference say that the abolition of the rate would be unjust to the zemindars, as the ground is "the only easy one to prove." They nowhere, however, assert that a prevailing rate exists, while, like the Burdwan Conference, they admit that, "excepting a few special localities under very different circumstances from the greater part of the country, no Table of Rates could be framed that would be of real use, and that ought to be used." Moreover, they add the significant remark: "The rates for the same qualities of land held by the same class vary in contiguous estates owing to the zemindar being rich and lenient [and the others being] poor and exacting or pressed by family marriages and law-suits." No stronger admission than this could, in the Lieutenant-Governor's opinion, be made of the non-existence of "prevailing" rates throughout the Rajshahye Division, while the provision in the Bill of an easily workable plan of enhancement removes the Rajshahye Conference's only argument in favour of retaining the Bill as it stands.

The fact is that the only definite statements in favour of this provision of the Bill are to be found in the reports of the Presidency and Bhagulpore Conferences. It is "the belief" of the Bhagulpore Conference that "a prevailing rate can generally be discovered in this part of the country, if not for a whole pergunnah, at least limited to villages or groups of villages in the same estate;" but that belief is unsupported by any fact, while it is admitted in the 13th paragraph of the same report that the retention of this provision of the Bill is calculated to injure the class of occupancy raiyats. The Presidency Conference assert that it is "the experience of all who have had to deal with settlements that such rates prevail over moderate areas." Yet that is a statement on which the zemindars themselves have not ventured, and which the Lieutenant-Governor must pronounce to be either incorrect or misleading. If by it is meant that settlement proceedings satisfactorily show prevailing rates to exist in zemindaris contiguous to the tracts under settlement, then it is incorrect. Settlement proceedings are notoriously untrustworthy on the point. If it means that such proceedings show prevailing rates as existing in the estates under settlement, it is misleading. In settlements, lands are classified and rates made—not always, as this Government has reason to know, with success. But it is an obvious fallacy to infer from the discovery of such factitious rates at a subsequent re-settlement

that prevailing rates exist where settlements have not already been made. It is not to be forgotten that the Commissioners and Collectors of the Presidency and Bhagulpore Divisions, where now the possibility of ascertaining a "prevailing rate" is asserted, reported in 1882, after special enquiries instituted in Wards' estates, that no trace of the Pergunnah Rate existed (Bengal Report, 1883, Volume II, Appendix iii).

In the presence of the evidence on the subject, the ground of the prevailing rate is, in the judgment of this Government, no longer defensible. The fact stands proved that if this ground of enhancement were ever legitimate, its legitimacy has passed away; while significant instances have been cited of its fraudulent use. The Eastern Bengal Landholders' Association aver that "what is deemed the prevailing rate in each particular locality is one of the most difficult of questions." The advocate of the rule do not contend—in the face of conclusive proof to the contrary it would be impossible for them to contend—that there is now-a-days a prevailing rate anywhere except in a few isolated tracts where the rate is overlaid and obscured by *abwabs* and cesses of various kinds. But they allege that, although there may not be one uniform rate for any class of land in a village, yet the rents generally payable for any class do approximate more or less to a certain standard. It is to be observed that by this an *average* rate is not meant: an uniform rate underlying the variations, and capable of recognition when the variations are eliminated, is what is stated to exist. Assuming for the moment this statement to be correct, the Lieutenant-Governor could never see what just or logical ground it furnished for enhancing one raiyat's rent up to the level of another's. Since the pergunnah rates which appealed to the rent-paying capacity of all raiyats, and consequently of each raiyat, were destroyed, since rents were increased by zemindars at discretion, and differentiated according to each raiyat's inability to resist, it is difficult to find the reason for making one man's rights the measure of another's. But the statement was never admitted by this Government to be correct. It has been disproved by the special enquiries instituted in 1882-83. If more proof be now wanted of the incorrectness of the statement, it is forthcoming in the ample evidence supplied by these reports of the impracticability of framing Tables of Rates without granting to the officers employed in framing them full powers of interference with existing rents. On this point the reports are accepted as conclusive by the Lieutenant-Governor against the practicability of framing Tables of Rates without seriously altering existing rents. So far they fully support the opinion expressed in Rai Kristo Das Pal's dissent. The inevitable conclusion, therefore, is that if it be impracticable without interference with existing facts, to *construct* a prevailing rate, it is clearly impossible to *discover* one.

To conclude it may be stated that the "prevailing rate" is condemned by the weight of authoritative opinion as illogical, unnecessary, and mischievous. It is illogical, for it regulates a raiyat's liability, not with reference to his own rights, but with reference to rights which it is not his business to maintain. It is unnecessary, for in the provisions for enhancement on the ground of landlord's improvements, rise in prices, and registered contracts, ample facilities are afforded for increase of rents. It is mischievous, for if ever there was any probable foundation for it in the survival of pergunnah rates, that foundation no longer exists; while without any such foundation the rule places the rights of the vast body of cultivators at the mercy (as the Legal Remembrancer says) of the "feeblest, the stupidest, and the most venal of the class."

41. Mr. Dampier's proposed substitute for the "prevailing rate."—In the paper on this question submitted by Mr. Dampier, that experienced officer seeks to reconcile the "prevailing rate" with equity by proposing an amended provision to the effect that rent shall be enchanceable, in the absence of special reasons, when the rent paid by the raiyat is unduly low with reference to the rates of rent which prevail in the *vicinity* as payable by occupancy raiyats for land of a similar description and similar advantages: provided that one recognized rate is established in the *estate* as the prevailing rate of such land. No doubt Mr. Dampier's proposal would avoid

some of the evils of the present law, and if the remarks which I am to make on the question of framing Tables of Rates, and the modifications I am to propose on the subject, induce the Government of India to retain Chapter XI in the Bill, the Lieutenant-Governor would be disposed to accept the amendment, provided (i) that for the word "vicinity," "village or estate" be substituted, and (ii) *that the "established rate" be that framed and promulgated by the Government under Chapter XI.* A prevailing rate thus established would have an approximate relation to the rent-paying capacity of each raiyat. That which is now miscalled the "prevailing rate" has none.

42. Enhancement on ground of rise in prices.—I am now to offer some remarks on clause (*b*) of section 43—enhancement in proportion to a rise in the average prices of staple food-crops in the locality. This ground of enhancement seems to the Lieutenant-Governor to be at the present time fair and legitimate, and he goes the length of saying affords ample compensation to zemindars for the withdrawal of other grounds. No doubt it may be worked with injustice to the raiyat, as Mr. Wilson, Collector of Midnapore, and Mr. Norman, Collector of Mozufferpore, point out; and a rise in prices owing to diminished production or crop failure would obviously be no just gound for an enhancement of rent. There is also need of better administrative arrangements than now exist to procure accurate price-lists. These, however, are difficulties which may be overcome by the courts in the one instance and by the Executive Government in the other; they are objections to the application of the principle, not to the principle itself.

43. Its principle considered.—To the principle itself, as far as Mr. Rivers Thompson has observed, no objection has been made, for the objection to the exclusion from the price-lists of staples other then food-crops is in reality a matter of detail. With that proposal I am subsequently to deal; here I am to discuss the question whether a scheme of rent enhancement may be unobjectionably based upon the market variations in the price of corn. The first point to consider is this. Can we count on such a normal increase in the price of corn as the scheme contemplates? If this question be judged by the past history of prices in Bengal, the answer must be in the affirmative. We have abundant evidence to prove that there has been a steady normal rise in the price of corn since the beginning of the century. The price of rice has doubled within that period, while the price of more valuable grain, such as wheat, has risen in greater proportion. Judged by the past range of prices, then, it would seem that the principle propounded in the Bill is fair to both landlord and raiyat.

But here the doubt occurs—can we judge of the future of prices by their past? Some political economists hold that, although the price of corn advances (normal permanent advance is what is here referred to) in the early period of a nation's growth, it at length reaches a point beyond which it exhibits no permanent tendency to further increase. Is this theory true, and if so, has the stationary stage been reached in Bengal? The most prominent advocate of this theory, as far as the Lieutenant-Governor knows, was that distinguished economist, the late Professor Cairnes,* unless, indeed, Adam Smith's view (contradicted, however, by Mr. J. S. Mill) as to the steadiness of the prices of corn, comparing century with century, be considered an equivalent. Professor Cairnes' explanation of the theory is that an advance in the price of staple food, after it attains a certain elevation, inevitably re-acts on population. Thus checking the demand, the re-action arrests the extension of cultivation, and, by consequence, the normal price.

* Leading principles of Political Economy, Chapter V.

Now, admitting the truth of the theory, a little consideration will show that the repressive influences on prices referred to are not now in operation in Bengal, and probably will not be, if they ever be, within any measurable period of time. Population in Bengal is, we know, increasing, and so is the demand for food. Even if the local demand were stagnant, which it is not, the foreign demand is daily growing, and foreign demand affects prices no less

than local demand. There are, therefore, none of the causes at work in Bengal, which, according to economists of Professor Cairnes' school, check the upward tendency of the price of corn. No doubt it is true that improvements in agriculture tend to increase production, and so to lower prices. But as Mr. J. S. Mill says: "In a society which is advancing in wealth, population generally increases faster than agricultural skill, and food consequently tends to become more costly.†" The relevancy of this observation to Bengal will be the more apparent if it be remembered that the time when agricultural improvements will increase production is still distant. Even if that time comes, the expansion of the export trade of the country will have increased the demand and so established an upward tendency in prices. For these reasons the Lieutenant-Governor thinks that there is no reason to expect any cessation of the increase of prices, and he therefore accepts the proposals of the Bill as founded on a sound and workable principle. Should his anticipations in this regard not be realized; in other words, should the price of corn cease to rise, enhancements on this ground will then come to an end, and landlords' rents become stereotyped at the highest point that the land can afford to pay.

† Political Economy, Book IV, Chapter II, Section 3.

44. Can it be in proportion to rise in price?—If, then, to the principle of enhancement of rents on the *ground* of a rise in price of staple food-grain no valid objection can be offered—are there objections to an enhancement in *proportion* to the rise? To this question I am to reply that there are very serious objections indeed, which are apparent throughout the reports, and which take the shape of an almost unanimous expression of opinion that before decreeing enhancement on account of a rise in prices, the courts should make allowance for an increase in the cost of production. In this view the Lieutenant-Governor fully concurs for reasons which I am now to state with some fulness, as special attention was directed to this point in the letter from the Government of India in May last.

Case of capitalists farming for profit.—The question is whether, in allowing an enhancement of rent on the ground of a rise in price, allowance should first be made for increased cost of production. This question naturally divides itself into two heads—(*a*) when cultivation is carried on for a profit; and (*b*) when it is carried on for subsistence. The first case is not a common one in Bengal; but there are doubtless some such cases, and it is therefore desirable to show briefly that before the landlord can secure an increase of rent the farmer will have secured full compensation for increased costs of production. It will be admitted that when production is carried on by capitalists farming for a profit, and not by ordinary raiyats farming for subsistence, rent does not enter into the costs of production. The price of corn is, however, determined by the cost of producing the most costly portion of the general crop, and hence it follows that the only connection that can be established (in the case of capitalist farming) between rent and the prices of corn, or between the increment of the one and of the other, is that rent must be so adjusted as to give farmers, taken as a class, the average profits which capital commands in other branches of industry. But what the profits of capital may be in the particular case depends on the "haggling of the market" between a landlord wanting all and a farmer wishing to keep all. The result will be a compromise in which competition among landlords, on the one hand, and among capitalists on the other, secure to farming of this sort a profit which necessarily includes a just allowance for increased costs of production from whatever cause arising. Hence it follows that you cannot legislate for the same percentage increase of rents as of prices, although you may accept the fact of a permanent increase in the price of corn as *primâ facie* establishing the justice of some increase of rent.

Case of tenant farming for subsistence.—Coming now to the case, which in these Provinces is by far the more general case, in which cultivation is carried on, not for a profit, but for subsistence, I am to observe that the preceding considerations do not apply. The distinctive difference between this case and the former one is that the raiyat is not in a position to "haggle"

with the landlord. Tradition, caste, and poverty bind him to the soil; while custom is the only influence which moderates the demand which the landlord in this matter practically a monopolist, can enforce. In other words, the rent which raiyats, cultivating for subsistence, can pay is governed, not by competition as expounded above, but by custom, or by a species of onesided struggle between the numbers who want land and the one who has land to give. In this case rent is undoubtedly an element in the cost of production; for the raiyat not having capital, and not working for profit, must labour on until he obtains from the land the price wherewith to pay for its use. Payment for the use of land, in other words rent, therefore forms an element in the cost of production. Thus, if prices were regulated by costs of production alone, the variations of prices would have some direct connection with variations of rent, though even in this case the connection would be indefinite and obscure, seeing that rent is not the most prominent factor in costs of production. But prices vary more owing to the operation of demand and supply than owing to the ultimate law of costs of production; and therefore in this, as well as in the preceding case of capitalist farming, it is impossible to lay down any law governing the variation of rent in relation to prices, and, least of all, a law of arithmetical proportion as the Bill does.

The matter may also be looked at in a less technical and more concrete way. Let us take a simple case which, however, is proved to be almost a typical case by the unerring certainty with which even a slight eccentricity of season—the commencement a few days later, or the cessation a few days earlier than usual, of the periodic rainfall—affects large classes of people throughout these Provinces. Let us suppose the case of a raiyat who cultivates a holding the produce of which suffices for his subsistence and ordinary wants and for the payment of his rent. He produces yearly $(a+b)$ maunds of rice, consumes a maunds and sells b maunds to pay his rent. In this case, as long as the land yields the requisite produce and the raiyat's wants do not grow, he can afford to pay an increase of rent proportionate to the increase in prices; and, as the Government of India say in their letter of the 4th of May, "the landlord would be protected from the loss now arising from the diminished purchasing power of silver in relation to grain," while "the standard of rent as expressed in grain would not vary." But the raiyat's wants do grow, while to meet them there cannot be an increase of produce except by such an increased application of capital and labour (giving proportionately less return) as we cannot hope for in the case of a raiyat cultivating for subsistence. In the case we are dealing with there is *ex concessis* scant capital, while in such a climate as that of India, where continuous labour is exhausting, industry is not increasingly applied unless stimulated by exceptional reward. If, then, a dead-level, or rather a descending scale of poverty, is not to be maintained, the a maunds must in course of time prove inadequate for the wants of the raiyat and his family; and as he and his family must live, the b maunds will be trenched upon. The landlord's rent must therefore suffer. In other words, in a case which every one with knowledge of these Provinces must admit to be, if not everywhere a typical, at all events a common one, rents cannot possibly rise in direct ratio to a rise in prices. This conclusion is the more inevitable if regard be had to the increasing cost of labour, live-stock and other necessaries of cultivation and of living, to which attention has been called in the reports, as well as to the necessity which exists in the lager portion of those Provinces for improvement in the ordinary raiyat's condition and standard of comfort. Failing to fully appreciate these circumstances, Mr. D'Oyly, Collector of Bhagulpore, has been led to think that a rise in price always allows for increased cost of production. This is true only when the ratio of increase in cost of production and of living does not exceed the ratio of increase in price.

Allowance to be made for increased cost of production.—Thus the conclusion to which the Lieutenant-Governor comes on this aspect of the question is similar to that deduced in the case of capitalist farmers. The conclusion is that, while a permanent increase in the price of corn may be regarded as presumably justifying an increase of rent, the latter cannot be in arithmetical proportion to the former. This conclusion is in entire harmony with the almost

unanimous opinion of local officers, that allowance should be made for increased costs of production. The Lieutenant-Governor need hardly observe that it also coincides with the existing law as declared in W. R., Vol. VII, page 94, where the well-known ruling in Thakurani Dassya's case is brought into harmony with the agricultural facts which surround us. The Bill recognizes in section 48 that no tenant should be called on to pay a rent which is "unfair or inequitable." By this the Lieutenant-Governor understands that the rent shall be such as a *solvent tenant can pay, and yet prosper*. Such a rent you cannot get without making full allowance for increased cost of production. In other words, you cannot safely decree an enhancement of rent because prices have risen. The rise in price may have brought little good to the raiyat, whose crops, owing to soil deterioration or inadequate moisture, may have failed over a series of years, or whose legitimate expenses in raising the crop may have risen more than prices have. The net result, then, is that, although as a working rule it may be fair to decree an enhancement of rent on the ground of a rise in price, you must allow the raiyat to prove the exception to the rule.

Having regard, then, to the preceding considerations, the question arises should the determination of a "fair and equitable" rent—in other words, the determination of the extent to which the rise in prices should be discounted with reference to increased costs of production—be left to the courts, as it is now both by the existing law and by section 48 of the Bill; or should some working rule be laid down for the court's guidance? On this point the reports are not precise; but some officers advocate an allowance for costs of production, ranging from one-third to one-half the percentage rise in prices. Mr. Boxwell, Collector of Gya, propounds a different and more ambitious scheme, whereby, in his opinion, the true rent which should be paid for land might be determined. As far, however, as the Lieutenant-Governor understands it, Mr. Boxwell's scheme seems totally impracticable, for, having as its basis the *point of fertility* at which the surplus produce is divided, it depends on the ascertainment of a fact which we know by common experience, as well as on the high authority of Professor Bonamy Price, to be unascertainable by any formula.* It is further imperfect because it omits to take account of the other factors, such as distance from markets, facilities for cultivation, foreign demand, which all combine to influence rents. On the whole, the Lieutenant-Governor is strongly of the opinion that a working rule should be laid down for the guidance of the courts upon this very difficult point. It will be remembered that the difficulty of ascertaining the net value of the produce; in other words, the difficulty of ascertaining the costs of production, was one of the chief causes why the existing law of enhancement has proved unworkable. It is clear now that before rent can be enhanced under this Bill, the increase in the costs of production must be discounted; and thus, if no working rule be laid down, the courts must attempt again a task which experience has shown they cannot accomplish.

* *Practical Political Economy, Chapter X.*

Measure of such allowance.—But although it would be impossible for the courts to determine in each case the exact increment in the costs of production, it would be a less difficult question to determine whether the increment had been greater or less, and approximately how much greater, or how much less, than the rise in price. Given a rise of 25 per cent in prices, the court might, with a probability of general correctness, say whether the increase in costs of production had been 12 per cent., or more or less. No doubt there still would be difficulty, but no difficulty comparable to that which now exists in connection with net values. This remaining difficulty would, however, be altogether overcome if a rule could be laid down fixing the percentage of increase of rent at a certain proportion of the increase in prices. Some officers propose to divide the rise in prices equally, giving one-half to the landlord as increased rent, and one-half to the raiyat as increased cost of production. Thus if prices rise 25 per cent. they would increase the rent 12½ per cent. and allow the other 12½ per cent. to go as an allowance for increase in costs of production. This is a proposal which the Lieutenant-Governor desires to bring prominently to the notice of the Government of India. If it be accepted, he would withdraw altogether the limitation on enhancements imposed in section 45 (*b*). He would allow the

landlords the full benefit of a rise in prices, subject to that deduction for increased costs of production, and to the ultimate produce limit to be referred to later on. To improving landlords the Lieutenant-Governor would allow a larger increase, as I am in the sequel to explain, for they should benefit by increased productiveness as well as by higher prices.

45. Should the rise in prices be calculated in staple food-grain crops alone?—Then it is to be considered whether the rise in prices should be calculated on staple food-crops alone, or whether any other crop, such as jute or sugarcane, should also be included as the basis of such calculation. It appears to the Lieutenant-Governor that no benefit would accrue to the landlords by widening the data of calculation, while great difficulty and uncertainty would be caused in framing tables of local prices. It is to be remembered that for many non-food crops, such as indigo and opium and ganja (reference to which is made in the Reports of the Patna and Rajshahye Conferences as possible staples for price-lists), there is no local market at all; while at the market in which they do sell their prices are very complex things indeed, including manufacturers' profits and interest on capital, besides being monopoly prices to boot. In the circular letter of 24th May, the Lieutenant-Governor desired information as to whether such a relation existed between any non-food crop and food-grains, that the area under one contracted while the area under the other expanded according to the less or greater demand. If such a relation existed, it might be inferred that the costs of production of both crops nearly approximated, and that the one was as suitable as the other as a basis for calculating rent enhancement. It now seems that such a relation exists to some extent only in the case of rice and jute; but the Dacca Conference would not, on that account, recognize jute as a staple, owing to the great fluctuations in its price. No doubt the price of jute does fluctuate greatly. A reference to the statement appended to my circular letter of 24th May will show this. But it will also show that over a series of years these fluctuations so far neutralize each other that on an average there is neither rise nor fall. To judge from that statement if jute were made a staple crop, we should have zemindars in a few years dissatisfied with a settlement for which they now clamour. In the Lieutenant-Governor's opinion staple food-grain forms the best index of the producer's permanent capacity to pay an increase of rent. This is the reason why he thinks that on this point the Bill needs no alteration. What we want to ascertain is the normal rise in prices. The commodity in which that normal rise is most clearly apparent through the fluctuations of the wholesale and retail market rates is the commodity most suitable for our purpose. That commodity is corn.

When entertaining these opinions, however, the Lieutenant-Governor has no desire to oppose the Government of India if it wishes that the courts trying rent-suits should have regard to other staples than food-grain brought to market as raw produce. He fears indeed that such price-lists would not be found valuable, while they might be often dangerous, and he is quite certain they would be very difficult to prepare. It need not have been added, had not misconceptions prevailed on the point, that the question of absolute value of produce is altogether foreign to the scheme embodied in these provisions. It is of course to be understood that it rests with the raiyat to grow what crop suits him best, without thereby subjecting himself to pay increased rent. For instance, if a raiyat in 1885, paying Rs. 5 for a bigha of rice land, grows jute or sugarcane on that land, in 1886 he does not, by reason of the change of crop, render himself liable to an increase of rent. But if he happen to be paying Rs. 5 per bigha for land in which jute or sugarcane grows, and the prices of staple food-crops rise 25 per cent., then the landlord of the sugarcane or jute field will, on the terms of the Bill as modified by the Lieutenant-Governor's proposals, be entitled to claim an enhanced rent of 12½ per cent. on Rs. 5, the rent of the field.

46. Authenticity of existing price-lists.—Next the question arises can the increase in prices, necessary for the decision of suits instituted during the next 15 years, be safely determined on the data now existing. Here it

must be admitted that general distrust in the accuracy of the published prices-current is expressed in the papers; while, owing to the non-preservation by most grain-dealers of a record of old prices, fears are entertained that it may not be possible to correct our published lists. This result does not surprise the Lieutenant-Governor. There is in Bengal no organization for collecting statistical information, and no agency to check or supervise the record of even such important information as the prices of staple food-grain. It is to be hoped that matters in this respect will improve in connection with the Agricultural Department, which will come into operation at the end of this year, and from the beginning of next year it is believed that the prices-current will no longer be open to animadversion. Every year of improved statistics that passes lessens danger to be apprehended from the existing price-lists.

47. Presumption as to their practical correctness.—With all this, however, the Lieutenant-Governor does not admit that the existing price-lists are, to any noticeable extent, untrustworthy evidence for the purpose in hand of the extent to which prices of staple food-crops have risen within the last 15 years. There is no reason to believe that false returns have been made. The source of error is chargeable rather to the ill-selection and confusion of figures than to the falsification of facts. The error seems to have been constant, for the system has been unchanged. To this view some support is lent by a comparison which can be instituted between the ratio of increase in the price of rice from 1869 to 1883, as exhibited in the published price-lists of the Pubna district, and as shown in the prices recorded in the books of a rice-exporting English firm at Serajgunge, the largest rice-mart in North Bengal. The figures which are reproduced as an appendix to this Report exhibit the noticeable fact that, although the individual prices differ for almost every month of the period, the ratios of increase or decrease between each quinquennial period closely approximate. The official returns show an increase of 21·5 per cent. during that period, while the merchants' figures show an increase of 23 per cent. Possibly this small difference may be explained by the fact that, while the official returns refer to the head-quarters of the district where trade is slack, the merchants' figures refer to prices at a mart where trade has always been large and brisk.

As it is the *ratio* of increase or decrease which the courts will want under this Bill, the facts referred to in the preceding paragraph seem to indicate that after all the existing data are not so unreliable for the purposes of the Bill as some suppose, and this the Government of India will observe is the opinion of many officers entitled to speak with authority on the point. The same fact—that it is the proportion of increase or decrease in price, not the absolute value that is required—would also seem to furnish an answer to those who think that as the raiyat sells his produce unhusked, what we have to look to is the price of paddy, not of cleaned rice. The Lieutenant-Governor believes it practically safe to assume that the proportion of increase or decrease in the price of paddy does not materially differ from the proportion based on the prices of rice. He would have less objection to provide in future for the exhibition in the prices-current of the prices of paddy as well as of rice had it not been that paddy is usually sold wholesale, and is therefore not always to be had in the smaller markets. Still in many places it is no doubt possible to show the prices of paddy as well as rice in the official lists, and if considered desirable this may be done.

48. Area and period for which price-lists should be prepared.—Next, the question arises for what area, and for what periods of the year, these authoritative price-lists should be prepared. The Officiating Commissioner of Chittagong remarks "that a general average of the prices prevailing at all seasons of the year in the subdivision is as useful for purposes of comparison with another general average of the same area prepared in the same way for any subsequent year as the most elaborate and carefully prepared statistics of market prices at harvest times only." Mr. Weekes, Collector of Purneah, in his dissent, appended to the Report of the Bhagulpore Conference, appears to share the same view.

The questions thus raised, whether the lists should be for large or small areas, and whether of prices prevailing at harvest times or the average of the entire year, depend greatly for their importance on the objects aimed at. If the object be to ascertain the gross produce limit on rents, no doubt the prices prevailing at harvest time should be taken. The raiyat has to part with his grain at harvest time to pay his rent, and obviously the amount of his rent should be measured by the value his produce then brings in. In dealing, however, with enhancements of rent on the ground of a rise in prices, the question is altogether different. In this latter case we have to deal no longer with absolute, but with relative prices, and here the Lieutenant-Governor is not disposed to differ from those who think that the all-the-year-round retail prices furnish as sure a basis for comparison as the presumed wholesale prices of the harvest month. Authorities seem to agree that, although the *varieties* of prices may be greater in retail than wholesale dealings, the *fluctuations* over a lengthened period are not greater in the retail than in the wholesale trade. Then as to area, the Lieutenant-Governor does not think that the percentage of rise or fall would be appreciably different, taken for a subdivision, from what it would be if taken for a thannah. There would indeed be an advantage in taking the prices at the larger station, as local disturbing causes would be eliminated, while a more careful record by better agency would be secured. On the whole, then, the Lientenant-Governor is not disposed to differ from the officers who would bid the courts have regard to the yearly average retail prices recorded at the chief mart of a subdivision as an indication of the extent to which rents may be enhanced. The ultimate gross produce check which, determined in one case in a village, will have been determined for many, would of course be based on the prices during these months, fixed under section 52 of the Bill by the Local Government as harvest months.

49. Enhancement on the ground of landlords' improvements.—It remains to offer some remarks on enhancement on the ground of landlords' improvements [sections 43 (*c*) and 46*], the chief points deserving notice here being the extent to which such enhancements should go, the time at which such enhancements should be decreed, and the measure of freedom to be accorded to landlord and raiyat to contract for such enhancement out of court. On the first point—the extent of such enhancement—the papers do not express any decided view; but, as far as the Lieutenant-Governor gathers, the weight of opinion is in favour of leaving the matter to the discretion of the courts. In this opinion Mr. Rivers Thompson does not entirely concur; he is willing to leave the courts a large discretion, but he would at the same time guide that discretion, and limit it by declaring that while the court should decree such an enhancement as shall be fair and equitable having regard to all the circumstances of the case, the enhanced rent shall never be more than double the former rent.

* Where an enhancement is claimed on the ground of landlord's improvement—

(*a*)—The court shall not grant an enhancement unless the improvement has been registered in accordance with the Act.

(*b*)—In determining the amount of enhancement the court shall have regard to—

(I) The increase in the productive power of the land caused, or likely to be caused, by the improvement;

(II) The cost of the improvement;

(III) The cost of the cultivation required for utilising the improvement: and

(IV) The existing rent and the ability of the land to bear a higher rent.

(*c*)—The court may make its decree conditional and subject to review and reconsideration in the event of the improvement not producing the estimated effect within a specified time.

Should it be decreed before improvement is effected?—Then as to the time at which such enhancement should be decreed, the Lieutenant-Governor understands from section 91 that the section is not meant to cover cases in which enhancement decrees are given before the work is actually completed. He has therefore no objection to offer to the section, although he observes that the Burdwan and Patna Conferences think that no increase of rent should be allowed before the effect of the improvement has reached the raiyat. There is, however, the point of contracts for improvements made out of court. In regard to them the question is, should such contracts be allowed before the improvement is completed? On this point the Lieutenant-Governor would say

that enhancement made conditional on improvements to be executed is not unlikely to cause dispute. The Government of India will remember that the point was raised in the Resolution which the Lieutenant-Governor recorded on the Report of the Court of Wards for 1882-83. In the views then expressed by the Lieutenant-Governor, the Government of India did not altogether concur, thinking that a liberty to contract for increase of rent, conditional on the completion of improvements, was calculated to make landlords improve. When recording his Resolution, the Lieutenant-Governor was not insensible to the importance of that consideration; but he had in mind actual cases, improvements which, while fully answering the expectations formed of them, had, by producing unforeseen effects, rendered barren the soil they had been devised to fertilize. In such a case as this (the hardship of which no doubt clause IV of section 46 would, to some extent, mitigate) an increase of rent would be impossible, and a previous contract to pay an increase could only lead to ill-feeling if not to litigation. It may, indeed, be argued that such cases are exceptional, and that in the long run more advantage accrues to the community by stimulating the spirit of improvement than by avoidance of all risk. Through the self-interest of individuals also the risk is minimized. If such be the judgment of His Excellency in Council on the considerations now submitted, the Lieutenant-Governor will respectfully defer to it. In this case, however, he would suggest that a provision be made whereby a raiyat, who has by anticipation contracted for an increased rent, may be relieved from his contract, or have it reasonably modified, if the anticipated effect be not at all or only partially produced. Secure in the contract the landlord or his agents may fail in their part of the bargain.

50. Enhancement by registered contract.—The provisions of the Bill on enhancements by suit being thus disposed of, I am to revert to section 41—enhancement by registered contract. To the principle embodied in that section the Lieutenant-Governor accords his fullest approval; but with the limit he is dissatisfied. Many of these limitations on rents, which the Presidency and Rajshahye Conferences think unfair to the landlord, the Lieutenant-Governor thinks dangerous to the raiyat. He cannot divest himself of the apprehension that not only will they be worked up to, but that in the near future they will become the ordinary measure of rent. This was the main reason why he accepted the abolition of the gross produce limit. Under the Bill as it then stood, there was the fear that other landlords, though more reticent, would be no less ready than the Behar landlord* to work ceaselessly up to it. If these fears were realized, it would be calamitous. The Province would be pauperized. Yet our only hope of their not being realized lies in the raiyats' independence, which all our experience teaches us to mistrust. Mr. Rivers Thompson dreads these wide margins to enhancements of rents, which over large areas are already too high. He dreads them more out of court than in court, notwithstanding the attractive guise of amicable settlements, for he knows from experience† that when scrutinized those "amicable settlements" too often stand forth in less pleasing colours.

* See paragraph 20 of the Lieutenant-Governor's letter of 27th September 1883.

† For cases in point see the Reports on the Mymensingh rent-disputes, recently submitted to the Government of India.

The fact is that the margins of enhancement given in sections 8, 41, and possibly in section 45 of the Bill, are excessive. Unless the Bill gives them a *quasi* title to do it, few landlords in these Provinces now-a-days would venture to ask for an enhancement of 25 per cent. on rents of old arable land every 15 years. Be it remembered that such enhancements would *quadruple* the rent in less than a century—a result which the Lieutenant-Governor cannot think has been sufficiently realized. It is a fact that, in Behar, rents are already too high. This point was well brought out by the Hon'ble Mr. Reynolds in his note on enhancement in Behar, printed in Appendix IV, Vol. I of Sir Ashley Eden's Report, 1881. Every Behar official and every impartial non-official in that Province will corroborate Mr. Reynolds' conclusions, and the Patna Conference only give expression to the general view by asking for the re-imposition of the one-fifth limit. The effect of the thikadari system in Behar has been to force up rents to such a pitch that they can no longer be paid even

in average years. The Court of Wards has had large experience in this matter, and it can affirm the fact that the rent-rolls of Behar estates, even more than those in Bengal, always show an unrealizable balance. That is a confession of excessive rentals. The provisions of this Bill will operate from those rents already too high, as from an assumed basis, towards still larger enhancements. They will operate with unfailing certainty too; and the Lieutenant-Governor cannot regard, without the gravest apprehension, the results which they will produce throughout Behar. He therefore, before it is too late, again appeals to the Government of India to impose an ultimate check on the enhancements of rent which this Bill will stimulate and compass. He earnestly advocates the re-introduction of the one-fifth limit taken in gross produce of staple food-crops. Under the scheme which the Lieutenant-Governor is now proposing that limit is free from the danger to which it was exposed under the original Bill. The removal of former arbitrary restrictions on enhancements on account of a rise in prices is a very important relaxation of the Bill's stringency in favour of the zemindars; the imposition of a maximum limit is only a reasonable safeguard in favour of the raiyats. It is a safeguard, too, which the Lieutenant-Governor would urge can be effectively applied.

The objections to the limitation have been summed up in the 10th paragraph of the letter from the Government of India in May last, and to those objections Mr. Rivers Thompson has again given most careful attention. The main objections are three—the alleged viciousness of the rule "because it leaves out of view the enormously important element of the costs of production;" "the notorious difficulty of ascertaining the average produce of different classes of land, or the produce of particular fields of which the rent was in question;" and, lastly, the danger that though "suitable in a particular locality and regarding particular crops, it might work inequitably as an uniform standard for all classes of crops and in all districts."

Now as against the proposals made in this letter, the Lieutenant-Governor submits that these objections have scant, if any, force. The first objection, it will be at once apparent, has no validity at all, because the question of cost of production under the scheme of enhancement now propounded is an antecedent to the application of the limit. It will have been decided before the limit is called into operation. This is so evident that further observations on the point are unnecessary. Then, as regards the second objection, the Lieutenant-Governor would remind the Government of India that we are not concerned with the accurate proportionment of revenue to produce, nor with investigations to be conducted in regard to every field, but with limitations to be applied in rare cases, and in those only aiming at approximate correctness. The Lieutenant-Governor does not propose that the gross produce limitation should be the result of experiments carried out by the officers of Government. He admits that experiments give varying results, incompatible with scientific precision. Admitting this, however, Mr. Rivers Thompson maintains that precision is altogether unnecessary; what we want can be obtained by an appeal to the common sense of a jury of men interested in agriculture—experts in the matter they are called on to deal with. The general experience in Bengal is that such a jury can estimate with a wonderful degree of accuracy what a bigha of a particular class of land should yield in average years. Such estimates are matters within their every-day experience. The business of their lives is made up of such calculations. Their shrewdness in regard to them is a matter of notoriety. The decision of the punchayet or jury would in fact give that result at which experiments conducted over a series of years would aim. A settlement officer may be deceived in his experiments, for he aims at precision, and people are not interested in helping him; but it seems to the Lieutenant-Governor unreasonable to maintain that, because experiments aiming at scientific accuracy and regarded by those whom they affect with distaste and suspicion, give unsatisfactory results, the opinion of cultivators in the matter of their daily business should not be approximately correct. Facts, in their nature fluctuating and uncertain, are, as all legal and commercial experience goes to show, a proper subject for reference to a punchayet and body of assessors. A similar conclusion is supported by the agricultural practice of other countries. Mr. Rivers Thompson ventures to say

that no intelligent farmer will be found in England, who cannot say, within a narrow margin, what his wheat field, taking one year with another, should yield with ordinarily careful husbandry. The Lieutenant-Governor's experience is that the Bengali or Behari raiyat is no less shrewd in his own way than the English farmer, and in connection with the chapter regarding Tables of Rates, instances of this shrewdness will be given. All that is here contended for is that this shrewdness should be utilized in settlement and enhancement suits as it is in appraisements under section 82 of the Bill. This latter section assumes the very capacity to estimate gross produce which, Mr. Rivers Thompson maintains, is available. It is hardly necessary to add that the method by which the provision might be worked would be simple. A punchayet or jury of arbitrators would be named by both sides, with possibly a revenue officer as foreman, and their opinion would be practically correct, as it would be undoubtedly satisfactory.

Finally there is the last objection that the limit, though fair for particular localities and particular crops, might not be so for other localities and other crops. As far as the Lieutenant-Governor can see, the limit will allow ample room for enhancement for generations in Bengal, while, if it be effective at an earlier period in Behar, the universal opinion of impartial observers is that its application will still allow a fair rent to the landlord, while its necessity to check excessive rents in that Province is almost imperative. At all events it is clear that without such an ultimate check serious difficulty will at no distant date arise in Behar. If uncontrolled by any check the principles of this Bill will in time lead to such progressive enhancements of rent that the people must resist or suffer. But the machinery of this Bill they cannot resist. It will be more inexorable than the economic law on which it is based. It is to save them from its rigour; in extreme cases, to allow them, if not to prosper, at all events to live, that the Lieutenant-Governor would impose an ultimate check on rents. Such a check will be the saving of a Province, which, with no light claim to protection, can ask it at the hands of Government.

But apart from the special claims of Behar, and having regard merely to the general aspect of the question, to the small area of waste land in the more settled districts at present, to the growth of population, to the fact that prices of rice have nearly doubled since the beginning of the century,* and to the slow movement of agricultural improvements, the Lieutenant-Governor thinks it most unwise to inculcate the idea that rents may be so largely increased as this Bill seems to contemplate. An enhancement of 12 per cent., or two annas in the rupee, every fifteen years is the utmost that he would encourage landlords to look to by amicable adjustments out of court in any portion of these Provinces. It will be too much in some portions, for it will double rents in ninety years. Therefore the Lieutenant-Governor is very strongly of the opinion that enhancement of rents by registered contract should not exceed two annas in the rupee, and that the term of such enhancement should in all cases be 15 years at least. In Behar he would gladly make it 30 years.

* See Mr. Finucane's report on tables of rates in Jessore. Bengal Report on the Tenancy Bill, 1883, page 590.

51. Reduction of rent.—To the 51st section† of the Bill the Lieutenant-Governor has three objections—*First*, the words "like calamity" unduly limit the application of clause (*a*); *second*, the section makes no provision for the exhaustion or failure of landlords' improvements on the supposed permanency or efficiency of which enhancements may have been decreed; *thirdly*, it takes no account of rents which may be in excess of the rate established under Chapter XI of the Bill if that chapter be maintained. In regard to the first point, there is a general agreement among the officers who have noticed it, that the expression "like calamity" would be strictly construed by the courts.

† An occupancy raiyat holding at a money rent may, notwithstanding any contract to the contrary, institute a suit for the reduction of his rent on the following grounds, and, except as hereinafter provided in the case of a diminution of the area of the holding, not otherwise, namely—

(*a*) on the ground that the soil of the holding has, without the fault of the raiyat, become permanently deteriorated by a deposit of sand or other like calamity; or

(*b*) on the ground that there has been a fall in the average prices of staple food-crops in the locality or at the usual markets.

2. In any suit instituted under this section the Court may direct such reduction of the rent as it thinks fair and equitable.

A strict construction of the phrase could not fail to be mischievous, for soil deteriorates and becomes incapable of paying rent from many other causes than those resembling a deposit of sand. The Subordinate Judge of Burdwan would retain the present law, by which a raiyat is entitled to claim a reduction in his rent if the productive powers of the land are diminished by any cause beyond his control, and it seems only reasonable that if the land, owing to a specific cause, is obviously incapable of yielding less than when the rent was fixed, a less rent should be declared payable.

The second objection has been brought to notice by the Patna Conference, and their argument has been enforced by an example which, though not fully illustrative of the dangers involved, is yet a lesson and a warning. The equity of the view taken by the Patna Conference seems to the Lieutenant-Governor to need no support here, and he therefore recommends that the section be expanded so as to provide for reduction of rents where an improvement on the basis of which enhanced rents have been decreed ceases, by the neglect of the landlord or from natural causes, to effect the object for which it was designed.

The third point would be only a practical question, if the Lieutenant-Governor's proposal to retain the Tables of Rates' Chapter in an altered form be approved. Rates framed under that procedure would be binding on the area operated upon, and as rates below the approved rate would be enhanceable up to it, it would of course, in justice, follow that rates above that level would be reduceable.

52. Commutation.—As the system of rents in kind holds in South Behar a more prominent position than in any other portions of these Provinces, the Patna Conference have properly paid special attention to the question. The solution they offer, however, appears to the Lieutenant-Governor to be the least satisfactory portion of what is undoubtedly a most able Report. The Conference think that, while in such districts as Shahabad where people wish to commute, their wishes should not be impeded, in other districts, where such a wish is not manifest, commutation should not be countenanced. But who is to be the interpreter of the people's wishes in this matter? The people themselves, or the District Collector? And if the Collector, is no account to be taken of his predelections on a question which divides men into hostile camps? The section gives the right to apply for commutation equally to landlord and tenant. Obviously the parties interested should make their own choice, and the Bill rightly enables them to do this.

Then as to the process of commutation, the Lieutenant-Governor finds a proposal, supported by the high authority of Messrs. Dampier and Reynolds, that the commuted rent should not exceed the rent of the road cess *jummabundi*, plus what rise in price might have occurred since the road cess assessments were last made. Barring the objection that it makes no allowance for costs of production, the proposal has an attractive air. These papers are now admissible in evidence against the landlords, and the Lieutenant-Governor sees no reason why they should not continue to be so, or why, if the raiyat wishes to abide by them, he should not be permitted to do so.

The last remark the Lieutenant-Governor would make on this subject is to express general approval of the proposal to add, after sub-clause (*b*) of clause 4, the provisions quoted in the margin, which are adapted from those made by the Patna Conference.

"Or during any shorter period for which returns may be available with such reduction as may seem reasonable in consideration of the tenants taking the whole risk of cultivation.

"(*c*.)—The expenditure of the landlord on water-rates or on the maintenance of village channels, under the system of rent in kind; and the arrangements made on commutation for continuing those charges."

CHAPTER VI.

53. The non-occupancy raiyat. The existing law.—I am now to pass on to Chapter VI—the non-occupancy raiyat—a chapter second in importance only to that which has been disposed of. The status of

the non-occupancy raiyat as ultimately defined by the Bill will, in the Lieutenant-Governor's opinion, largely affect the character of the measure, and he therefore deems it necessary to dwell upon the subject at some length. Under the existing law of landlord and tenant in Bengal, a raiyat not having a right of occupancy cannot, against the will of his landlord, retain possession of his holding. The raiyat may have been 11 years in occupation of the holding; he may have improved it and so raised its letting value; and he may be willing to pay a "fair and equitable" increase of rent. But, as the law at present stands, none of these considerations avail him. If the landlord be so disposed, he may confiscate the raiyat's outlay and deprive him of a possession which, as the statistics presented in the appendix to this letter show, would, in a few months, become a valuable property. This state of the law has, as might be excepted, led to gross abuse, especially in Behar, where it has been madeuseof to prevent the accrual of occupancy rights, and, owing to the ignorance of the people, to destroy rights which had actually accrued. The papers forwarded to the Government of India in connection with the "no rent" agitation in Mymensingh show that a similar and equally objectionable practice has long prevailed in that district, and the reports now submitted exhibit a most authoritative expression of opinion, judicial as well as executive, in favour of improving the *status* of the non-occupancy raiyat.

54. Previous proposals to improve the condition of non-occupancy raiyats.—This question of the non-occupancy raiyat's *status* was considered by the Rent Commission, who, by way of amending it, proposed that while landlords should be allowed to deal at discretion with raiyats of not longer than three years' standing, restrictions should be imposed on their power to eject all others. The restrictions imposed were the payment to the raiyat of a sum equal to a year's increased rent as compensation for disturbance, in addition to compensation for the improvements which he might have made in his holding. These provisions of compensation for improvement and disturbance were not reproduced in Sir Ashley Eden's Bill, which left the landlord unfettered in his dealings with non-occupancy raiyats in all respects except one. This was the limitation of the rent of the non-occupancy raiyat by a gross produce limit.

The Bill, as subsequently introduced into the Legislative Council, was in the nature of a reversion to the Rent Commission's proposals, with provisions for fixing a fair rent superadded. It was also stipulated that if the landlord refused to allow the raiyat to sit at the fair rent so fixed, the latter became entitled, on ejectment, to ten times the yearly increase of rent demanded as compensation for disturbance. Thus the pendulum had swung back beyond the point it had reached in the Commission's Bill, and perhaps it is only natural to find that it is not yet in equilibrium. In other words, the proposals of the original Bill have, in their turn, undergone a radical change at the hands of the Select Committee, the result being that the non-occupancy raiyat chapter, as it now stands, scarcely satisfies any one.

55. Local opinion on the subject.—The papers now submitted must, the Lieutenant-Governor believes, convince the Government of India of the absolute necessity of some improvement being effected in the *status* of the non-occupancy raiyat. These papers exhibit a preponderance of opinion—not of theorists but of practical men—in favour of recognizing *equality between occupancy and non-occupancy rates of rent*. That opinion has history, past and contemporaneous, in its favour, while the denial to the non-occupancy raiyat of customary rates will, if not compensated for in other ways, infallibly lead to far-reaching mischief. The Lieutenant-Governor holds it established that while pergunnah rates existed, no raiyat, be he *khudkast* or *paikast*, paid more than the current *nirik*, while it is manifest from these papers *passim* that, where raiyats are strong, non-occupancy raiyats even now not only pay no higher rates, but generally lower rates than occupancy raiyats do. It is therefore claimed that the recognition in the law of the principle of equality of rates is only an adherence to ancient custom and a perpetuation of existing facts. With this line of argument the Lieutenant-Governor is in entire sympathy. It was the

view he advocated in my letter of 27th September. It must be allowed, however, that it was easier to demonstrate the justice of the principle than to give it practical effect; and it must be admitted that this difficulty has not been abated by the reports now under notice, which, though abounding in evidence of the strong feeling entertained in favour of equality of rates, are deficient in practical suggestions to that end. One proposal would prevent the landlord from imposing on a new tenant more than 25 per cent. above the outgoing tenant's rent, herein forgetting that we have, in Bengal, no official records of holdings such as the putwaries in other parts of India maintain, and therefore no means of knowing what the out-going tenant's rent was. Besides, it must not be forgotten that as the new tenant would have no fixity of tenure, his rent would in turn merely form the base for a fresh advance. Another (more specious) proposal limits the non-occupancy raiyat's rent to the highest occupancy rate payable for similar land in the village. This proposal, besides being open to the objection just noticed, also assumes the existence of a prevailing rate which is non-existent; while if the highest rent payable by *any* occupancy raiyat be made the standard, an obvious door is thereby opened to injustice. Besides, the ordinary case of lump rents, that is, where there is no rate per bigha specified, would obscure or defeat the operation of the proposal. Finally, the effect of *salamis* or fines on entry has not been fully regarded, nor the consideration—in itself most important—that especially in a Province where there is no record of agricultural relations to which in disputed cases appeal might be made, an arrangement suggesting antagonism between landlord and raiyat in the early stages of their connection is to be strongly deprecated.

56. Present proposals. Freedom of contract.—On a full review of the question in its various connections, the Lieutenant-Governor is bound to confess that he sees nothing for it but to abandon all attempts at interfering with the *initial* rent at which land is to be left to non-occupancy raiyats, unless under the circumstances to which reference will be made under the chapters dealing with settlements and the preparation of Table of Rates. He also fears that if we cannot directly regulate the initial rent, neither can we directly control its increments. It is not an unusual practice to maintain on the rent-roll rates which are never collected, and a 2-anna increment to such an unrealizable rate would practically have the same effect as one of 8 annas or of any other figure. If, then, no generally applicable limitation is admissible on the landlord's discretion in re-letting lands (unless the extreme one-fith produce limit), is there to be no provision embodied in this Bill in the interest of the non-occupancy raiyat? A lease affords slight security, while such a lease as that contemplated in sections 58 (*c*) and 60 (7) would, by common consent, be injurious. It would tend to prevent the raiyat from acquiring the occupancy status. As Mr. Shore says: "To require that pottahs should be given for a definite time * * * would diminish the force of that prescription which established a right of occupancy in favour of the raiyats." The lease therefore will not do, while the idea of equalizing occupancy and non-occupancy rents by direct provisions is unworkable, unless by the procedure of Tables of Rates to which in its present form so great exception has been taken. Nothirg remains but a choice between abandoning what is by an overwhelming weight of evidence one of the chief objects to be aimed at in this measure, namely, improving the condition of the non-occupancy raiyat, *or having recourse to compensation for disturbance*, as recommended by the Patna Conference. There can, in Mr. Rivers Thompson's judgment, be no hesitation in choosing the latter alternative.

Minute of 18th June 1789, paragraph 432.

57. Compensation for disturbance. Fair Rent.—Then, as to the method of giving effect to compensation for disturbance, there can, in the Lieutenant-Governor's opinion, be as little doubt. The method was suggested in paragraph 24 of my letter of 27th September 1883, the words of which I am here to reproduce:—"As a landlord cannot eject a non-occupancy raiyat except in execution of decree, let the courts in ejectment suits have jurisdiction to fix a fair rent at which it shall be optional with the landlord to let the raiyat sit or not. If the landlord consents to the raiyat sitting at that

rent, and the raiyat agree, no difficulty arises. If the landlord abides by the court's orders and the raiyat demurs, let the raiyat be ejected without compensation. If the landlord refuses to let the willing raiyat sit at the rent declared fair by the court, then make the landlord pay the raiyat compensation for disturbance." To this the Lieutenant-Governor would now add that he thinks the compensation should be graduated according to the length of the raiyat's occupation. Three years' purchase of the "fair" rental might be fixed as the maximum compensation. Up to that limit one-fourth of the judicial rental might be awarded for each year of occupancy, unless in the judgment of the court a less compensation would meet the equity of the case. Looking to the average value of the occupancy right as shown in the statements exhibited in the Appendix, and having regard to the fact that in some portions of the Province valuable customary rights, possibly survivals of the pre-settlement tenant-right, are acquired by less than twelve years' occupancy,* one-fourth of the fair rental of the holding for each year of the tenancy up to a maximum of three times such rental does not seem an immoderate compensation to award to a raiyat who has possibly improved his holding, who is willing to pay a fair increase of rent, and who may be within a few months of acquiring the settled *status*.

* See the reports of the Subordinate Judges of Rungpore and Khulna, and of the Munsifs of Burisal and Atteah.

Finally, the Lieutenant-Governor would observe regarding the determination of "fair" rents, that as the courts should, in his opinion, under this chapter as under the last, be bound to have regard to a rise in price as the main factor in the question, the Lieutenant-Governor would desire no limit in the rents they might fix. They would fix a "fair and equitable" rate having regard to all the circumstances of the case, the capacity of the land and the condition of the raiyat. They should in this case, as in the case of the occupancy raiyat, fix such a rent as a solvent tenant can pay and yet prosper.

58. General remarks in support of preceding proposals.—In renewing this proposal of compensation for disturbance, the Lieutenant-Governor clearly sees that it may not do all that we want or wish. It will, it is true, protect raiyat A from having the initial competitive rent at which he was admitted in 1885 unduly raised against him in 1890, when the demand for land has increased. But it will not save raiyat B from admission in 1890 at a higher rent than was demanded from A in 1885, and so on—competitive rents continually spreading and rising, and the stock of land available for cultivation by occupancy raiyats being continually reduced. These are defects in the plan to which Mr. Rivers Thompson is alive; but, apart from a general system of Tables of Rates, they are not preventible. Under the settlement and Tables of Rates' Chapters, I am to make some further proposals in the interest of the non-occupancy raiyat; here I am to say that, though the Lieutenant-Governor's proposals are not a solution of all the non-occupany raiyat's difficulties, they will afford him undoubted relief. There is the hope that a strong occupancy title and customary rents preserved by the settled raiyat clause, and by the abolition of the "prevailing rate" ground of enhancement, may have some equalizing and moderating effect on non-occupancy rents.

The Lieutenant-Governor anticipates opposition to his proposals from those who fancy that to call any legislation novel is to condemn it, from those who would allow the landlord "at any rate to make what he can out of the non-occupancy raiyat," or from those who think efforts to retard the action of competition on land a futile strife with natural laws. On the last point, the Lieutenant-Governor would say that to talk of the action of Government in discouraging competition for land, as a setting aside of the laws of political economy, is, to use the words of Professor Cairnes on a similar subject, "just as reasonable as to talk of precautions against a hurricane or a high tide being a setting aside of the laws of physical nature." On the other points, the Lieutenant-Governor does not think the spirit of the objectors a proper one in which to approach this great subject. We must adapt our laws to the progress of the times; and if we fail to find a precedent for our proposals in the old laws of the country, we are still justified in making them if they suit the requirements

of the time and are not repugnant to popular feeling and belief. The objects which the Lieutenant-Governor has now in view are in harmony with the feelings of the vast mass of the inhabitants of these Provinces. These papers afford ample evidence of what was already a well-known fact, that capricious evictions of industrious tenants are looked on as acts of injustice and oppression. It is very true that all landlords do not evict. As a body, Bengal proprietors are not open to this reproach. In Bengal it is mainly the subordinate landlords, the middlemen, who evict or threaten to evict that they may rack-rent. To the larger body of zemindars in Bengal, then, if the past be an index to their future conduct, the Lieutenant-Governor's proposals will have but little application. It is different with regard to middlemen everywhere, and to some zemindars, mostly newly-enriched persons in Behar. It is their conduct which justifies the precautionary legislation on the point which the Lieutenant-Governor deems essential to the success of this measure.

Such, then, are the Lieutenant-Governor's proposals on this much debated question of the non-occupancy raiyat. They are, it will be observed, in the nature of a compromise between conflicting views, and they have not now been urged by this Government for the first time. They give to the landlords most of what they want in the shape of freedom of contract; they give to the raiyat something of what he is entitled to demand in the shape of protection against the abuse of that freedom. To say that such protection should not be afforded is to maintain that freedom shall be permitted to degenerate into license. As the Munsif of Baraset says, "it is surely no hardship on the zemindars if, while the rent of 90 per cent. of their raiyats is changed from an almost practically fixed to an easily enhanceable one, the rent of the remaining 10 per cent. be to some extent protected."

Finally, it will not be lost sight of that the acceptance of the Lieutenant-Governor's recommendations regarding the abolition of the "prevailing rate" as a ground of enhancement is an essential portion of his recommendations under this chapter. Both recommendations form parts of a connected whole, and should be accepted as a whole. In presence of the evidence now accumulated on the point, it is only on the principle of such a protection of the non-occupancy raiyat's position that Mr. Rivers Thompson could consent to the wide freedom of contract between the landlord and the non-occupancy raiyat, which he is prepared to accept. Even if the views now stated on the subject of enhancement of occupancy rents, and on the status of the non-occupancy raiyat, were not broadly based on justice and fair play, the Lieutenant-Governor thinks they might well claim some support from the concessions made to the zemindars on the subject of transferability, the 20 years' presumption, freedom of contract in respect to initial rents, the proposals he will make in regard to distraint, and other minor points.

59. Bastu lands. Existing law.—The preceding chapters of the Bill have been concerned with the raiyat's *status*; and as the tenure of homestead or *bastu* land is essentially connected with that *status*, the Lieutenant-Governor will introduce here the observations he has to offer on the *bastu* question.

The law regarding bastu in Bengal seems to be at present in an uncertain state, and legislation on the question is very desirable. It is, the Lieutenant-Governor understands, the law in Bengal that if a raiyat has an existing or inchoate occupancy right in a holding and erects a house upon it, he will hold the bastu by the same tenure as the holding. The *bastu* portion is not separable from the rest of the holding. It is also liable to enhancement of rent in the same way as the arable land.

The question, however, is not so clear where the *bastu* is held separately from the arable land, a circumstance of frequent occurrence, especially when, on partition of an estate, the raiyat's arable land falls to one shareholder and the *bastu* to another. In this case doubt seems to exist as to the *status* of the raiyat in regard to the *bastu*, and as to the procedure applicable to him. Does his *status* depend on the Rent Law and the consequent procedure, or does it depend on contract or custom enforceable by the procedure of the Courts of Small Causes?

In the paper contributed by the Munsif of Serajgunge, the various conflicting rulings on the point are brought together, and a reference to them is requested. The Lieutenant-Governor, however, does not entirely subscribe to the statement of the law as given by the Munsif, because some of the propositions laid down by him as to the effect of the decisions appear to be too broad. For instance, Mr. Rivers Thompson conceives that it is too wide a statement of the law to make that if a piece of land is given to a raiyat for the purpose of building a dwelling-house on it, the raiyat thereby acquires a permanent title. It seems clear, however, that judicial views upon the *bastu* question vary considerably. Apart from minor instances, this may be gathered from the apparent contradiction which exists between the important case reported at page 696, Indian Law Reports, 3 Cal., and the no less important one reported at page 960 in Vol. 8 of the same series. The law is thus uncertain; but the courts at present would seem desirous of giving weight to any circumstance from which they can reasonably presume an intention in the grantor to make a permanent grant. All this shows the unsatisfactory state of the law and the necessity that exists for a settled definition.

60. History of the question.—It will be in the remembrance of the Government of India that the Rent Law Commission's Bill dealt with *bastu*, or land used for building purposes, from two points of view. Regarding such land, in the first place, as an integral portion of an occupancy holding, and not distinguishing it from the arable land, their Bill provided for the erection, without the landlord's consent, of a brick-built dwelling-house and out-offices suitable for the raiyat and his family. Next, the Commission's Bill regarded the *bastu* as apart from the agricultural land of the village, and conferred a right of occupancy in such land if held for 12 years. Thus, in the former case, the occupancy raiyat's title in the *bastu* was merged in, and became inseparable from, his right in the entire holding, while in the latter case the capacity of the tenant to acquire by 12 years' possession a right of occupancy in the *bastu* as apart from his arable holding was recognized. These proposals were adopted in Sir Ashley Eden's Bill, and they were, as far as Mr. Rivers Thompson understands, followed in the Bill as originally introduced into Council in March 1883, with only such modifications as the conception of the "settled" raiyat necessitated.

61. Proposals of the Bill.—In the Bill now under notice, however, the provisious regarding bastu (section 216*) present a much less satisfactory aspect. Where the homestead is an integral portion of the holding, and held on the same occupancy title, there no doubt section 216, when read with sections 31 (*b*) and 87 (*f*), are no less protective of the raiyats' interests than the provisions of the former Bills. It might, indeed, be urged that the raiyat has less security against enhancement on homestead lands than could be wished; but looking to fixity of tenure alone, the protection given him would ordinarily be sufficient. When, however, the *bastu* is not comprised in the holding—a case which frequently occurs—then this Bill, by making no provision for the accrual of an occupancy title by prescription, does, compared with the other Bills, place the raiyat at a distinct disadvantage. On this point the present Bill fails to settle the law in accordance with the requirements of the country.

* When a raiyat holds his homestead otherwise than as a part of his holding as a raiyat, the incidents of his tenure of the homestead shall be regulated by local custom.

In the Lieutenant-Governor's opinion, custom alone cannot rule these cases where the bastu is not a portion of the arable holding. The reports now submitted afford convincing proof of how custom may be eluded or falsified, and of how threats† of eviction from the homestead are made the leverage for forcing up rents. The natural affection with which the people regard their homes compel them to agree to extortionate terms rather than abandon them. In many places this natural affection is recognized so far that a raiyat who loses his holding is permitted by the purchaser to retain the bastu subject to rent. That

† On this point reference is requested to paragraph 29 of Mr. Reily, the Chanchal Manager's Report, where the *modus operandi* in screwing up rents is given. Attention is also invited to paragraph 70 of the Report of the Patna Conference, as to the effect of a mere threat to enhance *bastu* rents in the Durbhunga estates.

custom speaks well for the mutual sympathy and forbearance of the people, and compares favourably with the state of the law which permits the instincts and affections of the raiyat to be misused to his detriment. If a landlord have a claim to enhance the rent of arable or bastu land, let him openly assert and vindicate it; but it will not do to let the devotion which every man feels for his fireside be played upon, as those papers show it has been, the raiyat's loss and to the landlord's illicit gain.

62. The Lieutenant-Governor's recommendations.—On a review of the facts, then, the Lieutenant-Governor would, in the interest of all parties, provide in the Bill as follows:—

(*a*).—When the bastu forms part of an occupancy holding, it shall be held as an integral portion of, and on the same terms as, the holding.

(*b*).—If the arable portion of the holding be surrendered with the landlord's consent, the occupancy right to survive in the bastu. (This to provide for the case of females, minors, &c., who are unable to cultivate, but wish to retain their homestead).

(*c*).—When bastu is held as portion of a non-occupancy holding, the occupancy title shall accrue in bastu under Chapter VI of the Bill as in the rest of the holding.

(*d*).—When bastu is held by a raiyat otherwise than as portion of an agricultural holding, an occupancy right in such bastu shall accrue to him as under clause (*c*); provided that where custom gives a stronger right or earlier fixity of tenure, custom shall govern the raiyat's interest in the bastu.

(*e*).—If by the established custom of the village no rent be payable for bastu, no rent shall be leviable under the Bill. If by village custom rent be payable, the rent shall be the established village rate for similar land used for similar purposes. If there be no established village rate for bastu land, the initial rent shall be fixed by agreement between the landlord and tenant.

(*f*).—If bastu rents be, by established village custom, not liable for enhancement, no enhancement shall be claimable under this Bill. If there be no such established custom, the rent of bastu land shall be enhanceable, as in the case of arable lands, in accordance with the provisions of the Bill.

The Government of India will observe in the papers a considerable body of opinion in favour of the view that the raiyat should be allowed a stronger right in his *bastu* than the Lieutenant-Governor has recommended. Thus the Dacca Conference would give a right of occupancy after three years' residence, while the Patna Conference would give every raiyat a right of occupancy at once in his *bastu*. The Lieutenant-Governor would not object to the Dacca proposal if it commended itself to the Government of India; but he regards the proposals he has now made as the *minimum* security that should be given.

There is also a considerable body of support accorded in the papers to the view either that *bastu* rents should not be enhanceable, or that they should be only enhanceable on the ground of landlords' improvements. The latter view would strongly commend itself to this Government if by *bastu* could be understood the mere site on which the raiyat's house stands. This is often the case, but more frequently the *bastu* includes the plot of land, the kitchen garden so to speak, adjoining the dwelling-house or *bari*. In regard to such plots, the Lieutenant-Governor is not prepared to advocate fixity of rate in addition to fixity of tenure.

CHAPTER VIII.

63. Instalments of rent.—As the question of the 20 years' presumption has been already discussed in paragraph 16 above, it is unnecessary to refer to the

matter here further than to say with reference to clause 3, section 64, that the Lieutenant-Governor, having regard to the rise and fall in prices, does not think a fixed proportion of the crop can be considered as equivalent to a fixed money rent or rate of money rent. The other points raised in the reports under this chapter may be dismissed with a brief notice.

The Collector of Midnapore, both in the Report of the Burdwan Conference and in the Note he has submitted to Government, raises the question whether it is desirable to legislate on the matter of instalments of rent at all. What Mr. Wilson says is substantially this—by fixing instalments of rent you break through old customs, and if you prevent harassment in some cases, you may prevent the exercise of indulgence in others. On the whole, you may not benefit the raiyats. On the other hand, it is to be observed the Bhaugulpore Conference regard section 67 as a most salutary provision calculated to keep the raiyat out of the money-lender's hands. In both views there is a large amount of reason, for certainly there is some danger in breaking in on old established custom, while there is good to be looked for in making the landlord's demand coincident with the raiyat's possession of money after each harvest. The problem is to avoid the danger while not forfeiting the good; and a way of solving that problem is suggested to the Lieutenant-Governor by the practice regarding the instalments of revenue. According to this, power should be taken in the Bill, not to fix instalments of rent, but to fix the dates when rent becomes realizable by suit. We shall thus prevent the harassment of monthly suits to which raiyats are now exposed; we shall not break abruptly with the past; and we shall leave the raiyats the choice of following the old custom or adopting the new. As few men pay their debts before they can help it, in a short time, the Lieutenant-Governor apprehends payments at the fixed dates will have superseded the present practice of monthly kists, which, moreover, is by no means an universal practice. Later on, I am to express the Lieutenant-Governor's cencurrence in the High Court's view that one of the most efficient means of facilitating the disposal of rent-suits is to strengthen the Courts that try them. The proposal now made would aid the Government in strengthening rent courts, as it would indicate the precise time when re-inforcements would be necessary, and when they might be withdrawn. It might also be found possible to re-adjust the land revenue kists in accordance with rent kists, whenever a necessity for such re-adjustment became apparent. Finally, with regard to section 69, the Lieutenant-Governor would say that while the first clause of the section is unfair to the landlord, the second may tell hardly on the raiyat. To obviate both objections, Mr. Rivers Thompson would provide that the payment should be credited to the oldest arrear not barred by limitation. He thus would not give the raiyat an option which in point of fact he never exercises.

64. Receipts and accounts.—The Judge of Shahabad suggests in connection with section 70 that, if books of receipt and account forms—foil and counterfoil—were kept on sale at munsifis, and all rent-receivers compelled to use them, much benefit would result. The Lieutenant-Governor quite agrees that much benefit would result, both in the way of preventing disputes and facilitating the disposal of them by the courts should they occur. He also sees no practical difficulty in giving effect to Mr. Tweedie's proposal. As long, however, as a landlord complies with the provisions of the law in regard to the form of the receipt, it would be an unusual stretch of legislative power to compel him to buy his zemindari stationery at a public office. The Lieutenant-Governor does not see his way to compel him to do this by any distinct injunction, but he believes the end may be secured if courts continue to attach greater credence to systematic accounts (which negative the presumption of easy falsification) than to accounts which do not negative the presumption. The Lieutenant-Governor also thinks that Mr. Tweedie's laudable object would be furthered by the omission of the word "substantially" from section 70 (4).* There is a clear necessity that no deviation should be allowed from the form of receipt prescribed by Government. I am to

* 4.—If a receipt does not contain *substantially* the particulars required by this section, it shall be presumed, until the contrary is shown, to be an acquittance in full of all demands for rent up to the rate on which the receipt was given.

attach to this Report an improved form of receipt, which seems to the Lieutenant-Governor to provide all the details that need be specified, and to be suitable to all portions of these Provinces. Exhibiting the particulars of the holding on its face and of payments on its reverse side, it may be used for a single payment or for several. If the raiyat could be brought to have the various payments entered up as they are from time to time made on one receipt, the necessity for statements of account would be diminished and the proceedings of the courts in cases of disputes would be simplified. Adherence to the form of receipt now recommended should be declared compulsory, a very large portion of the raiyats' difficulties being connected with receipts. He often either gets none at all, or a defective and obscure one. The trouble incurred in framing a proper form of receipt and enacting appropriate provisions to give effect to that form will have been wasted if every rent-receiver is to exercise his judgment as to what "substantially" conforms to the provisions of the Bill. There will be universal laxity which in time the courts will come to regard with leniency. Therefore the Lieutenant-Governor would strongly urge that the word "substantially" be removed from the section. If receivers have to give a receipt in the precise form they find in the law, it will probably come to pass that they will take to ready-made cheap-bound books. Should such a tendency become general, the Lieutenant-Governor would be ready to act on Mr. Tweedie's suggestion, and meet the demand in the way proposed.

65. Deposit of rent.—The chief objection made under this head is that the provisions of section 73 (*b*)* will practically free the tenant from the liability of paying rent at his landlord's cutcherry, and there appears to be some reason in the objection. The Lieutenant-Governor therefore regards with favour the Legal Remembrancer's suggestion that the privilege conferred by the words "has reason to believe" should be enjoyed only by a tenant from whom, on a former occasion, the landlord had refused to receive rent, or who had been denied a receipt. Mr. Garret says that such a modification would bring the clause within the ordinary law of tender. At all events the proposal seems a reasonable one, and has the Lieutenant-Governor's support.

* When a tenant bound to pay money on account of rent *has reason to believe*, owing to a dispute or ill-feeling, the person to whom his rent is payable will not be willing to receive it and grant a receipt for it.

66. Notification of receipt of deposit.—Attention is called by Mr. Dampier and Mr. Beames to the difficulty of complying with section 75 (notification of receipt of deposit to all parties interested). The Collector, says Mr. Beames, has no means of knowing the persons on whom he is to serve the notice; while, says Mr. Dampier, if a notification is stuck up in the Collector's office at other seasons than kist time, the parties interested will probably learn nothing of its contents. Mr. Beames' objection is a substantial one; but it will be met by adhering to the provision of the existing law [section 47, Act VIII (B.C.) of 1869], from which, indeed, there seems no reason to depart. Let the Collector serve notice on the parties in whose favour the deposit is made, and the difficulty is removed. Mr. Dampier's difficulty does not seem to the Lieutenant-Governor to make any alteration in the Bill necessary.

Proposals regarding pasturage, fisheries, and forest rights.—In paragraph 12 of this Report reference was made to the emendation which the Presidency Conference proposed to introduce into the definition of "raiyat" with the object of making it clear that "thatching grass" lands (*kharour*) are subject to the ordinary provisions of the Bill. As section 227 now stands, the provisions of the Act are applicable "as far as may be" only to *the recovery of arrears of rent* for pasturage, forest rights, rights over fisheries, and the like. That is to say, the Act applies to those matters only in a limited degree. Questions connected with enhancement of rent, reduction of rent, acquisition of status, &c., are altogether unprovided for. This, it seems to the Lieutenant-Governor, is not desirable. *Phulkur, bunkur, and julkur*, or forest rights, pasturage, and fisheries are now, and ever have been, dealt with as on the same footing as agricultural holdings. They are in the Select Committee's form of rent receipt and account considered as incidents of the holding. It seems

therefore that they should be dealt with in a fuller measure than in section 227, and in this view the Lieutenant-Governor proposes that the provision in this head should be inserted in Chapter VIII after produce rents, and that the full provisions of the Bill should be extended to such incidental tenancies "as far as may be."

On the remainder of this chapter the criticisms made touch no question of principle, but the Lieutenant-Governor desires to notice with approval the unanimous suggestion of the Patna Conference that the words "from the threshing floor" be inserted after "produce" in clause 3, section 83, and that the words "appraisement or" be omitted from the same clause.

CHAPTER IX.

67. Improvements.—This chapter has met with wide approval, although there are officers who think that it is unnecessary. As people, they say, have not improved the land in the past, neither will they in the future, while if you allow the raiyat to improve you break the bond which should bind him in dependence on the zemindar. On both points the Lieutenant-Governor differs. There has been a good deal in the way of improvement done by the raiyats in the past, and the future is one of promise. The other objection is not intelligible to the Lieutenant-Governor, unless, indeed, on the inadmissible assumption that an union between landlord and tenant cemented by poverty is preferable, in the public interest, to one founded upon mutual benefit.

The only points of importance raised on the first section of the chapter are—should landlords have, in the case of occupancy holdings, a prior right to improve, and should a non-occupancy raiyat be allowed to dig a well without his landlord's consent? The Lieutenant-Governor agrees with those who, in accordance with the Bill as it stands, support the occupancy raiyat's prior right on the first point, and on the latter point he concurs with those who are in favour of the wider liberty proposed for the non-occupancy raiyat. Mr. Rivers Thompson quite agrees in the view of the Patna Conference, that in these Provinces it is ordinarily the substantial raiyat who improves, not the landlord; and he considers it so desirable from the standpoint of general policy to encourage irrigation in the dryer parts of the Province, that no discouragement ought to be shown the raiyat in providing means to that end. In the opinion of the Patna Conference, every raiyat should have the right of building himself a well, and in this view the Lieutenant-Governor concurs, for it strikes him as peculiarly illogical and unreasonable to tie the raiyat's hands in his fight with famine, while we watch every change in the monsoon rains with undisguised anxiety. If the landlord has to pay compensation to an evicted raiyat, who has built a well, and so far insured his holding against drought, surely the landlord has his money's worth in the increased letting value of the land. There is a public gain, and there is no private loss. It is a fact that over large areas in these Provinces, dependent on artificial irrigation for a full crop, a remarkable decline in the number of improvements has taken place in recent times, except where the landlords have been driven by the baoli or metayer system to improve in self-defence. This fact the Lieutenant-Governor attributes to insecurity of title and liability to enhancement which prevails. The reclaiming cultivators of earlier times, who cleared the country from jungle and built the reservoirs and embankments which rendered cultivation possible, have been superseded by farmers holding under short leases whose interests are so little bound up with the land or the people that they do not even find it worth their while to maintain the works which they found in existence. The more secure the raiyat's title the greater his improvements. The free-holding brahmaturdars are the most improving cultivators.

68. Acquisition of irrigation channels for landlords.—Among the points on which the Government of India desire the opinion of this Government is "whether, with reference to landlords' improvements, it is desirable

to empower revenue officers to arrange for the cutting of irrigation channels, the distribution of water, and the payment of compensation; and if so, what form such provisions should take." The questions thus raised have been noticed more by the Patna than by any other Conference; but, as discussed at Patna even, the issue is not quite that raised by the Government of India. On the whole, the Lieutenant-Governor is clearly of the opinion that itis not desirable to load the Tenancy Bill either with such provisions as those referred to by the Government of India, or yet with the proposals made by Mr. Henry, the Officiating Collector of Chumparun. This, it will be observed, is also the opinion of Messrs. Burrows, Mylne, and Thomson of Behia, whose action regarding the extension of distributary channels, and experience in irrigation matters generally, is by far the most extensive of any landlord in Bengal. The questions raised by the Government of India and the Patna Conference fall more naturally and conveniently within the scope of an Irrigation Act; and as there is some probability of a revision of the irrigation law now in force in Bengal, the Lieutenant-Governor would prefer to postpone the questions for the present. The whole subject is one of extreme difficulty, and should be considered in the light of the experience gained in the Punjab, where, in connection with it, a large body of customary law seems to have spontaneously grown up. Should the Bengal Irrigation Act come under revision, he would be prepared to give to the proposal now made his best consideration.

69. Surrender and abandonment.—On the question of surrender the Legal Remembrancer would not raise any presumption, and the Judge of Shahabad strongly objects to "surrender" being presumed from the fact that the land has been let to another raiyat. Letting land to another raiyat over the head of the actual tenant is, Mr. Tweedie observes, a common method of ouster in his district, and, as is well known, in other districts too. No doubt the presumption raised in clause (*c*)* of section 95 was meant to tell in favour of the raiyat, and not against him. But as some officers fear that it may have the latter effect, the Lieutenant-Governor trusts that the matter will receive further consideration. It is desirable that there should be no room for misapprehension on the point. Finally, after the word "village" in the other clauses, the words "or estate" should be added. This is essential to preserve uniformity with section 26.

* (*c*) If the landlord himself, at any time during the agricultural year next following the surrender, lets to another tenant or cultivates the holding or any part thereof.

Coming now to abandonment, the Lieutenant-Governor must admit that the majority of officers have not taken the same view of the necessity of selling the occupancy right that he himself, Mr. Dampier, and Mr. Reynolds take. There is, however, considerable apprehension expressed as to the effect of the section as it stands on occupancy holdings, and a compromise is suggested in the shape of the submission of a written notice to the Collector for service in the usual way on the alleged absconder before the landlord re-enters. The Lieutenant-Governor would accept the system of notice before re-entry as the minimum security necessary upon the point.

Not to affect third parties.—In connection with the Surrender and Abandonment clauses, the Bill, in the Lieutenant-Governor's opinion, is defective in making no provision for the preservation of registered encumbrances. It is probable, in the Indigo districts, that when the Bill becomes law, indigo-planters will adopt the salutary policy of dealing directly with occupancy raiyats for land more largely than they have hitherto done. That policy would, if fully developed, enable planters to dispense with thikas, and the abolition of the thika system in connection with indigo-planting would no doubt be most beneficial to Behar. It would enable the planter to allow the raiyat a larger share in the profits of the industry than he now can afford to give him. Therefore anything in this Bill tending to impede direct relations between planter and raiyat is objectionable from the raiyat's standpoint, from the planter's standpoint, and from the standpoint of general policy. Some landlords may, no doubt, object to direct dealings between planter and raiyat. They do so now

when direct dealings are in their infancy, the result of many years of up-hill administrative action. They have so long intercepted by means of the thikadari system the profit which should of right go to the raiyat that they will not, without struggle, see the growth of a healthier order of things. No doubt that newer order will be in the end to their own benefit, directly tending as it must to the prosperity of their raiyats, and therefore to the security of their own rents. But all landlords are not far-seeing, and there is every reason to fear they will object to the loss of immediate profit to themselves, which such direct dealings between planter and raiyat import. It is notorious that this feeling on the landlord's part will work injustice to the planter if not provided against. If a planter subleases land from a raiyat, pays him a *bonus* down, and a fair rent, he would find himself, through the raiyat's weakness, or collusion between landlord and raiyat, deprived of his land and his money under the operation of these sections. This position of difficulty has been forcibly brought to notice by a gentleman of very wide planting experience in Behar, and is one which involves a tangible and real danger which should be guarded against. A provision that surrender or abandonment shall not affect registered encumbrances, for due consideration effected, seems all that is required to obviate the danger.

70. Measurements.—There is a general agreement that measurements should be made with the local pole, to be afterwards converted into English measure if necessary, and that, if a landlord wants to measure a rent-free holding within his property, he must content himself with measuring its external boundaries. In both of these views the Lieutenant-Governor concurs, provided that the measurement be made with a chain graduated in accordance with the local standard, and not with a pole, which is very liable to give wrong results. It is desirable that the people interested should be able to follow and verify the measurements. On the second point, it seems clear that any interference on the landlord's part in the internal arrangements of rent-free tenures is undesirable. Such interference is in no way necessary to the vindication of the landlord's rights, and might be perverted to the injury of the rent-free holder. In this connection the Lieutenant-Governor desires to call the attention of the Government of India to the case reported at 1. W. R. Civ. Rul. 124. There it seems decided that a lakhirajdar has the right to gradual accretions to his lakhiraj property, there being nothing in Regulation XI of 1825 to deprive him of such a right. Would that ruling apply to rent-free holdings (which are not always *lakhiraj*), and if so, will not the provisions of the Bill have the effect of modifying the existing law to the rent-free holder's detriment?

Finally, I am to suggest that, with a view to preserve uniformity with the enhancement provisions of the Bill, the term of *ten* years in section 99 (2)* be altered to *fifteen*, and that an additional sub-clause be added to provide for the annual measurements which occur under the *bauli* system.

* A landlord shall not, without the consent of the tenant, or the written permission of the Collector, be entitled to measure land more than once in ten years except in the following cases:—

71. Managers.—Some officers have inveighed against the provisions regarding the appointment of managers as an invasion of the rights of the zemindars; while the Eastern Bengal Landholders' Association say "they will deal a death-blow to the co-parcenary estates of the country." All this is unreasonable, having regard to the fact that the law has been substantially as in this Bill from times anterior to the Permanent Settlement. In the 22nd paragraph of the "Code of Regulations relative to the Decennial Settlement," provision is made for managers in joint-estates. The provision was re-enacted in section 22, Regulation V, 1812, and extended in Regulation V, 1827. It was only by Act XVI, 1874, that the procedure was impaired, and all that is now proposed to do is to give due effect to what has practically been the law of the country from the earliest days of systematized revenue administration. The Maharajah of Durbhunga, in his dissent, objects to the re-enactment of a law which "has solemnly been repealed as obsolete." The reply is a denial of the correctness of the Maharajah's statement. The Act of 1874 repealed the

Colebrooke's Supplement, page 313.

Regulation of 1827, not the Regulation of 1812. The latter is still in force, but in a fragmentary condition; and the proposal is to make it more fully operative in accordance with the requirements of the times. The Maharajah objects also to legislation on this point, because he has not been supplied with information as to the use made of the law in the past. It would have been impossible to meet such an unusual call without an interruption to ordinary work of the Civil Courts and delays to suitors which are not to be lightly incurred. Besides the information would be irrelevant. It must on consideration be obvious to the hon'ble gentleman that the law is likely to be of far more use in the future than in the past. In the absence of anything like a general law of primogeniture in Bengal, interests in landed property are increasingly subdivided. The original settlement-holder of 90 years ago is now represented by many co-sharers. While co-sharers were few, less recourse was doubtless had to this law, but with every year that passes the numbers increase, and consequently the chances of internal disputes.

The Lieutenant-Governor, however, is willing to admit that some limitation may be reasonably imposed on the liberty of co-sharers to put the court in motion. It may not be desirable that every petty sharer should have the power of annoying the great body of proprietors, and therefore he would be willing, if the zemindars wish it, to accept a proposal limiting the court's action under 102 (*b*) to cases in which, say, one-fourth of the interests concerned apply. The substantial provision he regards as a most salutary one.

CHAPTER X.

72. Record of rights and settlement of rents.—This chapter appears to the Burdwan Conference calculated to stir up litigation; but as far as the Lieutenant-Governor can perceive, it has been well received by the great majority of those consulted. For his own part the Lieutenant-Governor agrees with Mr. Dampier, late Senior Member of the Board of Revenue, in thinking it, on the whole, an excellent chapter, and he has no doubt whatever that it will be largely used and prove a boon to zemindars and raiyats alike. An important zemindar on whose estates a "no-rent" cry has recently been raised has already informed the Lieutenant-Governor that he is only awaiting the passing of the Act to move Government to apply the chapter in his property. If the Lieutenant-Governor has defects of principle to notice in the chapter, they consist in its failing to provide as far as may be that during the currency of the settlement no higher rate of rent than that fixed in the settlement proceedings shall be taken from an in-coming raiyat, and in its omission to provide for the settlement of non-occupancy rents. He will take an opportunity in Select Committee to move that the chapter be so amplified as to admit of additions being made with the object just stated.

Presumption as to undisputed entries.—Passing to matters of detail, the only point upon which the Lieutenant-Governor desires to remark here is the provision of section 116 (2)* that undisputed entries shall be presumed correct until the contrary is shown. That provision, if unmodified, will, Mr. Rivers Thompson fears, seriously impair the effect of the chapter. It is eminently desirable that the record should be made binding as early as possible; and although the Lieutenant-Governor quite admits the danger of making entries at once conclusive, which have been recorded *ex parte*, he thinks a date should be fixed after which they should be no longer open to question, provision being made for due service of notice on the parties concerned. If undisputed entries are not to become conclusive in this way, raiyats or landlords or both may keep away, thereby neutralizing the good effects of this chapter. On this point Mr. Dampier makes the suggestion that, if the record be not questioned within six months, it should be declared conclusive, subject, however, to a review of the order or declaration

* 1.—Every record made under this chapter shall distinguish between the disputed and the undisputed entries therein.
2.—Every undisputed entry in the record shall be presumed to be correct until the contrary is proved.

within a reasonable period. The Lieutenant-Governor would be disposed to accept that proposal. His object is to put an end to uncertainty by all means that are consistent with the necessity of letting the parties have ample notice of the facts recorded.

CHAPTER XI.

73. Tables of rates. Reasons for retaining Chapter XI in the Bill.—It has been already suggested that the Lieutenant-Governor, herein agreeing with Mr. Dampier, was personally disinclined to abandon this chapter of the Bill. He recognizes the full force of the fact that it has not been favourably received, and he admits that it would be impracticable to frame Tables of Rates in any district of Bengal or Behar without interference with actual rents. These facts afford in his belief strong reasons against the chapter as a procedure to put in force at the will of the Government; and the Lieutenant-Governor no longer desires that it shall be so enforceable. He thinks, however, that in many cases the chapter would be found a very valuable means of adjusting disputes between landlords and raiyats. It might be argued that all the chapter provides for in the altered garb the Lieutenant-Governor would have it assume, may be done under the provisions for the settlement of rents. The argument, however, is not true. There is a very clear distinction between both procedures, that under Chapter X being far more intricate, tedious, and expensive than that under Chapter XI, and leaving less, too, to the mutual understanding between the landlord and his tenants. If this chapter were modified so as to make its operation independent of Government initiation, it would be free from many of the objections that have been urged against it. The rate officer would, then, without involving the Government in the dispute, have the power of altering existing rates with binding effect on all concerned subject to enforcement on individuals by the Civil Courts. A Table of Rates formed for any particular area would have a tendency to spread, and fair rents, if fixed for one estate, might affect all the neighbourhood. The difficulty in equalizing occupancy and non-occupancy rents would then stand a better chance than now of solution, as I am to point out later on.

The Lieutenant-Governor understands the provisions contained in this chapter to be based upon the practical conclusion, drawn from the litigation of the last twenty years, that the fixing of fair rents is an intricate, economic problem which courts cannot deal with so satisfactorily as Executive Officers can. Still less can a number of courts, dealing with a number of individual cases, and unable in each case to travel beyond the evidence actually brought forward, be expected to solve that problem. This much every one who has had experience of enhancement suits under Act X of 1859 or Act VIII (B.C.) of 1869 will readily admit. It is, however, thought that this chapter is unworkable unless the fullest power be accorded the Rate officer to alter existing rents, raising those that are low, and lowering those that are high, and adapting the rates to the capacity of the raiyats individually, and as a body, to pay. No doubt if the chapter is to be workable, such powers must be taken, and there is as little doubt that zemindars are unwilling to confer on the Government such a wide discretion to interfere. Still the Lieutenant-Governor considers that instances may well occur in which zemindars would be glad to anticipate the necessity for action under Chapter X by invoking the good offices of Government with the object which this chapter has in view. Three notable instances of such invocation of Government aid have recently occurred. One of these will be found in Mr. Oldham's minute of dissent to the Report of the Rajshahye Conference. The particulars of the other two I am here to state for the information of the Government of India. They will illustrate both the way in which this chapter would be put in operation, and the excellent effects which it might produce. The operations in both cases were conducted by Mr. H. H. Risley, C.S., late Officiating Deputy Commissioner of Manbhoom, an officer in whose accuracy of observation and precision of statement the Lieutenant-Governor places trust.

Practical instances.—

"In May 1880," writes Mr. Risley, "when I was Sub-divisional Officer of Gobindpore in Manbhoom, a number of Sonthal raiyats of the Tundi estate came to me and asked me to settle a rent-dispute between them and their zemindar by measuring their villages and fixing fair rents. On enquiry it appeared that the dispute was of more than 20 years' standing; that it had led to numerous riots and several attempts at murder; and that a provisional settlement made on the spot in 1871 by Colonel Dalton, the Commissioner of Chota Nagpore, was about to expire. The villages concerned, 52 in number, scattered over an estate of 150 square miles, had never been measured; rent was assessed on a peculiar unit of area—the amount of land supposed to be capable of taking a maund of seed,—and most extensive and indefinite claims were put forward by the raiyats to hold land at privileged rates as the descendants of the first clearers. The zemindar was anxious to have the question finally settled, and expressed his readiness to agree to any reasonable proposals.

"After certain preliminary enquiries and experimental measurements (conducted with the assistance of assessors), in the course of which the raiyats took fright and addressed a petition direct to Government, the following table-of-rates was drawn up and accepted by the raiyats in conference with the Commissioner of the Division:—

	R	a.	p.	
"First class rice land	2	0	0	per standard bigha.
"Second ditto	1	8	0	ditto.
"Third ditto	1	0	0	ditto.

"High lands to be left unassessed during the currency of the settlement; *khundit*, or reclaimed land, to pay half-rates.

"If these rates resulted in raising the jumma of any village more than 100 per cent., then an all-round rate of 12 annas per bigha to be imposed. Settlement to be for 15 years.

"The settlement was completed by the middle of 1881, and has continued in force ever since. Rents are regularly paid, and the raiyats have remained perfectly quiet, although a most bitter quarrel between the zemindar and his eldest son, who holds some of the villages by way of maintenance, offered exceptional temptation to create a disturbance and upset the settlement. *The rates fixed for the 52 villages have been adopted not only in other villages of the same estate, but in neighbouring estates.* The settlement report was published in the *Calcutta Gazette* in October 1881, and the proceedings were then thought to have some bearing upon the table-of-rates procedure suggested by the Rent Commission.

"II.—Early in 1883, Messrs. Watson and Company took a lease for 21 years of the large estate of Burrabhoom in the south of Manbhoom, comprising 641 square miles of country. In respect of rent they found a state of things which can only be described as chaos. The estate had never been measured, rents were supposed to be assessed on the quantity of land that could be sowed with a maund of seed, but even for this there were no rates, and such a thing as a jummabundi was unknown. They at once proceeded to measure and to assess at the Tundi rates, the only available precedent. They settled some villages at these rates and got registered kabuliyats. Then a number of raiyats came to me and asked me, as Deputy Commissioner, to arbitrate between them and Messrs. Watson and Company, and fix fair rates. I went to Burrabhoom and met there Messrs. Watson and Company's head manager and sub-manager—gentlemen of large zemindari experience in Midnapore estates bordering on Burrabhoom—and about 400 leading raiyats of the Burrabhoom estate. A standard bigha was measured and flagged out, and the raiyats were asked to consider whether the Tundi rates were fair. After two days' consultation, in the course of which the raiyats showed a marvellous capacity for estimating the gross produce of a unit of area which was perfectly new to them, they said they thought the Tundi rates too high, but that they would accept the rates fixed by the Board for the estate of Dhalbhoom in Singbhoom. These rates they stated. The managers demurred to them as too low. Eventually, after several days of further discussion, an agreement was drawn up embodying the following rates, and was signed by all the raiyats present. I do not remember the exact number, but the original agreement was about five feet long, owing to the number of signatures, and took several hours to register. Similar agreements were executed afterwards by raiyats who did not attend on the first day. The rates were—

	R	a.	p.	
"First class rice land	1	0	0	per standard bigha.
"Second ditto	0	12	0	ditto.
"Third ditto	0	8	0	ditto.
"*Suna* high land	0	12	0	ditto.
"Taur high land	0	4	0	ditto.

"For rice land these are the Singbhoom rates raised 2 annas. *Khundit*, or reclaimed land, was to be held at a reduction of 6 annas in the rupee according to local custom. It was agreed by the Managers that no village jumma was to be raised above 100 per cent. on the previous jumma where this could be ascertained, except in cases where lands had been concealed.

"*The whole estate has been settled at these rates, which were also adopted in drawing up an elaborate compromise between Government, Messrs. Watson and Company, and the ghatwals, regarding lands held by them in excess of their service-tenures.* Messrs. Watson and Company have withdrawn a large number of applications for measurement under Act X, which they filed at starting; there has been no litigation and no disputes worth mentioning. The limit of 100 per cent. has been observed, and village jummas have been kept down by leaving high lands unassessed.

" *The rates noted above have been adopted in settling excess ghatwali lands in the neighbouring estates of Patkum and Manbhoom, and in several registered transactions in those estates.*

" The effect of the two settlements may be stated thus—

" I. The Tundi settlement provides a table-of-rates for—

" (a.) Estate or pergunnah Tundi	150	square miles.
" (b.) " " Nagar Kiari	47	"
" (c.) " " Pandra	239	"
TOTAL AREA AFFECTED	436	"

" II. The Burrabhoom settlement gives a table-of-rates for—

" (a.) Estate or pergunnah Burrabhoom	641	square miles.
" (b.) " " Manbhoom	258	"
" (c.) " " Patkum	299	"
TOTAL AREA AFFECTED	1,198	"

" Every village in Burrabhoom has already been settled at these rates. The settlements of excess ghatwali lands in Manbhoom and Patkum are now in progress. The effect of these will be to fix these rates in a number of villages pretty evenly distributed over the estates. No other rates exist, consequently no court or settlement officer could ignore these, and landlords of unsettled villages are bound to adopt them. *Each settled village is a centre from which the rates will spread.*

" Two objections will be taken to the attempt to make use of the above proceedings as an argument in favour of Chapter XI of the draft Bill. There may be more, but I will endeavour to answer these. It will be said (1) that the raiyats were so ignorant and simple that they were ready to agree to any proposal made by a Government officer; (2) that it is easy to fix rates when you have a *tabula rasa* to start with, but that such a *tabula rasa* exists nowhere out of Chota Nagpore.

" As to the first point, neither simplicity nor ignorance can be imputed to the Tundi Sonthals. Their villages are only some twenty miles from a railway station; they had fought their landlord successfully for years; they were thoroughly versed in the machinery of agitation by way of petitions; and they perfectly understood the effect of every proposal that was made. In Burrabhoom the representative men among the raiyats were not aborigines at all; they were Uriya Mahantis and Patnaiks, and the large majority of their followers were Kurmi Mahatos. No one, I imagine, will charge men of this type with ignorance of agricultural matters or excessive respect for authority. The leaders, at any rate, were prosperous headmen of villages, with experience of litigation and no lack of money.

" With regard to the second point, the state of things I found in existence was extremely confused; but I do not think it differed in essentials from that discovered by the special officers deputed to enquire into rates in Bengal and Behar. In every village there was a theoretical rate for the seed unit of area, but as every individual unit differed in size and component elements from every other, no general rate could have been evolved from the existing data. If the seed-units had been measured up and tables of rent compiled, I believe the results reduced to bighas would have been very similar to those brought out by Messrs. Finucane, Tobin and Macpherson. Indeed the published statistics attached to the Tundi report go far to prove the correctness of this surmises. The average size of the seed-unit in the 52 villages settled varied from 5 bighas to 34. Apply the customary rate to all the different average areas between these extremes, and you will have something very like the state of things ascertained elsewhere. Apply it to the actual units instead of the averages, and you will arrive at results even more confused.

" On the whole, then, it seems to me that actual experience justifies us in holding that the procedure of Chapter XI can be used to fix tables of *customary rents* over fairly large areas. The margin of profit left to the raiyat by a customary rent is sufficiently large to enable us to ignore minor differences of fertility, accessibility and the like within given classes of land which must be taken into account in fixing competitive rents. You could not fix competitive rents by the table-of-rates procedure, because the profit reserved on the best lands of a given class would be too small for the worst lands of that class, and *rice versâ*. Or, to put it in another way, competitive rents can only be fixed by competition; customary rents may be fixed, and have been successfully fixed, by authority."

The preceding extract, which the Lieutenant-Governor thinks both interesting and instructive, furnishes justification of his desire to retain the chapter in the Bill as a less drastic and expensive means of settling disputes than the procedure of Chapter X, to which either party may have recourse, but which the Government is not to set in motion *suo motu*. If the Lieutenant-Governor has so far carried the Government of India with him, all that need be done on this part of the question to give effect to the proposal is to introduce a slight modification into section 123. The section would then run: "The Local Government may, on the application of the landlord or of a majority of landlords or tenants, &c."

But if the chapter be thus retained, the Lieutenant Governor would stipulate that it should contain provisions for the settlement of non-occupancy

as well as occupancy rents. This he deems most necessary. He holds that, in any area in which a Table of Rates had been fixed, there would be no unfairness in providing that no higher rate than the standard rate should be taken from an in-coming non-occupancy raiyat. That would follow from the proposition, which is indeed merely an expression of the existing law, that from no raiyat shall more than a "fair and equitable" rent be taken. That proposal would, it is true, break in upon the freedom of contract for initial rent; but it would do so on clear, intelligible grounds. When in paragraph 40 above the Lieutenant-Governor agreed to the initial non-occupancy rent being left to contract, he stated his intention of stipulating for an exception in areas for which Tables of Rate might be framed.

An alternative and less satisfactory plan would be to provide that if a landlord admitted a non-occupancy raiyat at a rate higher than the standard, such raiyat should, *ipso facto*, acquire occupancy rights. The latter would of course be less effective than the former; but it would tend to do good (*a*) in keeping down the initial rent at which the non-occupancy raiyat is admitted to the land; (*b*) in removing the inducements to the landlord to seek out non-occupancy raiyats in preference to settled raiyats for holdings that fall in. The Lieutenant-Governor considers the alternative less satisfactory than the first proposal.

CHAPTER XII.

74. Record of khamar land.—This chapter has been the subject of much misconception. For instance, it has been said that, under its provisions, no landlord will be able to cultivate lands that raiyats surrender, or that may otherwise fall in. The chapter, it has been stated, strikes a fatal blow at anything like large farming by resident proprietors anxious to improve the agriculture of their estates. Moreover, it has been stated, in Rai Kristo Das Pal's dissent, that the definition of the Bill is narrower than the provisions of the Permanent Settlement Regulations relating to this point; while it altogether excludes waste lands, which, "it is notorious were given to the zemindar to enable him to recoup the loss which inevitably fell upon him under the crushing assessment of the Permanent Settlement."

From these statements the Lieutenant-Governor must dissent. There is no prohibition against landlords cultivating lands which, from whatever cause, may lapse into their hands. There is no injunction or obligation imposed on them by the Bill to let such lands to raiyats; they are perfectly free agents in the matter to let the lands to raiyats, or to cultivate them themselves as they please. What the Government say to landlords in this chapter is broadly this: "Your estates may be regarded as made up of two sorts of land *khamar* or demesne, and *ryotti* or communal land. The former comprises all the land which, according to the ancient custom of the country, or according to any local practice, has been recognized as private land, *plus* all the land which before the commencement of this Act you have given evidence of a wish to permanently cultivate yourself. You are not entitled as of right to the latter. But we recognize the logic of facts, and we desire to terminate this strife by a liberal concession to you. The communal or *ryotti* land will include the rest of your estate. You may bar the accrual of the occupancy *status* in your *khamar* or private land. In reference to it you are given the fullest freedom of contract. But in reference to *ryotti* land you may not bar the growth of tenant right, unless in accordance with the provisions of this Act. As regards all *ryotti* land which may have lapsed, you may hold and cultivate the same yourself as long as you wish, but if you do let it to tenants, you must allow those rights to accrue to your tenants (subject to the payment of a fair rent) which this Act guarantees; you must not deprive them of that security which, in the public interests, it is desirable they should have." Now, that is what the Bill practically says on this subject of *khamar* land, and it needs no great insight into this subject to see how very different it is from the version which the opponents of the Bill have given, and withal how consonant it is with public policy and fair dealing.

Objection is taken by the same authority to limiting the zemindar's vested and guaranteed rights by not declaring as khamar all the land that was waste at the time of the settlement. We have

* Fifth Report, page 18.

to two-thirds of these Provinces was waste at the time of the Settlement, so that, if the claim be allowed, we should have to deny any agrarian rights at all, except at the zemindar's sufferance, to some 30 millions of people! But the objection admits of ready disproof, without having recourse to the final one of public interest and policy. We have unquestionable evidence of what the Government of that time regarded as the khamar land referred to in the Regulations. This matter was dealt with in paragraph 8 of my letter of 27th September last. It was there stated on the authority of sections 37 and 39 of Regulation VIII, 1793, that under the Setttlement no land was regarded as *khamar* which was not such on the 12th August 1765, the date of the grant of the Dewanni, and that statement has remained unrefuted. It is clear from it that the land which was waste in 1793 was excluded from the definition of *khamar*. Moreover, I am now to invite a reference to Colebrooke's Supplement, page 315, which will show that *khamar*, as understood in the Rules for the Decennial Setttlement, meant "lands appropriated by the zemindars and talukdars of Bengal and Orissa to the subsistence of themselves and families." These words also make it clear that khamar was not waste. In Behar there was no *khamar*, malikana lands taking their place. This antiquarian information is, perhaps, at this stage of the discussion somewhat out of place; but the Lieutenant-Governor has not thought it right to let such statements, though contradicted before, pass unchallenged now.

As to the provisions of the chapter, the Lieutenant-Governor has no criticism to offer. They seem to him in all respects suitable.

CHAPTER XIII.

75. Distraint.—The papers no longer show any large section of opinion in favour of the total abolition of distraint, though it is to be noted that the majority of the Orissa Conference would abolish it in case of all saleable holdings and hold to the Bill in other cases. Some judicial officers would also be glad to see distraint put an end to, for, as the Subordinate Judge of Backergunge puts it, "distrained crops are partly spoilt and partly stolen;" but on the whole there is a feeling that distraint ought to be retrained in some shape or other. In Bengal it is clear that distraint is not usually had recourse to as a means of recovering rent, and there is reason to think that when used the object is as often to harass the raiyat as to recover arrears. Still the conclusion to be drawn from the evidence is that the abuse of the power to distrain is not a serious question in Bengal. Under such circumstances, it is natural to find that many officers are disposed to leave matters as they are. The Dacca Conference and the Chittagong Commissioner accept the Bill, which will not make much, if any, change in existing conditions in those parts of the country. The Orissa Conference are divided (apart from the abolitionist view of the majority) between leaving the law as it is, or accepting the draft Bill. Many Bengal officers are in favour of more stringent punishment in case of abuse if the law be left unaltered.

In Behar there is a dislike of the provisions of the Bill. The Patna Conference prefer the existing law, though partly for reasons based on a misapprehension of the provisions of the Bill, and partly on a fear which the Lieutenant-Governor cannot appreciate. It is not correct to say that the Bill makes the raiyat deposit before he can get a remedy, while the fear that a Civil Court officer would abuse his powers more than a landlord seems fanciful. The Bhagulpore Conference (now that transferability has not been accepted for Behar) recommend, at least so the Lieutenant-Governor understands them, the retention of the present procedure, modified only so far as that the landlord must serve on the court a duplicate of the distraint notice he is already bound to serve on the raiyat.

Recommendations regarding distraint.—To all these various views the Lieutenant-Governor has given careful attention. In Behar he is clearly of opinion that the law of distraint of crops, or, as the Behar Committee called it, *restraint* of crops, needs amendment. One of two courses is open. We may retain the existing law with sharper penalties against abuse of it, or we may proceed upon the basis of the Bill. If we adopt the latter course, then the Lieutenant-Governor would very strongly urge the substitution

of section 186 of the Bill as introduced in the Legislative Council for section 220 (2) of the present Bill. If we adopt the former course, then the retention of section 220 (1) as it stands with section 186 of the original Bill substituted for section 220 (2) (as in the previous case) is absolutely essential. Of these two courses the Lieutenant-Governor would prefer the first-mentioned course, because of the preference which local opinion gives to as large a measure of adherence as possible to the existing law, and because he believes that strict attention on the part of local officers to its provisions, safeguarded as they would be by the proposals now made, would preserve it from abuse. Whatever provisions should be introduced for Behar should also be extended to Bengal, and it should be made clear that an officer of the Civil Court deputed to sell or otherwise deal with distrained crops, shall be liable to punishment under section 166 of the Penal Code for any violation of the law of distraint to which he may have been in any way a party. At present it would appear that for a conviction under that section it is necessary to prove that the particular act was *prohibited*. It should be sufficient to show that it was not *authorized* by the law.

While thus expressing his preference for the maintenance of the existing law, fortified by stricter safeguards than at present against abuse, the Lieutenant-Governor would, however, add that he has no insuperable objection to the plan proposed in the Bill, modified as he has recommended it should be. Should the Government of India prefer the plan given in the Bill, the words "or about to become due" should be inserted after "due" in the first line of section 139, so as to make that section fit in with section 141. Then the scheme would provide for the cases of *churs* and *frontier lands*, to which allusion has been made as cultivated by nomads whose crops afford the only tangible security for their rents. In this connection also attention may be called to the proposal of the Munsif of Shadaram, that collective notices of distraint might be served when there are several defaulters. The proposal would save expense.

CHAPTER XIV.

76. Summary sale of registered tenures.—In paragraph 14 of my letter of 27th September 1883, the necessity for a registration of tenures, both with reference to this Tenancy Bill and to considerations of general policy, was represented to the Government of India, and in paragraph 19 above the same subject has been touched upon. The Lieutenant-Governor has not yet submitted his proposals in a definite shape for the approval of the Government of India; but the inclusion in the draft Bill of such a provision as section 209 gives him hope that approval will not be withheld when the proposals come under the consideration of His Excellency the Governor-General in Council. Should Mr. Rivers Thompson's expectations in this regard be verified, we may look forward to the registration within a moderate period of time between one and two millions of tenures, and it will then be possible to apply to these tenures, no doubt, at first tentatively and with prudence, that modification of the putni sale law procedure which the Bill enables the Local Government to introduce. We should begin by applying the summary procedure to permanent tenures held at fixed rates, and should experience justify expectation, the system would be afterwards extended. The result of a general application of the procedure to all tenures would be to give the zemindars, in regard to a very considerable proportion of their rent-payers, all they want, and in the way they want it, on the subject of a speedy procedure for realizing rent arrears. When, therefore, the proposals made in this Bill on the subject of realizing arrears are declared by Rai Kristo Das Pal to be "disappointing," and by the Maharajah of Durbhunga "to intensify their present difficulties and deprive them of the little relief they now enjoy," it seems to the Lieutenant-Governor that the effects of the proposals on the registration of tenures have not been duly appreciated.

Mr. Tweedie's Draft Procedure Code.—On the general subject of judicial procedure, the Lieutenant-Governor feels some diffidence in commenting upon the Bill. The question is one for the Legislative Department of the Government of India. He may, however, say that no officer has proposed a substitute for this chapter of the Bill except Mr. Tweedie, Judge of Shahabad,

who has developed into a draft Code the suggestions on the subject made in his report on the Bill. Mr. Tweedie's draft Procedure Code is herewith submitted for the consideration of the Government of India, and if the Lieutenant-Governor abstains in this place from expressing a decided opinion on its merits, he is free to acknowledge the industry and care which Mr. Tweedie has brought to bear upon the subject. No doubt the proposals will receive due attention in the Legislative Department.

General opinion regarding the Chapter.—Passing on to the provisions of the chapter, I am to say that they have been received with general approval by the officers consulted. There is agreement in the view that they will shorten and simplify procedure. Some appear to think that a modification in the High Court's rules (see Mr. Reily's observations quoted in Mr. Dutt's report) would also be desirable; but that does not seem to be the opinion of the Hon'ble Judges themselves. Probably the point may be again considered by them when the necessity for framing rules under the Bill arises.

Collective suits.—With regard to the question of collective suits, I am to state that if the High Court had not declared their disapproval of them, this Government, basing its opinion on the reports now submitted, would have done so. The only advantage to be got from collective suits disappears when the parties are brought to court. On this point the opinion of Colonel Samuels, who has had large experience of collective suits in Chota Nagpore, and who is besides an able judicial officer, is very valuable. There may be a saving in initial expenditure, but that saving can be secured, as the Hon'ble Judges of the High Court point out, by other means.

Written statements and notes of evidence.—The Government of India will observe that many judicial officers deprecate the exclusion of written statements [163 (*e*)], and think it unwise to dispense with notes of the evidence [163 (*f*)]. In these views this Government concurs. Experience shows that the mass of the peasantry do not state their case orally, either with fulness, or to the best advantage; while nothing simplifies the work of an appellate court more than a clear and perspicuous record.

Payment to a party.—Then, a very forcible objection has been taken to section 164. As the Judge of Shahabad, the Subordinate Judge of Nuddea, and others point out, the section does not provide for the common case of a plea of payment made to a third party; while by forcing the third party into court, the section may prejudice his interests. These objections are weighty, and, on the whole, the Lieutenant-Governor would be glad to see section 199 of the original Bill (which did not force the third party at once into court) restored with such amplifications as may be necessary to provide for payment made *bonâ fide* to a third party.

On the questions of strengthening the judicial staff, to which the Hon'ble Judges of the High Court have attached so much importance, the Lieutenant-Governor deems it unnecessary to say more here than that he admits the necessity of providing adequate and efficient tribunals for the speedy disposal of rent-suits. The question is one to be discussed separately, when the prospect of passing the Bill into law is assured. The Hon'ble Judges' proposals on the subject of reducing the fees leviable on rent-suits are deserving of all attention.

CHAPTERS XV AND XVI.

77. On these chapters the Lieutenant-Governor has no criticisms to offer beyond that which is stated in paragraph 9 of this letter, which are not concerned with matters of language and detail. The former he will reserve for consideration in the Select Committee; and as regards the latter he thinks that there is much to be said for the view that the language of the regulations, which have received judicial interpretation, should be adhered to as closely as possible.

CHAPTER XVII.

78. Contract and custom.—The Lieutenant-Governor has carefully

considered the various criticisms that have been made on section 210;* and while he thinks it desirable to modify it in some respects, he adheres to the view held by this Government that its main principles are not only justifiable but absolutely essential to the well-being of the peasantry of these provinces. To talk of the section being tantamount to keeping the people in leading strings, of its being a breach of Government guarantee and an infringement of a proprietary right, or of its being uncalled for by any established abuse of the landlord's greater power and longer purse, is to ignore alike the lessons of history and every-day experience, and to shut one's eyes to the evidence of patent facts. Such arguments lie badly in the mouths of those who deny—and as the Lieutenant-Governor admits to some extent rightly deny—the raiyat's capacity to deal on even terms with his mahajun. If one point more than another in connection with this Bill is placed beyond the reach of any doubt by accumulated and daily recurring experience, it is this: that the raiyat is not a free agent; that he is constantly compelled, in the most advanced as well as in the most backward districts, to sign away his rights in a manner which, had we not the documents before us, would have been incredible in sane people. In the face of such facts as these, not isolated facts, but general recurring facts, it is unreasonable to maintain that the raiyats are free agents. It is surely out of place to quote Lord Macaulay, as the Commissioner of Rajshahye does, in favour of freedom of contract, when every fact refutes the conditions which Lord Macaulay's argument pre-supposed. As far as freedom of contract can safely be given, the Bill gives it. It, in fact, gives a wide measure of freedom of contract, and the present recommendation of the Lieutenant-Governor would extend that freedom. The checks which the Bill imposes will be found no oppressive bond by fair-dealing zemindars. The Lieutenant-Governor doubts if they will feel their existence. Those who most oppose the checks are they who would have no line drawn between liberty and license.

* The provisions of this Act in respect of the following matters shall take effect notwithstanding any contract to the contrary :—

(a)—The acquisition of the status of a settled raiyat and of the occupancy right (sections 24, 25, and 26).

(b)—The incidents of the occupancy right specified in section 31.

(c)—The right of an occupancy raiyat to demand a deduction of rent under section 51.

(d)—The right of either landlord or tenant to demand a commutation of a produce rent under section 53.

(e)—The protection afforded by the Bill to a non-occupancy raiyat and an under-raiyat from ejectment except on specified grounds (sections 58, 59, 60, and 63).

(f)—The right of a tenant to a reduction of rent on account of the diminution of the area of his holding (section 66).

(g)—The right of the raiyat to make improvements and claim compensation for them (sections 88, 89, 90, and 93).

(h)—The protection afforded to all tenants against ejectment except in execution of a decree (section 98).

Passing to the provisions of the chapter, I am to observe that Mr. Dampier has brought to notice the fact that landlords occasionally desire to keep in their possession *ryotti* lands that fall into their hands for special and exceptional purposes, such as a model farm, or a pleasure-ground, or the like. It may not be convenient to them to put their intention at once in force, and meantime it would benefit them and their raiyats that the lands should not lie idle. But if let to a settled raiyat, the latter would acquire an occupancy title in them, while if let to a non-occupancy raiyat it is conceivable that a court might give him compensation for disturbance. Under such circumstances as these, and for valid reasons established to the Collector's satisfaction, Mr. Dampier would allow the parties to bar the accrual of occupancy rights in such exceptional lands. This proposal the Lieutenant-Governor would accept.

Chur and dearah lands.—The Lieutenant-Governor would also, subject to a proviso under section 210, deal with the case of *chur and dearah lands*, which, he ventures to think, are not very satisfactorily dealt with by being left under section 213* practically outside the Bill. Mr. Rivers Thompson does not surrender the view that occasionally *chur and dearah* lands do need exceptional treatment. But the laxity with which the terms *chur and dearah* are applied, sometimes being used in regard to formations of old date, may lead to litigation and dispute, if the subject is not dealt with more clearly than now as an integral

* Section 213.—Notwithstanding anything in this Act, a raiyat holding land of the kind known as chur or dearah, that is to say, land ordinarily liable to improvement or deterioration by fluvial action, shall not acquire a right of occupancy in the land until he has held the land for twelve continuous years, and until he acquires a right of occupancy in the land, shall be liable to pay such rent for his holding as may be agreed on between him and his landlord.

But the Court may, on the application of either the landlord or the tenant, declare that any land has ceased to be chur or dearah land within the meaning of this section, and thereupon all the provisions of this Act shall apply to the land.

part of the Bill. It is specially necessary to keep touch with existing facts as far as possible, and to avoid suggesting the idea that (consistently with the landlord's just rights) the occupancy status with its concomitant attributes may not be acquired in the future, as in the past and present, on accreted lands. The Lieutenant-Governor's proposal would, therefore, be to omit section 213 from the Bill altogether, and to give to raiyats the right of contracting themselves out of the occupancy or settled status in regard to *chur and dearah* lands so long as these do not come within the operations of the dearah survey, or so long as the Collector does not declare them to be fully formed. Thus, a workable rule will be laid down, landlords will be able to make their own terms for new lands, which within a short period of time may pass from a condition of sterility to one of fertility, and nothing will be done to distinguish unnecessarily accreted lands from the older formations.

79. Halhasili tenures.—The information regarding *halhasili* tenures supplied by the Bhagulpore Conference and by Mr. Reily, Manager of the Chanchal Estate, is full and satisfactory. From it the Lieutenant-Governor infers that the *halhasili* tenure is something like a survival of that land system stated by Mr. H. S. Maine† to be, at some period or other of their development, common to all countries inhabited by an Aryan race. It is very evident from the information now furnished that in Bengal these *halhasili* tenures are well advanced in the transition stage to ordinary ryotti holdings. They are not always distinguishable from occupancy holdings. Under these circumstances it seems to the Lieutenant-Governor desirable to avoid impeding the transition as much as possible. It is clearly not our object to stereotype the existing state of things. In regard to *halhasili* lands, therefore, the Lieutenant-Governor would let the ordinary provisions of the Bill apply, and would not mention the word *halhasili* at all. The difficulties which present themselves to Mr. Reily as regards the rights in relinquished lands would probably be met by the provisions of sections 95 and 96 of the Bill.

† Village Communities in the East and West, page 81.

80. Utbundi tenures.—The origin and growth of the *utbundi* system has not been traced by the Presidency Conference. It has, however, been described with adequate fulness in Mr. Cotton's memorandum on tenures submitted to the Select Committee, to which a reference is requested. It would seem to be of the same class of tenure as that just noticed, only that when the turning point was reached its further development was, so to speak, misdirected, while the *halhasili* tenure developed in the right direction. It is a tenancy from year to year and sometimes from season to season, the rent being regulated not as in the case of *halhasili* by a lump payment in money for the land cultivated but by the appraisement of the crop on the ground, and according to its character. So far it resembles the tenure by crop appraisement of the baoli system; but there is between them this marked difference, that while in the latter the land does not change hands from year to year, in the former, it may. The character and tendency of the *utbundi* system will be best appreciated from the following quotation from the Board of Revenue's Report on Estates under direct management in 1882-83:—

> Utbundi raiyats having no rights take no interest in the improvement of the lands temporarily held by them, and the prevalence of the utbundi system in this (Nuddea) district has resulted in the inferiority of the soil, and the consequent neglected state of such mehals under khas management. These raiyats only cultivate a portion of a mehal, without caring to bring the whole estate under cultivation. The greater portion of a mehal, therefore, remains uncultivated throughout the year, and is overgrown with weeds and bushes, and at last becomes wholly unfit for cultivation. The intention of the Government in bringing estates under khas collection, and in extending this system to all Government estates, is frustrated. The estates in this district, in which the utbundi system obtains, have lost much of their importance, and have not derived any of the benefits likely to accrue from khas management.
>
> Mr. Tayler (the Collector) suggests the necessity of converting these tenures into holdings at fixed low rates, observing thus:—
>
> "To bring such estates under cultivation, and to improve the soil, I would suggest that the mehals may be let out under the system of *jumma rates*. The fixity of low rates, lower than those obtained by the *utbundi system*, will no doubt induce cultivators to accept leases on such terms, and encourage them to improve the soil by bringing lands under cultivation, at least with a view to pay the rent assessed upon their holdings. The cultivators will then know that the lands are their own, and that they will not be ejected as tenants-at-will are. Their interest in the land will thus be increased, and it may be expected that they will spare no pains to improve the condition of their holdings.

"In the second place, the fixity of rates, even for a term of years, will contribute to the security of the rental. The whole area of the estates will be assessed at lower rates instead of only a portion at higher, and thereby the gross rental derived therefrom will, I trust, exceed, but never fall short of, the amount under the utbundi system. Then, when the whole mehal has been brought under cultivation and the raiyats have gained much by the settlement at low rates for a length of time, the mehal may be brought under settlement, and the low rates may be conveniently enhanced, and settlement at enhanced rates, which must be fair and equitable, and must be arrived at after consideration of the trouble and money spent by the raiyats to improve their holdings, will be gladly accepted. In this way the utbundi system now in vogue, which has materially affected the condition of the mehals, can, and ought to be, I think, discontinued. In some instances I have lately found that the mehals let out under the utbundi system are not properly looked after. They should be visited while the crops are on the ground, and the area under cultivation should be measured and assessed accordingly. This is, however, not always done in this district. Unless this practice is adhered to and strictly acted up to, there is every likelihood that the collecting agency will be deceived, and will have to be satisfied with whatever rent they can realize. I have impressed upon the sub-divisional officers the necessity and importance of introducing *jumma rates* in mehals in which the utbundi system obtains, but before the introduction of such a system can be given effect to, they have been directed to see that the officers on the Subordinate Executive Service placed under them assess the lands at the due time."

The facts disclosed by this description of the *utbundi* system do not dispose the Lieutenant-Governor to any special legislative measures towards its conservation. It would not be easy, as Mr. Reily of Chanchal, with a good deal of personal experience of the subject explains, to indicate the precise nature of the legislation requisite to meet such cases; though he rightly deprecates the proposal so to exclude these systems from the Bill as they now are excluded by section 214.* It is, Mr. Rivers Thompson understands, a fact that occupancy rights may now be acquired in *utbundi* lands,* and he thinks that the acquisition of such rights is a thing to be encouraged in the interests of all concerned. The result of this enquiry, then, is to confirm the Lieutenant-Governor in the opinion expressed at the end of the 8th paragraph of my letter of 27th September 1883. He would willingly treat *utbundi* as he recommends that *halhasili* lands should be treated.

* *Section 214.*—Nothing in this Act shall affect the conditions, customary or otherwise, under which land is held on in either of the systems known as the "utbundi" system and the "halhasili" system.

* See 20 W. R. 329.

On the remaining provisions of the Bill the Lieutenant-Governor has no remarks to make in this place. It will be remembered that the questions of homesteads, penalties for illegal distraint, rights of pasturage, and the saving of special enactments have already been discussed in other connections.

81. Summary sale of dependent taluks and rent-free tenures.—I am now to turn to your letter of the 5th May, and, as promised in the 6th paragraph of this Report, to offer some observations on the points raised in the second and fourth paragraphs. On the first, fourth, and seventh points raised in paragraph 2, no further observations are here necessary, as they have been sufficiently discussed in paragraphs 68, 60, and 46 of this Report. In regard to the second and third points, *viz.*, the applicability of the summary sale procedure to certain dependent taluks, and for the recovery of Road Cess arrears from rent-free tenureholders, the Lieutenant-Governor desires to give a decided answer in the negative. There is no evidence to show that the existing state of things has caused any appreciable difficulty, while it is very likely indeed that the summary procedure would be taken advantage of to the great detriment of the proprietors of old and valuable tenures.

82. Chittagong tenures. Guzasta and Gora holdings.—On the fifth point the Lieutenant-Governor's views will have been gathered from what has been said under *utbundi*. He would strike out section 214 altogether. In regard to Chittagong no saving need be made, the proposals made in this letter meeting the requirements of the Division.

Finally, the question regarding the exemption of *guzasta* and *gora* holdings (the latter being of no great prevalence or importance) from the pre-emption clauses of the Bill loses much of its significance if the proposals made by the Lieutenant-Governor in regard to the sales of occupancy rights be accepted. Occupancy rights in Behar will continue, as now, to be saleable wherever such a custom prevails. No question of pre-emption will therefore arise. Elsewhere in Bengal the Lieutenant-Governor would allow the veto on purchases by persons not dependent on agriculture for their chief means of livelihood to operate in case of all transferable holdings not regarded as tenures by statute or by established custom.

83. Sufficiency of revenue establishments for the purposes of the Bill.—In respect to the points raised in your fourth paragraph, I am to observe that undoubtedly the revenue establishments in these Provinces would have to be considerably strengthened if raiyats and zemindars were at once to have recourse to all those provisions of the Bill which depend on the Collector and his subordinates for their execution. But the Lieutenant-Governor believes that nothing of the sort need be apprehended. In Behar no doubt, where survey and settlement operations will be set on foot very soon after the enactment of the Bill, special establishments will be necessary; but in the rest of these Provinces it may be accepted that the passing of the Bill will create no revolution and but little perceptible change at first. As time goes on, and knowledge of the law extends to the masses, its effects will become apparent; but they will become apparent gradually, and without any disruption of existing relations. The fear that the Bill will "plunge the country into a flood of litigation" is not one that will survive the controversy that gave it birth, for the Bill rather establishes tendencies than introduces change. Therefore it may be assumed, as in other cases, that the knowledge that the law is there will stimulate mutual concession and agreement; there will be no sudden call on the executive.

But, taking things at their worst, the Lieutenant-Governor does not see that, outside Behar, any excessive strengthening of establishments beyond the Registration establishments would be necessary to cope with the work indicated in the fourth paragraph of your letter under reply. The record of rights, settlement of rents, and registration of khamar land in Behar will no doubt need special establishments, as will the enforcement of the former provisions in isolated estates in Bengal. But these are the only provisions of the Bill that suggest at present any anxiety on the score of the sufficiency of the executive staff. The Lieutenant Governor cannot believe that it will be necessary to engage in a futile search for a "prevailing rate." Price-lists are now prepared, and all that is required is more care and supervision. Rent deposits are now received, and should go on as usual under the control of the civil courts. Appraisement by special officers will be needed only in a small corner of the Province, and not always there. The registration of landlords' improvements is a thing of the future; permission to measure holdings is granted daily by the civil courts, and should continue to be granted by those authorities. Apart, therefore, from the operations to be undertaken in Behar and in some isolated estates in Bengal under Chapter X, the only matter of any urgency in connection with an increase of the Executive services lies in the Registration Department. That matter will receive the Lieutenant-Governor's early attention, while the measures connected with operations under Chapter X of the Bill in Behar will form the subject of a separate communication to be submitted at an early date to the Government of India.

84. Summary of recommendations.—Before bringing these observations to an end, the Lieutenant-Governor thinks it may be convenient here to sum up briefly the chief proposals he has made in modification of the Bill in its present form. For the reasons, then, which have been stated at full in the preceding pages, Mr. Rivers Thompson proposes—

I.—To modify the presumption as to fixity of rent by requiring proof of such fixity in all future cases from 20 years before the passing of the Bill.

II.—To abandon the proposal to convert into a tenureholder a raiyat who sublets more than half his holding. (The Lieutenant-Governor would maintain section 209, which provides that, on the registration of tenures under any law for the time being in force, the summary sale procedure of the Bill for recovery of arrears of rent shall apply to such tenures.)

III.—To recognize the right of free transfer of occupancy holdings among the agricultural population in Bengal Proper; but in Behar to leave matters to be regulated by custom as at present.

IV.—To omit the pre-emption clauses of the Bill, and to substitute for them a system of compulsory registration accompanied by notice of the transfer to the landlord.

V.—To give to landlords in Bengal Proper a veto on transfers if the purchaser be a person who does not derive his chief subsistence and income from agriculture.

VI.—To recognize the principle that, in the absence of reason to the contrary, the courts shall regard a rise in the price of staple food-grain as entitling the landlord to an enhancement of rent.

VII.—To fix the percentage by which the enhanced rent shall exceed the former rent at a definite proportion (one-half is suggested for consideration) of the percentage by which the enhanced prices exceed the former prices, the other portion going as an allowance for increased cost of production.

VIII.—To assign to enhancements on the ground of landlords' improvements a maximum limit of double the former rent.

IX.—To abandon the provision for enhancement on the ground of a "prevailing rate," experience having shown that no such rate exists, and that the position assigned to it in the present law has led to the construction of collusive and fictitious rates for the purpose of forcing up rents.

X.—To abandon fluvial action as a ground of enhancement of rent, but to recognize freedom of contract between landlord and raiyat in regard to new alluvium.

XI.—To withdraw the arbitrary limitations on enhancements by suit on account of a rise in prices, and to allow contracts for enhancement of rent out of court up to a maximun limit of 2 annas in the rupee (12½ per cent. of the former rent, and for a minimum period of 15 years.

XII —To withdraw all restrictions on freedom of contract in respect of the *initial* rent of all land which may lapse to the landlord from whatever cause.

XIII.—To re-introduce the provision that the rent of the occupancy or non-occupancy raiyat shall not exceed one-fifth of the value of the gross produce calculated in staple food-grains.

XIV.—To give the non-occupancy raiyat a right to claim compensation for disturbance up to one-fourth of a fair rental for each year of the tenancy.

XV.—To withdraw all restrictions on freedom of contract with under-raiyats, subject only to the provision that the under-raiyat's rent shall not exceed the value of five-sixteenths (31¼ per cent.) of the gross produce calculated in staple food-grain.

XVI.—To strengthen the customary rights of raiyats in *Bastu* land by providing that rights of occupancy shall accrue under the Bill in all such lands.

XVII.—To make action under the chapter for preparing Tables of Rates dependent on the application of either party, and not as in the Bill, on the discretion of the Local Government.

XVIII.—To retain the present law of distraint with sharper penalties for abuse of it.

XIX.—To omit the section regarding *utbundi* and *halhasili* lands, to regard both classes as subject to the ordinary incidents of *ryotti* land.

This concludes the observations which Mr. Rivers Thompson has, on this occasion, to offer on what is undoubtedly the most important subject, which has, since the days of the Permanent Settlement, engaged the atttention of Her Majesty's Government in India. The Lieutenant-Governor ought, perhaps, to apologize for the length to which his remarks have run; but he was anxious on this the last opportunity which may be afforded him before the final consideration of the Bill, to explain with necessary fulness the motives which actuate him in supporting this measure, and to defend its main principles from the misconceptions to which they have been exposed. It was also his wish to record, with due advertence to the opinions of his officers, and with such argument as the time at his disposal permitted, the reasons on which, in the interests committed to his charge, he bases claims for modifications in some of the provisions of the Bill. He now respectfully confides the question to the Government of India, in the assurance that the result of their counsels will be the enactment of a Tenancy Law in Bengal, which will restore peace where unrest now prevails, and ensure the growth of prosperity and contentment among all classes of the agricultural community throughout these Provinces.

APPENDIX I.

Statement showing the number, value, and area of Ryoti Holdings held at fixed rates transferred by Registered Deeds-of-Sale in each Registration District of the Lower Provinces of the Bengal Presidency for the years 1881-82, 1882-83, and 1883-84.

Number.	DISTRICT.	Number of transactions.			PURCHASERS. Mahajuns, traders, or money-lenders.			ZEMINDARS. Landlord of the holding transferred.			ZEMINDARS. Zemindar or landlord of holding other than that transferred.			Ryots.		
	1	1a			2			3			4			5		
		1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.
	BENGAL. *Burdwan Division.*															
1	Burdwan	1,107	1,038	701	182	156	153	35	16	11	67	26	29	350	417	271
2	Bankura	1,348	2,170	3,035	417	676	1,034	17	34	51	53	112	85	605	1,072	1,548
3	Beerbhoom	390	729	289	28	37	15	5	12	11	14	65	6	269	416	231
4	Midnapore	1,207	1,374	1,890	550	641	489	13	39	6	36	26	64	467	503	1,073
5	Hooghly	445	624	6 3	85	116	98	12	13	18	13	41	30	178	283	309
5	Howrah	850	737	1,326	238	226	287	10	3	195	49	28	132	142	146	282
	TOTAL	5,847	6,672	7,854	1,500	1,852	2,076	92	117	292	232	298	346	2,011	2,837	3,709
	Presidency Division.															
6	24-Pergunnahs	1,657	1,947	1,681	230	237	149	29	22	19	106	128	124	804	810	683
7	Nuddea	894	822	680	236	220	191	19	35	16	63	58	32	335	332	288
8	Jessore	1,828	210	553	102	...	33	28	3	26	56	3	23	1,238	177	377
9	Khulna	...	1,125	1,186	...	96	42	...	7	9	...	14	19	...	394	579
10	Moorshedabad	753	795	548	92	88	71	35	5	5	51	71	25	368	450	357
	TOTAL	5.127	4,899	4,598	660	641	486	111	72	75	276	269	223	2,740	2,163	2,284
	Rajshahye Division.															
11	Dinagepore	258	19	3	11	...	...	1	...	...	2	2	1	227	14	1
12	Rajshahye	69	68	50	16	13	14	2	13	2	7	4	3	23	10	22
13	Rungpore	330	322	485	17	19	49	96	5	4	9	4	2	199	290	422
14	Bogra	9	16	20	2	2	4	...	...	3	2	8	5	5	2	7
15	Pubna	207	134	93	50	26	16	1	3	...	27	14	6	79	78	59
16	Darjeeling	...	3	3	...	...	...	...	...	...	...	...	...	...	3	3
17	Julpiguri	5	11	...	...	...	...	...	...	...	2	3	...	3	9	...
	TOTAL	878	573	654	96	60	83	100	21	9	49	85	17	535	406	514
	Dacca Division.															
18	Dacca	180	141	57	23	39	13	2	4	1	29	20	8	48	47	24
19	Furreedpore	197	247	336	8	13	40	8	3	3	35	17	37	125	153	144
20	Backergunge	1,904	1,797	1,925	161	189	201	11	28	34	190	126	304	1,063	1,349	1,568
21	Mymensingh	157	199	246	20	22	78	8	6	2	42	75	107	75	161	151
	TOTAL	2,388	2,384	2,564	212	263	332	29	41	40	296	238	456	1,308	1,710	1,882
	Chittagong Division.															
22	Tipperah	149	175	84	27	20	2	7	1	...	20	52	24	138	121	53
23	Chittagong	614	512	944	40	54	107	16	19	45	43	55	6.	112	81	122
24	Noakholly	948	999	1,201	73	84	87	24	74	55	485	381	527	164	417	685
	TOTAL	1,711	1,686	2,229	140	158	196	47	94	100	548	468	612	414	619	860
	BEHAR. *Patna Division.*															
25	Patna	89	161	182	3	...	24	8	48	85	42	33	16	36	69	84
26	Gya	19	49	85	4	...	8	6	5	...	2	1	1	7	44	82
27	Shahabad	639	715	657	41	72	57	60	28	12	80	62	81	509	668	579
28	Mozufferpore	23	29	...	1	10	...	25	5	...	2	4	...	6	5	...
29	Durbhunga	97	84	96	4	21	13	3	12	13	28	27	29	49	14	35
30	Sarun	162	263	324	12	21	3	2	8	10	17	28	74	119	179	204
31	Chumparun	42	140	277	17	33	76	...	1	4	4	11	1	21	94	182
	TOTAL	1,071	1,441	1,621	82	157	181	104	107	124	175	166	202	747	1,077	1,166
	Bhagulpore Division.															
32	Monghyr	242	495	485	49	105	83	31	47	67	41	79	80	107	266	245
33	Bhagulpore	133	143	213	25	48	75	16	58	50	3	...	3	57	32	77
34	Purneah	3	...	...	2	...	...	...	...	...	1	...	...	...	...	...
35	Maldah	66	41	141	34	18	48	...	1	2	2	...	1	7	5	83
36	Sonthal Pergunnahs	371	318	2	103	68	2	12	17	...	6	...	...	254	232	...
	TOTAL	815	997	841	213	234	208	59	128	119	53	79	84	425	535	405
	ORISSA. *Orissa Division.*															
37	Cuttack	97	83	97	18	12	3	6	5	10	14	6	9	19	36	37
38	Pooree	232	...	...	27	...	...	...	...	...	61	...	...	97	...	...
39	Balasore	53	47	70	17	5	11	...	...	...	4	1	8	19	25	24
	TOTAL	382	130	167	62	17	14	6	5	10	79	7	17	135	51	61
	CHOTA NAGPORE. *Chota Nagpore Division.*															
40	Hazaribagh	7	1	18	5	...	8	...	...	1	...	...	2	3	1	5
41	Lohardugga	9	9	7	3	1	1	2	...	1	...	3	1	5	6	4
42	Singhbhoom	...	1	...	...	...	...	...	...	...	...	...	...	...	1	...
43	Manbhoom	98	155	...	14	34	...	...	2	...	2	6	...	66	61	...
	TOTAL	114	166	20	22	85	9	2	2	2	2	9	3	74	69	9
	GRAND TOTAL	17,833	18,948	20,548	2,987	3,417	3 585	550	582	771	1,710	1,589	1,960	8,889	9,467	10,890

Number.	DISTRICT.	PURCHASERS. Others, including unspecified.			Annual rent payable to landlord.			Purchase-money.			Number of years' purchase.			Area of holdings transferred in standard bighas.			* Average area of holdings in standard bighas.		
	1	6			7			8			9			10			11		
		1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.
					R	R	R	R	R	R									
	BENGAL. *Burdwan Division.*																		
1	Burdwan	489	423	237	10,188	8,806	5,116	1,06,333	89,936	44,158	10·4	10·2	8·6	...	2,372·2	4,222·6	...	2·2	6
2	Bankura	287	375	677	10,757	20,298	20,138	1,27,816	1,65,110	2,68,022	11·8	8·1	13 3	...	9,888	9,262·8	...	4·5	3
3	Beerbhoom	80	204	26	2,400	4,813	2,098	30,708	58,449	21,353	12·7	11·1	10·2	...	1,322·2	1,648·9	...	1·8	5·6
4	Midnapore	262	250	806	8,659	9,874	8,558	94,806	84,052	97,485	10·9	8·5	11·3	...	8,130·7	6,559·6	...	5·9	3·4
5	Hooghly	165	214	210	4,070	6 267	5,439	31,017	38,587	86,892	7·6	6·1	6·7	...	1,937·1	2,851·4	...	3·1	4·6
5	Howrah	411	385	480	10,610	7,442	25,723	3,08,313	1,35,465	3,06,970	28·5	18·2	11·9	...	3,552·8	5,466	...	4·8	4·1
	TOTAL	1,644	1,801	1,886	46,683	57,495	67,082	6,93,488	5,66,599	7,74,875	14·8	9·8	11·5	...	27,208	30,006·3	...	4	3·8
	Presidency Division.																		
6	24-Pergunnahs	1,004	880	728	37,152	22,702	15,373	2,44,938	2,46,456	1,33,512	6·5	10·8	8·6	...	13,220·4	12,406·8	...	6·7	7·8
7	Nuddea	243	193	160	14,701	11,479	9,026	81,460	55,498	50,716	5·7	4·8	5·6	...	18,805·1	12,389	...	22·8	18
8	Jessore	450	27	94	25,248	3,120	7,801	1,27,445	18,652	38,288	5	5·9	4·9	...	3.568	8,438·9	...	16·9	15·2
9	Khulna	...	614	487	...	14,349	11,908	...	64,654	65,754	...	4·5	5·5	...	14,199·4	11,346·7	...	12·6	9·9
10	Moorshedabad	223	158	110	5,055	9,810	3,536	51,236	44,200	25,884	10·1	4·5	7·3	...	6,968·8	3,621·5	...	8·7	6·6
	TOTAL	1,980	1,852	1,574	82,156	61,460	47,644	5,08,079	4,29,460	3,14,154	6·1	6·9	6·5	...	56,761 7	48,202·9	...	11·5	10·4
	Rajshahye Division.																		
11	Dinagepore	17	3	1	2,129	164	45	22,405	2,374	1,871	13·8	14·4	41·5	...	760 8	164·3	...	40	54·7
12	Rajshahye	24	27	9	980	1,966	528	11,063	18,528	11,818	11·3	9·3	22·3	...	1,382	557·4	...	19·5	11·1
13	Rungpore	11	6	8	3,722	2,173	11,290	34,179	21,767	37,798	9·1	10	3·3	...	3,548·7	3,039·5	...	11	6·2
14	Bogra	...	4	1	223	633	328	3,067	6,378	3,179	13·7	10	9·6	...	644	325·5	...	40·2	16·2
15	Pubna	54	13	12	1,771	1,718	462	18,259	13,644	6,546	10·3	7·9	14·1	...	737	564·9	...	5·5	6
16	Darjeeling	...	...	...	...	84	222	...	1,050	2,449	...	12·5	11	...	·3	514·2	...	1	171·4
17	Julpiguri	...	...	...	167	59	...	125	305	...	·7	5·1	...	...	...	...	...	...	...
	TOTAL	106	58	31	8,992	6,816	12,875	95,098	64,046	68,656	10·5	9·3	4·9	...	7,022·8	5,165·8	...	12·4	7·8
	Dacca Division.																		
18	Dacca	33	33	11	640	462	209	22,472	15,327	8,125	35·1	33·1	38·8	...	1,223·6	286·5	...	8·6	5
19	Furreedpore	55	89	139	1,614	1,717	2,057	12,028	13,393	15,6?5	7·4	7·8	7·6	...	1,432·1	1,828·8	...	5·7	5·4
20	Backergunge	696	490	208	38,523	17,502	15,529	1,36,159	1,08,977	1,25,218	3·5	6·2	8	...	...	...	...	...	...
21	Mymensingh	37	8	24	792	1,316	2,305	18,834	23,862	48,849	23·7	18·1	19	...	1,629·5	3 041·5	...	8·1	12·3
	TOTAL	826	620	377	41,569	20,997	20,100	1,89,493	1,61,559	1,92,842	4·5	7·6	9·5	...	4,275 2	5,156·8	...	7·2	8
	Chittagong Division.																		
22	Tipperah	31	24	15	1,515	1,918	726	11,622	11,821	5,954	7·6	6·1	8·2	...	699·5	324·7	...	3·9	3·8
23	Chittagong	417	450	820	2,985	2,784	4,149	34,968	39,784	65,273	11·7	14·2	15·7	...	4,608	2,381·6	...	9	2·5
24	Noakholly	505	308	148	9,710	9,901	11,845	63,062	61,202	69,468	6·4	6·1	5·8	...	10,551·1	6,960·7	...	10·5	5·7
	TOTAL	963	782	988	14,210	14,608	16,720	1,09,672	1,12,757	1,40,695	7·7	7·7	6·4	...	15,858·6	9,667	...	9·4	4·3
	BEHAR. *Patna Division.*																		
25	Patna	2	30	4	1,369	2,284	1,332	16,835	24,926	28,606	12·3	10·9	21·4	...	900·3	365·5	...	5·5	4·7
26	Gya	2	3	1	176	860	2,494	2,687	8,576	14,889	15·3	9·9	5·9	...	...	1,809·5	...	...	21·2
27	Shahabad	36	32	40	7,061	7,476	7,664	3,08,388	1,56,645	1,71,648	43·6	20·9	22·3	...	5,774·3	3,257·4	...	3	12·5
28	Mozufferpore	1	6	...	176	82	...	3,741	4,958	...	21·3	60·4	...	...	172·6	...	...	5·9	...
29	Durbhunga	15	10	6	824	420	587	8,706	9,588	11,243	10·5	22·8	19·1	...	453·9	459·5	...	5·4	4·7
30	Sarun	17	34	46	960	1,959	1,894	16,620	32,851	43,480	16·9	16·7	22·9	...	1,065·7	1,114·8	...	4	3 4
31	Chumparun	...	5	17	199	699	1,071	3,602	11,692	19,022	18·1	17	17·7	...	260·4	460·3	...	1·8	1·6
	TOTAL	73	120	114	10,785	13,780	15,042	3,60,579	2,49,431	2,88,884	28·7	18·1	19·2	...	8,627·2	12,967	...	6·1	7·9
	Bhagulpore Division.																		
32	Monghyr	36	27	25	3,784	4,819	4,457	37,681	69,626	56,009	9·9	14·4	12·5	...	5,287·5	4,623·7	...	10·6	9·5
33	Bhagulpore	32	10	8	1,526	1,282	2,170	10,527	37,358	18,714	6·9	30·3	8·6	...	2,745·4	4,284·7	...	19·2	20·1
34	Purneah	...	...	...	185	...	...	894	...	...	2·1	...	...	...	...	...	...	...	...
35	Maldah	23	17	7	1,695	1,100	1,060	6,877	7,078	19,268	5·2	5·9	18·1	...	742·8	2,175·2	...	18·1	15·4
36	Sonthal Pergunnahs	...	1	...	2,732	2,360	1	24,168	19,841	448	8·8	8·1	448	...	2,131·1	14	...	6·7	7
	TOTAL	81	55	40	9,922	9,601	7,688	81,647	1,33,398	94,439	8·2	13·8	12·2	...	10,906·8	11,097·6	...	10·9	13·1
	ORISSA. *Orissa Division.*																		
37	Cuttack	39	34	38	456	279	499	9,029	9,498	4,716	19·8	34	9·4	...	145·7	174·3	...	1·7	1·7
38	Pooree	55	...	...	709	...	...	14 801	...	...	19·2	...	...	...	...	...	...	...	...
39	Balasore	15	19	28	280	174	189	2,733	2,224	2,709	11·9	12·7	14·3	...	419·6	437·1	...	·8·9	6·2
	TOTAL	109	53	66	1,455	453	688	26,568	11,717	7,425	18·2	25·8	10·7	...	565·3	611·4	...	4·3	3·6
	CHOTA NAGPORE. *Chota Nagpore Division.*																		
40	Hazaribagh	...	...	...	1,801	5	107	3,924	40	947	3	8	8·8	...	·8	130·9	...	8	10
41	Lohardugga	1	3	...	158	73	18	1,800	1,124	458	11·3	15·3	35·4	...	165	20·1	...	18·3	2·2
42	Singhbhoom	...	...	...	..	1	...	...	12	...	...	12	...	...	...	...	...	...	...
43	Manbhoom	17	52	...	503	796	...	11,657	16,411	...	22·9	20·5	...	...	...	...	...	...	...
	TOTAL	18	55	...	1,967	877	125	17,381	17,587	1,405	8·8	20	11·2	...	165·8	151	...	18·5	7·8
	GRAND TOTAL	5,740	5,891	5,071	2,17,789	1,88,082	1,97,944	20,82,000	17,46,554	18,78,375	9·5	9·3	9·4	...	1,31,386·4	1,28,025·8	...	7·7	6·8

* Holdings without specification of area in deeds-of-sale omitted from calculation of this average area.

APPENDIX II.

Statement showing the number, value, and area of Ryotti Occupancy Holdings (not at fixed rates) transferred by Registered Deeds-of-Sale in each Registration District of the Lower Provinces of the Bengal Presidency for the years 1881-82, 1882-83, and 1883-84.

Number	District (1)	Number of transactions (1a)			Purchasers — Mahajuns, traders, or money-lenders (2)			Purchasers — Zemindars: Landlord of the holding transferred (3)			Purchasers — Zemindars: Zemindar or landlord of holding other than that transferred (4)			Purchasers — Ryots (5)		
		1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.
	BENGAL. *Burdwan Division.*															
1	Burdwan	2,361	3,199	3,616	329	440	587	22	24	13	43	82	131	1,432	1,978	2,209
2	Bankoora	867	662	329	240	255	132	7	9	3	25	12	8	453	347	146
3	Beerbhoom	1,667	1,664	2,111	141	110	84	18	34	60	54	61	35	1,340	1,364	1,820
4	Midnapore	4,514	5,484	5,784	1,692	2,104	2,045	72	72	40	51	60	75	1,961	2,566	2,988
5	Hooghly	1,289	1,545	1,985	306	274	318	17	29	20	52	58	27	475	691	961
5	Howrah	330	469	404	68	110	88	3	...	104	12	13	46	146	176	70
	TOTAL	11,028	13,023	14,229	2,776	3,293	3,204	139	188	240	237	286	324	5,807	7,122	8,194
	Presidency Division.															
6	24-Pergunnahs	797	1,023	686	93	132	86	28	37	9	40	82	60	421	422	210
7	Nuddea	553	603	380	170	195	128	16	25	10	17	26	22	198	214	127
8	Jessore	1,319	2,865	2,774	121	5	161	19	3	42	39	1	260	806	1,879	1,824
9	Khulna	...	123	155	...	2	6	...	...	...	...	3	10	...	67	91
10	Moorshedabad	907	884	1,047	119	167	154	23	13	14	31	37	44	463	419	557
	TOTAL	3,576	5,498	5,042	503	501	535	86	78	75	127	149	396	1,909	3,001	2,809
	Rajshahye Division.															
11	Dinagepore	1,202	1,755	2,065	57	128	82	4	28	29	14	15	12	978	1,348	1,775
12	Rajshahye	147	117	144	32	25	38	3	2	6	4	5	4	59	68	58
13	Rungpore	2,285	3,358	4,501	77	134	159	86	215	72	123	198	218	2,027	2,951	4,084
14	Bogra	316	258	323	17	16	23	...	...	3	84	18	11	193	174	268
15	Pubna	364	546	578	47	27	70	7	7	1	47	23	50	214	392	358
16	Darjeeling	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1
17	Julpigoree	4	2	1	...	...	...	...	..	...	1	...	...	2	2	1
	TOTAL	4,318	6,036	7,618	230	330	372	100	252	111	278	259	295	3,473	4,935	6,545
	Dacca Division.															
18	Dacca	1,242	1,111	1,587	79	68	197	27	21	6	61	81	44	951	883	1,235
19	Furreedpore	900	964	1,218	30	48	138	11	17	8	90	57	37	706	841	615
20	Backergunge	121	458	268	11	33	6	10	14	7	35	54	104	53	75	139
21	Mymensingh	649	1,035	1,663	55	147	185	25	3	16	77	107	168	721	942	1,695
	TOTAL	2,912	3,568	4,736	175	296	526	73	55	37	263	299	353	2,481	2,741	3,674
	Chittagong Division.															
22	Tipperah	3,046	3,254	5,733	82	137	267	7	16	39	46	130	203	2,392	4,249	4,610
23	Chittagong	108	29	99	5	5	19	...	1	...	8	4	16	18	1	5
24	Noakhally	460	740	554	34	78	32	31	17	7	153	264	221	316	488	360
	TOTAL	3,614	4,023	6,386	121	220	318	38	34	46	207		440	2,726	4,738	4,984
	BEHAR. *Patna Division.*															
25	Patna	82	152	77	1	12	3	11	43	18	19		23	41	24	43
26	Gya	79	110	173	6	28	45	13	21	14	8		...	42	69	109
27	Shahabad	10	15	73	5	3	7	...	...	4	3		17	3	10	74
28	Mosufferpore	491	755	988	81	116	181	32	93	467	137	270	178	217	356	15
29	Durbhunga	99	260	356	16	45	66	21	40	36	21	60	89	33	98	185
30	Sarun	59	88	39	4	13	3	...	2	5	11	9	3	48	52	28
31	Chumparun	61	155	261	13	39	44	2	1	1	2	...	6	39	105	204
	TOTAL	881	1,535	1,964	126	256	349	79	200	545	201	359	316	423	714	608
	Bhagulpore Division.															
32	Monghyr	197	192	174	46	35	24	4	22	6	47	33	42	92	81	113
33	Bhagulpore	197	250	297	36	70	100	7	90	52	5	...	2	127	65	121
34	Purneah	889	1,045	1,279	138	130	150	4	2	...	16	8	40	733	926	1,049
35	Maldah	1,288	1,562	1,825	72	123	244	1	28	6	3	2	4	1,204	1,372	1,036
36	Sonthal Pergunnahs	2,982	2,495	2,030	986	1,027	691	16	24	20	35	15	13	1,837	1,502	1,932
	TOTAL	5,553	5,544	5,705	1,278	1,385	1,209	32	166	84	106	63	101	3,993	3,946	4,251
	ORISSA. *Orissa Division.*															
37	Cuttack	7	2	21	1	1	7	1	...	1	1	...	1	1	...	4
38	Pooree	467	714	863	108	142	167	...	9	22	49	49	31	248	367	459
39	Balasore	26	40	24	5	8	4	1	10	4	3	4	3	16	17	9
	TOTAL	500	756	908	114	151	178	2	19	27	53	53	35	265	384	472
	CHOTA NAGPORE. *Chota Nagpore Division.*															
40	Hazaribagh	11	35	30	9	20	7	...	1	3	...	...	...	5	14	21
41	Lohardugga	21	17	14	10	4	3	2	2	4	2	2	3	7	4	2
42	Singbhoom	8	...	4	...	...	...	...	...	1	1	...	...	...	...	1
43	Manbhoom	216	109	399	9	15	44	7	2	1	2	3	5	164	77	350
	TOTAL	251	161	447	28	39	54	9	5	9	5	5	8	176	95	374
	GRAND TOTAL	32,638	40,144	47,030	5,351	6,471	6,745	558	977	1,174	1,472	1,871	2,268	21,203	27,676	31,911

Number	District	Purchasers — Others, including unspecified (6)			Annual rent payable to landlord (7)			Purchase-money (8)			Number of years' purchase (9)			Area of holdings transferred in *standard* bighas (10)			Average area of holding in *standard* bighas.* (11)		
		1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.	1881-82.	1882-83.	1883-84.
	BENGAL. *Burdwan Division.*																		
1	Burdwan	542	677	726	17,250	26,279	24,562	1,63,422	2,18,791	2,06,012	9·6	8·3	8·3	...	19,741·5	20,694·8	...	6·1	5·7
2	Bankoora	162	63	44	6,886	5,515	2,005	53,999	49,078	24,308	8·4	8·8	12·1	...	2,519·8	2,261·1	...	3·8	6·3
3	Beerbhoom	154	143	148	13,581	14,837	19,894	95,055	93,268	1,32,930	6·9	6·2	6·6	...	12,580·5	14,441·6	...	7·5	6·8
4	Midnapore	698	766	706	22,987	29,374	35,809	2,69,328	3,10,111	3,42,411	11·7	10·5	9·5	...	22,049·8	23,981	...	4	4·1
5	Hooghly	514	537	697	19,420	18,921	15,503	1,23,010	1,41,346	1,72,964	6·3	10·1	11·1	...	4,731·1	5,485·4	...	3	2·7
5	Howrah	105	171	94	5,217	6,759	7,001	28,256	58,417	78,357	5·4	7·9	11·1	...	937·6	1,927·9	...	1·9	4·7
	TOTAL	2,175	2,357	2,415	84,790	96,715	1,04,774	7,36,065	8,66,001	9,56,977	8·6	8·9	9·1	...	62,560·3	68,791·8	...	4·8	4·8
	Presidency Division.																		
6	24-Pergunnahs	321	409	336	14,867	18,735	6,911	2,28,613	2,15,701	1,26,934	15	11·5	18·3	...	4,298·7	3,127·7	...	4·2	4·5
7	Nuddea	152	143	93	7,672	11,433	5,045	40,204	46,994	20,069	5·2	4·1	3·9	...	15,179·6	6,625·5	...	25·1	17·4
8	Jessore	375	977	504	15,645	34,836	35,608	69,259	1,75,160	1,70,398	4·4	5	4·7	...	29,026·4	38,250·9	...	10·4	13·7
9	Khulna	...	51	46	...	1,289	3,228	...	3,691	8,522	...	2·8	2·6	...	1,480·2	2,194·7	...	12	14·1
10	Moorshedabad	256	252	304	6,242	5,999	6,948	51,225	42,965	73,682	8·2	7·1	10·6	...	10,220·5	9,024·8	...	11·5	8·6
	TOTAL	1,104	1,834	1,287	44,426	72,292	57,740	3,84,301	4,84,511	3,99,605	8·6	6·7	6·9	...	61,105·4	59,223·6	...	11·1	11·7
	Rajshahye Division.																		
11	Dinagepore	149	237	157	10,550	16,456	16,675	1,25,410	1,70,442	2,14,328	11·8	10·3	12·8	...	16,949·6	16,129·5	...	9·6	7·8
12	Rajshahye	49	21	38	2,115	1,296	1,728	10,579	8,722	10,071	5	6·7	5·8	...	1,125	1,505	...	9·6	10·4
13	Rungpore	54	46	52	25,434	31,097	31,890	1,75,825	2,84,042	3,60,331	6·9	9·1	11·2	...	31,712·5	32,731·7	...	9·4	7·2
14	Bogra	22	50	18	2,599	2,202	2,830	17,526	15,409	20,191	6·7	6·9	7·1	...	2,381·7	3,410	...	9·2	10·5
15	Pubna	60	99	99	2,132	2,968	2,760	21,311	24,358	35,008	9·9	8·2	12·6	...	2,850	2,372·1	...	5·2	4·1
16	Darjeeling	...	...	...	...	...	Not mentioned.	...	...	2,000	...	..	...	...	...	344·8	...	...	...
17	Julpigoree	1	...	...	22	2	21	446	352	300	20·3	176	14·2	...	...	...	...	...	...
	TOTAL	335	453	364	42,852	54,021	55,904	3,51,099	5,03,925	6,42,229	8·1	9·3	11·4	...	55,018·8	56,493·1	...	9·1	7·3
	Dacca Division.																		
18	Dacca	166	94	177	4,408	4,561	4,416	70,429	62,602	96,082	15·9	13·7	21·7	...	6,852	8,635·2	...	6·1	5·4
19	Furreedpore	242	83	472	4,924	8,619	7,157	41,093	48,863	55,398	8·3	5·6	7·7	...	6,673·8	6,674·5	...	6·9	5·4
20	Backergunge	41	309	30	1,658	4,762	3,916	8,361	26,325	15,684	5	5·5	3·9	...	...	...	...	...	...
21	Mymensingh	136	90	134	4,009	6,724	10,669	56,588	79,349	1,13,605	14·1	11·8	10·6	...	6,916	9,187·3	...	6·6	5·5
	TOTAL	585	576	813	14,999	24,666	26,188	1,76,471	2,17,139	2,80,719	11·7	8·8	10·7	...	20,441·8	24,497	...	6·5	5·4
	Chittagong Division.																		
22	Tipperah	716	373	643	14,330	17,753	23,727	1,31,817	1,62,249	2,69,779	9·1	9·1	11·3	...	15,241·7	23,626·9	...	4·6	4·1
23	Chittagong	90	31	103	865	129	536	9,372	1,636	5,161	10·8	13·	9·6	...	29·1	673	...	1	6·7
24	Noakhally	65	110	119	5,425	8,599	5,406	22,931	41,699	25,065	4·2	4·8	4·6	...	7,059·1	7,251·3	...	9·5	13
	TOTAL	871	514	865	20,620	26,481	29,669	1,64,120	2,05,634	3,00,005	7·9	7·7	10·1	...	22,329·9	31,554·2	...	5·5	4·9
	BEHAR. *Patna Division.*																		
25	Patna	13	72	39	705	1,843	583	14,264	21,972	10,559	17·9	11·9	18·1	...	646·1	526·1	...	4·2	6·8
26	Gya	10	20	37	109	..	...	5,787	56,137	38,425	53	...	...	...	...	1,905·5	...	...	11·2
27	Shahabad	...	1	1	258	280	993	2,479	2,900	17,109	9·6	10·3	17·2	...	181·5	702·3	...	12·1	9·6
28	Mosufferpore	25	48	73	3,917	3,508	3,638	69,635	71,401	26,044	17·7	20·3	7·1	...	2,622·5	2,307·2	...	3·4	2·4
29	Durbhunga	5	16	29	678	1,546	2,686	7,085	17,705	29,991	10·4	11·4	11·1	...	1,328·9	1,705·4	...	5·1	4·7
30	Sarun	14	12	...	499	924	196	8,698	12,745	5,975	17·4	13·7	30·4	...	393·1	191·4	...	4·4	4·9
31	Chumparun	5	12	9	138	534	1,003	5,128	8,799	15,811	37·1	16·4	15·7	...	226·5	334	...	1·4	1·2
	TOTAL	71	183	178	6,394	8,635	9,099	1,13,076	1,91,659	1,43,914	17·6	15·6	11·5	...	5,398·6	7,761·9	...	3·7	3·9
	Bhagulpore Division.																		
32	Monghyr	90	10	10	2,276	2,134	2,065	20,591	16,291	19,510	9	7·6	9·4	...	1,755	1,989	...	9·1	11·4
33	Bhagulpore		25	22	1,965	1,568	3,324	15,313	19,488	20,679	7·7	12·4	6·2	...	5,002·7	7,505·2	...	20	25·2
34	Purneah		5	90	7,629	9,140	14,941	69,327	97,235	1,01,880	9	10·6	6·8	...	27,803·1	26,688·2	...	26·6	20·8
35	Maldah		37	35	2,350	6,721	3,095	85,104	1,15,451	1,06,795	86	17·1	34·5	...	30,390·2	9,989·4	...	19·4	7·5
36	Sonthal Pergunnahs	181	73	79	21,516	10,659	12,509	1,56,359	1,28,652	1,29,612	7·2	12	10·3	...	14,706	13,551·6	...	5·8	5·1
	TOTAL	286	150	236	35,745	30,222	35,934	3,46,694	3,77,117	3,78,476	9·6	12·4	10·5	...	79,657	59,673·4	...	14·3	10·4
	ORISSA. *Orissa Division.*																		
37	Cuttack	3	1	8	10	4	391	233	55	942	28·3	13·7	2·4	...	1·5	35·5	...	·7	1·6
38	Pooree	100	221	273	1,440	2,347	2,909	37,922	51,426	65,823	26·3	21·9	22·6	...	3,801·5	4,682·8	...	5·3	5·4
39	Balasore	4	9	5	47	149	60	747	1,830	1,152	15·8	12·2	19·2	...	381·3	132·1	...	9·5	5·5
	TOTAL	107	231	286	1,497	2,500	3,360	38,902	53,311	67,917	25·9	21·3	20·2	...	4,184·3	4,850·4	...	5·5	5·3
	CHOTA NAGPORE. *Chota Nagpore Division.*																		
40	Hazaribagh	1	1	1	351	317	169	2,469	3,162	2,872	7·1	9·9	16·9	...	677·9	215·1	...	19·3	7·1
41	Lohardugga	1	6	5	55	33	82	3,718	1,457	1,239	67·9	44·1	15·1	...	218·6	134·7	..	12·8	9·6
42	Singbhoom	2	...	2	15	..	26	144	...	108	10·2	...	4·1	...	...	11·7	...	...	2·9
43	Manbhoom	41	8	52	1,525	728	3,250	13,089	5,837	26,492	8·5	·8	8·1	...	...	...	...	...	...
	TOTAL	45	15	60	1,946	1,078	3,527	19,440	10,456	30,711	9·9	9·6	8·7	...	896·5	361·5	...	17·2	7·5
	GRAND TOTAL	5,529	6,311	6,504	2,53,209	3,16,610	3,26,195	23,30,168	29,09,753	32,00,553	9·2	9	9·6	...	3,11,592·6	3,13,206·9	...	7·8	6·7

* Holdings without specification of area in deeds-of-sale have been excluded from calculation of these averages.

APPENDIX III.

Statement showing the number of sales of ryoti holdings at fixed rates effected during the years 1882-83 and 1883-84 in execution of decrees of the Civil Courts.

District.	Ryoti holdings at fixed rates.									
	Number of holdings sold in		Aggregate area in standard bighas.		Aggregate price.		Mean area of holdings in standard bighas.		Mean selling price per holding in rupees.	
	1882-83.	1883-84.	1882-83	1883-84.	1882-83	1883-84	1882-83.	1883-84.	1882-83.	1883-84.
Burdwan Division.					R	R				
Burdwan	165	344	1,630	3,625	7,304	12,337	9·8	10·5	44·2	35·8
Bankura	41	45	(a)	(a)	3,737	3,466	...	...	91·1	77
Beerbhoom	297	99	4,300	2,530	17,739	6,542	14·4	25·5	59·7	66
Midnapore	1,676	1,513	8,218	10,647	22,990	18,708	4·9	7·03	13·7	12·3
Hooghly	149	102	6,124	3,431	14,925	7,609	41·1	33·6	100·1	74·6
Howrah	137	142	822	1,095	7,906	9,286	6	7·7	57·9	65·3
Total	2,465	2,245	21,094	21,328	74,601	57,948	(b)8·7	(b)9·6	30·2	25·8
Presidency Division.										
24-Pergunnahs	406	545	10,268	13,812	47,957	44,945	25·2	25·3	118·1	82·4
Nuddea	234	181	(a)	(a)	10,218	11,560	...	...	43·6	63·8
Jessore and Khoolna	1,886	2,272	(a)	(a)	65,801	67,669	...	...	34·9	29·7
Moorshedabad	104	142	1,473	1,500	6,621	4,246	14·1	10·5	63·6	29·9
Total	2,630	3,140	...	...	1,30,597	1,28,420	...	...	49·6	40·8
Rajshahye Division.										
Dinagepore	2	5	147	38	55	237	73·5	7·6	27·5	47·4
Darjeeling	...	...	...	...	...	...	...	...	...	...
Rajshahye	2	48	7½	780	261	1,597	4	16·4	130·5	33·3
Muldah	562	525	3,521	3,348	16,838	13,452	6·3	6·4	30	25·6
Rungpore	49	2	(a)	(a)	1,294	12	...	...	26·4	6
Julpigoree	...	10	..	2,293	...	5,825	...	229·3	...	582·5
Bogra } Pubna }	126	16	1,155	300	5,321	1,837	9·1	18·7	42·2	114·8
Total	741	606	...	...	23,769	22,960	(b)7·1	(b)11·2	32·07	37·8
Dacca Division.										
Dacca	17	19	(a)	19	619	1,224	...	1	36	64·4
Furreedpore	288	297	(a)	(a)	24,681	32,509	...	...	85·8	109·4
Backergunge	369	316	(a)	(a)	18,449	14,944	...	...	50·	47·3
Mymensingh	73	141	847	1,470	3,036	5,842	11·6	10·4	41·6	41·4
Total	747	773	...	...	46,785	54,519	...	...	62·6	70·5
Chittagong Division.										
Tipperah	64	16	384	173	2,433	1,196	6·	10·8	38	74·7
Noakholly	86	55	192	211	2,192	2,579	2·2	3·8	25·5	47
Chittagong	206	299	777	1,388	6,329	8,648	3·7	4·6	30·7	28·9
Total	356	370	1,353	1,772	10,954	12,423	3·8	4·7	30·8	33·5
Patna Division.										
Patna	54	95	781	1,121	3,243	3,326	14·4	11·8	60	35
Gya	58	9	243	348	710	183	4·3	38·6	12·2	20·4
Shahabad	1,475	1,983	2,626	3,719	11,417	22,272	1·7	1·8	7·7	11·2
Durbhunga	857	793	1,408	1,413	8,315	6,881	1·6	1·8	9·7	8·6
Mozufferpore	270	749	898	1,487	5,676	7,975	3·3	2	21	10·6
Sarun	281	391	548	665	4,445	4,448	1·9	1·7	16	11·3
Chumparun	90	337	178	352	3,914	4,554	2	1·04	43·4	13·5
Total	3,085	4,357	6,682	9,105	37,720	49,639	2·1	2·08	12·2	11·3
Bhaugulpore Division.										
Monghyr	107	223	1,483	1,244	2,641	3,658	13·9	5·5	24·6	16·4
Bhagulpore	67	84	1,552	2,550	2,639	3,742	23·1	30·3	39·3	44·5
Purneah	37	54	1,525	3,090	2,470	6,221	41·2	57·2	67	115·2
Total	211	361	4,560	6,884	7,750	13,621	21·6	19·06	36·7	37·7
Orissa Division.										
Cuttack	2	(c)15	163	29	120	1,203	81·5	1·8	60	80·2
Pooree	13	2	65	28	270	215	5	14	20·7	107·5
Balasore	7	6	71	34	1,083	403	10·1	5·6	154·7	67·1
Total	22	23	299	91	1,473	1,821	13·6	4	67	79·1
GRAND TOTAL	10,257	11,875	...	...	3,33,649	3,41,851	...	...	32·5	28·7

(a) The aggregate area of the holdings is unknown, hence these columns are left blank.
(b) This mean is calculated on the areas shown only.
(c) This mean is calculated after omitting the figures for Orissa.

APPENDIX IV.

Statement shewing the number of sales of ryoti holdings with right of occupancy not held at fixed rates effected during the years 1882-83 and 1883-84 in execution of decrees of the Civil Courts.

District	Ryotti holdings with rights of occupancy not held at fixed rates.									
	Number of holdings sold in		Aggregate area in standard bighas.		Aggregate price.		Mean area of holding in standard bighas.		Mean selling price per holding in rupees.	
	1882-83.	1883-84	1882-83.	1883-84.	1882-83.	1883-84.	1882-83.	1883-84.	1882-83.	1883-84.
Burdwan Division.					R	R				
Burdwan	633	545	6,306	4,859	26,817	17,587	9·9	8·9	42·3	32·2
Bankura	711	1,036	(a)	(a)	21,291	33,098	...	...	29·9	31·9
Beerbhoom	100	466	4,038	3,478	21,598	10,296	40·3	7·4	216	22·1
Midnapore	569	1,658	9,496	8,567	23,525	25,620	16·7	5·1	41·3	15·4
Hooghly	342	355	3,424	2,491	11,629	14,605	10·	7·	34·	41·1
Howrah	30	36	139	285	1,372	4,696	4·6	8·	45·7	130·5
Total	2,385	4,096	23,403	19,680	1,06,232	1,05,904	(b)13 9	(b)6·4	44·5	25·8
Presidency Division.										
24-Pergunnahs	115	139	1,104	4,461	5,551	16,734	9·6	32	48·3	120·3
Nuddea	329	360	(a)	(a)	15,440	15,886	...	...	46 9	44·1
Jessore and Khoolna	2,981	1,850	(a)	(a)	60,201	57,211	...	...	20·1	30 9
Moorshedabad	474	548	6,422	13,157	31,149	32,862	13·5	24·01	65·7	59·9
Total	3,899	2,897	...	...	1,12,341	1,22,693	...	...	28·8	42·3
Rajshahye Division.										
Dinagepore	314	441	6,642	7,490	16,273	18,932	21·1	17	51·8	42·9
Darjeeling	1	...	20	..	50	...	20	...	50	...
Rajshahye	60	52	1,107	1,015	1,644	1,791	18·6	19·5	27·4	34·4
Malda	1	...	2,433	...	296	...	243·3	...	296	...
Rungpore	576	712	8,276	8,445	34,311	35,729	14·3	11·8	59·5	50·1
Julpigoree	55	57	4,099	3,336	2,011	6,710	74·5	58·5	36·5	117 7
Bogra, Pubna }	152	160	2,930	2,385	8,937	6,284	19·2	14·9	58·8	39·2
Total	1,159	1,422	25,507	22,671	63,522	69,446	22·03	15·9	54·8	48·8
Dacca Division.										
Dacca	336	348	491	1,027	4,418	7,234	1·4	2·9	13·1	20·7
Furreedpore	226	344	(a)	(a)	11,728	18,249	...	...	51·9	53·
Backergunge	56	2	(a)	(a)	1,780	250	...	...	31·8	12·5
Mymensing	209	303	3,582	5,321	6,454	9,608	17·1	17·5	30·8	31·7
Total	827	997	...	...	24,380	35,341	...	...	29·4	35·4
Chittagong Division.										
Tipperah	703	784	6,432	6,739	17,458	25,113	9·1	8·5	27·8	32
Noakholly	251	231	597	1,094	12,797	12,830	2·3	4·7	50·9	55·5
Chittagong	105	66	287	130	756	586	2·7	2	7·2	8·8
Total	1,059	1,081	7,316	7,963	31,011	38,529	6·8	7·3	29·2	35 6
Patna Division.										
Patna	51	57	1,900	1,206	6,647	4,086	37·2	21·1	130 3	81·6
Gya	61	53	1,038	652	3,277	1,019	17	12·3	53 7	19·2
Shahabad	9	13	108	108	183	733	12	8·3	20·3	56·4
Durbhunga	78	176	989	1,554	1,812	5,231	12·6	8·8	23·2	29·7
Mozufferpore	876	683	986	1,406	3,112	6,124	1·1	2·02	3 5	9
Sarun	78	122	537	346	2,022	2,217	6·8	2·8	26	18·2
Chumparun	60	...	82	...	1,752	...	1·3	...	2·8	...
Total	1,213	1,104	5,640	5,272	18,805	19,410	4·6	4·7	15·5	17 5
Bhagulpore Division.										
Monghyr	116	158	679	1,125	1,568	2,412	5·8	7·1	13	15·2
Bhagulpore	54	45	2,658	1,591	2,269	1,398	49·2	34·4	42	31
Purneah	99	165	8,800	5,887	9,596	5,348	88·8	35·6	97	32·4
Total	269	368	12,137	8,606	13,371	9,158	45·1	23·3	49·7	24·8
Orissa Division.										
Cuttack	(d)11	(d)8	...	(a)	4,044	1,443	...	...	36·76	180 3
Pooree	8	14	78	161	602	1,207	9·7	11·5	5·72	86·2
Balasore	...	5	...	13	...	281	...	2·6	...	56·2
Total	19	27	81	174	4,646	2,931	...	...	...	...
Grand Total	10,830	11,992	...	...	3,74,308	4,03,407	...	...	34 2	33·4

(a) The aggregate area of the holdings is unknown; hence these columns are left blank.
(b) This mean is calculated on the areas shown only.
(c) Probably building sites.
(d) This mean is calculated after omitting the figures for Orissa.

APPENDIX V.

Statement shewing the average price of common rice (per maund of $82\frac{1}{8}$° lbs.) in the district of Pubna from 1869 to 1883, as published in the "Calcutta Gazette."

Year.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Average monthly price.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1869	1 11 2	1 12 5	1 12 5	1 12 5	1 12 5	1 14 5	2 2 1	1 11 9	2 0 0	1 14 5	1 12 5	1 11 9	1 13 3
1870	1 12 5	1 11 9	1 10 8	1 12 5	2 0 0	1 15 7	2 3 6	2 1 8	1 10 8	1 5 4	1 5 4	1 7 8	1 12 1
1871	1 8 4	1 10 8	1 11 9	1 13 1	1 12 5	1 14 5	1 7 8	1 5 4	1 8 4	1 10 8	1 10 8	1 8 4	1 10 1
1872	1 7 3	1 5 4	...	1 6 0	1 10 8	1 6 0	1 6 9	1 5 4	1 6 3	1 7 3	1 5 4	1 5 4	1 6 6
1873	1 5 4	1 5 4	1 5 4	1 8 4	1 8 4	1 8 4	1 10 8	1 10 8	2 14 6	2 12 1	2 8 0	2 6 9	1 13 11
1874	2 13 8	2 12 10	3 5 4	3 2 2	3 12 11	2 12 10	3 2 2	2 8 7	2 15 4	2 6 9	1 14 5	2 0 9	2 12 11
1875	1 14 5	1 14 10	2 0 0	2 3 6	...	2 2 1	2 2 1	1 14 10	1 12 5	1 9 7	1 8 7	1 10 8	1 14 3
1876	1 10 8	1 10 8	1 10 8	1 12 5	1 12 5	1 12 5	1 9 7	1 7 3	1 6 10	1 6 10	1 10 1	2 0 0	1 10 5
1877	1 9 7	1 12 5	1 12 5	1 12 5	1 15 2	2 2 1	2 2 7	2 10 8	2 10 8	2 8 0	2 8 0	2 8 0	2 2 8
1878	2 8 0	2 10 8	3 5 4	3 7 0	3 7 7	3 10 2	3 12 11	3 5 4	3 8 10	3 1 2	3 2 2	3 1 2	3 4 0
1879	3 1 2	3 3 2	3 0 3	3 2 8	3 12 11	4 5 8	4 0 0	3 8 10	3 4 6	2 15 8	2 5 1	2 5 8	3 4 1
1880	2 6 2	2 2 10	2 2 2	2 2 10	2 1 6	2 0 2	3 4 3	1 5 8	1 8 6	1 5 4	1 4 6	1 5 0	1 14 8
1881	1 5 4	1 3 9	1 4 0	1 4 4	1 4 6	1 3 3	1 4 2	1 9 0	1 8 1	1 8 7	1 9 4	1 7 3	1 5 11
1882	1 6 3	1 7 1	1 8 3	1 8 7	1 9 0	1 11 1	1 9 0	1 10 2	1 9 6	1 12 5	1 12 0	1 9 7	1 9 4
1883	1 10 1	1 10 8	1 14 5	2 1 11	2 1 2	2 2 10	2 0 10	2 2 2	2 3 4	2 8 4	2 14 2	2 10 8	2 2 8

		Rs. A. P.
Average price during	1869-73	1 11 2
Ditto	1874-78	2 5 7
Ditto	1879-83	2 0 11

APPENDIX VI.

Merchants' statement shewing the average price of common rice in the Serajgunge Bazar per maund of $82\frac{10}{16}$ lbs. from 1869 to June 1883.

Year.	January.	February.	March.	April.	May.	June.	July.	August.	September.	October.	November.	December.	Average monthly price.
1869	1 10 9	1 11 5	1 10 11	1 11 4	1 11 7	1 11 2	2 1 2	1 13 11	1 14 5	2 0 0	1 13 11	1 13 0	1 12 11
1870	1 10 8	1 9 4	1 11 0	1 9 0	1 13 9	2 0 0	1 12 8	1 12 9	1 7 0	1 5 2	1 4 8	1 6 9	1 9 10
1871	1 8 10	1 12 6	...	1 12 3	1 14 0	1 11 9	1 5 10	1 2 0	1 3 0	1 7 0	1 6 5	1 9 6	1 8 5
1872	1 8 2	1 7 9	1 5 7	1 5 11	1 8 9	1 7 5	1 4 7	1 4 9	1 7 3	1 4 5	1 6 8	1 4 9	1 6 4
1873	1 4 3	1 5 10	1 6 11	1 7 6	1 9 9	1 12 10	1 7 0	1 9 4	1 10 6	1 12 1	2 7 9	2 13 4	1 11 7
1874	2 12 8	2 10 0	2 15 2	3 0 10	3 12 5	3 15 3	3 0 0	2 8 2	2 12 0	2 14 7	2 7 3	2 2 0	2 14 6
1875	2 0 5	1 15 0	1 14 6	1 12 0	2 2 6	2 0 2	2 1 4	1 14 7	1 12 7	1 9 10	1 13 1	1 12 8	1 14 5
1876	1 12 11	1 12 10	1 12 8	1 13 0	1 14 10	1 15 2	1 12 8	1 7 4	1 9 3	1 12 1	1 6 9	2 0 3	1 12 1
1877	2 3 2	1 9 10	1 11 4	1 10 7	1 13 5	...	2 5 0	2 9 5	2 12 2	3 0 0	2 8 0	2 6 10	2 3 9
1878	2 7 3	2 6 8	2 9 9	2 15 6	3 1 11	3 4 10	3 5 10	3 12 0	3 14 7	4 4 1	4 0 0	3 10 3	3 5 0
1879	3 3 7	3 7 3	3 2 8	2 15 6	3 9 0	4 1 2	3 11 7	3 7 6	3 3 4	2 14 6	2 8 5	2 7 8	3 3 8
1880	2 3 4	2 3 10	2 0 9	1 15 4	2 0 11	1 14 10	1 7 3	1 6 9	1 6 6	1 8 4	1 4 6	1 7 8	1 12 0
1881	1 5 8	1 5 8	1 6 11	1 5 0	1 6 2	1 5 8	1 2 3	1 3 3	1 7 1	1 8 1	1 7 2	1 7 4	1 5 9
1882	1 7 0	1 7 6	1 7 2	1 7 0	1 10 8	1 10 7	1 7 10	1 6 10	1 6 8	1 7 6	1 9 7	1 11 10	1 8 4
1883	1 8 4	1 9 8	1 10 8	1 15 6	2 1 8	2 5 0	1 14 6	1 12 9	1 13 0	2 0 6	2 11 10	2 13 0	2 0 4

		Rs. A. P.
Average price during	1869-73	1 9 7
Ditto	1874-78	2 6 9

FORM OF RECEIPT.

PARTICULARS OF THE HOLDING (LANDLORD'S PORTION).

Serial number of Receipt

Estate ; Village ; Thanah

Tenant's name , Son of

Particulars of the holding—

Nukdi, bighas ; rent Rs.

Baouli, bighas ; Mds. ; or Rs.

Sayer . . . { Julkur, Rs. / Bunkur, Rs. / Phulker, Rs.

Government cesses { Road cess, Rs. / Public Works cess, Rs.

Signature of the landlord or authorized agent

Attestation of Government putwari (if any)

FORM OF RECEIPT.

PARTICULARS OF THE HOLDING (RYOT'S PORTION).

1. Serial number of Receipt

2. Estate ; Village ; Thanah

3. Tenant's name , Son of

4. Particulars of the holding—

   Nukdi, bighas ; rent Rs.

   Baouli, bighas ; Mds. ; or Rs.

   Sayer . . . { Julkur, Rs. / Bunkur, Rs. / Phulker, Rs.

   Government cesses { Road cess, Rs. / Public Works cess, Rs.

5. Signature of the landlord or his authorized agent

6. Attestation of Government putwari (if any)

DETAILS OF PAYMENTS (RYOT'S PART.)

Date of payment, and name of person through whom paid.	NUKDI.		BAOULI.		SAYER.		CESSES.		Signature of the landlord or authorised agent.	Attestation of Government putwari (if any).
	Current on account of kist .	Arrear on account of year , kist .	Current on account of crop .	Arrear on account of year , crop .	Current on account of kist .	Arrear on account of year , kist .	Current on account of kist .	Arrear on account of year , kist .		

DETAILS OF PAYMENTS (LANDLORD'S PART.)

Date of payment, and name of person through whom paid.	NUKDI.		BAOULI.		SAYER.		CESSES.		Signature of the tenant.	Attestation of Government putwari (if any).
	Current on account of kist .	Arrear on account of year , kist .	Current on account of crop .	Arrear on account of year , crop .	Current on account of kist .	Arrear on account of year , kist .	Current on account of kist .	Arrear on account of year , kist .		

Circular No. 3T.—R, dated Darjeeling, the 24th May 1884.

From—A. P. MACDONNELL, Esq., Offg. Secy. to the Govt. of Bengal, Revenue Department,

To—All Commissioners of Divisions.

Your attention has already been invited to the Tenancy Bill as revised by the Select Committee of the Legislative Council of the Governor-General; to the report of the Select Committee upon the Bill, with the dissents from that Report which were published in the *Calcutta Gazette* of the 2nd of April and subsequent dates; and to the important letter of the Government of India, No. 784, dated 5th May, which appeared in the *Gazette of India* of the 10th instant. The Lieutenant-Governor again requests your most careful attention to these documents, especially to the letter of the 5th May, in which His Excellency the Governor-General in Council subjects several provisions of the Bill to examination, pointing out, in regard to some, the necessity that exists for a further discussion of their tendency and usefulness, and in regard to others the desirability of collecting more complete information. All those points, as well as other matters to be brought to your notice in the course of this letter, should now, without any loss of time, receive careful consideration from yourself, from the District Officers subordinate to you, and from such public bodies and individuals interested in the measure as may be willing and able to give assistance and advice. It will be found that on a few points local enquiries will be necessary in order to clear away the remnants of those difficulties which, at the outset, beset this question of the amendment of the Rent Law in Bengal. Those points have been generally indicated by the Government of India in their letter, and in the sequel I am to touch upon them also. Before doing so, however, I am to say, with reference to procedure, that when the matters on which further enquiry is needed shall have been duly investigated, and when your District Officers, having taken such advice as may be necessary, or may be tendered by persons interested in the measure, shall have formed their conclusions on the matters referred for their opinion, then it is the Lieutenant-Governor's wish that you should hold a conference of all your Collectors and such other officers as you may desire to consult, that you should thoroughly discuss the matters referred to you in personal communication with them, and draw up a report embodying the general opinion of the conference. From this intercommunication of ideas, the Lieutenant-Governor anticipates not only much benefit as far as the consideration of the question itself is concerned, but also a great lightening of the work of Government in reviewing the reports to be submitted. Many views, to which officers reporting separately on the Bill might be inclined to attach undue importance, assume their proper position when examined in the light of the larger experience which many men can bring to bear upon the opinions of one. If, indeed, there be marked differences of opinion, the dissentient officers should note briefly their views, but there should be no unnecessary delay in this respect, for it is expected that your report should reach this office certainly not later than the 14th August. The time allowed by the Government of India for this further discussion of the Tenancy Bill is not long, and therefore should be turned to the best account.

2. The procedure which the Lieutenant-Governor has now indicated seems to him to hold out most promise of successful results; and therefore he desires that it may be followed. In any case where a Collector of a district is unable for any reason to attend the conference, he should submit a report, which should be embodied in the General Report of the Conference, as far as the views expressed in it will permit. Mr. Rivers Thompson does not lose sight of the fact that this call comes upon District Officers at a very inconvenient time of the year, when they are busy preparing their Annual Reports. The call, which the Lieutenant-Governor trusts may be the last he will have to make in connection with the Tenancy Bill, must, however, be met; and in order to enable you to meet it, he, as a special exception, postpones the date of the submission of the Annual Reports for one month, if such an extension be necessary in consequence of the orders now issued. It is presumed that in the case of your Collectors, whose reports are due by 1st June, no extension will be needed; but, where needed, you may grant it.

Having thus sketched out the plan of enquiry and consultation which seems to the Lieutenant-Governor to offer the greatest promise of satisfactory results within the time at the disposal of the Government, I am now to direct your attention to the principal points which are to form the subject of enquiry and report. In doing this, it will be convenient to follow the order of the revised Bill, reserving for subsequent comment those large administrative questions which the Government of India raise in the initial paragraphs of their letter under notice.

3. *Chapter I.*—On this chapter the Government of India, following the Report of the Select Committee, make no remarks. No points occur to the Lieutenant-Governor to which your attention need be drawn. Should, however, any considerations of importance, which have not been provided for, occur to you in connection with this chapter, you are at liberty to bring them to notice.

4. *Chapter II.*—The provisions of this chapter exercise a very important influence on the character of the Bill, and therefore demand your special attention. It is highly desirable that a forecast should, as far as possible, be made of their probable effect by ascertaining how far similar arrangements already exist in the agrarian economy of the various districts, what the general effect of such arrangements has been, and, where no such arrangements exist, what the effect of introducing them would probably be. The chief points to which your attention should be directed are (*a*) whether the definition of raiyat in section 5(3) covers all classes of raiyats, those holding under unregistered lakhirajdars as well as under the holders of revenue-paying lands; (*b*) whether the presumption in section 5 (5) is, with reference to existing practice, a fair presumption, and, if not fair, what presumption of the sort would be fair; (*c*) whether the conversion of the subletting occupancy raiyat into a tenure-holder (section 37) is a workable provision, and also likely to secure the objects for which it was devised. In regard to the first and second points, the Lieutenant-Governor deems it unnecessary to do more here than to bring them prominently to your notice; but in regard to the third point (*c*), which may, with advantage, be once for all discussed in this connection, a few further remarks are desirable, because the excision of this provision would naturally exercise an important influence on some other provisions contained in the Bill. In proposing in my letter No. 972 of 27th September (paragraph 7) that an occupancy raiyat who sublets half his holding should be converted into a tenure-holder, the Lieutenant-Governor had in view the twofold object of discouraging the purchase of occupancy holdings by money-lenders or speculators; and, where transfers were made, of affording a protection from undue enhancement of rents to, and of facilitating the acquisition of the occupancy right by, actual cultivators of the soil. It is recognized that the formal recognition by the Bill of the transferability of occupancy rights may tend to the purchase of such rights by money-lenders (whom it is not the wish or object of the Government to benefit at the raiyat's expense), and consequently to the rack-renting of the cultivators holding under such purchasers. From the earliest discussions of the question it has been accepted that if by any definition or legal provision the limitation of the occupancy right to actual cultivators could be secured, most, if not all, of the objections to the proposal would be removed. But the difficulties in the way of providing any efficient or practical limitation of the sort have hitherto proved insuperable, and it is therefore acknowledged that if the right of free sale as regards the occupancy tenure is to be maintained, some safeguard must be found against the dangers referred to. Accordingly the plan embodied in section 37 of the revised Bill was devised. The object of that plan was to deter money-lenders from purchasing occupancy rights by exposing them to being summarily dealt with for arrears of their own rents, while curtailing their power to deal summarily with their under-raiyats These objects it was proposed to secure by, on the one hand, enabling the superior landlord, in certain cases, to subject the purchaser of the occupancy right (who had sublet half the holding, and thereby rid himself of the responsibility of cultivation)

to the summary procedure of the putni sale law, or to some modification modifications in other portions of the Bill (such as the withdrawal, if deemed inefficient or impracticable, of the safeguards against the intrusion of money-lenders) which you may, on full deliberation, deem it advisable to make. The possibility of devising a plan whereby transfers of occupancy rights by sale (otherwise than in execution of a decree for arrears of rent) could be restricted to the cultivating classes only should be again considered. Hitherto all attempts in this direction have ended in failure more or less pronounced, much of the difficulty lying in the fact that the mahajun is frequently himself a cultivator. It has indeed been urged by the British Indian Association that it is not desirable to exclude mahajuns of this class from purchasing occupancy rights, and thereby bringing their capital to the promotion of agriculture; and if only some efficient checks could be imposed on the power of such purchasers to rack-rent their under-tenants, the Lieutenant-Governor's apprehensions on the point would be mitigated. There is, however, a large mass of evidence to show that the mahajun, who buys up occupancy rights, is one of the most exacting of landlords. If occupancy rights were to fall largely into the hands of that class, while no protection was afforded to their under-raiyats, the results would be highly undesirable. It may be added that whatever conclusion you adopt on the general question of transferability need not be regarded as in any way affecting the wisdom and desirability of declaring that occupancy holdings shall be saleable for their own arrears of rent under decrees of Court in substitution for the system of ejectment recognized by the existing law.

9. With reference to the enhancement of rent provisions (sections 39 *et seq.*), it is desirable that your remarks should fall under two heads—(*a*) the grounds of enhancement; (*b*) the extent to which enhancements may be had. While calling your attention on the first point (*a*) to the remarks made on the subject by the Select Committee, and by the Government of India in paragraph 13 of their letter, and while asking you to fully weigh these remarks, I am also to bring the following matter to your special notice. It has been objected to the first ground of enhancement in section 43, namely, the prevailing rate, that while careful enquiry has failed to discover a "prevailing rate" anywhere except in portions of Jessore, the provision in question either has been, or easily admits of being, abused by the production in evidence of collusive or fictitious rates, and thus creating a leverage for forcing up rents. On the other hand, it has been urged that this ground of enhancement is of long standing, and that, although there may not be one uniform rate for any class of land in a village, still the rents generally payable for any particular class do approximate more or less to a certain standard round which they may be regarded as oscillating under the influence of special disturbing causes. You should give a close examination to these considerations, and should state whether such abuses as those to which I have referred have reached any magnitude in your districts, and whether the abolition of the prevailing rate as a ground of enhancement would tell unfairly on zemindars. Your conclusions on the point should, if possible, be supported by practical instances of the hardships which now may be found to flow from the existence of the rule, or which would probably ensue from its abolition.

10. Then, as to the extent to which enhancement of rent may be had under the Bill as it stands, the changes proposed are of the most material importance. You will observe that the Bill provides for enhancement by suit in court, and by agreement under a registered contract out of court. In court, enhancements to the extent of 50 per cent. on the former rent may be had on the ground of the prevailing rate; to the extent of 25 per cent. on the ground of rise in prices or increase in productiveness due to fluvial action; and to an extent which shall not be "unfair or inequitable" on the ground of improvement effected by the landlord. The ground of natural increase in productiveness owing to indefinite causes has been omitted from the Bill, as general experience has shown it to be wholly unworkable in practice. The rent, if enhanced on any of the above grounds by a decree of court, is, by the Bill, made unalterable for 15 years. On the other hand, in case of

agreements for enhancement made out of court, if the term be for seven years, not more than two annas in the rupee increase can be taken, while if the term be fixed for 15 years, the rent may he enhanced to the extent of four annas in the rupee, that is to say, to the full amount which can be obtained in court on the ground of rise in prices, *which is practically the most important ground of enhancement.*

On the broad question of enhancement out of court, it will not, of course, escape your observation that enhancements by private contract have frequently been obtained out of court of such a character as to preclude the belief that the raiyats either were free agents or knew what they were doing in agreeing to them. On the other hand, it has been stated that the equalization of the limits of enhancement in and out of court tends to discourage litigation, and, as an abstract principle, any arrangement which would bring the parties together to settle such questions between themselves, without the intervention of the courts, would be a great gain. Having due regard to both aspects of the case, an expression of opinion is required whether enhancement should be allowed out of court, in cases of increased prices or fluvial action, *to the same extent* as in court, where the landlord's claim in all its bearings would be subjected to the closest examination under a judicial enquiry.

Generally, then, the Lieutenant-Governor hopes that your attention will be specially directed to the limitations on enhancement, and that you will carefully consider whether they are appropriate, or whether a more uniform proportion of increase is not desirable. The absence of a definite limit to enhancement on the ground of landlords' improvements is noteworthy, as is also the absence of any provision for deducting the increased cost of cultivation before an enhancement is decreed on the ground of a rise in prices. These are important questions (the latter especially so), and should be examined with careful scrutiny.

11. It only remains to bring prominently to notice one other point on this subject of enhancement of rent, namely, enhancement on re-letting [section 42 (1)]. You will observe that the provisions of Chapter VI place no limit on the rent which may be demanded from an on-occupancy raiyat on his first admission to the holding, while the check imposed by section 60 (9) on enhancements demandable after admission seem to be of doubtful efficacy, as it might be held that, when the initial rent is fixed above the prevailing rate, the only limit to a future enhancement of it is the 50 per cent. prescribed by the section. I am later on to call your attention to the question of non-occupancy rents as a most important portion of the Bill; but in this connection I am to point out to you that, as the Bill now stands, and putting out of sight for the moment the interaction of one class of rents upon the other, the non-occupancy raiyat's rent may be raised to a much higher figure than the rent of the occupancy raiyat can. This is, as far as the Lieutenant-Governor knows, a novel principle which it is now for the first time proposed to introduce into the land law of Bengal, and it is requested that you will very carefully consider it in all its bearings. It will also not escape your notice that by section 42 (1) this higher figure, with a still further addition of four annas in the rupee, can be made the initial rent which a settled raiyat may be called on to pay for land which he desires to cultivate. It must be remembered that, through the operation of the pre-emption clauses of the Bill (if they are retained), and through the falling in of tenancies owing to raiyat's deaths or desertions of their holdings, a very considerable quantity of *raiyati* land does yearly fall into the hands of landlords, who, under the provisions of this Bill, may deal with it in the first instance under Chapter VI, and let it to non-occupancy raiyats at rates above the prevailing occupancy rate. These lands might subsequently be let to settled raiyats of the estate or village at further enhanced rates, and so become occupancy lands, the enhanced rate payable for which would be available as evidence to raise the hitherto prevailing occupancy rate of the village. Having regard to all these points, the vast importance of the effect on the prevailing occupancy rate of section 42 (1) becomes at once apparent. The question then has to be decided whether it is requisite, in the interests of the landlords, just to the great body of occupancy raiyats, or desirable in the

general interests of the country, that the scale of occupancy rents should, over and above the grounds of enhancements specified in section 43, be also exposed to the disintegrating and enhancing effect which the provisions of section 42 (1) are calculated to produce. It will be observed that, under the Bill as it stands, there will be classes of occupancy lands at the old prevailing rates; classes of new occupancy lands at rates [framed under sections 42 (1) and 60 (9)] higher than the old prevailing rates; and classes of non-occupancy lands held at rates varying from, but mostly higher than, either of the above rates. The tendency in all these cases will be to level up rents to the highest point—a tendency which will be complicated by the restrictions on enhancement of rents of various classes of raiyats holding these lands. Upon these facts you are requested to say, with reference to the circumstances of your division, whether there is any danger of intricate and costly litigation resulting from such a state of things as the Bill seems calculated to introduce. You will observe from paragraph 12 of their letter that the Government of India have doubts as to the dangerous effect of section 42 on occupancy rates; and that His Excellency the Governor-General in Council has expressed a desire for the Lieutenant-Governor's opinion as to whether the anticipated danger is real, and if so, in what way it might best be met. The Lieutenant-Governor has no doubt the danger is real, and that it cannot be met by concentrating attention on the occupancy raiyat alone. This matter will be dealt with more fully under Chapter VI, relating to non-occupancy raiyats.

12. In this connection also I am to call your special attention to the question of *bastu* (homestead) lands, or village sites, the terms on which such land are now held, and the extent (if any) to which such terms, if now different, should be assimilated to the conditions which regulate the tenure of ordinary arable land. Section 216 pre-supposes two cases as covering the whole ground occupied by the *bastu* question, (*a*) where bastu is an integral portion of the holding held by the raiyat on no stronger or separate title, and subject to no separate conditions from those which attach to the holding as whole; (*b*) where the *bastu* or site of the raiyat's house is held on a tenure and subject to conditions different from that on which the arable land may be held. It is understood that the *bastu* question is affected by many and various local peculiarities, and the views provisionally accepted in regard to it by the Select Committee may be found incomplete and inaccurate. For instance, having regard to the fact that homestead lands are usually raised above flood-level, and otherwise improved at the raiyat's sole expense, it may be a question whether they should not, in accordance with the spirit of section 43, be exempted from enhancement altogether. It has been brought to the Lieutenant-Governor's notice that excessive enhancements of rates payable for homestead lands is the screw applied for raising rents in those districts where there is still waste land and a demand for tenants. The affection inherent in the raiyat for his *bari* prevents his leaving an exacting landlord for one more lenient. And this power of the landlord over the raiyat would be more marked if the arable portion of the holding consisted wholly or chiefly of land held on an *utbundi* or *hal hasili* tenure. These considerations will no doubt receive full attention from you; and as the importance of the question, and its relation to the well-being of the raiyat, cannot be overrated, it is hoped you will spare no pains to give, in regard to it, the fullest information and the best advice you can. You are specially requested to state whether, in any of your districts, a custom prevails whereby a raiyat, who is ejected from, or who otherwise parts with, his holding is entitled to retain possession of his homestead lands; and if so, on what conditions. In districts where butwaras are common, detailed information must be available regarding *bastu*, and from that source, and from information derivable from the Civil Courts, valuable facts may be ascertained. No portion of a Butwara Deputy Collector's work is more difficult, or contested by parties, than the apportionment of *bastu* (unless, indeed, it be the apportionment of *khamar* or *sir*), thus showing the importance attached by both landlord and raiyat to the command of the village site. It may be added that the *bastu* question, in the case of non-occupancy raiyats, is only second in importance to the question as it affects the raiyats with right of occupancy, because the latter are

more numerous than the former. This remark seems called for, as from paragraph 2 (4) of the Government of India's letter, it might be inferred (the Lieutenant-Governor does not think it was intended that it should be inferred) that in regard to non-occupancy raiyats, the *bastu* question was immaterial.

13. Passing on to the provisions for reduction of rent by suit in court, the Lieutenant-Governor desires to ask your attention to the concluding portion of section 51 (*a*). As Mr. Rivers Thompson reads that portion of the section, the deterioration in the land which would justify a reduction in rent must be the result of some incident admitting of precise definition as to time of occurrence and as to manner of operation. You are requested to examine, with reference to the actual facts existing in your division, whether that statement would cover all cases, or whether it may not happen that deterioration of the soil, disabling it from paying a certain sum as rent may not, as in the case of the efflorescence of *reh*, be brought about imperceptibly by causes of which the origin and the action cannot, with any accuracy, be predicated. A reference, too, is requested to the remarks contained in the 14th paragraph of the letter of the Government of India, and paragraph 44 of the Select Committee's Report, in regard to the commutation of grain rents to money rents (section 53). The Lieutenant-Governor desires only here to invite your attention to the provisions of section 64 (3), and would ask you to consider whether, with regard to the 20 years' presumption of clause (2), a fixed proportion of the crop can be fairly considered, having regard to the rise and fall of price, as the natural and equivalent antecedent of a money rent invariable over a term of years.

14. As regards price-lists (section 52), the chief matters for your consideration are whether the prices-current for local markets (of which the sub-divisional prices-current are understood to be the averages, just as the district price-current lists are the averages of the sub-divisional lists) have been preserved in the district or sub-divisional record offices for, say, a period of 15 years. If so, I am to enquire whether the correctness of these lists can be verified, and, when necessary, corrected by comparison with the books of grain-dealers in the markets to which the lists refer. If this cannot be done for local markets, can it be done for the markets situated at the head-quarters of sub-divisions? Lists showing the prices prevailing at the district head-quarters alone, or the averages of local prices, do not furnish the information as to prices prevailing at harvest time which the Bill contemplates. If the local price-lists have not been preserved, then it should be stated, after local enquiry (which should be made in the most thorough manner and by the most trustworthy agency at your disposal), whether it is possible to ascertain and construct from the records of grain-merchants, bazar chowdrys, &c., a correct list of the prices of the staple food-crops of your district for the last 15 years. In order to guide your enquiries on this point, I am to attach a statement showing, according to recent information, what food-crops may be considered staples in each district. Should this statement, on examination, seem to you in any way defective, either as to the sort of grain produced, or its relative proportion to other grain crops grown in the district, you are requested to introduce the necessary corrections into the the statement and return it to this office with your report.

15. Turning from the preparation of price-lists to the method of using them for the purpose of enhancement suits, I am to call your attention to section 45 of the Bill, and to the remarks of the Select Committee in paragraphs 33 and 34 of their Report. The Government of India also deals with the subject in the 13th paragraph of its letter. The primary points for consideration are whether enhancements can be fairly allowed in direct proportion to the rise in price, or whether it is not essential that some allowance should be made for the increased cost of production which usually attends a general rise in prices, and whether, if you think this should be done, any distinction as to extent of deduction should be drawn between remote districts unconnected by railways, &c., with large markets, and districts enjoying good communications. It would greatly help the Government if the effect of the proposals could be illustrated by examples from actual practice.

It has been suggested that possibly the regulation of rents, with reference

to the prices of staple food-grains alone, would tell unfairly against landlords, who might thus be debarred from sharing in the increased profit arising from the cultivation of such crops as jute. The figures, however, representing the course of the jute market at Serajgunge for the last 15 years, which are appended to this letter, would seem to show that landlords have nothing to expect in the way of enhancement by including jute in the list of crops to which appeal might be made. It is, however, alleged to be the fact in the eastern districts that jute and rice are often interchangeable crops, being sown in the same sort of soil. When rice stocks are large, it is said that more land is sown with jute; when rice stocks are short, the cultivation of jute is contracted in favour of rice. Thus it would happen that when rice is cheap, jute is dear, and *vice versâ*. If such a connection as this were proved to exist between jute and rice cultivation, then, indeed, a stronger case than now exists might possibly be made out for appealing to jute prices as a standard of rent as well as to the prices of rice or of dhan. To this point your attention is requested if jute be a staple in your division. The Lieutenant-Governor is not aware that such a question arises in case of any other crop. No other non-food crop, not even sugarcane, seems to vary as to area of cultivation with the prices of the staple food-grain; but should such a state of things prevail in your division, you are requested to report on it.

16. *Chapter VI.*—Applies exclusively to non-occupancy raiyats. You will at once observe that its contents differ radically from the provisions of the Bill as introduced into Council, and if the provisions of the first draft told too severely against the landlords, it is open to question now whether the chapter as it stands does not err on the other side. When the Bill was first under consideration last year, Mr. Rivers Thompson objected to different maxima being imposed on the rents of occupancy and non-occupancy raiyats, and he refers now to the remarks he then made because, although the maxima limits on rents have been withdrawn, the fundamental difference to which he then objected is still retained. In paragraph 20 of the letter of the 27th September, the Lieutenant-Governor wrote as follows:—

If the one-fifth, or 20 per cent. limit, be justifiable as regards occupancy raiyats, the question remains—Is five-six'eenths or 31¼ per cent. of the produce fair as regards the non-occupancy raiyat? On this point I am to suggest, for the consideration of the Council, whether the provisions of section 119 of the Bill, as far as they refer to what is there called the "ordinary" raiyat, do not introduce an unconstitutional and dangerous principle into the law of Bengal. In the statement made by the Hon'ble Mr. Reynolds in his speech in Council, to the effect that it is not, and never has been, the law of Bengal that an occupancy raiyat should hold at privileged rates, the Lieutenant-Governor concurs; and it therefore becomes a matter for consideration whether, if the one-fifth limit be fair for raiyats with occupancy rights, five-sixteenths is not unfair for raiyats without them. The origin of the provision as it stands is probably due to Sir Richard Temple's effort to fix occupancy rates with reference to competition rates, by giving the occupancy raiyat a beneficial deduction on such rates. But the enquiries which were made in connection with that proposal showed that competition rates hardly existed, and that custom, not competition, ruled the rents of occupancy and non-occupancy raiyat alike, unless where considerations of caste intervene. Recent enquiries point to the same conclusion, and it is therefore, in the Lieutenant-Governor's opinion, a matter of doubtful expediency that a novel principle should now be introduced into the law of these Provinces, which, besides, would be calculated to lead to general enhancements of rent, which it is the avowed object of the Government to avoid. It must not be forgotten that if we call into existence two classes of occupancy raiyats—one holding at higher rates than the other (and this would be the effect of sections 79, 95, and 119 of the Bill combined)—the tendency will be towards an equalization of rates at the higher level. As at present advised, Mr. Rivers Thompson thinks that this is a danger which we should not run the risk of incurring, and that if a rack-rent limit is to be preserved in the Bill at all, it should be the same for both occupancy and non-occupancy raiyats. He has no objection to five-sixteenths of the produce in the case of under-tenants (khurfas) who can never acquire occupancy rights; but he thinks that there is great danger to the cultivating classes in the provision of a separate limit for occupancy and non-occupancy raiyats. Separate limits are tantamount to a premium on the discouragement of fixity of tenure.

From this passage you will perceive that the equality of occupancy and non-occupancy rates was defended as well on the ground of constitutional principle as of practical expediency. It was proposed that as a substitute for different maxima limits on rent; but in the Bill as now drafted, neither the principle of limiting rents to one-fifth portion of the produce, nor the principle of equality of rates, finds a place. The Government of India (paragraph 15 of their letter)

have now expressed a wish to learn the views of the Government of Bengal before coming to a final conclusion in the matter, which cannot be dissociated from the question of occupancy rates referred to in paragraph 11 of this letter.

It is admitted on all hands that the *status* of the non-occupancy raiyat needs improvement, and in point of fact the question for you to advise upon is whether this chapter effects any improvement in it, or whether, having regard to the substitution of the novel English lease limiting the term of the tenancy, for the customary Indian pottah, which only prescribes its conditions, the chapter does not place the non-occupancy raiyat in a worse position than he is under the present law. It is true that the initial lease will apply to new tenancies only; but having regard to actual experience, it is to be feared that most, if not all, non-occupancy raiyats may have to relinquish and re-enter under a lease. Moreover under the existing law a landlord need not, and it is understood that usually he does not, take any steps to bar the acquisition of the occupancy right till the tenth or eleventh year of the holding. Under the provisions of the present Bill, short leases will probably become the rule, and ejectment will be sued for at the close of the fifth or sixth year of the raiyat's tenancy if the landlord would neutralize the effect which the concession of the statutory lease under section 60 (7) might have on the raiyat's tenure of the land. It is unnecessary to dwell at any length on the evil effects which such a condition of things would inevitably produce. It is an established fact that, especially in Behar and in Eastern Bengal, landlords do systematically oppose by all means in their power the growth of occupancy rights. It will be for you now to say, with reference to the facts of your division, whether the provisions of the Bill to which I have now drawn your attention are calculated to intensify or to remove the difficulties which are interposed to prevent the acquisition of the occupancy right, whose growth it is the policy of Government to facilitate, having due regard to the just interests of the landlords.

17. *Chapter VII.*—The subject of this chapter has already been to some extent discussed, and here the only point in connection with it, to which the Lieutenant-Governor desires to call attention, is the question whether the limitation of under-raiyat's rents would be fair, say to raiyats holding at low fixed rates, or whether such a limitation would be effective in practice. With reference to this question you will, of course, have regard to the provisions of section 37, which, if accepted by you as workable, would no doubt have an important effect in checking rack-renting. If, in your opinion, the limitations in the Bill are likely to prove unfair in certain cases, or impracticable, then you are requested to state whether you consider any limitations at all on under-raiyat's rents desirable, and if so, the lines which such limitations should follow. Your attention is also drawn to section 38 of the Bill, and your opinion on the propriety of the limit thereby imposed on the terms of leases to under-raiyats requested. The point to be considered is—would such a limitation have any effect in checking the practice of subletting?

18. *Chapter VIII.*—As your attention has already been called to the questions of the 20 years' presumption, and the proposal to accept grain rents as the equivalent antecedent of the commuted money-rent with reference to that presumption, the Lieutenant-Governor will not again refer to those questions here. Nor does he think that any other provisions of the chapter, except those mentioned in paragraph 17 of the letter of the Government of India, need be brought to your notice with special prominence. The remarks of the Government of India regarding the sufficiency and propriety of the provisions of the chapter on the subject of *baouli* rents in South Behar should receive special attention from the Collectors of Gya, Shahabad and Patna, as should the adequacy of the forms of receipt and account in Schedule III of the Bill from all Collectors.

19. *Chapter IX.*—The provisions regarding improvements may not appear at the present moment to be of much practical utility, but there is reason to hope that in the future they will be found valuable. The Lieutenant-Governor, therefore, wishes you to consider whether they are such as are likely to be found

generally workable, and he specially requests your opinion whether, without any infringement on the landlord's rights, and with advantage to the raiyat and the general interests of the country, the right of constructing a well is one to which the non-occupancy raiyat should be declared entitled (see section 90). The point is perhaps of more importance in Behar than in Bengal Proper, where well irrigation is not so general or necessary; but in Behar, and should the Act be subsequently extended to Chota Nagpore, in the latter division, the question is one of great and growing importance. In this connection you might conveniently enquire into the question raised in clause (1), paragraph 2 of the letter of the Government of India. In regard to it the opinion of Collectors of Canal Districts and of Irrigation Officers, and of non-officials who use canal water on a large scale, such as the Sarun indigo planters and Messrs. Mylne and Thomson of Behea, would be valuable.

20. The Government of India call attention, in paragraph 18 of their letter, to section 96, dealing with abandonment of holdings, and the Lieutenant-Governor also requests you to consider, with reference to local facts, whether the section as it stands exposes the occupancy or non-occupancy raiyat to a material danger of having actual rights, no longer capable of invalidation by the landlord, destroyed, or the further growth of inchoate rights suppressed. The question should be considered in connection with the subject of enhancements to which your attention has been called in paragraphs 11 and 16 of this letter; for the danger is that these provisions as to abandonment may be abused in order that land may be cleared of old raiyats and enhanced rates imposed on new-comers. If the difficulties pointed out in paragraphs 11 and 16 above can be satisfactorily solved, the solution would have an effect on the abandonment question also by removing the apprehended danger. That a real danger is, however, apprehended, there can be no doubt. Authentic information is before the Government of cases in which landlords have expelled raiyats from their holdings without any legal formalities whatever, and introduced new raiyats at higher rents. By such an exercise of power the landlord may no doubt become amenable to criminal penalties; but the raiyat, once ejected from his holding, is not always able or willing to seek redress. Should then no satisfactory solution regarding the equalization of occupancy and non-occupancy rates present itself to you with reference to paragraphs 11 and 16 above, the question the Lieutenant-Governor would ask you to consider is whether the provisions of section 96 are calculated to promote the exercise of arbitrary power on the part of landlords or not. Should your judgment be in the affirmative, it is hoped you may be able to suggest some means of reconciling the interests of the landlord and the raiyat on the question. It has been suggested that in case of an occupancy holding, which is a valuable right, the interest of the presumed deserter should be sold; but to that suggestion objection has been taken in the landlords' interests. The point, however, is still open to discussion, and Mr. Rivers Thompson will be glad to have an opinion upon it.

21. With regard to the provisions for measurement of lands, you will observe that the landlord's right to measure *all* lands within his estate is affirmed. The present law does not allow him to measure lakhiraj lands, and a report is required whether, assuming that you generally approve of the provisions on this point contained in the present Bill, it is advisable that the measurement of lakhiraj holdings should extend to a survey of internal details, or only of external boundaries. You are also requested to state whether you think any inconvenience is likely to result from the provisions of section 101, declaring that the actual measurement shall be made not by the local, but by the English system of mensuration. To this provision it has been objected that parties interested in the measurements would be unable to watch or follow the amin, who would accordingly be freed from the check on his proceedings, which publicity even now does not always make effective. Therefore suspicion and dissatisfaction would, it is suggested, attend his proceedings even when not open to reproach. The question then is, should the measurement be made according to the officially determined local pole, conversion into English measure being subsequently had, if necessary; or should the process be reversed.

22. With regard to the appointment of managers, as the landlords

apprehend much difficulty and friction from the provisions contained in section 102 of the Bill, the matter should again receive your careful attention. Their fear is that the manager would too often act detrimentally to the interests of the proprietors, while he would seek to enrich himself at the expense of proprietors and raiyats alike. This aspect of the case is not a new one, but it claims reconsideration with regard to the difficulties which now very frequently arise from shareholders' disputes.

23. *Chapter X.*—To the provisions regarding the record of rights and the settlement of rents, the Lieutenant-Governor attaches the highest importance, because it is the first earnest attempt to carry out what has often been contemplated, but never attempted, *viz.*, to record by authoritative enquiry the rights in their holdings of the entire agricultural community in Bengal. The proposal is one of very great magnitude, and its execution must extend over a long period of years, but to its successful accomplishment alone can we look for the great administrative advantages which must ensue in the security of the cultivating classes in their possessions, and the establishment of proper relations generally between landlords and tenants. The Lieutenant-Governor specially requests that, with the observations upon them, contained in paragraphs 71 to 77 of the Select Committee's Report, and in paragraphs 19 to 21 of the letter of the Government of India, the sections of this chapter may be carefully considered by you and by your Collectors, both with reference to the facts to be recorded, the adequacy of the powers, taken for the purpose of ascertaining and recording them, and the appropriateness of the procedure for the object in view. He also invites your attention to section 116 (2), and begs that you will give your careful opinion as to whether it is desirable that only a presumption should arise in favour of the correctness of facts ascertained with due care in the full light of publicity, and with ample opportunity to the parties interested to contest them; or whether it is to the general interest that the facts, as ascertained (and if not all, then what facts) should be regarded as conclusively established for a certain specified period.

24. *Chapters XI and XII.*—To the points under these chapters, to which the Government of India draw attention in paragraphs 22 and 23 of their letter, the Lieutenant-Governor desires only to add a hope that you will, with reference to the circumstances of your division, carefully consider whether there is in existence any land, other than the land defined in section 138 (1), which is commonly recognized as not of a character in which the cultivator can ordinarily acquire the right of occupancy.

25. *Chapter XIII.*—Coming now to the important subject of distraint, you will observe that, in the opinion of the Government of India (an opinion from which the Lieutenant-Governor is not now disposed to dissent), the question lies between the retention of distraint as it exists under the present law (with perhaps sharper penalties in case of abuse) and distraint exercised through the courts in the way prescribed by the Bill. It is urged by the landlords that the right of distraint, though not always exercised, is essential to the recovery of their rents, especially in the case of non-occupancy raiyats, in border districts or on chur lands; while, on the other hand, it is beyond doubt that the right of distraint (as it now exists) has been greatly abused with the object of enhancing rents, or of recovering legally irrecoverable arrears. It may well be, as experience has in some instances proved, that the abuse of the right of distraint is within the power of the executive to suppress, and the Lieutenant-Governor himself thinks that there is a great deal in the statement that "in the case of an improvident peasantry a remedy against the crop is a more humane process than a remedy against the land." All these and other considerations which your experience must suggest will doubtless be weighed by you, and Mr. Rivers Thompson trusts that, on a subject to which your attention has in all probability been specially directed by recent discussions, you will be able to give practical advice.

26. *Chapters XIV and XV.*—The procedure in suits and in execution laid down in the Bill are subjects on which the Hon'ble Judges of the High Court

have been invited to advise the Government of India, and on which the Lieutenant-Governor may find it necessary to consult mofussil judicial officers. Still the views of executive officers are very desirable, particularly on sections 163, 164, 168, 171, 175, 177, 185 and 186, and I am accordingly to request that you will take the chapters, and especially the sections specified, into your consideration, and communicate to the Lieutenant-Governor your opinions regarding them. As the Chota Nagpore Landlord and Tenant Act [1 (B.C.) of 1879, section 39] provides for suits against raiyats collectively, and as it is the desire of the zemindars that a similar provision should be introduced into this Bill, the authorities in that division will again be called upon to report what has been in practice the effect of such a provision in Chota Nagpore.

27. *Chapter XVI.*—This chapter reproduces the regulation law for the sale of patni tenures, with only such modernization of language and such few improvements in procedure as experience had shown to be necessary. The Lieutenant-Governor is not aware that these provisions are open to any objection, but if you are of a contrary opinion, you are requested to state the grounds of it.

28. With reference to section 209, I am to refer you to paragraph 14, page 17 of my letter No. 972T—R of 27th September, to the Government of India, and to request that, if you have any views as to the direction which legislation on the subject of the registration of tenures should take, whether on the lines of Act VII (B.C.) of 1876 or otherwise, you will be good enough to favour the Lieutenant-Governor with an expression of them.

29. *Chapter XVII.*—The questions raised in this chapter regarding homestead lands have been referred for your consideration in an earlier part of this letter, and need not be again alluded to. The utbandi and hal hasili system will be referred to later on, and therefore in this connection all that you need discuss are the provisions regarding *chur* and *deara* lands. I am also to ask that, having carefully examined the provisions of section 210, you will state whether you agree that freedom of contract should be barred in all the cases specified, or whether you think that there are other cases also, not mentioned in the section, to which the prohibition should be extended, or whether you think that, in some of the cases specified (stating which), freedom of contract might be allowed.

30. The remaining chapters of the Bill call for no particular remarks, except as regards section 227, chapter XIX. It is requested that, having assured yourself as to the custom prevalent in each district of your division regarding pasturage, you should state whether, in your opinion, the requirements of the case are sufficiently met by section 227, and if not, what you would propose in order to meet them.

31. The observations which have now been made are intended to draw your attention to the main points of the measure, which are still open to discussion, in the order in which they occur in the Bill. They are not intended as an exhaustive enumeration of the sections on which you are at liberty to comment, but rather as an aid in a work which the Lieutenant-Governor fears you may, amid your many other duties, find onerous, and as supplementary to the remarks of the Government of India and the Select Committee. The questions raised in the initial paragraphs of the Government of India's letter remain to be noticed. Regarding the questions raised in paragraph 4, I am to say that the Lieutenant-Governor will not trouble you, for they are questions which can be adequately discussed by him in communication with the Board of Revenue alone; while to some of the points specified in paragraph 2, namely the acquisition of land for landlords' irrigation channels, the accuracy of price-lists, the possibility of framing a system of enhancement on them, and the legislation necessary in regard to homestead lands, your attention has already been drawn. The points in paragraph 2 of the Government of India's letter which demand consideration are those numbered 2, 3, 5 and 6. In regard to point (2), the first thing to do is to ascertain whether the district records give any information regarding the existence in your division of depen-

dent taluks of the kind in question. If from your records any such are found to exist, or if, from sources independent of your official records, authentic information as to their existence is furnished, it will then be necessary to consider whether any inconvenience has been experienced by zemindars from the present practice; and even then whether, having regard to the small proportion which the revenue fixed at the time of the settlement on such taluks presumably bears to their present value, it is desirable to subject them to the summary sale procedure provided by the Bill, or to some less drastic measure. It might also be considered whether the objects which the landlords have in view might not, in the case of the larger taluks at all events, be got over by regarding them henceforward as independent taluks liable to pay revenue to Government direct.

32. With regard to point (3), observations to some extent of a similar character apply. The tenures in question are so valuable, and the arrears due are usually so small and so well secured, that it will be well to ascertain whether the inducement to abstain from even demanding arrears from such tenure-holders, in order that through default their tenures might come into the market, might not create an evil of greater magnitude than any temporary inconvenience which may now result from the existing state of things. These remarks are offered with the object of suggesting, for your consideration, certain aspects of the case which strike the Lieutenant-Governor as worthy of being examined. Any suggestions you make for mitigating the difficulties complained of by the landlords will meet with Mr. Rivers Thompson's careful attention.

33. In regard to point (5), I am to say that the information before Government as to the precise nature of the *utbundi* and *hal hasili* system is not as full or precise as could be wished, and accordingly you are requested to give a clear description of the tenures in question, if any such exist in your division, with their incidents, and a statement of the reasons why the ordinary incidents of raiyati land should not apply to them. Accounts of these tenures are, no doubt, contained in the Statistical Account of Nuddea, and in Administration Reports or official memoranda. References to them are also to be found in various law reports; but, for the purpose in hand, it is desirable that these accounts and reports should now be examined, their defects (if any) supplied, and the result communicated to Government in concise but adequate form. At the same time you are requested to state whether, if tenures known as *utbundi* or *hal hasili* do not exist, any other tenures, bearing the generally known attributes of such, are to be found, and if so, how you would treat them with reference to the matter in hand. The reference to Chittagong is one which will be considered in communication with the Board of Revenue, as well as in communication with the Commissioner, as the character of land tenures in that division have recently formed the subject of exhaustive discussions between the Board and Government.

34. With reference to point (6), it will have been observed that the pre-emption sections of the Bill apply only to occupancy rights; but there are in existence, in various portions of Bengal, certain holdings which lie on the border land between clearly defined tenures and cultivating occupancy rights. Such are the *guzasta* holdings in Shahabad, the *gorabundi* holdings in Bhagulpore, the *jotes* of Rungpore, and the *howalas* of the deltaic districts. These holdings have admittedly been transferable by custom for generations, without any right of pre-emption being reserved to the landlord, and it is felt that to subject them now to the landlord's right of pre-emption would depreciate the value of the property to the owner, and possibly lead to inconveniences which it is desirable to avoid. The question then is, can all such semi-tenures, which it is not desirable to subject to the right of pre-emption, be enumerated in the Bill, and thus excluded specifically from the pre-emption clauses, or are such holdings so numerous as to class and so ill-defined that the just interests of their owners can only be protected by such a clause as section 217, which saves custom.

35. In conclusion, I am to express the Lieutenant-Governor's earnest hope

that you will make sure of your report reaching this office not later than the 14th August next.

Circular No. 4T—R.

COPY forwarded to the Collector of

By order of the Lieutenant-Governor of Bengal,

H. H. RISLEY,

Offg. Under-Secretary to the Govt. of Bengal.

DARJEELING,
The 24th May 1884.

Statement showing the mean highest and lowest rates per maund of ordinary sacking and bagging Jute in the Serajgunge Bazar, 1868 to 1883.

I.

Period.	January. Highest.	January. Lowest.	February. Highest.	February. Lowest.	March. Highest.	March. Lowest.	April. Highest.	April. Lowest.	May. Highest.	May. Lowest.	June. Highest.	June. Lowest.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1868	3 1 0	2 5 0	3 3 0	2 6 6	2 13 0	2 10 0	2 14 0	2 7 6	3 4 6	2 13 0	3 4 0	2 13 0
1869	3 9 0	2 15 6	3 4 0	3 0 0	3 9 6	3 4 6	3 10 0	3 6 6	3 12 0	3 7 9	3 12 6	3 9 6
1870	3 12 6	3 9 0	4 10 0	3 15 3	4 14 9	4 5 6	4 15 0	4 9 0	6 3 0	5 4 0	6 3 9	5 14 0
1871	5 9 6	4 8 0	5 10 0	4 14 0	5 5 6	4 14 0	5 3 0	4 6 0	...	...	...	...
1872	4 9 0	3 14 0	4 6 0	3 13 0	4 6 6	3 14 6	4 2 0	3 9 0	4 4 6	3 9 0	4 0 0	3 3 0
1873	1 15 0	1 8 0	2 2 6	1 8 0	2 3 0	1 14 0	2 3 9	1 14 6	2 4 6	1 14 0	2 2 0	1 14 0
1874	3 15 0	3 8 0	4 6 0	3 10 3	3 10 0	3 0 0	3 10 0	3 0 0	3 12 0	3 3 0	3 10 0	3 6 0
1875	3 8 3	3 4 0	3 5 0	2 15 0	3 0 0	2 14 0	3 1 6	2 9 0	3 8 9	2 12 0	3 1 0	2 12 0
1876	3 4 6	2 14 0	3 3 6	2 15 9	3 2 0	2 14 0	3 0 0	2 10 0	3 1 6	2 14 0	3 3 0	3 0 0
1877	4 0 0	3 7 0	4 0 6	3 9 6	4 6 0	3 15 0	4 11 0	4 4 0	5 2 0	4 4 0	4 10 0	4 0 0
1878	4 0 0	3 15 0	4 5 6	3 15 0	4 5 6	4 0 0	4 4 0	4 0 0	4 5 3	4 0 0	4 4 9	4 0 0
1879	3 9 0	2 12 0	4 0 0	2 12 0	3 10 0	3 0 0	3 5 3	2 14 0	4 11 0	2 15 6	3 11 0	3 2 0
1880	4 9 9	4 5 0	6 8 6	5 14 6	6 12 0	6 2 0	5 14 6	5 6 0	5 6 6	4 9 0	4 7 0	4 2 0
1881	4 6 6	4 0 0	4 8 0	4 2 0	4 8 0	4 4 6	4 6 0	4 2 0	4 5 0	3 15 0	4 5 0	4 3 0
1882	3 7 6	3 5 6	3 3 9	3 1 6	3 4 9	3 3 3	3 5 0	3 3 0	3 3 0	2 15 6	3 3 3	3 2 0
1883	2 4 6	2 2 3	2 4 3	2 2 9	2 4 0	2 2 0	2 4 6	2 2 6	2 12 0	2 9 0	3 4 6	2 14 0

Period.	July. Highest.	July. Lowest.	August. Highest.	August. Lowest.	September. Highest.	September. Lowest.	October. Highest.	October. Lowest.	November. Highest.	November. Lowest.	December. Highest.	December. Lowest.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1868	3 1 0	2 6 0	2 12 0	2 2 6	3 4 0	2 9 0	3 2 6	2 12 0	3 6 0	2 13 0	3 9 6	2 13 0
1869	4 1 3	3 10 9	4 4 0	3 11 0	3 12 0	3 6 0	3 10 6	3 6 0	3 10 6	3 5 6	3 11 6	3 6 6
1870	5 7 0	4 6 0	5 7 3	4 9 0	4 8 9	3 13 6	4 3 9	3 7 0	4 1 0	3 8 0	5 0 0	4 6 6
1871	4 12 6	3 13 6	4 7 0	3 5 6	3 15 0	3 4 6	3 10 0	3 4 0	4 2 6	3 4 0	4 4 6	3 8 0
1872	3 8 0	2 13 6	2 9 0	2 4 0	2 10 0	2 3 0	2 9 6	1 14 0	2 3 6	1 12 0	2 8 0	1 8 0
1873	2 4 0	1 14 6	2 10 0	2 6 0	2 5 6	2 1 0	2 8 0	2 1 0	2 11 6	2 2 0	3 11 0	2 12 0
1874	3 5 6	2 8 0	2 14 0	2 6 0	3 4 0	2 12 0	3 5 6	2 9 6	3 3 0	2 9 0	3 5 0	2 8 0
1875	2 11 6	2 2 6	2 14 0	2 8 6	3 0 0	2 11 0	2 15 0	2 5 0	3 6 0	2 6 0	3 12 0	3 2 6
1876	3 8 6	3 0 0	3 9 0	2 15 0	3 6 0	2 15 0	3 4 6	2 6 0	3 8 3	3 1 0	4 3 0	3 15 0
1877	4 11 0	3 8 0	4 0 0	2 12 0	3 12 0	2 15 0	3 11 0	3 2 0	3 10 0	3 6 0	4 3 0	3 13 0
1878	4 6 0	3 14 0	4 3 0	3 8 0	4 0 0	3 8 6	3 14 0	3 0 0	3 9 0	3 2 0	3 14 0	3 2 6
1879	3 9 0	3 4 0	3 11 0	3 3 9	3 11 0	3 5 6	3 11 0	3 4 6	3 13 9	3 8 6	4 7 6	3 15 6
1880	4 4 0	3 12 6	3 12 6	3 5 6	3 12 0	3 7 0	3 12 0	3 6 0	4 0 0	3 14 6	4 1 0	3 14 9
1881	4 7 6	3 15 6	3 15 0	3 10 6	3 7 6	3 4 0	3 7 0	3 3 6	3 8 6	3 5 6	3 7 6	3 5 0
1882	3 0 0	2 14 0	2 14 0	2 8 0	2 3 9	2 0 9	2 3 0	2 1 6	2 6 6	2 2 6	2 3 3	2 1 0
1883	3 4 6	3 2 0	3 3 6	3 1 6	3 6 0	3 4 6	4 2 0	? 15 0	4 10 0	4 9 0	5 3 3	4 14 6

II.

Period.	Yearly average price per maund. Highest.	Yearly average price per maund. Lowest.
	Rs. A. P.	Rs. A. P.
1868	3 2 3	2 9 3
1869	3 11 7	3 6 1
1870	4 15 3	4 4 11
1871	4 11 2	6 14 6
1872	3 7 3	2 13 9
1873	2 8 9	1 15 9
1874	3 8 4	2 14 8
1875	3 2 11	2 11 1
1876	3 5 10	2 15 4
1877	4 3 8	3 9 3
1878	4 1 11	3 10 9
1879	3 11 9	3 2 9
1880	4 12 4	4 5 7
1881	4 1 0	3 12 6
1882	2 14 2	2 11 6
1883	3 3 11	3 1 3

III.

	Rs. A. P.	Rs. A. P.
Five years, 1868-72	3 15 11	3 6 6
Ditto 1873-77	3 5 11	2 13 3
Ditto 1878-82	3 14 8	3 8 7

atement showing the Principal Food-grains of all districts, except those of the Chota Nagpore and Orissa Divisions, and the approximate proportion which the outturn of each bears to the entire outturn of Food-grains in the district.

Names of Districts.		Principal food-grains.	Proportion of outturn borne to the total outturn of food-grains in the district.	Remarks.
			Per cent.	
WAN DIVISION	Burdwan	Rice	88	
		Pulses	10	
		Wheat	2	
	Bancoora	Rice	87·50	
		Pulses	6·52	
		Wheat, Indian-corn, &c.	6·25	
	Beerbhoom	Rice	85	
		Wheat	9	
		Pulses	6	
	Midnapore	Rice	100	Wheat and maize also produced to a small extent.
	Hooghly	Rice	87·5	
		Pulses	12·5	
	24-Pergunnahs	Rice	88·8	
		Pulses	11·2	
IDENCY DIVISION	Nuddea	Rice	......	
		Pulses	......	
		Barley	......	
	Khulna	Rice	87·5	
		Pulses	12·5	
	Jessore	Rice	88	
		Pulses	10	
		Wheat, cheena and barley	2	
	Moorshedabad	Rice	90	
		Kalai	3	
		Gram	2	
		Other grains	5	
HAHYE DIVISION	Dinagepore	Rice	92	
		Kalai	68	
	Rajshahye	Rice	75	
		Pulses	18·75	
		Wheat, &c.	6·25	
	Rungpore	Rice	88	
		Khesari	8	
		Wheat	4	
	Bogra	Rice	88	
		Gram and pulses	9	
		Cheena	3	
	Pubna	Rice	90	
		Pulses	5	
		Millets	5	
A DIVISION	Dacca	Rice	62·50	
		Gram, cheena, and pulses	37·50	
	Furrreedpore	Rice	75	
		Cheena	8	
		Pulses	6	
		Other crops	11	Apparently these are not all food-grain crops.
	Backergunge	Rice	75	
		Kalai or Khesari	15·75	
		Masuri	9·25	
	Mymensingh	Rice	45	
		Kalai	22	
		Other food-grains	33	
	Tipperah	Rice	100	
TAGONG DIVISION	Chittagong	Rice	89	
		Pulses	11	
	Noakholly	Rice	92	
		Gram and pulses	8	
A DIVISION	Patna	Rice	68·75	
		Indian-corn	12·50	
		Barley	18 75	
	Gya	Rice	50	
		Gram	25	
		Wheat	18·75	
		Other crops	6·25	
	Shahabad	Rice	70	
		Wheat	14	
		Barley	7	
		Other grains	9	
	Durbhunga	Rice	62·5	
		Millet	25	
		Indian-corn	12·5	
	Mozufferpore	Rice	37·50	
		Maize	22	
		Barley	12·50	
		Other crops	28	
	Sarun	Indian-corn	40	
		Rice	20	
		Barley	15	
		Other food-grains, wheat, gram, &c.	25	
	Chumparun	Rice	55	
		Indian-corn	25	
		Wheat and barley	20	
ALPORE DIVISION	Monghyr	Rice	50	
		Wheat	18·75	
		Indian-corn	12·50	
		Pulses	18·75	
	Bhagulpore	Rice	62·50	
		Indian-corn and marwa	18·75	
		Wheat	18·75	
	Purneah	Rice	75	
		Kurti (a species of vetch or bean)	16·7	
		Wheat and masuri	8·3	
	Maldah	Rice	70	
		Millet	10	
		Cold-weather crops	20	

In submitting these suggestions for giving legislative effect to the main principles which I understand to have been finally accepted by the Secretary of State and the Governor-General in Council, as the basis of legislation between Landlord and Tenant, I must repeat what I wrote with my note of 19th May 1881:—

"I have not considered myself bound to the opinions which I expressed as President of the Commission for the Amendment of the Rent Law."

"The points for the consideration of the Commission were so multifarious, the differences of opinion among the members were so numerous (ranging from a gradation of shades to direct contrast), and the difficulty of getting the Report completed before the time at which the members must be scattered was so great that on many points I preferred to give my voice according to the opinion of the moment rather than prolong discussion, being satisfied that the point being so brought forward would meet with full further discussion before the time came for taking action on it; and that I myself should have an opportunity of giving further consideration to it, and of expressing my ultimate opinion after having had the advantage of hearing it so discussed."

The discussions which have followed the Report of the Rent Law Commission would have been of little value, if they had not led to more matured opinions being formed on some points.

The information which has been required from the districts by the Government circular of the 24th May will be of much importance towards coming to a conclusion on many points which are still open to discussion; if as many months had been allowed for the collection of it as weeks have been given, the result would have been a most valuable collection of facts.

As I am leaving the country in a few days, I have been obliged to write without the advantage of seeing the reports which the Commissioners of divisions may send up. I have therefore passed over points of which the decision must depend mainly on the information which those reports may contain.

The 26th July 1884. H. L. DAMPIER.

Notes on the second edition put forth by the Select Committee of the Legislative Council of the Governor-General, by Mr. H. L. Dampier.

CHAPTER I.

PRELIMINARY.

Section III (2).—To be uniform with (2) and (4), this should run "means a person or a number of persons" with the necessary consequent alterations of wording.

(7).—A is let into occupation of certain land as a holding in the year 1880, without (or even with) a written lease. In 1884 he is let into occupation of other parcels of land, by the same landlord, on precisely the same conditions;—is the land acquired in 1880 and in 1884, respectively, all held "on one set of conditions," so as to constitute one "holding" within the meaning of the definition? or does A hold two holdings, that of 1880 being held under one "set of conditions" and that of 1884 under another although similar "set of conditions?" The question may involve important practical issues.

(14).—After the words "to discharge" in the 3rd line insert "any of."

CHAPTER II.

CLASSES OF TENANTS.

Section V.—As suggested under (a) in paragraph 4 of the letter of the Government of Bengal, Circular No. 3TR, dated 24th May 1848,* the limitation of the meaning of "raiyat" in sub-section (3) of section 5, read with the description of "tenure-holder" in sub-section (1), leaves room for a contention that no person who holds directly under a rent-free holder can claim to be a raiyat unless either—

* Which will be referred to hereafter as the Government Circular.

(a) the rent-free holder is a "proprietor," *i.e.*, the rent-free lands which he holds have been admitted by the Collector to registration as a revenue-free estate; or

(*b*) the rent-free holder can be shown to have acquired the right to collect rents from the proprietor of the estate or from a tenure-holder.

Instances are numerous in which a rent-free holder could not be brought under either of these categories. In many cases the origin of his rent-free holding could not be shown, all that could be shown being that he has paid no rent for a number of years which preclude any landlord now claiming rent from him. In order to meet the difficulty suggested in the Government circular and to avoid excluding the immediate tenants of such rent-free holders from the legal status of a "raiyat," I would amend the description of "tenure-holder" in sub-section (1) of this section by inserting after the word "rents" in the fifth line the words "or who not being a proprietor enjoys such right."

(4) (*c*).—For the reasons given in my remarks below on section 37, I would make this clause run as follows:—

"(*c*)—the character of the tenancy as originally acquired, that is to say, whether, from the character of the tenancy as originally created, it can reasonably be inferred that the intention of the landlord and the tenant was that the latter should cultivate the main part of the land as specified in sub-section (2) or that he should collect rents from tenants already on the land or from tenants whom he might in future settle on the land."

(5).—On this sub-section the Government circular asks "(*b*) whether the presumption is, with reference to existing practice, a fair presumption, and if not fair, what presumption of the sort would be fair."

1. If the object of the question is to ascertain whether according to the existing practice a landlord ordinarily recognizes as a tenure-holder a tenant who, not being described as such in any written lease, sub-lets a part or even the whole of his holding of above 100 bighas, the answer will certainly be in the negative. There is in practice no limit to the area of the holdings which landlords recognise and treat as raiyats' holdings; and not only so, but there is no limit to the extent of the holdings in respect of which the tenant accepts and indeed claims the character of a raiyat, notwithstanding that he has sub-let by far the greater part of it.

2. The law as it now stands attaches certain advantages to a raiyat's holding over at tenure—

(*a*) In all estates—the protection against enhancement, except under specific conditions very difficult of fulfilment, which the law has given since 1859.

(*b*) In temporarily settled estates and in estates the property of Government—the immunity which the tenant who is recognised as the statutory raiyat enjoys from the liability to have the rents fairly payable to him by his under-raiyats authoritatively determined and recorded by the settlement officer under the Bengal Settlement Act* in a record which is binding on the parties unless it is modified by a Civil Court in a suit which must be instituted within four months of the publication of the jamabundi; also immunity from the liability to have the rent payable by himself calculated by the deduction of a percentage allowance from the amount of rent payable to him. These liabilities attach to a tenure-holder under section 7 of the Act.

* Bengal Act VIII of 1879.

3. These advantages are keenly appreciated; the right to be recognised as a raiyat is eagerly pressed before the settlement and revenue officers; and the dispute is now being carried to the Civil Courts with increasing frequency. The zemindar does not usually move actively in the matter; as evinced by the recent literature of the tenancy question bill, whatever the reason may be, the landholders, broadly speaking, prefer that their immediate tenants be classed as raiyats.

4. Instances, however, are not wanting in which the zemindar has been a party to the contest.

For example, in a Nuddea case in which the tenant insisted on his right to be recorded as a raiyat with an occupancy-right in a holding which he had derived from an Indigo concern to which it had been let more than 12 years before the contention arose, and by which it had been partly held in direct cultivation and partly sub-let to under-tenants year by year, the zemindar contested the right and denied that the holding was anything more than a farming or contract tenure.

Again in a recent case from Midnapore (Hooda Bheteah), the cultivators claimed to be recognised as the statutory raiyats, on the ground that their immediate landlords (intermediate between them and the proprietors), who had been recorded and accepted as the "raiyats" in the proceedings of the previous settlement, had disappeared. The proprietors opposed the claim on the ground that when their immediate tenants, the recorded and protected raiyats of the former settlement, disappeared, the proprietors themselves stepped into their shoes as "occupancy raiyats," which position the proprietors had attempted to make good by designating the actual cultivating raiyats "korfa raiyats" in the receipts given to them for rent.

5. Generally, however, the parties who take an active part in these contests are, on the one hand, the tenant who holds from the proprietor of the estate (be the proprietor Government or a private individual), and on the other hand, the sub-tenants of that tenant; for if the former succeeds in establishing his recognition as the statutory raiyat, the latter lose all the advantages of protection against enhancement and by record of rights; whereas if the latter can succeed in dislodging the former from the position of raiyat, and pushing him up into that of tenure-holder, they themselves step up into the position of raiyat with all its advantages.

These contests have been more frequent and more prominent in the eastern districts of Bengal and in Midnapore, where the revenue settlements have been more numerous than elsewhere, for it is evident that the question must be brought to issue by the settlement officer's proceedings under the Act of 1879.

6. It may therefore be confidently anticipated that the answer to the question now put by the Government as regards section 5 (5) will be that the presumption of a holding of 100 bighas, even if mostly sub-let, being a tenure, is *not* in accordance with the existing practice as between landlords and tenants; and that no presumption to be in accordance with the existing practice can be drawn either from area or from the fact that a part of the whole of the holding is sub-let.

7. But I have always pressed for the necessity of a legal presumption of the sort, and I made to the select committee the suggestion which section 5 (5) embodies not at all on the ground that 100 bighas or any other arbitrary area they might adopt would fairly represent the existing practice, but on the ground that it was impossible to deduce any presumption from existing practice; that before taking a doubtful case into Court it was impossible for the parties, however reasonably and amicably they might be inclined, to make any probable anticipation as to what the decision would be, whether tenure or raiyat's holding. I again urge that for the sake of preventing litigation, it is of the utmost importance to provide at least an artificial legal presumption which shall serve as an indication (to parties who wish to avoid litigation) as to what the probable result of a suit would be. If this artificial presumption cannot be founded on existing practice, it may at least be founded on the general characteristic which the law recognises as distinguishing a tenure from a raiyat's holding.*

* I am now discussing the question of legal presumption or no legal presumption. But from my remarks under section 37 it will be seen that fuller consideration has led me to advocate that an absolute legal declaration shall be substituted for the mere presumption of this section

Section 5 lays down that the designation tenure-holder implies primarily the idea of the acquisition of the right to collect rents, while the designation raiyat implies primarily the idea of the acquisition of land by a tenant for the purpose of cultivating it by himself, or by members of his family or by hired servants. It seems to me that if the holding as originally created exceeded 100 bigahs, the law may reasonably assume that it was created with the full expectation of both parties that the lessee would convert himself into a rent-receiver or tenure-holder as soon as possible by inducting raiyats to the land. Indeed, in this view the limit might well be put far below 100 bigahs; and the lower it can safely be put the better it will promote the object of protecting the "real cultivator" and discouraging the non-cultivating purchaser of occupancy holdings.

8. On the third point (*c*) of paragraph 4 of the Government circular, see my remarks below on paragraph 37 of the Bill.

CHAPTER III.

TENURE-HOLDERS.

Enhancement of Rent.

Paragraph 5 of the Government circular points out that the conditions such as are imposed in respect of the enhancement of the rent of raiyats are not applied to the rents of tenure-holders. No such conditions have hitherto been imposed and I do not know that experience has suggested the necessity of legislation in this direction for the protection of tenure-holders.

Section VI (1) (*b*).—The concluding words "and that the lands are capable of affording it," although a reproduction of the existing law, seem to me to be surplusage in view of section 7 (3), which provides that the Court shall not leave to the tenure-holder as profit less than ten per centum of the net rents.

Section VII (1).—Similar tenures may be and are held at different rates, so that it may happen that no rates will fulfil the requirements of the word "customary" according to the views of individual presiding Judges. I should prefer "up to the highest rates which are prevalent as rates usually paid" or "commonly paid" by persons holding similar tenures in the vicinity.

(2).—"Where no such customary rate exists."—I would strike out these words, leaving sub-section 2 as an alternative to sub-section 1, optional to the landlord* for the reasons given in the following extract from Mr. Westmacott's report on the first bill.

"A number of tenures are created at the same time, on the same rates of rent, covering a considerable area. The time comes when enhancement is legitimate and a landlord in the centre of the said area proceeds to enhance. He cannot enhance beyond the customary rate, and he finds that every tenure for miles round is paying at the same rate, so that he is precluded from enhancing. If no landlord can enhance until the majority of his neighbours have enhanced, it is clear that enhancement can never be commenced, and therefore the right of enhancement becomes a dead letter."

(3) (*a*).—I would mention bonus paid on creation of the tenure as a circumstance to be taken into consideration in fixing the rent.

Section VIII.—In order to prevent mistakes from reading this section alone, I would introduce words mentioning that this limitation does not apply to cases in which it is shown that the area of the tenure has been increased by the addition of land to it, and referring to the subsequent saving clause to that effect. (Section 66). Some care is required in the wording so as to prevent nominal increases of area owing to more precise measurements being taken as actual increases of the land to be assessed.

But apart from increase of area there will be other cases in which the limit of double rent will be out of place. For instance, a sudden change in the course of a river converts the soil from unproductive sand to fertile alluvial deposit, a new civil station is established, a bridge is built, a railway is opened with a station which has the effect of suddenly increasing the letting value of the adjacent land tenfold. It is not reasonable in such cases to debar the landlord of the tenure-holder from the immediate enjoyment of his fair share of the abnormally increased profit. The argument based on interference with the standard of comfort which the tenant has attained under the influence of his gradually increasing profits and stationary rent does not apply to such cases.

Section X.—I would assimilate for tenures and raiyats' holdings the period within which an enhancement shall not be followed by a second enhancement. The section should be worded so as not to cover the case of tenures of which the characteristic is that rent is adjusted from year to year, or from time to time, according to measurement of the lands of the holding which are actually found cultivated. Section 99 (2) *b* saves the right of measurement only; not that of demanding more rent for more area ascertained.

Section XIV (1).—I would introduce words making clear that the landlord may exercise this right of demanding security at any future time, if he has not done so immediately after a transfer; also after a devolution by inheritance, even though he did not demand security from the predecessor in title.

Section XVI (2).—It should be specified at whose expense the notice to the landlord of the sale shall be served.

The landlord's application to the court for the (perhaps petty) fee will as the law stands require a stamp, unless a special executive order of the Governor-General in Council is passed exempting it from stamp duty.

Section XVII (2).—After the word rent in the fourth line insert "or cesses."

CHAPTER IV.

RAIYATS HOLDING AT FIXED RATES.

Section XXIII.—1. In the matter of making a distinction between the incidents to be attached to holdings which are proved to be genuine mukarrari and those of which the mukarrari character is the creature of the twenty years' presumption of Act X of 1859 (treated of in paragraph 7 of the Government of India's letter), I agree with the Hon'ble Mr. Gibbon, whose objections as recorded in his dissent seem to me to be of much weight. To mukarrari holdings *proved* to have been created by pottah or to have been held at a fixed amount or rate of rent since the permanent settlement I would attach the privileges of a tenure,—free sale without right of preemption to the landlord, and right to convert the land to any use. But to holdings to which in the absence of proof no mukarrari privilege would now attach without the twenty-years presumption of the law of 1859, I think that the immunity from enhancement of rent is a sufficient concession. In all other respects I would leave these presumptive mukarraries in the same category as occupancy holdings; at any rate I would leave the right of preemption to the landlord, if only to avoid the disputes which would otherwise be likely to spring up as pointed by Mr. Gibbon.

2. The consideration of the twenty years' presumption is again invited by Government. I have given the question all the consideration of which I am capable, and I find no reason to depart from the views which I expressed at length in the report which I submitted to Government on the 19th May 1881 on Mr. Reynolds' draft Bill. I there, after examining the question, said, in concurrence with the views then held by Mr. Reynolds, that on the whole I would accept 1839 as the starting point for the presumption, as being the most likely to bring the effect of the presumption into accord with the actual rights which it assumes.

CHAPTER V.

Occupancy Raiyats.

General.

1. I understand the avowed object of this part of the scheme of legislation to be to exercise that power of interfering to regulate the relations between the zemindar (or the tenure-holder who has acquired a portion of the original zemindar's rights) and his raiyats, which was expressly reserved to the Government by the declaration of 1793.* The necessity for interference in support of the raiyat has arisen from the growth of circumstances, of which the chief is the increase of pressure of population on the soil without a corresponding development of sources of livelihood other than husbandry. Such circumstances have tended to weaken the position of the raiyat as against the landlord, and under them the raiyat class has not been treated with the good faith and moderation which was expressly stated to be required from the landlord class as a fulfilment of its part of the engagement of 1793.

* I may call attention to the fact that the idea of the support given by Government to the zemindar's influence being limited by considerations of the raiyat's welfare is expressed in the Firman given by the Emperor to Rajah Madho Singh, of which the Maharajah of Durbhunga has annexed a translation to his recorded dissent to the Bill. The orders there given to the officers of the Nizamut are—"to keep him in possession of the zemindari rights, cause all his demands to be paid up, act according to his advice if the same be loyal and tending to benefit the raiyats."

2. The provisions as to occupancy right and transfer, as they stand, seem to me to be open to the objection that, while trenching very materially on the strength which the landlord's position has actually acquired, they do not in a corresponding degree strengthen that particular class which really requires support—the local peasantry. They do not in fact strengthen, as against the landlord, any class of the community which is capable of definition.

This chapter has the effect that it will be open to the whole world except to the immediate landlord to acquire by purchase or otherwise to hold certain rights described as occupancy rights in a given piece of land. Such rights may be acquired and held by distant non-agricultural capitalists; by the zemindars of estates adjoining that within which the land lies, if the land is included in a tenure; by the zemindars, resident or absentee, of the estate itself; by the holders of tenures above the lowest under-tenure which includes the land.†

† In answer to the argument that such men will be tenure-holders, not raiyats, it is evident that any neighbouring zemindar or tenure-holder may, through the agency of his local establishments, cultivate the purchased holding under conditions which shall strictly comply with any definition of a "raiyat" which may be devised, and so avoid turning himself into a tenure-holder. It would not suit the distant capitalist to do so, unless he were to acquire sufficient land in the neighbourhood to make it worth while to keep up a local establishment.

3. Not only does the scheme trench on the landlord's position for the benefit of others than the class which only requires strengthening—the local peasantry—but it seems to me that it is calculated to weaken the position of that class as against the whole world. It is not denied that, even under existing circumstances, the non-resident capitalist has been to some extent attracted to acquire the right of occupancy, which is against the avowed object of the legislation. The attraction to him to complete with the local peasant for such holdings will evidently be increased in proportion to the additional value which they will acquire under the more substantial protection and security afforded by the law.

4. That scheme would commend itself to me, which, while it interfered with the over-strong actual position of the landlord to the extent only which is required for the interests of the too week local peasant class, should strengthen the latter class in a corresponding degree, not only against the landlord, but against the whole world of outsiders. Impossible as the perfect attainment of that object must be, my purpose would be to adopt measures which should tend, as far as possible, towards the object of securing to the local peasant the stock of land which is within an accessible distance for his superintendence of actual cultivation.

5. In drawing the following distinctions between a "resident" and a "non-resident raiyat," I use "resident raiyat" in the broad sense of one to whom attaches the idea of residence within such a distance of the land in question that it is accessible to him for the purpose of superintending the cultivation of it.

6. *To the non-resident raiyat I would confirm, as is done by section 24, the rights which he has actually acquired under the provisions of Act X of 1859 or by custom.*

I am not in favour of allowing any further acquisition of occupancy rights by non-resident raiyats. If it be considered objectionable to recede from the principle of Act X, even for the future, then I would not go a step beyond that Act in respect of rights to be hereafter acquired by "non-resident" raiyats. If it must be, let them acquire a right of occupancy in the very land as to which they may hereafter complete the tenancy of twelve years, but nothing more.

7. *I would allow only to the resident raiyat the full privileges of a "settled raiyat" which this Bill creates.* Notwithstanding all that has been said to the contrary, I do not doubt that this would be in accordance with the general idea which prevailed at the close of the last century* (and indeed up to the middle of the present century) to which it is desired to revert with such modifications as altered circumstances require; and it seems to me to be in strict accordance with the views expressed in paragraph 10 of the Secretary of State's despatch of 17th August 1882, and the suggestion made by him in paragraph 11 (reading the second clause as a continuation of the first), as to the principle which should be adopted as the basis of legislation.

* It has been argued that the old paikasht raiyat was as secure in his holding as the khudkasht. However that may be, such discussion must end somewhere. In paragraph 10 of the despatch the Secretary of State has distinctly objected to a proposal which "annuls the distinction deeply rooted in the feelings and customs of the people, not only in Bengal but in most parts of India, between the resident or permanent and the non-resident or temporary cultivator." I do not think that any one has been found to contend that a non-resident raiyat either has or ever had potential rights founded on custom, on law, on reason, or on sentiment in any of the village lands outside of the fields which he actually holds.

8. What, then, should be the conditions required to bring a raiyat within the precise definition of a "resident raiyat" in respect of any land?

This brings me to the consideration of the question (*a*) proposed in paragraph 7 of the Government Circular, which I reproduce in the margin. I go very much farther than is here suggested. I do not understand that the real question lies within the narrow limits suggested in the Government Circular, whether "any material or practical loss would unavoidably result to the zemindars by retaining the definition as it stands;" but I understand the question to be whether there is any justification on the ground of the "just rights of the raiyats" or of administrative necessity for a new provision of the law so unpalatable to the landlords generally as that a raiyat who has held lands in one part of an estate for twelve years shall in virtue thereof be vested at once with occupancy rights in any land which he may subsequently acquire in any part of the same estate, that is, of the lands which the zemindar holds subject to liability for the same unit of land revenue. As the Bill stands, this privilege of immediately acquiring occupancy rights in land subsequently acquired by the raiyat is not limited by the fact that the lands so subsequently acquired are at many miles distance from the first holding; or by the fact that they are held under a tenure-holder landlord, who has no connection with the tenure-holder under whom the first holding is held.

(*a*) "Should the capacity of the settled raiyat to hold, on an occupancy title, land into possession of which he has been let, extend over an entire "estate," or should it cover only a portion of the "estate when the latter extends over a large tract of country, or into more than one district."

* * * *

"On point (*a*) you will consider whether, with reference to the circumstances of the districts in your charge, any material or practical loss would unavoidably result to zemindars by retaining the definition as it stands; and if you are of opinion that such loss would result, then you are requested to state whether that loss would be obviated without injury to the just rights of the raiyats by limiting the portion of the "estates" within which settled raiyats taking lands would at once acquire occupancy rights, to the district or even to the sub-division of a district."

9. The question now put in the Government Circular, equally with the arguments set out in the Government of Bengal's report on the first Bill,† seems to ignore the fact that, at any rate in the large estates of Bengal, the landlord directly concerned with the raiyat will usually be not the proprietor of the estate himself but the holder of one patni or other tenure out of many into which the estate is broken up. It would be a poor consolation to the darpatnidar of village A in the east of any district, or of any sub-division of a district, to be told that Z acquires an occupancy status as his tenant in virtue of Z having held some lands for twelve years in village B, which is held in patni by some other person, and which is somewhere near the western limit of the district or sub-division, the only bond of union beyond villages A and B being that they are portions of the same revenue-paying zemindar's estate. Under such circumstances the argument in the Government of Bengal's report that the raiyat who goes 20 miles from his village to seek land "will still be well known to the landlord" loses its force. Moreover, the raiyat who can take such advantage of his being a "settled ryot of the estate" will, presumably, for the reasons given in the Government report, belong to the very class which it is not the object of the Bill to encourage—the capitalist as distinguished from the peasant. For the reasons given by Mr. Beames, Mr. Mouro, Mr. Westmacott, and others in their reports on the first Bill (*vide* abstracts printed at pages 64 and 65 of volume 1 of the Report of the Government of Bengal on the Bengal Tenancy Bill, 1883), it is not enough that the raiyat should be a resident on the same estate. He should subject to what follows, be resident of the same "village."‡

† Paragraph 11.

‡ The argument applies equally to the Bill as it stands drafted, if "settled raiyat" is substituted for "resident."

10. Again, as one village often contains lands belonging to two or more estates, if the idea of acceptability of the settled raiyat to the landlord is to be followed out, it will not be enough to make residence within the same village the only condition required; the "resident raiyat" must reside both within the village *and* within the estate to which the lands in question appertain.

11. Then arise such objections as that the village is no longer the same unit as it was; but I adhere to my former opinion which has been adopted in section 27, that the survey village is the only general village unit which will now work, with the reservation of a power to the executive of providing for exceptional cases.

12. *I would therefore define the resident raiyat to be one who fulfils the following two conditions in respect to any given holding.*

(1) *Residence within the estate to which the lands belong, or within any one estate which has a joint interest in the lands in question.**

* This to meet the case of lands which belong jointly and without distinction to two or more estates.

(2) *Residence within the same village, or within so many miles of any part of the holding.*

13. In preference to the scheme as it now stands, I would even abandon the first of these conditions, thus adhering to the principle of strengthening the local peasant, although at the expense of the principle of acceptability to the landlord; as a fact, in the case of the raiyat's new holding being included in a tenure, the condition of residence in the same estate will absolutely be of no benefit, sentimental or otherwise, to the landlord, *i.e.*, the holder of that particular tenure.

14. If the village is too contracted an area, a limit of distance from the lands might be declared, residence within which should have the same effect as residence in the same village, the distance being arbitrarily fixed in accordance with the general idea that it should admit of personal superintendence of the cultivation by the raiyat.

15. If the privileges of the settled raiyat of the Bill had been restricted to such resident raiyats only, I should not have objected to the term of residence and holding which confers the "occupancy right with right of transfer" being reduced even to three years. The Secretary of State's despatch, however, concludes this discussion.

16. But if the full privileges of settled raiyats were allowed to such residents only, it would, to my mind, be unreasonably incongruous that the raiyat who to-day acquires a certain status and certain rights by the essential condition of residence should be able to transfer those rights to-morrow to one who does not fulfil that condition.

17. Under the clauses of the Bill as they stand it is easy to foresee that in a short time many villages will be found in which all the lands are held in raiyati tenancy by non-residents, or by the landlord who has acquired them in the exercise of his right of pre-emption, not an acre being left for the resident peasant to occupy as a raiyat.

It seems to me no less desirable to protect the resident peasant class against the absorption, by invaders, of land which is within reasonable cultivating distance than it is necessary to protect the class against their immediate landlords.

18. *I would therefore restrict transfers of the occupancy rights of a settled raiyat as described in the Bill to persons who comply with the conditions of residence which go to constitute a "settled raiyat," and I would give the first right of pre-emption to such raiyats*;† *where neither the resident raiyats nor, after them, the landlords avail themselves of this right, I would let the transfer to a non-resident raiyat carry the occupancy rights of Act X of 1859, and nothing more.*

† *Vide* paragraph 20 below.

19. If, after becoming a settled raiyat, the raiyat were to leave the village and reside elsewhere, he should lose his rights as a "settled raiyat," but retain his right of occupancy in the particular lands which he might happen to hold at the time of leaving the village, *i. e.*, he should take the position of a non-resident occupancy raiyat under Act X of 1859.

20. My object being to secure the stock of land to the resident peasant, it follows that I would not give the right of pre-emption to the landlord when the proposed transfer, in whatever shape, is to a resident raiyat. But I would go much beyond this. If transfer to a non-resident is allowed at all, I would give the first right of pre-emption in the case of such proposed transfer not to the landlord but to any resident raiyat or raiyats jointly, substituting some form of general local notice by the intending seller for the notice to the landlord. In case of competition, the highest bidder to have the preference. In case of a judicial price being fixed for the holding, such price would be the upset price for the bids of the resident raiyats as against one another.

If no resident raiyat chose to exercise the right of pre-emption at the price, the landlord might be allowed to come in with his right of pre-emption as given by the Bill.

21. Such provisions would avoid the objection of allowing absentees who have the status of cultivating raiyats in the eye of the law, but who may actually reside at a distance of many miles from the lands in question (which they may cultivate through korfa or under-raiyats) to acquire over lands which are actually desired by the local resident raiyats, a privilege and status, of which the primary idea is residence in close proximity to the lands cultivated.

22. With reference to paragraph 15 of the Lieutenant-Governor's report on the first Bill, I submit that the restriction of the new status of a "settled raiyat" to residents, and the offer to such raiyats of the right of pre-emption, would be a valuable check on the "accumulation of occupancy rights in the hands of non-agriculturist" capitalists, and would tend to postpone the state of things anticipated in the extract there given from the Statement of Objects and Reasons. The resident village mahajun or money-lender might accumulate

such rights within his own circle of residence; but he is very commonly a well-to-do raiyat of the village.

23. To the objection that such restrictions would limit the outgoing raiyat's market for the sale of his holding, I reply, *first*, that they would not do so to any greater extent than the Bill's scheme of securing the right of pre-emption at a judicially fixed price to the landlord; and, *secondly*, that in return for what he gets under this legislation, the raiyat in the particular character of a seller which is now expressly conferred on him by law, may well be called on to forego something which might possibly be given to him.

Section XXXI (f).—1. Accepting the views expressed by the Famine Commissioners in the passage which the Lieutenant-Governor has quoted with approval from their report,* I should consider the declaration of the right of transfer by law to be good for any districts of Bengal in which I was satisfied that such a declaration would have the effect of accelerating a process which had made considerable progress in establishing itself unassisted by law. In such a district the declaration would at once do away with the state of uncertainty leading to litigation which might otherwise prevail for years. But I do not think that anything which has yet been written is conclusive regarding the spontaneous growth of the custom of private transfer of occupancy holdings without reference to the landlord† to an extent which would fulfil the test proposed by the Famine Commissioners. The local reports which were submitted in connection with Mr. Mackenzie's Bill of 1877, that such a practice has made considerable way towards establishing itself in many districts, and indeed this is not denied. *The local enquiries ordered by paragraph 8 of the Government Circular under clause (f) of section 31 will, I think, give general satisfaction, if the legal declaration of the right of transfer is made to depend on the result district by district, or according to grand divisions of the province.*

* *Vide* page 14 of Government of Bengal's report to the Government of India on the first bill.

"Though, on the whole, we regard the general concession of the power of sale of these rights to be expedient, and ultimately almost unavoidable, the immediate course to be followed by the Government must no doubt be to a great extent governed by local custom. Where the custom has grown up, and the tenants are in the habit of selling or mortgaging their rights in land, it should certainly be recognized by the law; but where it has not, it may be questioned whether the law should move in advance of the feelings and wishes of the people."

† Nothing but the closest analysis of the cases represented by the figures given for voluntary transfers would be conclusive on this point. To the number of sales at the instance of creditors other than the landlords I attach no weight as indicating the deliberate acquiescence of the landlord class. The mere fact of the sale being held by a court would carry with it a fictitious appearance of right, which in the state of knowledge of their rights which existed before the discussions of the last few years, might well have tended to deter landlords from questioning or even doubting the legal propriety of such sales. As to sales for arrears of rent at the instance of the landlord, I can well conceive that it never occurred to the landlords of Behar or of any backward district that such sales implied a right of transfer without their consent.

2. But even for districts to which the right of optional transfer is not extended, I would declare the right of the landlord to bring an occupancy raiyat's holding to sale for arrears of rent, if he elects to do so, instead of ejecting the defaulter. In respect of such sales I would uphold the distinction in favour of resident raiyats which I have advocated, *i.e.*, if a resident raiyat became the purchaser he should acquire the occupancy-rights of a "settled raiyat" as created by the present bill; but a non-resident purchaser should acquire only the privileges of an occupancy raiyat as defined by Act X of 1859 on the very land which constitutes the holding at the time of the sale. Although I view with no favour the competition of these outsiders with the resident raiyats, their competition, even on such unequal terms, would act as a wholesome check against combinations among the resident raiyats, and even between the resident raiyats and their landlords, to keep down the price bid, to the disadvantage of the outgoing raiyat.

3. But whatever conclusion may be arrived at for Bengal Proper, it appears to me, with the majority of the Behar Rent Commission, that the circumstances of the Behar districts, as already before us, call for serious consideration whether the legal declaration of the right of transfer of occupancy holdings generally would not be mischievous there.

As a seller the Behar raiyat in his present low condition will not be able to offer the same resistance as the stronger raiyat of Bengal to passing temptations to make improvident transfers of his right. As a purchaser he has no money with which to acquire holdings. I should think that his present condition bears more resemblance to that of the raiyats of the Deccan and of Sonthal Pergunnahs (in which the Government of Bengal's letter says that "free sale has had evil results on a thriftless peasantry") than does the present condition of the raiyats of the Bengal districts.

Then I anticipate that under the circumstances of the indigo districts, perhaps after a struggle on the part of the stronger landlords to exercise their right of pre-emption, the right of occupancy in the lands which are desirable to the planter will rapidly pass into their hands. I mention this as a result which, whether it be considered desirable or undesirable, should be foreseen.

And I suppose that this or any other scheme which will enable the planter to get land by dealing directly with the raiyat without the interference of the landlord must be acceptable to the indigo-planting interest.

4. If the rights of a settled raiyat were made transferable to residents only, the planter could only acquire that right in lands within his own circle of residence; but his object of being able to deal with the raiyat without the interference of his zemindar (and this seems to me a desirable object) would, nevertheless, be attained, for he would get his lands as an under-raiyat, an arrangement which under these particular circumstances would not be open to the ordinary objections against underletting by raiyats.

5. *On the whole I would not make occupancy rights generally transferable in Behar otherwise than in execution of the landlord's decree for rent.* I have never been able to understand what inconsistency there would be in allowing such a limited transferability, and yet withholding a general right of transfer without the landlord's consent. The purchaser would of course know exactly what he was buying.

On the assumption that the scheme now embodied in chapter V will be adhered to, I proceed to remark on the sections as they stand.

Section XXVI (1).—In the Bill as previously published, the *first* mention of a settled raiyat was in section 45 (1), to which the marginal abstract was "acquisition of status of settled raiyat." It might naturally be understood that the meaning of settled raiyat mentioned in the subsequent sections was to be looked for in the description given in this section as there placed; but in the Bill, as now published, additions and transpositions have been made, which seem to me to leave a doubt as to the scope of the term "settled raiyat."

It is true that the descriptive section, which was 45 (1) of the former Bill, remains as 26 (1) of the present Bill. Moreover, the marginal abstract is altered to "definition of settled raiyat." I presume from this (as well as from the result of the discussions between the Secretary of State and the Governor-General in Council), that the clause is intended to have the force of an exhaustive definition; but its wording does not necessarily carry that meaning; and the drafting and arrangement of the sections seem to me to be such that any person who had not read the correspondence between the high authorities regarding the proposed legislation might well understand that the purport of sub-section 1 of section 26 is not to give an exhaustive definition of "settled raiyat" but only to *extend* the definition beyond the ordinary meaning of the words "settled raiyat."

A "settled raiyat," it might be argued, is an intelligible expression, meaning a raiyat who has established or domiciled himself as a resident of the village or estate, which is a question of fact. Every raiyat so established will at once acquire rights of occupancy by the operation of section 25 (2) in all land held by him as a raiyat, without reference to the question of time. Section 26 (1) does not limit this obvious meaning of the term "settled raiyat," but extends it by bringing within its technical scope even certain non-residents, who would not otherwise have come within the ordinary meaning of the words. Such a non-resident shall, in the words of the clause, "be *deemed* to have become a settled raiyat of that village or estate."

This contention might be supported by pointing to the expression "deemed to have become" as being in itself extensive and also by pointing to the position of the so-called definition. A definition is ordinarily given before the expression defined is made use of, whereas the settled raiyat is mentioned for a substantial purpose in the section preceding the so-called definition of sub-section 1 of section 26.

The possibility of misapprehension should be removed.

Section XXVI (2).—As pointed out by the Maharajah of Durbhunga, it will be impossible for a landlord acquiring his estate of tenure by forced sale from a hostile predecessor to rebut the legal presumption here raised. The practical effect of the presumption would be to confer occupancy rights on every raiyat of an estate or tenure which is acquired from a hostile purchaser, except, indeed, on those who, under the other legal presumption of 20 years' holding at a fixed rent, become converted into mokarraridars. In ordinary cases the landlord should have no difficulty in rebutting the presumption if he keeps his papers properly; but it would be impossible to make a distinction in this respect between ordinary cases and the extraordinary cases mentioned above, without holding out an inducement to sales which should be apparently forced, but in reality collusive. *On the whole I would reject the presumption section 26 (2) from the Bill.*

(3).—If the words "or estate" were omitted, and the provision restricted to the "resident raiyat," I should approve of this as a very good section, in accordance with the essence of the occupancy status.

Section XXVII (6) *and* (7).—See remarks on section 96 below.

Section XXVII (*a*)—I do not understand the expression "including such outlying portions (if any) as appear from the map to belong to the village." There are plenty of outlying portions of estates* in the sense of plots of land which belong to the revenue-paying estate A, although they lie embedded among lands belonging to another estate B or C, and within the exterior boundary of a village or mouzah of which the greater part of the area belongs to estate B or C; but if any plot of land which is recognised as an outlying portion of village M is geographically situated within the external boundary of

* And, according to the old recognised divisions, of pergunnahs.

another village N, such outlying portion will not be shewn in the survey village map of M, as assumed in the section. The words about outlying portions seem to be unnecessary fine-drawing; at any rate such a section should not be adopted without consulting the Surveyor-General and ascertaining that it is in accordance with existing survey facts and practice.

(b)—What I have written above, if adopted, would render unnecessary any reply to question (b) in paragraph 7 of the Government circular.* I write now, however, on the assumption that the idea of "estate" will still be retained for the purposes of this clause.

* "Should the 'estate' within which such a right may accrue to the settled raiyat be of the extent it was 30 years ago, or at any more recent date."

I can put no reasonably probable meaning to section 27 (b).

2. Two separate estates A^1 and A^2 are created in 1854† by partition of an original estate A.; and from that moment all connection between the two estates A^1 and A^2 ceases.‡ A year later, or fifty years later, Z, a stranger immigrant raiyat, is let into a holding on estate A^1 by the proprietor or by any tenure-holder thereof. After 12 years he becomes a settled raiyat of estate A^1. On the strength of this, if he at any future time acquires land on estate A^2, he is then and there vested with the full status of occupancy raiyat in respect of such land, and in respect of any lands which he may in future acquire in the said original estate A.; because, for the purposes of sections 25 (1) and 26 (1), the area which was comprised in the parent estate A (of which the present estates A^1 and A^2 would have formed a part if no partition had taken place) is for all time to be "deemed a single estate!" This result will follow although the raiyat Z did not appear on the scene till long after the parent estate A had been broken up into two separate estates; and this operation of the section would continue for all future time, however many years may have elapsed between the partition of estate A and the appearance of Z on the scene. I may venture to assume that nothing so extreme as this is intended by any one even in connection with this measure. Perhaps the idea intended to be expressed in this clause is that—

† The applicability of these remarks will not be affected by substituting any other date for 1st of January 1853.

‡ Often it happens that the lands of the two estates are not even geographically intermixed or adjacent to one another. The original estate A may have consisted of 20 villages lying in several blocks, of which so many blocks are allotted to estate A^1 and so many to A^2.

"Notwithstanding that a parent estate may have been divided into two or more separate estates by partition after a date (to be specified in the Bill) any person who was a raiyat on the parent estate at the time of such partition § shall, on acquiring any further land as a raiyat's holding on any part of the area which originally constituted such parent estate, at once acquire over such lands such rights and status as would have accrued to him over such lands if the parent estate were still a single estate."

§ And his successors in title.

3. But I should object to such a provision. The vexatious and expensive proceedings of partition are undertaken for the express purpose of disrupting the connection between the proprietors of the two or more estates created. Presumably the partition originates from the joint proprietors not being able to get on together amicably: probably some dispute has arisen during the progress of the partition which has widened the breach. The parent estate having been broken up into the separate estates A^1, A^2, and A^3, the only result of such a provision of the law will be that the proprietors of A^1 and A^2 will on no account let any raiyat of A^3 into any holding on their respective estates. One of the great defects of the scheme of the Bill—perhaps an unavoidable defect as far as single estates are concerned—will be unnecessarily extended beyond the limits of a single estate, *i.e.*, the inducement which it holds out to a landlord who is opposed to the right of occupancy to give preference to a stranger, as a tenant, over the person for whose protection the clause is designed.

Section XXVII.—The explanation of the section given in paragraph 9 of the Government of India's letter is as follows:—

"The only remaining restriction which affects the acquisition of occupancy rights by the landlord is that in section 28, which declares that the occupancy right so acquired merges in the superior right of the landlord. It allows the accrual of occupancy rights by the lapse of time to the new tenant, prevents the legal complications which would arise from the co-existence of different interests in the same person, and merely affirms what appears to have been assumed by the Judicial Committee of the Privy Council, in the case referred to in Mr. Justice Field's note on this subject, to be the existing law. The section, it will be noticed, applies whether the landlord is the zemindar or a tenure-holder.

This explanation of the Government of India makes it clear that the purchase by the landlord has the effect of raising the late under-raiyats of A to the status of non-occupancy raiyats; this should be clearly expressed, as the section stands drafted, read with section 5 (2), there is nothing in it which necessarily changes the status of the former under-raiyats to that of raiyats when the landlord acquires the interest of the raiyat who was landlord of the under-raiyats. These *ci-devant* under-raiyats cannot be said to have "*acquired*" their land at that juncture so as to bring them within the scope of section 5 (2).

If it is so extended it should be expressed that not only does the occupancy right become extinguished in the event of purchase of a holding by the landlord, but that the character of

a raiyat does not pass to the landlord as against any tenants who held under the late raiyat, or against any who may be admitted by the purchasing landlord.

Again in sales for execution of decree under section 183, the purchasing landlord will take the late occupancy-holding with the power to avoid all incumbrances, *i.e.*, under the definition of "incumbrance" in section 177 (*a*), with power to avoid all sub-tenancies of the under-raiyats whom he finds on the holding; but if, instead of annulling any such sub-tenancy as provided in section 184, he remains quiescent, what is the status of the under-raiyat of the former occupancy-raiyat in relation to the purchasing landlord? Is he raised to the status of a non-occupancy raiyat by section 28? With reference to the above remarks I think the intention should be clearly explained in this section 28. To become a raiyat is certainly no right of under-raiyat which would be saved by the saving clause of section 28.

It will probably be wise to provide that every person holding land which is not khámár directly under a proprietor or a tenure-holder, otherwise than as a tenure-holder, shall be deemed to be a raiyat.

Section XXIX (*1*).—In view of the circumstances of parts of the country in which the numerous joint proprietors of estates are themselves peasant cultivators, each holding and cultivating his own jote individually as against the joint body of proprietors, I do not think this section can properly be dispensed with.

Section XXXI (*b*).—Will be better discussed in connection with the improvement sections. I approve of the clause as it stands here as against the view that the occupancy raiyat may never make improvements without consent of his landlord.

(*f*).—I have given my general views on the question of transferability in my first remarks on chapter V. It remains to consider the result of the local enquiry which has been ordered by the Lieutenant-Governor in paragraph 9 of the Government circular.

(*g*).—From the time of the discussions of the Rent Law Commission, I have unwillingly arrived at and held the opinion that it is impossible to make any provisions of law which shall be effectual to stem the tide of custom, as strengthened by self-interest of the parties concerned in the matter of sub-letting by raiyats. As in the case of other undesirable things which cannot be prevented, it is better to recognize and endeavour to control that which must exist than to ignore its existence. The recognition of the legality of sub-letting by occupancy raiyats is often urged as a leading objection to the proposed scheme of legislation, as if the legal recognition of such a right were an innovation: but this is not the case. As pointed out by Mr. Field in his note to article 40 of the Digest, the existing rent law* expressly recognizes such sub-letting.

* Act X of 1859, section 6; Act VIII B. C. of 1869, section 6.

(*h*).—The extinction of the right of occupancy in this case is open to the same remarks as I have made under section 28 above. The effect of the extinction on the position of any under-raiyats who may exist on the land at the time should be clearly declared.

Restrictions on Transfers.

The following remarks on the sections of the Bill are also subject to those above in which I have advocated a change in the general scheme of this chapter.

In districts in which the right of transfer is given, whether all or some, I would give no right of pre-emption to the landlord where the proposed sale is to a resident raiyat of the tenure. See the objections noted by the Maharajah of Durbhunga in his memorandum of dissent to the Bill.

Section XXXII (*4*).—If the raiyat drives his landlord to Court by a declared intention to sell to a non-resident purchaser to whom the landlord objects, how can it be considered equitable to allow him to "abstain from selling" after the Court has fixed a fair price? The raiyat should surely be bound to his intention to sell. This would check collusive proposals to sell at a fictitiously stated high price with the intention of harassing the landlord by the alternative of either accepting an undesired tenant or of going into court to get a judicial price determined.

At any rate, if the raiyat may abstain from selling after driving his landlord to Court, he should pay all costs of the proceedings.

Section XXXV (*4*).—The right of pre-emption in order to avert transfer to an undesired tenant by sale or mortgage having been reserved to the landlord, no good reason occurs to me for making a distinction in the case of gift.

The same remarks apply to the omission of section 55 of the original Bill by which the right of pre-emption was reserved to the landlord in the case of bequests by raiyats.

Restrictions on Sub-letting.

Section XXXVII.—In paragraph 4 (*c*) of the Government circular it is asked whether the conversion of the sub-letting occupancy raiyat into a tenure-holder is a workable provision, and also likely to secure the objects for which it was devised.

1. The first difficulty in considering this question lies in the words in lines 4 to 7 of section 37, "on being registered in a public register as a tenure-holder under any Act which may be passed for the registration of tenure holders."

The working of the section depends much on the means which the contemplated Act may provide for compelling or encouraging registration.

2. With the disadvantages, both upwards and downwards, which the Bill attaches to the position of tenure-holders as compared with that of raiyats, it is not to be expected that any tenant who occupies the debateable ground will seek registration as a tenure-holder.*

3. It will therefore be necessary to look elsewhere than to the tenant himself for the initiative to the registration of any particular tenure. Can it be expected that the landlord will move to compel registration when more than half of a tenure is sub-let?

* NOTE.—With reference to the doubts expressed in paragraph 6 of the Government of India's letter as to whether the advantages of immunity from distraint and from the exercise of the landlord's right of pre-emption which the sub letting raiyat will acquire by conversion to a tenure-holder are consistent with a scheme of which the object is to discourage sub-letting, I am of opinion that the disadvantage of liability to summary sale for arrears will be looked upon as far outweighing the advantage of immunity from distraint. As explained below, I see no necessity for giving to the converted tenure-holder immunity from pre-emption as a rule.

The landlords now object to any person who holds as a raiyat being converted into a tenure-holder, because such conversion deprives the landlord (1) of the right of pre-emption of the holding, and (2) of the right of distraint. It may be that the privilege which this Bill combined with the proposed Tenure Registration Bill will give to landlords of bringing a tenure to sale for arrears of rent by summary application without antecedent decree will lead to a change in their views on this subject. If so, they might perhaps be inclined to avail themselves of any power which the law may confer on them for compelling registration of tenures; but then the onus of establishing by measurement and proof that more than half of a holding had been sub-let would fall in disputed cases on the applicant landlord. Assuming that a landlord desires to bring about the registration of a tenure which the tenant wishes to hold as a raiyat's holding—what will be the process?

4. If the area exceeds 100 bighas, and the whole of *any* part of it is sub-let, the presumption will be against the opposing tenant, who may, however, "shew the contrary." That is, I suppose, he may shew that his status has been recognised to be that of a raiyat either by express contract, or by acts of recognition on the part of the landlord; or he may shew his status to be that of a raiyat by local custom,† *i.e.*, by the analogy of similar holdings in the district. Again, he may shew under section 5, sub-section 4 (*c*), that the nature of the right of tenancy as originally acquired was (in the words of that clause) a right to cultivate land, and not a right to collect rents, as the land was then unoccupied. His *right* to cultivate all the land may have been as undeniable as the *intention* of the contracting parties was evident that he would not do so, but would collect rents as soon as he could call them into existence.

Section 5 (5).

† Section 5, clause 4 (a).

5. From, what I have written under section 5 (5) it will be seen that there will generally be no difficulty in rebutting the presumption arising from the area of the holding.‡ But even when the presumption from large area is rebutted, it will remain open to the landlord or other person seeking to convert the holding into a tenure by enforcing registration of the tenant "as a tenure-holder by any law which may be passed in that behalf" (as foreshadowed by section 37 of the Bill) to prove that the *quondam* occupancy raiyat has become a tenure-holder by sub-letting more than half of his holding.

‡ The presumption would easily be rebutted in respect of all the holdings which occupy the debateable ground in the eastern districts.

In an extensive tenure in which scattered patches of land have been sub-let the expense and difficulty of contested proceedings would be so great as practically to prevent the landlord from moving in the matter, even though he might otherwise desire to do so.

6. One other party only remains who can be at all expected to take the initiative. The sub-tenants of the raiyat who has become liable to conversion into a tenure-holder by registration would be much interested in compelling registration in order that they might step up into the vacant status of "raiyats," but the same difficulties and discouragements would meet them as would stand in the way of the landlord. *Unless therefore some means, which do not now occur to me, can be devised for bringing about the registration which is a necessary antecedent of section 37, I fear the section would be inoperative, at any rate in respect of the larger holdings to which it is particularly desirable to apply it.*

7. The objects of conferring the status of raiyat on the tenants of parts of these large raiyati holdings and of deterring non-agriculturists from purchasing such holdings, with the intention of speculating by immediately sub-letting to under-raiyats, must be sought in some other way.

If the advantages which the Bill gives to the landlords over tenures, as distinguished from raiyats' holdings, do not suffice to enlist the landlords on the side of such conversions, I think that the objections to conversion without the landlord's consent are entitled to consideration in cases in which the original lease was not inconsistent with the essential idea of a raiyat's holding, as explained in clause 2, section 5 of this Bill, *viz.*, cultivation by himself,

members of family, servants, &c.; but I would give less weight to them in cases in which the holding into which the tenant was originally let was such as by its extent excluded this essential idea. In such cases, the lessor never intended to create a holding with the expectation of its being cultivated, properly speaking, by the lessee. He never intended that it should be a raiyat's holding except in name. He intentionally created what was essentially a tenure for the purpose of saving himself the trouble, expense, and risk of attracting cultivating raiyats to the land and settling them on it, and for the purpose of securing a certain contract amount of rent payable by one substantial holder and secured by the value of the tenure, rather than of himself taking the risk and trouble of collecting from genuine raiyats. In the eastern districts generally, and commonly enough in other districts of Bengal Proper, the evident intention of the contracting parties was that the lessee, a small capitalist, should first incur the expense of embanking, and should then under-let in sub-contract leases, which intention was immediately carried out (see the typical case of Mobarakghona*).

* Annexure A to this minute. In that case I had to decide in accordance with the spirit of the law as it now stands, which happened not to be in accordance with my idea of what new legislation should enact.

8. I think that in such cases the Legislature may properly refuse to allow the landlord to take advantage of his having expressly applied the designation of raiyat, or of having allowed it to be ordinarily applied to a tenant who was let on to the land on a full understanding that he would use it in a manner which is inconsistent with the essential characteristics of a raiyat's holding, but which has all the essential characteristics of a "tenure."

The benefit of the misnomer may well be denied to both or either of the contracting parties so far as the effect of it is to withhold from a third party (the under-tenants of the lessee) a status which it is the policy of the Bill to confer upon them for the public good in the widest sense.

9. *For these reasons I would go to the length not only of making a legal presumption as in section 5 (5), but of declaring that every holding which as created, or as actually held was or is of such an extent as to exclude the "primary idea" of cultivation otherwise than on sub-contracts shall be deemed to be a "tenure" for the purposes of registration.*

10. The same difficulty as to specifying the exact area will arise as in the case of the presumption of section 5 (5) as it now stands. The line defining the absolute maximum of a raiyat's holding must be arbitrary. I would not place it higher than 100 standard bighas.

11. The line once fixed, it is evident that the difficulty of bringing about registration of the tenure (converted from a holding by this provision of the law itself) will be much diminished. Whether the person wishing to take the initiative be the holder himself, his landlord, the sub-tenants of the holder, or the Collector, the only point to be established for registration will be that the holding as created, exceeded, or as now held exceeds 100 bighas in extent.

12. Having thus declared that every tenant holding above 100 bighas shall be liable to be registered as a tenure-holder (notwithstanding contracts expressed or implied between him and his landlord, and notwithstanding custom, which should here be expressly excluded), I would allow the landlord or the tenant (according to their own views of their respective interests) to prove* at the time of registration the following fact to be authoritatively recorded in the register as an incident of the particular tenure:—that the tenant so to be registered as a tenure-holder had previously held the land subject to the provisions of the law in respect of the enhancement of the rent of occupancy raiyats, and should therefore continue to hold subject to the same provisions.

* The fact will require proof because the holding of above 100 acres may have been created and held on the condition of a "tenure" all along.

Where the above position had been established and the benefit of the status of raiyat against the landlord in that respect, maintained on the ground that such had been the previous position (as between landlord and tenant), there would be no reason for emancipating the converted tenure-holder from the general provisions of the Bill, giving the landlord the right of pre-emption in the case of sale of raiyats' holdings. I would therefore attach the legal presumption of the landlord's right of pre-emption to every tenure in respect of which the previous position of raiyat, as to enhancement, had thus been established and maintained. But I would allow the tenant to rebut this presumption by proving that the right of free sale was either attached to his tenancy by express contract, or that it had been exercised without the consent of the landlord previously obtained, and subsequently recognized by the landlord.

13. It would come to this; notwithstanding the conversion of the spurious raiyat, holder of above 100 bighas, into a technical tenure-holder by registration, he and his landlord would retain their relative status in relation to each other, in whatever respects this would be possible without affecting the interests of third parties (the sub-tenants, actual and prospective, of the spurious raiyat), but the previous status of either of these parties would not be maintained where it would affect the interests of third parties. Thus the late under-raiyats or korfas would acquire the status of raiyats against their landlord the converted tenure-holder. It would not be possible to maintain the right of the landlord of the converted tenure-holder

to distrain for rent, but the loss of this right would be a small price to pay for the right of bringing the tenure to sale summarily for arrears of rent, which it is proposed to give.

14. The case of the raiyat, with a holding of an area below the arbitrary maximum, who sub-lets, still remains for consideration. In such cases the difficulty and expense of proof that more than half has been sub-let is reduced to manageable proportions. As regards the protection of the under-raiyats, I am inclined to think that the sub-tenant who takes a holding from a small raiyat may be considered to have voluntarily accepted the position of an under-raiyat or korfa, according to its "primary idea," but the provisions of section 37 may perhaps still be considered desirable in respect of holdings below the arbitrary maximum as a deterrent to the possible non-agricultural purchaser. The right might be given to the landlord of having the holding of a raiyat, however small its area, registered as a converted tenure, if the raiyat has sub-let more than half of it, such registration making it liable to sale for arrears by the proposed summary procedure. This would—

(1) Operate as an assistance to the landlord in realization of rents.

(2) A discouragement on sub-letting.

(3) A discouragement to intending non-agricultural purchasers.

To such purchasers, or indeed to any other possible purchaser, who may contemplate acquiring an occupancy raiyat's holding against the avowed wish of the landlord, the possible conversion of the holding into a tenure liable to be brought to sale for arrears of rent on application of the landlord without antecedent decree will, no doubt, be a very strong deterring influence, for reasons which are unfortunately too obvious.*

* It will be understood that I am discussing the question on the assumption that the principle has been accepted that *all* tenures may be registered; and when once registered under the procedure of the proposed law shall be liable to summary sale without antecedent decree; whether such legislation is safe under the circumstances of the country, and if not, what distinction should be drawn is another question, as difficult as it is serious.

15. Thus the tenures liable to registration would fall under three classes:

I. Tenures as hitherto recognised, apart from the special provisions of this Bill, which would be subject to all the general provisions of the Bill in respect of tenures;

II. Holdings acquiring the character of tenures under the special provisions of the Bill, as comprising more than 100 standard bighas.

III. Holdings of less than 100 bighas in extent acquiring the character of tenures from the fact of more than half of the area being under-let. The relations of holders of tenures of the second and third classes towards their tenants would be precisely the same as those of tenure-holders of the first class; but their relations towards their landlord would depend on the special incidents which might be proved in each case.

Enhancement of Rent.

Section XLI.—After considering all that has been written in the dissents of the Members of the Legislative Council, in the Government Circular, and elsewhere on this mooted section, I approve of it.

The deliberation which is entailed by the necessity of registering the voluntary contract before an official who has to satisfy himself as in 41 (2) will be a valuable check upon an evil which experience has shown to call for a check—the hasty acceptance by the weaker party† of unreasonably improvident terms of contract either under pressure, or under passing temptation.

† I speak of each raiyat when dealing *individually* with his landlord as the weaker party.

The permission to enhance up to the full extent which would be obtained in Court (to be final for 15 years) is good and necessary as a means of avoiding litigation, whereas the option of making a smaller enhancement which shall be final for half that period only is good as removing the temptation which the landlord would otherwise be under of enhancing up to the full maximum of 4 annas in the rupee. Where the arrangements are made amicably, thus eliminating the objectionable element of expensive and vexatious litigious proceedings, gradual enhancements at the rate of 2 annas in the rupee after seven years are better than large enhancements of 4 annas in the rupee after 15 years.

I would however give as much elasticity to the provision as its character allows by a change of wording in (*c*). The period between seven years and fifteen years consists of eight years. The difference between the rate of enhancement which the section requires to hold good for seven years and that which it requires to hold good for fifteen years is 2 annas in the rupee, which is equivalent to one quarter of an anna in each of the eight years after the expiration of the first seven. In (*c*) for the words "of at least fifteen years" I would substitute the words "which shall exceed seven years by at least one year for every quarter of an anna by which the enhancement exceeds two annas in the rupee;" thus if the enhanced rent exceeds the previous rent by three annas in the rupee; as the enhancement exceeds two annas in the rupee by four quarters of an anna, the contract must fix the rent for at least eleven years, being four years in addition to seven years.

The maximum of four annas in 41 (1) (*a*) would make any specification of fifteen years unnecessary.

But matters are so much simplified and rendered so much more intelligible to the people by adapting the provisions of the law to ideas current in their own transactions that I think it would be well to take sixteen years throughout the bill as the minimum term for which an enhancement at the rate of four annas in the rupee (whether made by private contract or by course of law) shall be final.

One quarter of an anna, a native pice, would thus correspond with one year. If this were adopted, an amicable enhancement at the rate of two annas in the rupee would of course be made final for a term of eight years at least instead of seven as now drafted.

(2).—The alteration made from the first Bill in the points which the registering officer is required to ascertain is, I think, excellent. Even if the provisions of the first bill in this respect had not gone beyond the requirements of the case, it was a fatal objection to them that they would have been unworkable.

Section XLII.—I will here examine the direct working of this section apart from its anticipated indirect effect in raising the general rate.

1. The first objection which occurs is perhaps to the drafting. Land has been previously held by a tenant at a peppercorn rent; for some reason it reverts to the disposal of the landlord. It cannot be intended that he should be debarred from reletting to a settled raiyat of the village or estate except on the conditions of the section. Such a provision would exclude the settled raiyat from all chance of getting the land.

2. The next objection is that the section is not workable for the purpose intended except on the hypothesis either—

that the integrity and identity of a holding once held by a tenant will be maintained through all vicissitudes of acquisition by the landlord and re-letting by him to a fresh tenant, or

that every bigha of land which has once been let to a tenant will be easily referrible to a class to which a specified rate of rent is attached.

It is evidently not a matter of course that either of these hypotheses should be realised. It will often happen that in a given village or estate (I use the alternative phraseology of the bill) the holdings of A., B., and C. raiyats, each of whom has held his holding at a "lump rent" without specification of qualities of land, fall into the hands of the landlord. In the following year perhaps four more such holdings fall into his hands, so that he has at his disposal for re-letting the lands which previously constituted seven holdings. Presumably the lands of each holding were not in a ring fence but scattered about in plots throughout the village.

It can scarcely be intended to prevent a landlord from redistributing the lands which are thus at his disposal, as he may choose, for the purpose of re-letting, but it is obvious that if he chooses to constitute a fresh holding consisting of portions only of two or more of the previous holdings and to re-let such newly constituted holding to a settled raiyat, the restrictions of section 42 cannot be worked. It would be impossible to ascertain what was the rent paid for the land by the previous tenants, who had held different parts of the land as portions only of their several "lump-rent" holdings.

3. I do not see how the section can survive this objection; but a third obvious objection on the surface is that it offers a direct pecuniary inducement to the landlord to relet to any tenant rather than to a settled raiyat of the "village or estate," thereby reducing the stock of land available for the expansion of the settled raiyats.

4. A fourth obvious objection is that the word "previously" goes back to all time, so that even if thirty years had elapsed since land was held by a tenant, yet the landlord could not relet to a settled raiyat at a rate more than 4 annas in the rupee higher than the rate paid by the previous tenant, even though during that period the legitimate rents of occupancy raiyats of the estate had risen to the extent of eight annas in the rupee. It may be replied that after twelve years' occupation by the landlord the land would become his khamar under a previous section, but section 42 does not recognize that the fact of the land having become khamar excludes it from the operation of the section.

5. If any further examination of the probable working of the section is required, a distinction must be drawn between neighbourhoods in which the competition is by landlords for raiyats and those in which the competition is by raiyats for land.

6. As long as the competition is for raiyats, there is no practical danger of the rent of land which becomes available to the landlord for letting to a new tenant being forced up beyond the occupancy raiyat's fair rate. If the landlord desires to get a tenant who will not at once step into the land with rights of occupancy, he will have to attract the outsider by offering it to him at a lower rate than that at which he (the outsider) could obtain land (with immediate occupancy rights attached) in any village in which he is a settled raiyat. In neighbourhoods of this class therefore the section is not called for, and would be inoperative.

7. In neighbourhoods in which the competition is by raiyats for land the effect will be this: for the available land, two classes of candidates will present themselves to the landlord, those who on being let into the land will be non-occupancy raiyats, and those who being settled

raiyats would acquire it at once with occupancy rights. The land was held by the previous tenant at eight annas a bigha; the landlord may not therefore let it to the settled raiyat at a higher rent than ten annas a bigha. The non-occupancy candidate however offers fourteen annas. Even if the landlord did not consider the non-occupancy candidate, as such, to be the more desirable tenant (which in their present frame of mind most landlords would do), he would certainly let to the non-occupancy candidate for the sake of the higher rent. But even on the supposition that the landlord holds the less popular view that it is an object to let such land to his settled tenants, it is evident that he will as a mere commercial transaction demand from the settled candidate, in the shape of a bonus, the capitalized difference between the ten annas with the protection of a settled raiyat, and the fourteen annas with the incidents of a non-occupancy raiyat. Commercially speaking, the settled raiyat will have gained nothing by the protective restriction of the clause; from a different point of view it may perhaps be said that the great object has been promoted in this case (as in all others in which the landlord anticipates his and his successor's share of the profits of the land by creating favoured holdings on payment of bonus) of strengthening the position of the individual tenant for all time.

8. *The course of the discussions has brought me to the conclusion that any attempt to control by legislation the initial rate of rent at which a landlord shall let a raiyat into the occupation of lands which are absolutely at the landlord's disposal must be futile, and will probably be mischievous. Control can only be exercised over future enhancements.*

Section XLIII (a).—Assuming for the moment that the idea of the prevailing rate as a ground of enhancement will eventually be retained, I would make the section more precise in its meaning than it is.

1. In a large plain in which the land is of uniform quality, a small estate A, of say five hundred bighas, is held by thirty occupancy raiyats who pay eight annas a bigha.

The similar lands abutting on the estate (which may either belong all to one large estate or to a number of smaller estates), and constituting "the vicinity," are held by similar occupancy raiyats, who as a generally established rate pay twelve annas a bigha. Is it the meaning of the section as it stands that on these facts, apart from all complications of special pleas, the landlord of A may enhance the rents of his thirty occupancy raiyats up to 12 annas, the prevailing rate in the vicinity? The answer, I suppose, will be in the affirmative. But in practice so simple a case is rarely found.

2. It being assumed that the rates which the raiyats in the estate A are paying is considerably lower than that paid for similar lands "in the vicinity," and that therefore this is, broadly speaking, a reasonable ground of enhancement as against the raiyats of A, the facts generally are that "the vicinity" of A consists of lands* belonging to several estates, B, C, and D. The landlord of B being (being according to the views which the speaker may hold) a harsh landlord, or a prudent and energetic developer of the resources of his property, and having docile tenants, has by gradual enhancements (which perhaps have been amicably accepted) kept up his rents in full proportion to the rise in the letting value of the land, so that the rate of one rupee a bigha is now admitted to be payable by his occupancy raiyats without objection.

* *Vide* printed volume of selections from the correspondence on the preparation of tables of rent rates of selected tracts.

The zemindars of estates C and D have not kept up the rates of rent in full proportion to the gradual rise in letting value, but by compromises with their raiyats have succeeded in establishing recognized rates of, say, nine annas and ten annas only in their respective estates; but in the estate A, as has been assumed, the rate payable is eight annas only. This may be owing to different causes, such as the landlord's laches in looking after his own interests or the laudable motive of his personal inclinations of consideration for his tenantry, or his unwillingness to force legitimate enhancements on a strong and uncompromising tenantry by the unscrupulous indirect means which are so often resorted to for this purpose.

3. In this very common state of facts what is to be considered the prevailing rate in the vicinity up to which the landlord of A may enhance the rent of his thirty raiyats? It is evident that there are three recognized and established prevailing rates. How this question is dealt with by the Judges in contested suits I do not know; but in settlement proceedings in which revenue officers have authoritatively to record the rent which is demandable from the raiyats of A they would probably strike an average of the three prevailing rates—twelve annas, eleven annas, and nine annas—and so educe ten annas and eight pie as the standard of prevailing rates up to which they would record the rents in estate A as liable to be enhanced. How far this would be a full satisfaction of the rights which the law intends to confer on a landlord who presses for his full rights by litigation is doubtful; at any rate the mode of adjustment is not in strict accordance with the wording of section 43 (*a*) as it stands. It would be in accordance with this wording, "That, in the absence of special reasons, the rent paid by the raiyat is unduly low with reference to the rates of rent which prevail in the vicinity, as rates payable by occupancy raiyats for land of a similar description and similar advantages."

4. I suggest for consideration the adoption of some such wording as this; I may also mention for consideration another slight change of wording, which would however have a very material effect in changing and restricting the effect of the section,—the introduction of the

words "of the estate" after the words occupancy raiyats. The section would then be directed only against such occupancy raiyats as had without sufficient special reason (often by mere uncompromising opposition) succeeded in resisting a rate which has been fairly established in the estate either by amicable arrangements or by the painful process of litigation. But then I would guard the section against being understood to assume that one recognised prevailing rate must necessarily be found existing on an estate, and this I would do by the addition of such words as "provided that one recognised rate is established on the estate as the prevailing rate for such land."

The section so modified would be applicable to estates of the Jessore type as brought out by Mr. Finucane's enquiries,* but it would not be applicable to estates of the type of those in Tirhoot, Shahabad, and in Moorshedabad, in which it may be said that there are almost as many rates of rent as there are raiyats, as elicited by the enquiries of Messrs. Finucane and Tobin and Baboo Perbutty Churn Roy.†

* For simplicity of exposition, I assume uniformity of land and its advantages as well as the class of raiyats throughout.

† *Vide* pages 89 to 108 of the same printed volume.

Section XLIII(b).—This clause to be used as explained by the Government of India seems to me as good as can be devised. Nothing which has since passed leads me to doubt the soundness of the conclusion arrived at by us on the Rent Law Commission that the rise of prices should be calculated on staple products. This is subject to any further information which may be brought out by the local enquiries which have now been ordered by Government.

Section XLIV(a).—With reference to my remarks on 43 (*a*), I would reduce the maximum of enhancement to four annas in the rupee, if the present frame of section 43 (*a*) is adhered to, *i.e.*, if the existence of higher prevailing rates in other neighbouring estates is to be the ground of enhancement for the raiyats of the estate in question; but if the section were altered so as only to take the prevailing rates on the estate itself as a ground of enhancement against individual raiyats holding at exceptionally low terms on the same estate, I would retain eight annas in the rupee as the maximum of enhancement.

(*b*).—The wording may require alteration in accordance with any which may be adopted for 41 (*a*).

(*d*).—Should any provision in the sense of section 42 be eventually adopted, the only device I can see for preventing its tending to force up the general rates of occupancy raiyats' rents, as is apprehended, would be to provide that the rent of lands which have at any previous time being re-let to a settled raiyat, after having been held by a non-occupancy raiyat, shall not be taken into account in ascertaining the prevailing rate in any vicinity. The detail is objectionable enough, but I do not know that it is more objectionable than the "land which has been previously held by a tenant" of section 42 (1) as it stands. The word "previously" goes back to all time.

Section XLV (a).—Quinquennial periods will not be found long enough for the comparison. In order to obtain fair results, one or two years out of a quinquennial period will generally have to be put aside as years in which the ruling prices were affected by definite disturbing causes.

For this reason, instead of using the expression "average prices during" the period of comparison, I would use some such expression as "the average of the prices which prevailed in years which were not affected by known abnormal causes."‡

‡ The Rent Law Commission discussed this point very fully.

Section L (1.)—I think that fifteen years as an absolute minimum is likely to lead the landlords to press for the fullest measure of enhancement which it is possible to enforce, and so to encourage large *per saltum* enhancements which would distress the tenants more than mere gradual increases of rent would do.

It would be better on the whole, as in the case of private contracts, to take eight years as an absolute minimum of time; and for this period an enhancement up to two annas in the rupee should be the maximum.

Then, as I have said under section 41, I would allow the enhancement to be at any rate above two annas in the rupee (up to a maximum of four annas), provided that the rent so determined should not be liable to further enhancement for a term which should exceed eight years by one year for every quarter of an anna by which the enhancement exceeds the rate of two annas in the rupee.

If no suit for enhancement can be instituted after once such a suit has been instituted and dismissed on its merits, it should be made very clear in the procedure sections that a suit is not to be dismissed on the mere ground that the plaintiff has claimed enhancement greater than that to which he is entitled. When the claim made is found to be thus excessive, the court should be bound to decree the enhancement which is found to be proper, adjusting the costs of suit accordingly.§ If a claim for enhancement may be thrown out on the sole ground that it puts the enhancement too high, it is evident that the landlord cannot properly be precluded from suing again after a short time.

§ An exception might be made if the claim is put so high as to show *mala fides*.

To provide as the section does that if a contract has been legally made under section 41 (1) (*b*) for seven years only, no suit for further enhancement may be instituted till fifteen years have elapsed after the date of contract does not seem defensible.

Reduction of Rent.

Section LI(a).—The clause does not seem to me open to the apprehensions expressed in paragraph 13 of the Government Circular that the deterioration of land entitling the tenant to a reduction of rent is limited to some incident admitting of precise definition as to time of occurrence and mode of operation. At any rate, if it is intended to make the ground for claiming a reduction of rent for deterioration of land wider than the corresponding ground of "fluvial action." on which only an enhancement of rent can be claimed, the object may be attained by substituting for the words "other like calamity" such words as "other cause, sudden or gradual."

Section LI(b).—This clause does not fit into 50 (1).

Reading the two clauses together the landlord may obtain a decree for enhancement in 1880, say on the ground of rise of prices; certainly in 1885 (after the lapse of a quinquennial period), if not earlier, the tenant may on the ground of a fall in average prices obtain a reduction of the rent determined in the suit of 1880; nevertheless the landlord may not institute another suit for enhancement till 1895. The periods applicable under the sections respectively should be made to fit into one another.

Price Lists.

Section LII.—The questions mooted in paragraphs 14 and 15 of the Government Circular depend so much on the replies which may come from local officers, that I need not notice them further here.

Commutation.

Section LIII.—Notwithstanding the argument founded on the desirability of encouraging habits of thrift in the raiyats by inducing them to lay by the surplus profits of a good year, in order to meet the demands of a future bad season, I believe that the system of payment of rents in kind or in the shape of the estimated money value of a certain proportion of the produce is the best suited to the circumstances of the poorer class of raiyats who live from hand to mouth, especially where the land is poor and cultivation precarious; and that in itself it is so popular with the raiyats who so pay their rents, that the raiyats of an estate on which it is worked with reasonable fairness will not voluntarily apply for a change to contract money-rents.* If so, the right of application for commutation becomes nothing more than a protection provided to the tenant against oppressive action on the part of those who are entrusted with the collection of these rents; and in this view, if commutation is not desired by the landlord, it lies with himself to avoid driving his raiyats to apply for it.

* Among other things the bhaoli system affords a material guarantee to the raiyat that his landlord will keep in an efficient state petty ridges and other means of protection to the crop which he is bound by custom to maintain. While I am writing this, a petition is before me, praying that a certain landlord may be ordered to revert to the system of rents in kind, for this reason.

The zemindars of Behar, as represented by the Maharajah of Darbhanga, object to commutation. There is therefore little danger of the zemindars forcing commutations on raiyats, on the sole ground that the money rents are more simply collected. It will be open to either landlord or tenant, under clause 6, to oppose a commutation applied for by the other.

Commutations to money rents will, I suppose, be initiated principally by energetic and reforming Collectors. One such officer has, in his haste to confer the blessings of reform on the raiyats, made commutations in certain estates under his management, in anticipation of the completion of these discussions; although he is a Collector of much experience and his proclivities are notoriously those of a "raiyat's Collector," he now finds that the money rents imposed are much too high; and we have had to revert to the old system, until the details of the proposed reform are better understood.

(2)—I agree generally in Mr. Reynolds' suggestions regarding this section, recorded in his dissent to the Bill. But in applying the rental in the Road Cess returns as a maximum, it would be fair to make allowance for any rise in prices of produce since the Road Cess return was made, if more than, say, five years before the date of commutation.

Returns for purposes of cess valuation may under the Cess law be called for after the expiration of five years from each valuation, but re-valuations will not be habitually made after so short a period; so that the last valuation returns may honestly have shewn, as the money value of the rent, in kind a sum considerably below that which it will represent at the time of future commutation.

CHAPTER VI.

NON-OCCUPANCY RAIYATS.

1. The effect of this chapter on the duration of the non-occupancy raiyat's occupation may be considered in its bearing on two classes of landlords,—

(i) Those who, whether from principle or nonchalance, take no active measures to defeat

the object of the Legislature, the gradual acquisition of occupancy rights by non-occupancy raiyats;

(ii) Those who exert themselves actively to prevent the acquisition of such rights.

2. As regards the estates of the former class it will make little change. Things will go on much as they now do, though the effect of clauses 6 and 9 of section 60 will probably be to promote amicable arrangements for enhancement at fair and reasonable rates, and to check demands for excessive enhancement.

3. As regards the estates of the second class of landlords, the effect on occupation will be:—

(*a*) As regards future in-coming tenants, a system of short leases will be introduced and the term of those leases will be short enough to guard against the growth of occupancy right from miscarriage of the lessor's endeavours to eject under section 58 (*c*) on the expiration of the lease. If by oversight the notice to quit should not be served six months before the expiration of the lease, or the suit for ejectment should not be instituted within six months after its expiration, or if, which unfortunately must be taken into account, the raiyat should succeed in tampering with or discrediting the evidence by which the service of the notice to quit is supported, or if the suit for ejectment should fail from any of the innumerable and unforeseen causes from which legitimate suits do fail (especially suits of a class on which the Courts do not look with favour), the raiyat will be left in the legal position of one who holds otherwise than on a lease; he will be entitled to hold on at a judicial rent for five years longer under clause 7 of section 60. To guard against such contingencies I suppose that the short leases will habitually be for a period which with the five years of clause 7 added to it will leave a considerable margin before the completion of the twelve years' period.

If a raiyat allow himself to be amicably, but formally, ejected as on expiration of lease, he will probably be restored to occupation of the lands on a fresh short lease after he has been actually or nominally out of possession for a year or two.

(*b*) As regards non-occupancy raiyats who are on the estate when the Act takes effect, the effect of clauses 6 and 9 of section 60 will probably be to mitigate demands for "amicable" enhancements.

(*c*) In the case of every raiyat who may have held for seven years or more before the Act takes effect, the landlord will have lost the legal right of preventing the acquisition of occupancy rights. The raiyat can continue to sit at the judicial rent of clause 6, section 60, for the five years which are required to make up his twelve years of occupation.

(*d*) As to raiyats who have held less than seven years when the Act takes effect, the course open to the landlord will be at once to demand an enhancement of rent, to which unless the raiyat agrees, the result will be the determination of a judicial rent under clause 6 of section 60, after five years of which the raiyat will be at the landlord's mercy, as much as one the term of whose lease has expired.

4. The landlord will make every effort to induce his non-occupancy raiyat to "relinquish and re-enter under a lease." This is anticipated in paragraph 16 of the Government circular, but under section 6 it would probably be necessary that the relinquishment should be accompanied by interruption of actual occupation before the raiyat would be deemed to have been admitted to occupation under the lease for the purposes of the chapter.

5. The effects of the chapter as it stands may then be summarised thus—

It will tend to keep within reasonable bounds the demands of all landlords for enhanced rent from non-occupancy raiyats. This is a good effect.

It will virtually confer a right of occupancy after the lapse of five years on every ryot who may have held his lands for not less than seven years when the Act takes effect. This is an effect so important that if it is intended by the legislature it should be plainly expressed a substantive provision of the Act.

It will stir up to organized measures towards defeating the accrual of occupancy rights those landlords who are inclined actively to oppose the acquisition of such rights. This is a bad effect.

6. The legislature must decide whether the scheme of this chapter should be adhered to with these attendant effects in view.

7. To pass to the question of differential rates of rent for occupancy and non-occupancy raiyats respectively as again mooted in page 16 of the Government circular.

Presumably under section 56 the rent of an in-coming non-occupancy raiyat will be fixed at a higher figure than perhaps any occupancy raiyat could be made to pay for it under the operation of the enhancement sections, if he happened to hold the land with occupancy rights; but looking at clauses 6 and 9 of section 60, I do not see how it can be said, as a broad proposition, that the section admits of a non-occupancy raiyat's rent being enhanced to a higher maximum than that of an occupancy raiyat. Rather, comparing the wording of clause 9 of section 60 with that of clause (*a*), section 43, I should say that the "fair and equitable rent to be paid by a non-occupancy raiyat for the holding," as determined under

clauses 6 and 9 of section 60 contains the same general idea, as the amount to which the rent of an occupancy-raiyat, who was originally admitted to his holding on ordinary rent terms, can be enhanced under the rule as to the prevailing rate [section 43 (a)], or the rule as to the rise of prices [section 43 (b)].

8. The fact is that these special limitations to individual enhancements have so completely changed the general position as regards the rents payable by occupancy raiyats that it is difficult to say that any general standard is recognized by the Bill for such rents.

9. As to the express legalization of the competition rate of rent by section 56 when available land is first let to a non-occupancy raiyat, I believe that no provision of law which a British Legislature would think of passing would have the effect of substantially preventing the landlord from taking any consideration which the candidate for the land is willing to give while he is a mere suppliant for admission to the land. If the Legislature were to refuse to enforce payment, the law would be evaded by such expedients as payment in anticipation.

10. I have already said the only expedients which occur to me for neutralising the indirect injurious effect of these initial competition rents upon the body of occupancy-raiyats are—

(i) To exclude rents of occupancy holdings which have been affected by this cause from consideration when ascertaining the general prevailing rates payable in the vicinity by occupancy-raiyats, if such prevailing rates are eventually retained as a standard of enhancement.

(ii) To reduce the area of land which will fall to the absolute disposal of the landlord for the admission of non-occupancy raiyats at competition rents, by providing that the settled raiyat, in preference to the landlord, shall have the right of pre-empting, at a judicially fixed price, any transferable holding which an occupancy-raiyat may propose to transfer by voluntary sale to any purchaser other than a settled raiyat of the village or near neighbourhood.

CHAPTER VII.

UNDER-RAIYATS.

In a note dated 11th May 1880 which I laid before my colleagues on the Rent Commission* I wrote regarding the right of subletting by occupancy raiyats, "after considering all that has been urged in the present discussions and much more, I have arrived at the conclusion that as things now are, any attempt to restrict this right, either by absolutely prohibiting it or by putting any restriction on the rent for which the occupancy raiyat may sub-let, will be futile," and gave my reasons for this opinion, to which I beg to refer. Nothing which has since passed has led me to change this opinion.

* Volume II of the Report of the Rent Law Commission, page 493.

The sections drafted would evidently work an effect which is not intended in the case of raiyats holding at low fixed rents or at specially favourable rates who may under-let.

CHAPTER VIII.

GENERAL PROVISIONS AS TO RENT.

Rules for presumptions as to Money Rents.

Section LXIV(2).—I would change the period of presumption as proposed in paragraph 2 of my remarks on section 23 of chapter IV above.

(3).—This is a specious provision with a subtle effect. As the money value of produce rises in the course of years (temporary fluctuations apart), the payment of a fixed share or of the value of the fixed share of the produce is, in the long run, equivalent to a gradually increasing money rent; *i.e.*, the crops of 1880 and 1890 being of equal heaviness, half the crop in 1890 will represent more money value than half the crop in 1880.

The effect of the sub-section is therefore to declare that payment in a form which is essentially one of self-acting enhancement of money value in proportion to rise in prices shall be deemed to be payment at an unchanged money value. No wonder Mr. Gibbon protests on behalf of the landlords.

Section LXVI(*a*) *and* (*b*).—These two clauses are, I suppose, intended to correspond in meaning. If so, the wording should correspond.

I would word them thus—

(*a*) Lines 3 and 4 omit the words from "rent has been" to the end, and substitute "his rent was last fixed."

(*b*) For the present clause substitute—"be entitled to a reduction of rent for all land proved by measurement to have been lost to his holding, by the effect of diluvion, since his rent was last fixed."

Payment of Rent.

Section LXVII.—The provision of sub-section (2) is excellent; but a common effect of it will be to disturb existing local custom, under which rents are payable in monthly instalments.

In view of this change, it does not seem fair to hold tenure-holders absolutely to the dates and instalments of payment of their rent for which they have agreed with their landlords on the basis of the existing custom of monthly payment, nor absolutely to uphold custom in respect of the payment of their rents where the raiyats' custom has been changed under sub-section 2 so as to delay the receipts of the tenure-holders. I would in sub-section (1) reserve a right to Government to fix the dates and instalments of the tenure-holders' payments by rule, agreements and existing custom notwithstanding, whenever the Lieutenant-Governor may think fit to do so in consequence of any change made by rules issued under sub-section (2) in the custom of a district or tract in respect of payment of rents by raiyats.

Receipts and Accounts.

Section LXXI (2).—The printing of the form Schedule III requires looking to. If the form is to be generally understood, it had better be filled in with specimen entries. It has happened to me to find even Collectors' offices adding rupees and bighas into one total in such forms.

Deposit of Rents.

Section LXXV (1).—To require the officer receiving the deposit to affix the notification in his office forthwith (sub-section 1) is proper; but to require him to cause the personal notice to be served when fifteen days only have elapsed from the date of affixing the general notification (if sub-section 2 does require this) will go far to nullify the object for which I suggested the publication of a general notification in the office.

That object was to oviate the necessity of a large number of personal notices. Every landlord cannot be expected to have agents at the office of the revenue officers continually on the look-out for a notification that a raiyat of his has deposited his rent. The fifteen days of sub section 2 will generally expire, and the necessity of issuing the personal notice will arise before any agent of the landlord has become aware of the deposit.

I would allow the Government to fix dates not less than four in the year on which a list of the pending office notifications under sub-section (1) should be hung up in the office. The personal notices of sub-section (2) should not be issued till fifteen days from such fixed date had elapsed. The Government would of course fix dates for sudder stations as far as possible to coincide with the concourse of revenue-payers on kist day. Knowing these fixed dates, the landlords, tenure-holders, as well as proprietors would make their arrangements for having the notifications of deposit looked after by their agents.

The personal notices are to be served free of cost. In order to create an inducement to the landlords to draw their deposits before the personal notices are served, I would provide, either in this Act or by order of the Governor-General in Council under the Stamp Act, that applications for payment presented within the fifteen days after the fixed dates should be accepted on unstamped paper. Applications not coming under the exemption would require the proper stamp.

(2).—The requirement to serve the notice on "every person who he has reason to believe claims or is entitled to the deposit" will not work. In some cases it will entail the service of a hundred personal notices in respect of a deposit, perhaps of one rupee, and that on persons who are really entitled to it, not to mention any number of probable claimants. I know a case in Faridpore in which the five hundred co-proprietors of an estate are divided into two factions, which are at feud. As both admit that there has been a private partition of lands, the disputes take the form of claims by each party to the same plot of land, and to the rent of it. If the rent of one such plot were deposited by the raiyat, it would be necessary for the revenue officer holding the deposit to issue five hundred personal notices.

Some form of representative services of notice should be prescribed.

Arrears of Rent.

Section LXXVIII(1).—In lines 4, 5 and 6 substitute "agricultural year" for "Bengali year," &c.

The landlord "may" institute a suit to eject the tenant "whether he is entitled by the terms of any contract to eject the tenant for arrears or not."

If by this is meant that notwithstanding the terms of any contract the landlord may *not* eject a tenant for arrears otherwise than under the procedure of this and the following clause, that meaning should be more decidedly expressed. As long as it is left optional with a landlord to eject absolutely and immediately on decree being passed in accordance with a contract, he is not likely to adopt a procedure which nullifies his contract right of ejecting if the defaulter pays in the arrears and costs within fifteen days after decree. [sub-section (2).]

Produce Rents.

Sections LXXXII and LXXXIII.—The local officers specially of Behar will be best able to criticise and advise on these sections.

Illegal Cesses.

Section LXXXVI.—I would put in words explaining that the word "exacted" as here used implies circumstances which create a reasonable belief of *mala fides* on behalf of the landlord exacting. As the clause stands it would probably be understood by some officers to justify award of the penalty in cases in which a landlord had realised more than he may be eventually found to have been entitled to as rent, although he had acted in good faith, and I am not sure that it will not raise questions as to the liability of the landlord for the individual acts of his authorised agent acting under general authority, such as a naib.

CHAPTER IX.

MISCELLANEOUS PROVISIONS AS TO LANDLORD AND TENANT.

Improvements.

Sections LXXXVIII and LXXXIX (1).—These sections are justifiable on the broadest grounds of general policy; it is an indisputable public benefit and not open to difference of opinion that lands should be improved, and this consideration properly overrides the individual right of arbitrary refusal. But sub-section 2, section 89, seems to me an interference with the existing rights and position of landlords as established by custom and recognised by law, which is not called for either by past experience, or by the prospects of the future, and is therefore unjustifiable. I would reverse the provision of sub-section (2), and give the preferential right of making the desired improvement to the landlord.

Section XCII (1).—I do not know what is the exact legal force of the words "in the presence of the parties." Technical construction apart, the wording would enable the tenant to prevent registration of the improvement by refusing to appear.

In order to give practical value to the section I would expressly give to all concerned the right of contesting the particulars and meeting the evidence of which it is proposed to make the record admissible in evidence in subsequent proceedings. If the opportunity thus given is not taken advantage of, the *ex parte* record must perforce be accepted, although *ex parte* oral evidence of the class which is likely to be ordinarily recorded under this section is unfortunately as nearly as possible useless in this province for the purpose of creating a conviction of truth.

2. One of the material points on which it would be desired to secure such recorded evidence would probably be the letting value or productive capacity of the land while unimproved. Is this covered by the words "evidence relating to any improvement"?

3. I would extend to the raiyat the right of registering the particulars of an improvement made by himself, with a view, in the case of a non-occupancy raiyat, of any future award of compensation on ejectment; and in the case of an occupancy raiyat, of any future determination of a judicial value of his holding for the purpose of pre-emption.

4. The local officers of the districts in which there is irrigation will report, as required by the Government circular, on the best means of reserving a right to a landlord to make irrigation channels through the lands of raiyats. I think that the right of taking land from a raiyat's holding for the purpose of making not only this but any other real improvement which will benefit other holdings should be conferred on the landlord. A procedure should be provided to this end. An antecedent authoritative declaration would be required that the proposed work will be such an improvement as entitles the landlord to the benefit of this procedure; the land should then be assigned and a moderate rate of compensation awarded by authority if the parties do not agree.

Surrender and Abandonment.

Section XCVI.—For the reasons given by Mr. Reynolds in his recorded dissent to the Bill, I would restrict this section to the case of the non-occupancy raiyat. Some change in the wording would be required, as it seems to assume that the raiyat has his residence on the estate or tenure of the landlord from whom he held the abandoned land, which would not necessarily be the case. Where a non-occupancy raiyat resides on the property of another landlord it seems unnecessary to make the abandonment of his residence without notice an essential condition to the landlord of the holding entering upon it as abandoned.

In the case of the holding of an occupancy raiyat being brought to sale under circumstances which would authorise re-entry of the landlord on a non-transferable holding, a provision might be introduced that unless the late raiyat applies for the surplus sale proceeds, if any, within three months, the Collector should pay them to the landlord on his application. Such delay on the part of the raiyat coupled with his previous failure to pay rent and cultivate might fairly be taken as evidence of intentional abandonment.

Measurements.

Section XCIX (1).—As suggested in the Government circular, a proprietor or tenureholder should be allowed to measure the exterior boundaries of blocks of land which are held without

payment of rent to him, but not the internal details of such blocks. Looking at the definitions of "landlord" and of "tenant" together, I do not suppose that the section as it stands would authorise anything more.

I would further restrict the landlord's right of measurements to the exterior boundaries of blocks comprised in tenures which are held at a fixed total amount of annual rent, such as patni tenures.

Section XCIX (2) (c).—All experience shows that, where the estate acquired is extensive, two years will be quite insufficient for such a detailed measurement and systematic rent-roll as every landlord ought to be encouraged to make on coming into possession of such a property. I see no object in imposing any limit of time. The sub-stantive object of sub-section 2 of section 99 is to prevent raiyats being harassed by measurements after brief intervals. The longer the new purchaser of the estate puts off his measurements under clause (*c*), the longer rest will the raiyats have since the last previous measurement by his predecessor.

Section C (1).—To prescribe that the actual measurement shall be made according to the Government standard measure will be unpopular at first, and will tend to increase the difficulties which are already great enough in the way of getting the raiyats to give personal attention and consideration at the time of actual measurement. The provision will not remove the cause of dispute which is so frequent, *viz.*, whether the bigha in which certain previous measurements are expressed, or in which the area of holdings is specified in certain documents, was measured with a pole of five cubits, or with one of four cubits in length.* This dispute will of course rise when it comes to converting the standard acres of the actual measurement into the local denomination. This difficulty is provided for by section 101 (3).

* The bigha being invariably the area contained in a square of which each side measures so many of the poles used in that particular measurement.

2. The objection to the use of the standard bigha in making the actual measurement will be felt more in the case of isolated measurements than in a general survey. Where the question of comparing the actual area ascertained by a new measurement with that of a former measurement is not come in dispute, the people will be quite content to use the standard bigha. They soon adapt themselves to a new standard when it is used on a large scale. When I first learnt that it had been decided to make the measurements of the large Khorda estate in acres, I thought it a great mistake; but when I visited Orissa, I was surprised to find the representative raiyats speaking of acres and decimals as glibly as they had been wont to speak of máns and biswas.

3. There is a certain advantage in promoting the popularization of a standard unit; and I would certainly have all systematic and extensive survey, such as the contemplated cadastral surveys of districts, made on a standard unit, but I would leave it to the executive Government to prescribe the standard. Instead of section 101 (1), I would give authority to the civil court or revenue officer concerned to order according to what unit the measurement should be made, requiring him to give the equivalent in standard bighas in his proceedings.

Managers.

Section CII et seq.—I adhere to the conclusion at which we arrived on the Rent Law Commission that it is desirable to confer on the District Judge the power of insisting on the appointment of a joint manager when necessary.

2. I do not recall any case in which it would have been desirable to make such an application to the Judge on the ground of inconvenience to the public, and, with reference to the reasons given by the Hon'ble Kristo Das Pal in his recorded dissent from the Bill, I doubt whether there is now-a-days any necessity for retaining this ground of application; the permission to parties to apply for the protection of private rights would probably suffice; and I should hope that the mere fact of this provision being borne on the Statute Book will generally suffice to prevent the necessity of putting it into action.

3. If the ground of inconvenience to the public is retained, it seems to me that the Magistrate of the District rather than the Collector should be authorized to make the application to the Judge.

No circumstances occur to me under which the public inconvenience caused would affect the Collector's duties; if ever that officer were to make an application, it would probably be at the instance of the Magistrate of the District.

CHAPTER X.

Record of Rights and Settlement of Rent.

Record of Rights.

This is an excellent chapter.

With reference to the remarks of the Government of India in paragraph 19, I do not think the powers which the Government may confer on a settlement officer under section 223 are sufficient to compel the attendance of all persons whose presence in the field may be essential for the purpose of pointing out boundaries and giving assistance in the general

operations, apart from cases in which dispute has actually arisen. Powers should be conferred on the settlement officer of requiring the attendance, whether before himself or any officer deputed by him to make local enquiries, of all persons whose assistance is likely to be useful. This may be done by a general notification addressed "to the occupants of the land which is about to be" operated upon, "and of the conterminous lands and to all persons employed on, or connected with the management of, or otherwise interested in, such lands," on the model of section 5 of the Bengal Survey Act V of 1875. Such general notification is not in itself a direct means of compelling attendance, but it would lead up to and should be supplemented by a power to be conferred on the Collector and also on the officer deputed by him of issuing a special notice requiring the attendance of any such person who does not attend on the general notice (as in section 24, Regulation VII of 1822, and sections 7 and 11 of the Survey Act).

Section 223 of the Bill enables the Government to confer on a revenue officer "any powers exercised by a Civil Court in the trial of suits," but the powers conferred on Commissioners of the Civil Court are too strictly limited to serve the purpose of amins and other subordinates deputed by settlement officers to make preliminary local enquiries.

Section CXIII.—(1) Line 7 after "therein" insert the words "or in respect of the omission of any entry therefrom." Similar additions should be made in section 114, line 5.

Section CXIV.—Regarding entries in the record under clause (*b*) of section 111 (the class to which the tenant belongs) and clause (*k*) the special conditions under which he holds, questions of legal difficulty and importance may arise. I would, as suggested by the Government of India, reserve to the revenue officer the power of referring such cases for trial by the ordinary Civil Court, following the model of section 55 of the Land Registration Act (Bengal Act VII of 1876).

Section CXV.—Under the existing organization, the Commissioners of Division or the District Judges would probably be appointed to exercise the functions of special Revenue Judges, as the Civil Judges used to be vested with the powers of Special Commissioners under the old resumption laws. The section will no doubt be so framed as to admit of the powers of special Judge being conferred on any Appellate Benches which may be constituted.

Section CXVI.—Looking at the facilities which exist and which are too often taken advantage of in this country to prevent parties interested from asserting their right in the manner and at the time prescribed by law, I should hesitate to give the force of finality to undisputed entries, as suggested in paragraph 23 of Government circular. I would take a middle course between that and the presumption of section 116 (2) by allowing an application for revision of an undisputed entry within say six months after publication of the record under section 113 (2).

Settlement of Rents.

Sections CXVII et seq.—From the exposition of the scheme of these sections in paragraph 22 of the Government of India's letter, I understand it to be that, although the Local Government may under section 117 (1) make "an order directing that the rents of all tenants" in a given local area shall be settled by the Revenue officer, that officer will have no power to do anything more than to record the existing rent payable (as under section 111 (*e*)) unless either the landlord or the tenant applies to him to settle a fair and equitable rent in respect of any tenure or occupancy raiyat's holding.

This right of application does not extend to the holdings of non-occupancy raiyats.

Thus, apart from cases in which landlords or tenants apply for settlement of fair and equitable rents of tenures or occupancy holdings, the only difference between a record of settlement rents made in accordance with an order of Government passed under section 117 and a record of rights made in accordance with an order passed under section 110 (1) will be that in the former case the rents entered in the record as payable will not be liable to enhancement for 15 years, while in the latter case no such protection is given.

Without the benefit of the Government of India's gloss I should scarcely have understood the section so. I should have understood that an order of Government under section 117 would *per se* empower and require the Revenue officer to ascertain and record the rents which he considers fair and equitable for each tenure and holding; and I should have fallen into Mr. Gibbons' mistake that this provision was to be applied to non-occupancy as well as to occupancy raiyats; at any rate I should have so understood section 117 until I had reached sub-section 3 of section 118, which would have obliged to look for another construction of section 117 (1). The drafting might well be altered so as to leave no room for the misapprehension.

Vide his dissent to the Bill.

Section CXX.—There is much to be considered on both sides of the question, as pointed out by the Government of India. No doubt the provision that the rent as settled in such proceedings shall remain unaltered for 15 years will largely promote claims to enhancement through the proceedings, and the consequent disputes which would not otherwise arise at that time.

On the whole, however, I think the scale is turned in favour of the section as it stands by the consideration that "a settlement of rents will not be undertaken unless the relations between landlord and tenant are unsatisfactory and litigation is impending."

CHAPTER XI.

Table of Rates.

Sections CXXIII et seq.—This chapter will be so valuable an assistance to those who *bonâ fide* wish to avoid litigation, in the exceptional tracts to the circumstances of which it is applicable, that I would retain it.

Section CXXX.—It is invidious for me to suggest that in this and similar instances functions are being imposed on the Government which according to the scheme of Government recognized by the statute-book appertain to the Board of Revenue. It is of the *raison d'etre* of the Board primarily to relieve the Government of such matters as these which fall within the ordinary routine of revenue business; the Lieutenant-Governor's right of interference in exceptional cases is of course reserved by the right of petition. When a table of rates for a village has been prepared by a revenue officer, considered by the Commissioner of the Division, and scrutinized and approved by the Board, I should think it might well be published as authoritative by them at any rate, if no further objection is preferred against it. A certain interval of time might be interposed between the passing of the Board's order of sanction and the publication as authoritative, so as to admit of objections being presented to the Government or, better still (as experience shows that no procedure can be invented which will prevent a certain number of objections being brought forward *after* publication, whether by order of the Government or of the Board, on the plausible allegation that the objectors were not aware of what was being done), it might be provided that the table as sanctioned by the Board should be published with a notice that it will be made authoritative after a certain time, if no objections are preferred as is provided, in the case of the proposed rules under the Act.

CHAPTER XII.

Record of Proprietors' Private Lands.

Sections CXXXV et seq.—I see no objection to these sections, read with section 30, as they now stand.

The exclusion of any particular land from record as khamar in an area in which a survey and record of khamar lands has been made under an order of the Government has, under the Bill as now drafted, a much less drastic effect (in the direction of restricting the landlord's freedom of action in dealing with such unrecorded land) than would have been caused by the provisions of the Select Committee's first Bill.

Section CXXXVIII (2).—In view of the custom of zemindars in some parts of making temporary assignments of portions of their khamar lands for special purposes, such as remuneration for services, the support of members of dependents of their families, I would add a proviso that the fact of a proprietor having assigned land temporarily for any such purpose will not affect his claim to have the land recorded as khamar if the land have that character at the time when so assigned.

CHAPTER XIII.

Distraint.

Sections CXXXIX et seq.—I approve of these sections.

2. The Maharajah of Durbhangah objects that the procedure is less summary in that it entails application to the Court. The reply to this is that experience has amply shown that the landlords as a body (including in one case the official managers of a certain estate who followed the practice of the district until the irregularity was detected by superior authority) have abused the powers placed in their hands by the former procedure.

3. The Maharajah objects that the necessity for a previous application to the Court will leave to the raiyat ample time to cut and carry off the crop before the Court officers can reach the spot to distrain it. He seems to have overlooked clauses 3 and 4 of section 141, which effectually meet the objection. The application for distraint may be made, the preliminaries gone through, and the crop practically attached at any time before it is ready for reaping.

I think it should be required that such an application to the Court should be made at least a month before the crop will be fit to be reaped, so as to give the defaulter time to deposit under section 154, and so escape the forced sale of his crop. If the landlord has good reason to believe that the raiyat will not pay without distraint, I do not see what object he can have for delaying his application.

CHAPTER XIV.

Judicial Procedure.

I have no personal experience of judicial procedure, and will only refer to the views we expressed on the Rent Law Commission as to the difficulty of dispensing with safeguards in this country. The Select Committee has expressed similar apprehensions.

2. The question of suits against a number of tenants jointly is of much importance, but an opinion of any value can only be given by officers who have had personal experience of such suits. If they are allowed, some sections will be required prescribing details of procedure distinguishing between issues in which the defendants are jointly interested and issues which affect them separately. I believe the officers of the North-Western Provinces have some experience of such joint suits in some shape; if so, they should be consulted.

CHAPTER XV.

SALE FOR ARREARS UNDER DECREE.

Sections CLXXXII and CLXXXIII.—I agree with Mr. Gibbon (*vide* his dissent) that to make a distinction between ryots' holdings held at fixed rates and occupancy holdings will lead to complication, chicanery and litigation.

CHAPTER XVI.

SUMMARY SALE FOR ARREARS.

Sale of Patni tenures.

Section CXCV 2, line 3.—After "claimed" insert "as due from the tenures respectively."

Section CXCVII, line 7.—For "to" substitute "shall."

Line 10.—For the words "advertised balance" substitute the words "balance advertised as due from the tenures respectively."

Section CCI (1), line 3.—For "kachari" substitute "Collector's office," *vide* section 195 (2).

3, line 6.—For "rubakari" substitute "proceeding."

(7) for this number substitute (5).

Section CCI (1), lines 2 and 3.—For "kachari" substitute "in the Collector's office."

(2), line 1.—For "land" substitute "tenure."

(7) "such deficiency to be levied by the process for the execution of the decrees of the Civil Courts,"—this leaves a doubt as to whether this process shall be carried out by the Civil Court or by the Collector. It would be well to substitute "such deficiency shall be levied by the Collector under the provisions of the Public Demands Recovery Act (Bengal Act VII of 1876).

Section CCVII (1) (a).—Omit words from "for the purposes" in line 3 down to the word "effect" in line 7; and substitute for them the words "in consideration of the expenses entailed by."

Section CCVIII.—To meet cases which occasionally occur, I would also provide that a Collector who is for any sufficient reason (such as sickness or the large number of sales) unable to hold or to complete his patni sales on the day fixed may resume them the next day, and so on *de die in diem.*

There is an instance on record of a Collector of Burdwan and his establishment being kept at their office till one o'clock on the night after a patni sale day, owing to the necessity of holding all the sales on advertised date.

Section CCVIII.—Read this with section 201, clause 6. As the two sections stand, if the eighth day happens to be a Sunday or holiday, notice of re-sale will not be given until the next day (say Monday), which will be the ninth day from the first sale. But this being Monday, section 208 does not authorise the postponement of the re-sale till the following day; in other words, the re-sale must be held on the very day on which the notice of re-sale is given under section 208. Therefore in section 201 (6), lines 3 and 4, omit the words "that is, on the ninth from the first sale."

Nothing is too insignificant to be made the ground of challenging the regularity of sales which are made under these provisions of the existing law.

CHAPTER XVII.

CONTRACT AND CUSTOM.

Sections CCX et seq.—1.* The main policy which runs through the Bill is that it is for the public interest of the community that the position of the raiyats shall be strengthened by promoting their acquisition of occupancy rights.

* I am now writing as an officer of the Government advising on the best means of giving legislative effect to certain main principles of policy which I understand to have been finally accepted by the Secretary of State and the Governor-General in Council, as the basis of legislation.

It is obvious that the effect of the legislative measure in the direction will be nullified, unless some restriction is put on contract between landlord and tenant. Such restriction is

an essential of the policy which the Bill embodies; but in view of the objections to which interference with contract, in the abstract, is open, I would reduce the restrictions to the minimum which is really essential. *I would not invalidate past contracts which have been legally entered into.*

2. As regards the future, I see no sufficient reason to prohibit contracts debarring either landlord or tenant from demanding commutation of a produce rent (section 210 (*e*)).

3. The other restrictions of the section I would adopt generally subject to the following modification.

Many cases may and do arise in which a landlord is willing to let for cultivation for a certain time land which is at his disposal but which he will certainly or probably require after a time for a definite object. If the land has not the character of khamar under the definition of section 30, the landlord cannot as the Bill stands by any means let a settled raiyat on to it without losing his power of re-entering when the land is required. He must therefore either cultivate it himself, or leave it uncultivated, or seek out a non-occupancy raiyat to whom he can let it on a short lease, with right of re-entry on expiration of the lease reserved under section 58 (*c*). Here the landlord's object in keeping the land free of the right of occupancy is a legitimate one; there is no such questionable motive as that of taking excessive rent, or of using the transaction as a means of raising the general rent rates. The landlord would gladly make it over to one of his settled raiyats; and the settled raiyat would as gladly take the land for two or three years on condition of giving it up when landlord requires it for his known special purpose; but it is evident that as the Bill stands ordinary prudence would prevent the landlord from making such an amicable arrangement. In such a case the provision of section 210 restricting the settled raiyat's right of contract puts him at a disadvantage as against an outsider.

4. I may illustrate by any imaginary example, which is, however, suggested by what occurred in connection with the land originally taken for the Dehree cantonment, but which was lately proposed for use as the site for the proposed agricultural institution.

The Government acquires a considerable tract as a mukarrari tenure within an estate, for a particular project involving gradual development and extension of buildings over several years. The extensions will not reach some parts of the land for a few years, and the obvious thing to do is to let the land for occupation by raiyats till it is required. But the Collector must seek out outside raiyats to hold the land on short leases; if it is let to a "settled raiyat of the village or estate" of which the Government's mukarrari tenure forms a part, nothing can avert his immediate acquisition of the occupancy right on the land, and therefore the Government will not be able to re-enter when the land is required for use.

5. It is evident that a private landlord may be placed in the same predicament. *I would therefore modify the absolute restrictions which section 210 puts on the right of contract by providing that, notwithstanding anything in this section, a raiyat may contract himself out of the general provisions of the Act in these respects by a written contract to be executed before, and with the permission of, a revenue officer, which permission shall not be given unless the revenue officer is satisfied that there is a good and sufficient reason for allowing such contract to be executed.*

The precaution suggested, it will be seen, is much the same as was provided in the first Bill issued by the Select Committee (but which has since been abandoned) in the case of voluntary contracts for enhancement of rent; the registering officer must be satisfied not only that the contract is understood and is voluntary, but also as to its merits.

Such a proviso would remove the disability with which the Bill as it now stands practically weights the settled raiyats as to admission to the temporary occupation of lands, under the circumstances which I have suggested.

Section CCXII.—This section, as well as section 217, will, I fear, increase the doubts and difficulties which are already experienced in dealing with hawalas, Noabad taluks, and other similar holdings in respect of the relations in which the hawaladars, &c., and their tenants shall stand towards one another. Most of these holdings originated in contracts for the reclamation of waste land, and it will be impossible to say to what extent, under these sections, contract or custom will affect the operation of the law on the present position of the tenants. I regret that time does not allow me to go into the question, but no one is more conversant with the eastern tenure than Mr. Cotton, who will be available in Calcutta. I suggest that he be called into consultation on the details of these difficulties.

I may here add, with reference to the opinions expressed by him as Commissioner, and by Mr. E. E. Lowis, that I agree with them that the provisions of the Bill which are protective to the raiyats, are not required for the districts of the Chittagong Division.

I pass now to the particular questions mentioned in the opening paragraphs of the Government of India's letter, and the remarks upon them in paragraphs 31 *et seq.* of the Government circular.

Of the seven points in paragraph 2 of the Government of India's letter all but (3) depend so much on the information which may be received from the districts that it is useless to discuss them without that information.

As to point (3), it will not be overlooked that it was found that, under the provisions of

the Cess Act of 1871 (Bengal Act X, B. C.), lands which were held without payment of rent practically escaped assessment to the Road and Public Works cesses. The holder of the estate or tenure within which such lands lay omitted to return them; and naturally enough, for the results of returning such lands were, first, that the person making the return was liable in the first instance for the amount of cess assessed on the lands which in the aggregate amounted to considerable sums in the only district in which such returns were made to any extent; and next, that he had very great difficulty in subsequently recovering the amount; even when he could identify and find the persons liable to pay, the amount of cess due by each was in numerous cases so very trifling as not to be worth the cost of recovering by compulsory process.

When the amendment of the Act was before the Bengal Council, a very elaborate system was devised and enacted as chapter IV, sections 50 *et seq.* of Bengal Act IX of 1880, with the double object of promoting the return for the purposes of valuation and assessment of such lands, either by the holder of the estate or by the free-holder; and then of facilitating the recovery of the dues by the former from the latter. For the purpose of inducing the holder of the estate to bring the existence of such lands to the notice of the Collector in his returns for valuation, a large sacrifice is made; he is required to pay in to the Collector no more than one-half of the amount of cess which the free-holders are liable to pay to him (section 51). Again when an instalment of the cesses due to the holder of the estate is not paid within one mouth of the date on which such instalment is payable, such holder is entitled to recover a sum equal to double the amount of such instalment with interest on such sum calculated at the rate of twelve and a half per cent. per annum.

Then it was provided that in the case of the holder of the estate not making a return of a rent-free tenure within a year after the passing of the Act, the rent-free holder himself should himself become entitled and bound to make a return of his land to the Collector. On making such return the rent-free holder becomes emancipated from the liability to pay through the holder of the estate. This and other consequences of making such returns were expected to act as inducements to the rent-free holder to disclose the existence of his lands to the Collector.

The effect of these provisions has been to lead to the discovery and return of numerous rent-free holdings. The system has been most worked out on the Hooghly district, where such holdings are counted by tens of thousands.

Under the provisions of Act VII of 1881 of the Indian Council "all sums due to the holder of any estate or tenure under the provisions of this chapter, in respect of any land held rent-free, may be recovered by such holder from any owner or holder of such rent-free land, or from any occupier of the same, by any means and any process by which the amount might be recovered if it were due on account of rent of a transferable tenure or holding, and subject to the same rules as to limitation (section 64A);" and,

"In every suit for the recovery of any such sum the person to whom the sum is due may proceed at his option either against the owner or holder of the rent-free land in respect of which such amount is due, or against the occupier thereof; and any decree obtained in such suit against any occupier of such land shall have the same effect and be followed by the same consequences in respect of the execution of such decree against the owner or holder of such land, and in respect of the sale of such land in such execution, as if the suit had been brought and the decree given against such owner or holder of such land, but shall have effect against such occupier personally so long only as he remains in occupation of such land, and no longer (section 64B);" For the reasons suggested in the Government circular I should hesitate to confer on the holder of the estate or tenure the power of bringing a rent-free holding, even when registered, to summary sale for the recovery of cesses said to be due. The temptation shadowed out in the Government circular would be strong, and the hostile feeling between zemindar and free-holders (as classes) is notorious. Rather than extend the powers of bringing rent-free tenures to sale without antecedent decree, I would be careful that the provisions of the Tenancy Bill and the contemplated Tenure Registration Bill are so worded that this result shall not unintentionally follow from them in combination with section 64A of the Government of India's Act VII of 1881.

Paragraph 4 of the Government of India's letter asks whether the existing revenue establishments are likely to be able to cope with the work which the Bill in its present form will create, or whether it will be necessary to strengthen them. It is plain that under no circumstances which can be reasonably anticipated will the existing overworked establishments suffice. It is quite impossible at present to form any conjecture of the increase which will be required. I should begin by giving a definite limited authority to Commissioners to entertain such establishments and to incur such expense on them as may be indispensable for rendering public services which parties have a right to claim under the Bill, irrespective of the permission of the Government. But I would repeat the warning which I annexed to the report of the Rent Law Commission and which Sir Ashley Eden's Government endorsed, that it is desirable to reserve to the Government the right of preventing its being swamped by business for the performance of which it will be impossible to provide qualified agency immediately on demand.

The 26th July 1884. H. L. DAMPIER.

(Annexure A to Mr. Dampier's minute).

RESOLUTION—By order of the Board of Revenue, L. P.

LAND REVENUE.

(Settlement and Surveys).

HON'BLE H. L. DAMPIER, C. I. E.

Dated Calcutta, the 3rd May 1884.

Read a letter from the Commissioner of Chittagong, No. 1556C.C., dated 6th February 1884, submitting a further report on the appeal petition of Kalimuddin Darogah, regarding the settlement of certain Noabad lands in mouzah Mobarakghona in the Chittagong district.

THESE proceedings came before the Board on the appeal of Kalimuddin against the action of the settlement officer, supported by the Commissioner, in giving a farming lease of the available lands in mouzah Mobarakghona to the manager of a ward's estate; that lease was set aside; and as the proceedings appeared to call for closer examination, the Board set on foot a minute enquiry by their memorandum of the 5th July 1883, addressed to the Commissioner.

2. It appears that Kalimuddin was originally let by the circle farmer into possession of 800 bighas of land, of which one kani only was under cultivation. The date of this first pottah was 1212 Mughi style corresponding with 1850 A.D. The condition of it was that the land brought under cultivation should be measured up from time to time, and that Kalimuddin should pay Rs. 2 a shahi kani, or Rs. 8 a droon, on the cultivated land so found. A shahi kani is equivalent to four ordinary kanis, or rather more than an acre and a half. Two rupees a shahi kani is about 6½ annas a standard bigha, or say Rs. 1-3-7 an acre. The farmer measured up the cultivation from time to time, giving a fresh pottah to Kalimuddin each time, including more or less waste land; but always on the condition of paying at the said rate of Rs. 8 a droon for the land found cultivated. The last such pottah was given in 1235 M. S. (1873 A.D.) for—

	Droons.
Cultivated land	12*
Waste land	13
	25 or 500 bighas.

In this last pottah of 1235 M.S., it is stipulated that the lessee shall make a new settlement after the expiration of the circle farm, but this was never done; so the settlement officer finds Kalimuddin holding under the lease of 1235 M. S.

3. At different times during his tenancy (beginning as early as 1221 M. S., 1856 A. D.) Kalimuddin has underlet land in numerous pottahs, each covering small areas. Out of 31 kabuliyats examined two only are for as much as four kanis each; four are for three kanis each; the rest for not more than two kanis.

Out of the same 31 kabuliyats—

	Rs.
1 is at the rate of	8 a kani.
1 ditto	6 do.
8 ditto	5 do.
The rest, Rs. 4 or less.	

These kabuliyats provide that the lessee shall pay his rent year by year and month by month at the stipulated rate; but most of them do not expressly mention any period for which they will remain in force; some, however, express that the lease is hereditary. The general condition is that the lessor may recover arrears by "any process which may be in force," but in some kabuliyats it is expressly said that arrears may be recovered by sale of the holding. The lessees recognise the lessor as "talukdar;" they engage to pay any "new demands," and to cause their holdings to be recorded at any measurement as "tuppahs" within the lessor's taluk.*

* The circle farmer had of course no right to create a taluki tenure, to exist beyond the term of his own temporary lease.

4 The tenants who hold on the above leases from Kalimuddin have again in some cases underlet. The rate in the few kabuliyats before the Board is Rs. 4 a kani.

The conditions of their leases are much the same as those of the leases under which their lessors hold, the right of sale for arrears being even mentioned in some.

5. On this state of facts, or rather without looking into the facts of the superior holdings, the settlement officer recorded all the persons whom he found actually cultivating the land as the statutory ryots of Section 6, Bengal Act VIII of 1879, each for the plot of land which he was actually cultivating. He recorded as the rent demandable from them a rate considerably below what they were actually paying, taking his rates from those which were actually being paid by superior holders of the land, and settled that these rents should be paid directly to the Collector, altogether ignoring Kalimuddin, and his direct lessees, as being middlemen who should be set aside.

* 241 bighas.

6. Subsequently Mohamed Wasil, one of Kalimuddin's direct lessees, petitioned that he should be recorded on the settlement papers as the dakhlikar in respect of the plots of which he held leases from Kalimuddin. By the term dakhlikar is understood the superior tenant who shall collect the rent from the cultivating ryots and pay rent to the Collector. His petition was granted by the settlement officer, but by some oversight the order was never carried out on the jummabundi papers.

7. Then Kalimuddin made a similar petition in respect of all the land which he held under the circle farmer's lease, of which it is found that—

	B.	C.	D.
He holds in his own cultivation	34	8	2
And has underlet as above	207	10	10
TOTAL .	241	18	12

This petition was also granted, the settlement officer overlooking the similar and conflicting order which had been passed in favour of Mohamed Wasil.

8. The order in favour of Kalimuddin was carried out by writing his name with the title "dakhlikar" across the page of the jummabundi on which the land is shown, in respect of which the lowest cultivators are recorded as the statutory ryots liable under Section 6 of the Settlement Act VIII (B. C.) of 1879 to pay no more rent than that which is recorded against each.

9. As far as anything can be understood from these proceedings, the effect of them was intended to be that Kalimuddin should collect the rents directly from the recorded ryots at the rates specified (although they were actually found to be paying higher rents), and should himself be held liable to pay to the Collector a sum exactly equal to the aggregate of the maximum rents which he was legally entitled to demand from the ryots.

10. The Board pointed out that such an arrangement was essentially faulty and unsound, as no margin had been left to Kalimuddin out of the rents which he was authorized to collect to cover even risks of loss and costs of collection, much less to leave him a profit.

Moreover, it has been brought to light in other cases that this system of recording the lowest actual cultivator of the soil as the statutory ryot is a radical fault which pervades the recent settlement proceedings of the noabad lands; and that the result has been an unworkable settlement. Many of these cultivators arrange annually with their lessor; both the area which they will cultivate and the rate of rent they will pay for it being matters of annual arrangement. They come and go at will. Although in a promising season they pay high rents (much higher than those recorded in the settlement proceedings as the maximum which is demandable from them), the following year they may throw up half their land, and pay at a much lower rate for the rest; or they may throw up their land altogether. It is impossible to recognize such fluctuating holders as the statutory ryots of the Settlement Act whose rent is protected; and it is equally impossible to take the uncertain arrangements which happen to exist between them and their lessors at the moment when the enquiry is made as the basis for a settlement of the Government demand.

11. The question then arises, "who is to be recognized in the settlement proceedings as the statutory ryot of Section 6?" The Commissioner and Mr. Manson, the Collector, who reported on these proceedings, are of opinion that Kalimuddin should be so recognized; and looking at all the circumstances of the case the Board agree that this course will be most in accordance with the spirit of the law. They therefore direct that Kalimuddin shall be recorded as the statutory ryots in respect of the holding of 241 bighas 18 cottahs which was found to be partly in his immediate cultivating possession and partly in his possession through the under-tenants to whom he had underlet.

12. The Collector and Commissioner have proposed that the names of the lowest cultivators whom the settlement officer originally recorded as the statutory ryots with protected rents shall be allowed to stand on the jumabundi record, the amounts of rent entered against each being struck out.

But it seems to the Board that this procedure would not be fair to the holders (perhaps a series of several holders) who intervene between Kalimuddin and the lowest cultivator who is so recorded, as it would at least imply that greater recognition is given by the settlement proceedings to the rights of these lowest holders than to those above them.

They therefore direct that all the existing entries in the settlement jumabundi relating to the 241 bighas 18 cottahs of land in question be cancelled, and marked across every page as having been set side. For them will be substituted one entry in the name of Kalimuddin; all holders below him will thus be placed in the legal position of *kurfa* ryots unrecognized in the settlement proceedings.

13. It remains to determine what amount shall be recorded as the rent demandable from the ryot Kalimuddin under Section 6 of Act VIII (B. C.) of 1879, and as to this, further report will be called for from the Commissioner.

W. H. GRIMLEY,
Offg. Secretary.

No. 47R., dated Bankipore, the 6th August 1884.

From—F. M. HALLIDAY, Esq., Commissioner of the Patna Division,

To—The Secretary to the Government of Bengal, Revenue Department.

In conformity with the instructions of Government conveyed in your letter, circular No. 8T—R., dated 24th May last, in connection with the Tenancy Bill as revised by the Select Committee of the Legislative Council of the Governor-General, I have the honour to say that I held a conference of the Collectors of the division at Bankipore on the 25th July, at which were present—

Mr. Price, Collector, Durbhunga.		Mr. Vowell, Collector, Patna.
„ Boxwell „ Gya.		„ Nolan „ Shahabad.
„ Norman „ Mozufferpore.		„ Forbes „ Sarun.

Mr. Henry, Collector, Chumparun.

The Conference sat from the 25th July to the 2nd August, both days inclusive, and the fullest consideration was given to the measure under discussion. The Bill was taken up and considered chapter by chapter, continual reference being made to the instructions contained in your letter now under reply, as also to the points raised in the report of the Select Committee on the Bill, and in the letter of the Government of India (Legislative Department) to the Government of Bengal (Revenue Department), No. 784, dated Simla, 5th May 1884.

2. The following report gives the general opinion of the conference, and indicates where there has been marked dissent by individual officers and the differences of opinion on important points. I take it for granted that Government wishes now to have from us individually and collectively simply an expression of opinion upon the practicability of the present revised Bill as it stands, and that any views and opinions as to the general policy of the measure are beyond the scope of present discussion.

CHAPTER I.

PRELIMINARY.

3. *Sections 1-3.*—I have to draw attention to the absence of any definition of the term "lease" as used, *e.g.* in section 95 of the Bill, and I would point out the fact that a distinction is drawn between a lease and another agreement.

Section 95 (1).—A ryot not bound by *lease* or other agreement for a fixed period may, &c., &c.

CHAPTER II.

4. *Classes of tenants, &c. &c., 4 and 5.*—On the question as to whether the definition of a ryot in section 5 (3) covers all classes of ryots—those holding under unregistered lakhirajdars as well as under the holders of revenue-paying lands, we gave an opinion unanimously in *the negative.* At the time of the permanent settlement persons were found in possession of certain specific portions of land on which Government revenue was assessed, the owners, however, being directed to pay such through the owners of the parent estate. Such persons, sometimes known as shikmi tenure-holders, are neither proprietors nor tenure-holders under the definitions in the draft Bill, and consequently their ryots do not come under the definition in section 5 (3). These unregistered lakhirajdars may be virtually ryots themselves or virtually tenureholders, according as they cultivate themselves or receive rents from cultivators. In the former case their ryots become under-ryots, and are excluded from the benefits conferred by the Bill.

On a discussion upon the question as to whether the presumption in section 5 (5)* is with reference to existing practice a fair presumption, and if not fair, what presumption of the sort would be fair, the Collector of Patna stated his experience as going to show that holders of as little as 100 bighas seldom, except in the case of diara lands, sub-let their holdings at all, so that the proposed presumption would be practically inoperative in his district. The experience of the Collectors of the remaining districts tended in the same direction, and the Collector of Chumparun proposed that, regard being had to existing facts, as demonstrated by general experience, the standard of 100 bighas was too low to justify the presumption being raised. The Collector of Mozufferpore declared his objection *in toto* to the proposed presumption, and moved that in view of the state of existing facts the presumption was entirely unnecessary and should be erased from the Bill. The conference accepted this by a majority, Mr. Boxwell and Mr. Nolan dissenting. Mr. Nolan recorded his dissent on the ground that the omission would multiply the number of under-ryots.

* *Section 5 (5).*—Where the area of a holding exceeds 100 standard bighas, and the whole or part of it is sub-let, the tenant shall be presumed to be a tenure-holder until the contrary is shown.

CHAPTER III.

TENURE-HOLDERS. ENHANCEMENT OF RENTS.

5. It was stated by all the Collectors, with regard to their respective districts, that no instances have occurred of the rents of tenures being enhanced under suit. It was decided that as sections 7-10 do not apply to Behar, they required no comment.

CHAPTER IV.

Ryots holding at fixed rates.

6. Mr. Norman and Mr. Henry urged that with regard to these ryots holding at fixed rates there ought to be added a stipulation such as that applying to occupancy ryots under section 31 (*a*)* (the latter part of section 31 (*a*) being omitted). An instance cited as rendering this addition necessary was that of a person holding a small piece of land at a fixed rent, and finding that it would be profitable to convert it into a brickfield, having accordingly done so, and made his profits in one lump sum, he then threw up his holding, which, having been rendered totally unfit for the purposes of agriculture, was useless in the hands of the landlord, who thereby lost the rent for ever. After considerable discussion, the conference adopted the proposal that to section 23 (*b*) there should be added the ground of exception—"That he has used his land in any manner which renders it unfit for the purposes of the tenancy."

Section 23 (2).—A ryot holding at a fixed rent or rate of rent (*a*) shall be subject to the same provisions with respect to the transfer of, and succession to, his holding as a tenure-holder, and (*b*) shall not be ejected by his landlord *except on the ground* that he has broken a condition consistent with this Act, and on breach of which he is under the terms of contract between him and his landlord liable to be ejected.

* *Section 31 (a).*—An occupancy ryot may use the land in any manner which does not render it unfit for the purposes of the tenancy (but shall not be entitled to cut down trees in contravention of any local custom).

Mr. Nolan alone dissented strongly; he declared that he objected to a proposal which limited the purposes for which a ryot holding at a fixed rate can use his land, on the following grounds:—

(1) That no such limitation at present exists.

(2) That no practical inconvenience arises from the present rule.

(3) That any limitation on the use to which the land may be put will be used for the purposes of harassing the ryots.

CHAPTER V.

Occupancy Ryots.

7. On a proposition by Mr. Boxwell that the words "*or estate*"† should be eliminated from the chapter, the village or mouzah being thus left as the limit, it was pointed out by Mr. Henry that the estate of Ahrowli in Chumparun, consisting of 1,185,867 acres, and covering more than half of all the revenue-paying land in the Chumparun district, was, along with others, an instance of a large estate in the case of which very serious consequences would result from the wording of the section, coupled with the provisions of section 27 (*b*).‡

† *Section 25 (1).*—Every settled ryot of a village *or estate* shall have a right of occupancy in all land held by him as a ryot in the village or estate.

‡ *Section 27 (b).*—Where two or more estates have been created by one or more partitions taking place, &c., &c.

Mr. Henry, however, in concurrence with Mr. Nolan, expressed disapproval of the amendment proposed, they arguing that the effect of the section as it stands is to greatly increase the number of occupancy ryots; that this is one of the objects to be aimed at, and that the amendment would simply and directly counteract it.

It seemed to me, as I pointed out, that the end sought might be attained (if the object is to attain it completely) in a much less round about manner by granting to *all ryots* the right of occupancy—a concession, however, which I was not the least prepared to support. Mr. Nolan dissented from the proposal on the further ground that the amendment would alter the definition of a settled ryot, which according to the instructions contained in the letter now under reply is not now open to general discussion. In answer to this latter point I drew attention to the report of the Select Committee, chapter V, paragraph 11, clause 2§; also to paragraph 12 of the same report‖, and to Government of India's letter, paragraph 8¶, and I urged from the remarks there and elsewhere made that the conference was acting within its powers in suggesting the amendment proposed by Mr. Boxwell. Eventually the amendment proposed was carried (Mr. Henry and Mr. Nolan dissenting).

§ *Select Committee's report, chapter V., paragraph 11, clause 2.*—"We desire to learn if the Government of Bengal consider that in these exceptional estates any known fiscal or administrative area can be advantageously *substituted* for the area of an estate."

‖ *Paragraph 12 id.*—"Another matter connected with the definition of estate to which we desire to call attention is the provision in section 27 (*b*)."

¶ Government of India's letter No. 784, dated 5th May 1884.

"A preliminary question is raised by the Select Committee as to the definition of estate with reference to exceptionally large estates. These points should now be considered by the Government of Bengal."

8. With regard to section 28** it seems to be a question as to what would be the exact legal relation existing between the outgoing landlord of an estate, who, having bought the interest of a ryot with the right of occupancy in the estate, is sold out immediately afterwards for arrears of revenue, and the incoming landlord in respect of the aforesaid land, more especially should such land be in cultivation.

** *Section 28.*—If the landlord of a ryot having a right of occupancy acquires by purchase or otherwise the interest of the ryot, the occupancy right shall cease to exist, &c., &c.

The actual custom appeared to vary in different districts and in individual districts, and the point is one which is the source of many disputes and disturbances. Sometimes it is accepted that on the sale for arrears of revenue the outgoing landlord would *ipso facto* lose all interest in the land; at other times it would seem he developed into a non-occupancy ryot. The point is one which requires consideration, but we are not prepared to make a definite proposal.

9. *Section* 29 (1), (2).—We wish to draw attention to the wording of section 29 (2), which section seems to be badly put in the Bill:—"A person holding as an ijaradar or farmer of rents" could not in any conceivable way "*by such holding* acquire right of occupancy in the land." As the words stand they are unmeaning.

Section 29. (1).—A person holding as a ryot shall not be prevented from acquiring an occupancy right, &c.

(2) A person holding as an ijaradar shall not by such holding acquire a right of occupancy in the land, &c.

What seems intended is this:—"If an ijaradar or farmer of rents obtain cultivator's possession of any land inside the area of his ijara, no length of occupation of that land shall contribute to the growth of occupancy rights during the term of his farm."

With regard to sections 28 and 29. These seem to have been misunderstood altogether in the dissent recorded by the late Rai Kristo Dass Pal. The distinction is not as he supposes between a zemindar and other rent receivers, but, first, between a complete or sixteen annas landlord, whether he be a zemindar or a tenure-holder, and a partial landlord, or sharer; and, secondly, between a landlord who simply comes into possession of one of his ryot's holdings, and a ryot who happens also to have or acquire another interest in the land. As a ryot's right of occupancy means a right to hold under certain circumstances against the landlord, it goes without saying that where there is no ryot there can be no right of occupancy. There seems to be no objection to these sections if they are properly worded, when they will amount to this—section 28. If a complete landlord gets lawful possession of a ryot's holding, the ryot's right of occupancy of course ceases—29(1). If a ryot also becomes or is a partial landlord, there is no great reason why he should not acquire and hold occupancy rights against the other partial landlords—29 (2). There is every reason why a temporary landlord should not be permitted to use his lease to acquire permanent rights against the real landlord.

As regards again to the second part of section 29 (2), it might be very easily evaded by the ijaradar if he were to declare that he has not gained the right of occupancy as an ijaradar, but as a ryot cultivating the land for so long.

It would seem also that section 28* would be of very partial application as a remedy against occupancy rights being purchased by the proprietors of estates, as it meets the case of the sixteen-anna proprietor only, who is thereby prohibited from acquiring occupancy rights on land situated in his estate. Thus any person with a fifteen-anna eleven-pie proprietary interest, or even with a larger interest, provided it be less than the full sixteen annas, can, under the provisions of section 29 (1)† in its present form, acquire occupancy rights in any land in the estate. A large proportion of estates are not held in sole proprietorship, and the effect of section 29(1) would be that of occupancy rights being acquired wholesale by the proprietary body—a result not to be desired and obviously conflicting with the provisions of section (28). At the same time section 29 does not provide for the case of a ryot who, having acquired a right of occupancy on the land constituting his holding, subsequently acquires by purchase a share in the estate on which his holding is situated.

* *Vide supra.*

† *Vide supra.*

With the view of meeting these cases Mr. Henry suggested that section 29 (1) should be omitted, and the following words substituted:—"A ryot having a right of occupancy in land shall not lose it by subsequently acquiring a share in the estate in which the land is situated; but if any person jointly interested in the land as proprietor acquires by purchase or otherwise the interest of the ryot, the occupancy right shall cease to exist." On the other hand, Mr. Nolan drew attention to the position of certain maliks in Shahabad who were at the same time shareholders in the proprietary right of the village and occupancy ryots paying rent to the general body of village proprietors. He considered that it would be undesirable to deprive these men of their existing occupancy rights, or of the opportunity of acquiring them in future.

Mr. Forbes suggested that the difficulty would be solved by omitting 29 (1) and by inserting in section 28, after the word "landlord," the words "or part landlord," and after the word "otherwise" the words "except by actual cultivation," the object being to give rights of occupancy to actual cultivators without respect to the fact of whether they happen to be actual proprietors or not; the case of such persons is very different from that of proprietors who acquire the interest of ryot by purchase or transfer or otherwise than by actual cultivation. Mr. Norman objected that any provision enabling proprietors to acquire rights of occupancy in their estates must necessarily be tantamount to giving them the power of increasing their khamar lands—a result which would be undesirable and contrary to the principles of the Bill.

10. Mr. Nolan suggested an amendment to section 31(*a*), proposing to insert after the

Section 31 (*a*).—He may use the land in any manner which does not render it unfit for the purposes of the tenancy, but shall not be entitled to cut down trees in contravention of any local custom.

word "tenancy" the words "and also of less letting value than it was when used for that purpose." He said that the object was to give the occupancy ryot full and free use of his land, so that he should be allowed to put it to any purpose, provided that he did not diminish its present or prospective value, or the value of any other land in the neighbourhood. Thus he might not be allowed to make it into a brickfield, or to build a liquor shop on it; while there would be no objection to his building a sugar-mill, if he thereby increased the value of the land. The power to prevent what would increase the value of his property would, Mr. Nolan urged, be useless to the zemindar except for purposes of extortion. It seemed to me that the amendment would act harshly on the landlord, as the onus of proving two things would lie with him, first, that the land was being put to an unsuitable purpose, and, second, that the letting value was thereby decreased, and I pointed out that it is the *agricultural ryot*, for whose protection we wish to legislate, and not the ryot who converts an agricultural into a town holding; and this was the view taken by the majority.

11. In section 31 (*d*)* Mr. Nolan proposed the substitution of the words "but his interest in the holding may be sold" for "except in execution of a decree for ejectment passed." He thought that where an occupancy ryot used his lands improperly, or broke a condition of his lease consistent with this Act, his right ought not to be forfeited by his eviction, but that the landlord's remedy should be by obtaining damages in the manner suggested by section 170† of the Bill, and that these damages should be recoverable in the same way as rent. He argued that the payment of rent was the primary obligation of a tenant, and that, when the penalty of eviction was not attached to a violation of this primary condition, there could be no reason for its infliction for breaches of secondary conditions. He did not see why he should be deprived of the value of his occupancy right, provided that the loss caused to the zemindar by his default were made good, and he thought that there would be danger of vexatious suits for ejectment being brought if such were allowed. The conference supported this proposition, the Collector of Durbhunga alone dissenting, and expressing his opinion that not only ought the grounds of ejectment already specified in the section to be retained, but that an additional ground, *viz.*, the non-payment of arrears of rent in execution of a decree, should be inserted. He considered that the proposed amendment would deprive zemindars of the benefit of a most effectual incentive towards the payment of rent.

* *Section* 31 (*d*).—"He (the occupancy ryot) shall not be ejected by his landlord from the land except in execution of a decree 'passed on the ground,' &c."

† *Section* 170.—Relief against forfeitures.

12. Section 31 (*f*)‡ was then taken up and discussed at considerable length. Mr. Norman began by proposing that the sub-section should be altered so as to run thus: "The private transfer of an occupancy right to any person other than a ryot or actual cultivator shall have the effect of extinguishing such occupancy right." In this way Mr. Norman aimed at invalidating and so discouraging the wholesale purchase of occupancy rights by mahajuns or other land-jobbers. But Mr. Henry said the the mahajun is nine times out of ten himself a cultivator, and would thus evade the stricture proposed by Mr. Norman, who, on the other hand, said that his experience was that the land-jobbing mahajun was not often a cultivator, and further urged that his amendment would enable Government to enlist the zemindar on its side and so detect the mahajun who falsely represented himself to be a cultivator, while in reality a land-jobber.

‡ *Section* 31 (*f*).—His right of occupancy in the land shall, subject to the rights reserved to the landlord by this Act, be capable of being transferred and bequeathed by will in the same manner and to the same extent as other immoveable property.

Mr. Nolan thought that the real end was to prevent sub-letting, and that the danger of mahajuns and land-jobbers buying up occupancy rights was imaginary. His experience in Shahabad was that mahajuns did not buy up even guzashta rights, but that on the contrary occupancy rights were brought by good cultivators from bad and unsuccessful cultivators. The effect of the power to transfer was in itself, he considered, good, and amounted to the cultivation of the land getting into the best hands, which must be an advantage. "The successful cultivator buys, and the unsuccessful cultivator gets rid of the land," he found to be his experience.

Mr. Henry said that his own experience went to show that there is a real danger of non-agriculturists getting hold of the land if the right to transfer is recognized at all. His advice was that custom should be left alone and allowed to consolidate, and that at the same time private transfer should not be expressly legalized; and he accordingly proposed the total exclusion of clause (*f*) as an amendment on Mr. Norman's motion. The conference was fairly divided on this point, but ultimately Mr. Henry's amendment was carried, and Mr. Norman's lost by my casting vote.

13. We wish to draw attention to the word "immediately" in section 36 (*c*), and to point out that in the case of a landlord and thicadar, the former would thereby be barred from acting should the latter refuse to act. The thicadar might thus become a dead-lock.

Section 36.—For the purposes of the last four sections the term landlord shall mean exclusively either (*a*) a proprietor under whom *immediately* the land is held by the ryot; (*b*) a permanent tenure-holder under whom *immediately* the land is held by the ryot; or (*c*) any other tenure-holder under whom *immediately*, &c.

14. With regard to the section on pre-emption (sections 32 to 36), Mr. Norman moved that the

provision therein contained should be omitted from the Bill, as introducing a needless complication. He urged that if proper restriction on transfer be enacted there can be no possible ground for the provision, which must involve an amount of trouble and legal procedure injurious to the best interest of an agricultural community. Mr. Nolan, in supporting Mr. Norman, considered that the right of pre-emption by the landlord must greatly diminish the value of the occupancy right to the tenant wishing to sell; that it was something quite new and untested by experience, and ought not, in his opinion, to be introduced. He thought that great practical difficulty would arise, because the ryot would know nothing whatever about something so new, and sales would go on as before without it, and would be made invalid by section 32 (5)*—an objection, however, which Mr. Henry remarked would apply to any new law. The object, he argued, was to prevent the extinction of occupancy rights, while this pre-emption provision was brought in with the express purpose of killing those very rights which ought to be fostered. I was of opinion that the zemindars themselves did not seem very eager to secure the right, and that in some cases they might be compelled to exercise it again and again against their wills, and to their own loss. It was urged further that the zemindars would not have to exercise the right unless they chose, so that they could not be in a worse position with it than without it, and that they did not appear to lay much stress on the value of the right, because it was acknowledged to be a rather shadowy one. New settlers and rival mahajuns getting into a village often make endless trouble, and it was not clear why the old landlord should not have the right over them at least. The conference was again fairly divided on this question, and the motion for omission of pre-emption was carried by my casting vote.

* *Section* 32 (5).—If a ryot sells his occupancy right to any other person than the landlord without having filed the notice required by this section, or within the period of six weeks from the notice being filed, the sales shall be void as against the landlord.

15. Nolan said that section 34* assumed that the occupancy right might be mortgaged, and to this he entirely objected. He thought that mortgage ought to be prohibited altogether for he was sure that many a ryot who would not sell his holding would be ready to borrow on it when in need of even a few rupees for the celebration of a marriage or other ceremony; who, were he not permitted to raise money in this way, would simply do without it. The mortgaging system seemed to him to allow the money-lender to step in and involve the poor cultivator in deeper and deeper difficulties. He characterised the power to mortgage as most insiduous and dangerous in the hands of the cultivating class. I was of opinion that the ryots could do very well without the power, for, as a matter of fact, I believe very few regular mortgages, *i.e.*, with foreclosure, take place. Mr. Forbes and Mr. Vowell had dissented on the ground that by the prohibition of mortgage the ryot would be forced to sell in order to tide over temporary difficulties. Mr. Forbes further suggested, as a way out of the difficulty, the prevention of foreclosure, so that the mortgages would be converted into a simple sub-lease. Mr. Boxwell was unwilling to record any vote on the ground that mortgage was included in transfer, and it had already been decided to abolish section 31 (*f*) (*vide supra*), and by so doing to leave the question of transfer alone. Mr. Henry also preferred to allow mortgage and other forms of transfer of occupancy rights to be governed by custom as at present. When a ryot now requires money to tide him over any temporary difficulty, he is able to borrow it from the village mahajun, the money not unfrequently being lent on bond, and it is only when the amount due has become large that the mahajun demands as security a portion of the ryot's holding in mortgage. To decide that a ryot shall not be allowed to mortgage his holding would be to compel the mahajun, who may wish for security for the debt, to sue on the bond in order to get the ryot's holding put up to sale; whereas, under existing practice, he would have been satisfied with obtaining a mortgage over a portion of the holding as security. Section 97 allows the court no discretion, as it declares that a ryot's holding must be transferred as a whole. The result therefore of compelling mahajuns to sue for money due to them by the ryots would be to bring to sale innumerable ryoti holdings. Existing custom allows the ryot to make over just so much of his land as may be sufficient to furnish security for his debt, and with this the mahajun is satisfied. What useful end would, it was asked, be attained by compelling the mahajun to sell up the ryot's whole holding as the proposed amendment would practically have the effect of doing? The motion to prohibit mortgage was eventually carried by my casting vote.

* *Section* 34.—Where an occupancy right has been mortgaged by the ryot, &c.

16. We were of opinion that section 37 was simply impracticable, inasmuch as it depended entirely on registration, and there was no guarantee for its practical working, and we recommend that it should be expunged from the Bill.

Section 37.—If the portion of his holding, sublet by an occupancy ryot, *exceeds more than one-half* his holding, he shall, on being registered in a public register as a tenureholder under any Act which may be passed for the registration of tenureholders, be deemed to have become a tenureholder within the meaning of this Act: provided, as follows, &c.

The words "exceeds more than one-half" are an obvious tautological error.

17. In connection with section 41 * we agreed to record our decided approbation, but with the remark that officers at present registering under the Indian Registration Act are unfit to properly discharge the duties of registration under this section.

* *Section* 41.—Enhancement of rent by registered contract.

18. In considering section 43†, Mr. Norman moved that the words "enhancement" and "reduction" should be discarded. The old grounds of enhancement, *viz.*, the rate of rent being below the prevailing rate, and increase of the productive powers, he said, full and prolonged experience has shown to be absolutely unworkable, and clauses (*a*) and (*d*) simply repeat them. As regards clause (*b*) (rise in prices) prices perpetually vary and are far too unstable a guide for the purpose. Almost any conclusion desired might be twisted out of 15 years' price-lists. There is, moreover, no reasonable guarantee for the accuracy of such price-lists. He urged that the words of the Government of India's letter No. 7841, dated 4th May 1884, may be altered and applied to the case. The cost of cultivation is quite as important a factor as the price of produce, and if any one fact is clearly brought out on enquiry, it is the impossibility of ascertaining the cost of cultivation with any degree of accuracy. The evolving the true rent of land out of statistical data is a mere dream and delusion, which may look well on paper, but is impossible in practice. Any scheme drawn out on these plans must fail, if only on account of the multiplicity, complexity, and variety of the circumstances on which the true rent depends, which circumstances constitute a problem incapable of independent solution by courts of law guided by the rules of evidence. He also urged that there exists one standard and criterion in fixing a fair and true rent, *viz.*, the ascertained rate in the market, that is the rate which would be fetched by the land, if publicly offered for sale. The rate so ascertained is a rack-rent, and it would not be consonant with the principles of modern legislation to admit the exaction of a full rack-rent; consequently a reasonable reduction in favour of the ryot should be made; the rent so reduced would be the equivalent of the vague expression "customary" or "prevailing" rate. There need be no insuperable difficulty in obtaining the market rate, or it can ordinarily be established by the testimony of experts and by documentary evidence. He therefore strongly recommended that the words "enhancement of rent" and "reduction of rent" be altogether discarded as unnecessary and ill chosen expressions. *He would give either party the power of applying to the court under proper restrictions to fix a judicial rent.* These views, however, did not meet with the support of the conference. Mr. Price was of opinion that the grounds of enhancement in section 43 were very good. As regards enhancement on the ground of *prevailing rates* he was of opinion that its retention was most necessary. He stated that whatever cases of enhancement had been decided in Durbhunga, the basis of the decision had always been the prevailing rate, which, he thought, undoubtedly existed and could be evolved easily. There was no reason, he said, why a ground of enhancement which landlords had utilized, and which had been found quite workable, not only in ordinary zemindaries but in Government estates, should not be retained. In respect of enhancement on the ground of the rise in prices of food-grains, he admitted that materials for comparing prices during different quinquennial periods were not sufficiently ample or accurate; but this difficulty, he foresaw, would be lessened year by year and got over by improved accuracy and method in the compilation in every Collector's office of the agricultural statistics of a district. The remaining grounds he refrained from commenting upon as they would be limited in operation.

† Enhancement of rent by suit.

19. Mr. Boxwell was willing to accept the grounds given for guidance in enhancement, and he further proposed an accurate method of determining a fair rent through net profits. He disapproved of the idea of fixing any maximum—an idea which he considered entirely delusive, as it would fail to meet the worse cases. In cases of originally low rent followed by improvements not made by the tenant, the landlord would receive much less than he was in justice entitled to. It would, he admitted, do a great deal of good in medium cases. Mr. Boxwell thus stated his proposal:—" Let a rational rent be defined to be a portion of the surplus over cost of production of the gross product of the unit of area. As the poorest land pays no rent, and as the best land can pay very high rent, still leaving the cultivator a good profit, it follows that a fair rent is not a fixed but a varying part of the net produce, and that the rent increases as the land gets better. From these conditions it also follows that in passing from the best to the worst land in cultivation, a point will be found where the landlord and the tenant divide the surplus equally. If this point is very low down in the scale of fertility, the rent is very near the ideal limit of a rack-tent. If very high up, it is very favourable to the tenant. A high revenue authority could declare at what point this equal division should take place. The fertility should be expressed in terms of the cost of production. The simplest would be this—Where 'the total outturn' is three times the cost, let the surplus or two-thirds be divided equally: I would prefer a point slightly higher up and slightly less simple: where the total outturn is four times the cost, let the surplus or three-quarters be divided equally. Then let this half surplus thus fixed on be the unit of cultivation.

"To determine a fair rent for any quality of land, apply the following rule:—

" (*a*) Express the surplus in terms of the unit of cultivation.

" (*b*) Divide it then into square root and square, and let the ryot's share be square root, and the landlord's the square.

"The meaning of the rule is that as we sink below unity, squares diminish rapidly; and as we rise above unity, the squares increase rapidly; while all about unity squares are almost as their roots."

Mr. Boxwell laid particular stress on the adjustability of his formula. Mr. Nolan pointed out that the effect of this adjustability was that the rent desired might first be fixed and the formula adjusted to suit it. He considered the proposed scheme like other schemes based on the net produce—impracticable, but was ready to acknowledge that it was the best scheme of the kind that had been brought to his notice.

We are all of opinion that the proposal should be submitted in the report without any expression of opinion by the conference thereon.

20. Mr. Vowell suggested that (1) no rates of rent other than those fixed by decree of court should be considered in evidence of the "prevailing rent," unless they could be shown to have been current for five years, and (2) that, as in the letter of the Government of India, paragraph 13, it was stated that the object of the second ground of enhancement was to save the landlord the loss on the depreciation of silver. A far better criterion than price-lists would be the course of the exchange which could be easily ascertained in Calcutta, while local prices are determined by the quantity of produce in the market *and* the quantity of silver in the market, and the former might under certain circumstances counterbalance the latter.

21. With regard to sub-section (*b*) Mr. Henry pointed out that a rise of prices might be due to a falling off of outturn. He thought that the ryot very often lost as much by exhaustion of the soil, caused by constant cultivation, as he gained by a rise in prices. It is often said that land now, owing to unfavorable conditions of rainfall, does not yield as much as it did 25 years ago. Prices are to a great extent regulated by the amount of produce available for sale, and partial failure of the crops has a marked effect on that amount; for the ryot first puts by what is necessary for his own consumption and brings the surplus to market. Thus the rise in prices is out of all proportion to the actual failure of the harvests. Why, therefore, should a ryot, who has already suffered from a bad harvest, have to pay enhanced rent because there has been a concomitant rise in the prices of food-grains. At the same time, while admitting the force of these and similar objections, he would accept a rise of prices as a valid ground of enhancement in default of a better.

22. Mr. Forbes ultimately moved that to the section should be added the words "provided that the enhanced rent decreed on the grounds given in sub-sections (*a*) and (*b*) shall not in any case exceed one-fifth of the estimated average annual value of the ordinary produce of such lands calculated at the price at which the ryots sell at harvest time. In bringing forward his motion Mr. Forbes pointed out that in this way the landlord wishing to enhance his rent of his occupancy ryots would have to prove both that the original rent is below the prevailing rate and also that it is in itself an unreasonably low rent. There seemed to be no other effectual way of protecting occupancy ryots from a gradual enhancement of the "prevailing rate" until it will practically become rack-rent. Even the best landlords are gradually raising the rents of the lands on which the ryots venture to grow special crops year by year, on the principle of leaving to the ryot as small a margin of profit as will suffice for his subsistence. Mr. Forbes represented that even in the Hutwa Raj, belonging to one of the best and most liberally-minded landlords, he knew the rents of poppy lands being in many villages run up to Rs. 20 per bigha. Where a ryot by energy and industry, and specially by the full employment of the women and children of his household, succeeds in cultivating a specially delicate and valuable crop, it is surely fair that he and not his landlord should be allowed to reap the bulk of the reward. Mr. Forbes laid stress on the use of the words "such lands" for two reasons—(1) to prevent the ryots refusing to cultivate the best paying crops, which may, as a general rule, be taken to be the crops preferred by the body of his fellow cultivators; and (2) to prevent the landlord from immediately pouncing on a ryot who ventures to cultivate some other than the usual crop. As regards the supposed difficulty in ascertaining the value of the "ordinary" crops in any particular case, this, to a great extent, was imaginary. It will not be the preparing of statistics over a large area, with necessarily varying and conflicting results, but the question in each case will be localized to some particular village. The onus will be on the landlord: the ributting evidence with the ryot. Each side will be in possession of the full facts of the case, and the Court thus be in the best position to ascertain what they really are. He would further recommend that the trial of rent suits be restored to the revenue authorities, and satisfactory results would be still more readily obtained.

23. As regards the proportion of the maximum, Mr. Forbes was himself in favour of fixing it at one-fourth, but, in difference to the opinion generally expressed by us, altered it in his motion to one-fifth. Mr. Nolan pointed out that one-fifth was the proportion fixed in the original Bill, and that it was the more likely to find favour as it had already received support generally up to this the latest draft. The abolition of the maximum had taken place, Mr. Nolan said, since the original Bill, and he was strongly of opinion that it should be reimposed in the form of a fixed proportion of the gross produce. Some maximum in this form he (Mr. Nolan) considered imperative to meet the cases of rents already excessive. He pointed out that in many cases in both Bengal and Behar rents were excessive, and if no limitation were put on enhancement, even these would be enhanced on the ground of a rise in prices or the prevailing rate.

Mr. Price and Mr. Boxwell were entirely dissentient, and Mr. Vowell objected to it as expressed in terms of the gross produce. Mr. Norman reiterated his objection to the section

in toto but if the section was to be retained, he would be willing to vote for the motion on it. Mr. Nolan, in recording his vote for the motion, said that he would prefer to have it expressed exactly as it appeared in the original Bill.

24. Mr. Nolan, seconded by Mr. Norman, suggested that sub-section (*a*) should be abolished. Mr. Forbes said that he was willing to vote for the suggestion as an alternative in case of his own amendment not being adopted and acted upon by the Government. I supported the proposal made by Mr. Nolan for the reasons given by Mr. Reynolds in his minute of dissent on the report of the Select Committee for considering the retention of the prevailing rate as a ground of enhancement to be fraught with serious danger.* Mr. Price and Mr. Vowell alone dissented, and the Conference, in supporting Mr. Nolan's proposal, adopted Mr. Forbes' suggestion as an alternative, in case it should be determined to retain in the Bill the provisions as to the "prevailing rate."

* *Extract from Mr. Reynolds' minute of dissent.* "As agricultural holdings must from time to time fall into the hands of the landlords, and as the landlords are left free to let these out at almost any rental they may think fit to demand, it is evident that the prevailing rate will steadily increase, and that this rate will regulate the rents not only of tenants newly admitted to occupation, but of the general body of the tenantry."

25. With regard to clause (*b*), section 43, we considered that the word "food" before the word "crops" should be omitted, on the ground that some crops which are not *food* crops are subject to very slight fluctuations, while others which are food crops are subject to very great fluctuation. Mr. Nolan said that, as far as his experience went, opium underwent very few fluctuations, while very great fluctuations had taken place in rice and sugarcane. Mr. Henry said that in Champarun there were about 70,000 acres of indigo which statistics would show were affected by very little fluctuations, and indigo was not a food crop.

26. In connection with sub-section (*c*), on the subject of improvements as a ground of enhancement, we were of opinion that no definite limit could be set up as a maximum. In the case of taking up parts followed by great improvements made not at the expense of the tenant, the landlord would be entitled to a very large enhancement, a limit to which it would be quite impossible to fix.

27. In connection with sections 44(*a*) and 45(*b*)*, and with reference to the Government of Bengal's letter under reply, paragraph 10, clause 3, in which it is asked whether a more uniform rate of increase is desirable or not, we were of opinion that the rate should be assimilated. The ground for having any such limit on enhancement is that of sudden hardship, which would apply equally in both of these cases.

* *Section* 44(*a*).—The enhanced rent shall not exceed more than eight annas in the rupee (in the case of enhancement on the ground of the prevailing rate).
Section 45(*b*).—The court shall not enhance the rent so that the enhanced rent exceed the previous rent by more than four annas in the rupee (on the ground of a rise in prices).

28. The case of "deara" lands come in under section 47. The effect of the section would be unfair to the landlords, as in the case of deara lands the rent is often fixed at first at an exceedingly low rate, the result of fluvial action may be to increase the productive powers of the land tremendously, and an increase of only 25 per cent. might be as good as nothing to the landlord. We propose to strike out clauses (*a*) and (*b*).

Section 47.—Where an enhancement is claimed on the ground of an increase of productive powers due to fluvial action—
(*a*). The court shall not take into account any increase which is merely temporary or casual.
(*b*). The enhanced rent shall not exceed the previous rent by more than four annas in the rupee.
(*c*). The court may enhance the rent to such an amount as it may deem fair and equitable, but not so as to give the landlord more than half the value of the net increase in the produce of the land.

A further proposal to alter (*c*) by striking out the words "have the value of the net increase" and substituting the words "one-fifth of the gross produce" was met by the objection that then one-fifth of the gross produce would be treated not as a maximum rent, but as the general rate of rent, and the tenants of deara lands are, owing to the uncertainties incident to their tenures, frequently rather badly of. We also considered that the effect of the imposition of the limit of one-fifth of the gross produce would be ruin, pure and simple, to the landlord.

29. At the suggestion of Mr. Nolan we agreed to recommend that an explanation should be added to section 48, to the effect that under it the Court might consider any allegations by the ryot in his defence as to an increase in the cost of production, the fact that the rent sought to be enhanced under section 43(*b*) was excessive from the first, or that the prevailing rate to which it was sought to enhance under section 43(*a*) was excessive—allegations which, if proved, would be grounds for abatement—should be considered by the Court when alleged as a set-off or a defence in suit for enhancement.

Section 48.—The Court shall not in any case decree any enhancement which appears under the circumstances of the case to be unfair or inequitable.

30. With regard to the enquiry made in paragraph 10, clause 2, of your letter under reply, as to whether enhancement should be allowed out of Court in cases of increased prices or fluvial action, *to the same extent* as in Court, where the landlords claim in all its bearings, would be subjected to the closest examination under a judicial enquiry, we consider unanimously the answer to be in the affirmative.

Under section 41.

31. *Section 50.*—We wish to record our decided and unanimous approval of section 50.

Section 51.—Reduction of rent.

32. It would appear that an additional clause (*c*) should be added to section 51 as follows:—

"Where rent has been enhanced on account of a landlord's improvement, on the ground that this improvement has ceased to affect the land beneficially, or that the and lord's interest on the improvement has ceased." A case, Mr. Henry said, had occurred in the Chumparun district, which bore upon this. The Modhuban zemindar, at the suggestion of the Collector, spent a lakh of rupees in constructing a canal. His public spirit was rewarded by the bestowal on him of the sanad of Roy Bahadur, and he recovered through the court a satisfactory return for his capital in the form of enhanced rents from the lands beneficially affected. Subsequently, it was pointed out that the waters of a public river could not be passed into a private canal, and that consequently, unless the canal were taken up under the Land Acquisition Act, and made a public canal, troublesome legal complications were likely to ensue. The Modhuban zemindar agreed to waive all claims to proprietory interest in the canal, on the Government repaying him with interest the money expended on its construction. This the Government agreed to, and the control of the canal passed into the hands of the Irrigation Department, who may be of opinion that water-rates should be levied from the cultivators using the water for irrigation, while the ryots would very naturally urge that they have already been paying for the water in the form of enhanced rents. Such a case as this would seem to render some addition of the kind suggested by us highly necessary.

Section 52.—Commutation of rent payable in kind.

33. There seems to be an inconsistency, which we think it advisable to note, between section 52, under which the preparation of lists of *prices at harvest time* is spoken of, and the sections on enhancement where the expression *average prices* is used.

34. In connection with the remarks made in paragraph 14 of your letter, we would point out that price-lists are not *averages*, but lists of prices prevailing at particular places. The information given by the Collectors of the several districts with regard to price-lists wil be found among the appendices.

Section 58.—The commutation of bhaoli into nakdi.

35. Mr. Boxwell proposed that the commutation of bhaoli into nakdi should not be permitted without the consent of both parties. He argued (*1*) that the bhaoli system was admirably suited to meet the case of a bad agricultural year; (*2*) that it tended greatly to the encouragement of improvements such as 'gil-andazi' by the landlord; (*3*) that it had become restricted to parts of the country specially suited for it; (*4*) that under it there was found to be much less exportation of food-grains; and (*5*) that the very natural feeling existed that the majority should not be forced by the minority. Further, he stated it to be his experience that the bhaoli system was more popular in his district than the nakdi, with both landlords and cultivators.

There was a divergence between the opinions on this point of Mr. Boxwell and of Mr. Nolan Mr. Nolan said that the effect of the nakdi system, as compared with the bhaoli, was plainly to increase the industry and gross produce of the country, and that therefore the question was not one of landlord and tenant, but one of national importance. Bhaoli lands were, he observed, always badly cultivated, as the tenant had but half the incentive to industry given by the nakdi system. If by extra diligence and labour he were to increase the production of his lands by an outturn of four maunds, he would, under the nakdi system, reap the whole advantage, while under the bhaoli he would gain only half the increase, the other half going to the landlord. He had observed that the commutations of bhaoli effected in Shahabad were invariably followed by better cultivation and increased production, and therefore the country had an interest independent of the parties in securing the conversion. All necessity for the landlord's interference in the matter of irrigation had been obviated in a great part of Shahabad by the construction of Government canals. His local inquiries in the district had shewn that the cultivators were in favour of the commutation, and they had frequently begged him to do what he could to have it effected. The matter should not be left to the zemindar, who probably would not make the commutation at once, even though no loss would thereby arise to him, excepting probably to make much more out of it by-and-bye. The Legislature should therefore afford special facilities for it.

Mr. Vowell said that the bhaoli system prevailed on risky lands, the ryots on which werd naturally dead against the commutation. The conversion under the terms of 53 (4) (*a*) woulf be inapplicable to the Patna district, as the lands settled in bhaoli and those in nakdi were ot dissimilar qualities. He objected to sub-section (*b*) on the ground that the accounts musl come from the landlord.

I for my part would press for the retention of bhaoli in districts like Gya, which are specially suited for that system, but am prepared to agree in favour of the commutation in such districts as Shahabad, in which circumstances, as Mr. Nolan has pointed out, have altered, and the cultivators are themselves eager for it. The conference supported me by taking this view of the matter, and throwing out Mr. Boxwell's proposal by five votes to three. We agreed on the proposal of Mr. Nolan that, after the words "ten years" in sub-section 4 (*b*), there should be added the following: "or during any shorter period for which returns may be available, with a deduction not exceeding 25 per cent. in consideration of the tenants taking

the whole risk of cultivation, where such a deduction seems reasonable;" and further that a clause (c) should be added, containing these words: "The expenditure of the landlord on water-rates or on the maintenance of village channels, &c., under the system of rent in kind, and the arrangements made on commutation for creating these changes."

36. In connection again with section 53 (1) we agreed, on my casting vote, to the proposal by Mr. Forbes that after the word "apply" in section 53 (1) there should be inserted the words "for special reasons." It seemed distinctly dangerous to interfere with long existing customs without having good and full cause shewn; and we were of opinion that the section as it stood would give too absolute a right to the party desiring the commutation.

37. Mr. Boxwell was anxious for the omission of section 56* from the Bill, his object being to equalize the rates for occupancy and non-occupancy ryots by causing all courts to refuse to grant in *any* case a decree for a rent other than a fair and equitable one. The proposal was strongly objected to by us, partly on the ground that if our suggestions previously made be adopted, sufficient safeguards had already been suggested, and partly on the ground that it seemed to us to be useless, as urged by Mr. Henry. to ignore the fact that there must be, with reference to certain lands, a competitive rate of rent, Mr. Boxwell could not see why, when the question of a competitive rate of rent was not raised in the case of occupancy ryots, it should be raised in that of non-occupancy ryots. But though we consider that the objection taken by Mr. Reynolds to this section, on the ground that it could be used as a lever for enhancing the prevailing rate, and thereby screwing up the rents of occupancy ryots, was no doubt of the greatest importance, as we had recommended that the prevailing rate should not find a place among the grounds upon which an occupancy ryot's rent could be enhanced, the objection had practically been met. Section 56 was the zemindars only competitive rate, and if the Legislature were to prescribe and define the limits of the initial rental which a zemindar could demand from a non-occupancy ryot, it was quite certain that he (the zemindar) could and would find means to evade the provisions of the law. Where several persons are anxious to enter on a piece of land, none of them having an actual right to possession, it seems inevitable that the rent the zemindar will receive will be regulated by competition. If the law enacts that this rent shall not exceed a particular limit, the zemindar will accept a *salami*, the amount of which will be the result of competition. It has also to be considered whether it is desirable to compel the zeminder to cultivate through his own servants all his khamar land, and such lands as he acquires possession of under the pre-emption clauses of the Act, by abandonment of holdings, and so forth. If he be allowed to make terms with the in-coming ryot, he will be ready to let out these lands, and an opportunity is thereby afforded to the ryot of acquiring an occupancy right in some part of them. If, on the other hand, the law prescribes condition and limits, which render it impossible for the zemindar to let his lands profitably, he will cultivate them himself, and sell the produce, and in this latter case the non-occupancy ryot will be worse off than if he had been paying heavy rent. The proposal for compensation for disturbances (by Mr. Nolan) would have its effect as regulating the initial rent.

**Section 56.*—Initial rent of non-occupancy ryot.

38. Under section 58(c),* Mr. Nolan said that he was afraid that, if the power therein conferred on landlords should be yielded to them unrestricted, they would boldly make use of it. Zemindars who had interviewed him on the subject had indeed said as much. The non-occupancy ryot would thus run the risk of becoming a vagabond ryot, condemned to move on every ten years. He proposed a remedy on the lines of the Irish Land Act, to the effect that in cases of eviction, to prevent the accrual of occupancy rights provided for by the law, the ryot should get compensation for disturbance and for unexpended improvements. This was the only remedy he could suggest: but he was of opinion that, unless some such provision were introduced, there would be a want of unity in the Bill, and the provisions of section 60(7)† would be entirely neutralised, not only in the way indicated in the Government of Bengal's letter, but by giving leases for periods of less than twelve years. Mr. Boxwell thought that the best remedy would be to assimilate the rates for occupancy and non-occupancy ryots. Mr. Forbes argued that, if registered leases were provided for, they ought to be literally followed. It was a contract into which both parties entered with their eyes open, and he saw no necessity for ignoring its terms and making the proposed provision. Mr. Henry thought that Mr. Nolan's proposals afforded the amount of check required, and the same opinion being expressed by the remaining Collectors, the proposition by Mr. Nolan was adopted.

**Section 58.*—Grounds of ejectment of non-occupancy ryot. (c) When he has been admitted to occupation of the land under a registered lease on the ground that the term of the lease has expired.

†*Section 60 (7).*—If the ryot agrees to pay the rent so determined, he shall be entitled to remain in occupation of his holding at that rent for a term of five years from the date of the agreement, but on the expiration of that term shall be liable to ejectment under the conditions mentioned in the last foregoing section, unless he has acquired a right of occupancy.

39. We notice that no provision has been made in section 58 for ejecting a non-occupancy ryot who does not hold under a registered lease, except on the grounds of his failing to pay rent, if he refuses to pay a fair and equitable rent determined under section 60, or uses the land in a manner which renders it

(1). *Section 60.*—Conditions of ejectment of non-occupancy ryot on ground of refusal to pay enhanced rent

(2). *Section 59.*—Grounds of ejectment of non-occupancy ryot.

unfit for the purposes of his tenancy, &c. An instance of a case in point was cited, which is not of uncommon occurrence in indigo districts, where the planter allows the ryot to take one crop free of rent off a portion of his indigo land, the ryot being at the trouble of carting seed and manure to the land. The arrangement is one that suits both parties, as the ryots gets a bumper crop off the heavily manured land, and the planter gets his land manured without being at the expense of carting the manure to it. Under the provisions of section 58 as they stand, should the ryot refuse to leave the land after cutting his crop according to the terms of the agreement, the planter has no means of recovering it. Mr. Henry, therefore, proposed that in clause (c) for the words "under a registered lease" should be substituted the words "under a lease or other agreement." The proposal was carried, Mr. Price recording his dissent for two reasons: (1) that he had supported Mr. Boxwell's proposal to expunge the section altogether, and so to place occupancy and non-occupancy ryots on the same footing; and (2) that it was in the contemplation of those who framed the Bill to do away altogether with the ejectment of non-occupancy ryots, on the ground of expiry of lease, save and except in the case of registered leases.

40. In connection with section 59,* it would seem that, if a landlord should by any omission fail to serve notice not less than six months before the expiration of the term provided, or to institute the ejectment suit within six months after the expiration of that term, he would be indefinitely precluded from taking advantage of the proceeding for ejectment provided. This does not seem to have been contemplated, and we therefore desire to draw attention to it.

Section 59.—Conditions of ejectment of non-occupancy ryot on ground of expiration of lease.

41. With reference to section 60 (7),* we were unanimously of opinion that khamar lands should be excluded from the provisions of the chapter, so far as its provisions tended to give non-occupancy ryots the right of remaining in possession of the landlord's private land against the will of the latter. It seemed to us that the landlord should have an absolute right to eject a tenant from any portion of such land without payment of any compensation for disturbance on expiry of the term of the lease, or at the end of any agricultural year, should no lease exist. In such cases we suggest that six months' notice might be required. Under section 60(7) as it stands, the non-occupancy ryots would be enabled to remain in possession of khamar lands against the landlord's will.

Section 60 (7).—If the ryots agree to pay the rent so determined, he shall be entitled to remain in occupation of his holding at that rent for a term of five years from the date of the agreement, but on the expiration of that term, shall be liable to ejectment under the conditions mentioned in the last foregoing section unless he has acquired a right of occupancy.

42. Mr. Boxwell proposed to strike out the remainder of section 62* after the words "more than he himself pays." He thought that the tenant should only be permitted to save himself from loss, or extricate himself from difficulties that might arise temporarily by sub-letting, but that he should not be allowed to make any profit. The necessity for allowing sub-letting so far be granted, but no further, and he continued to hold by the opinions stated by him on the same subject at the last conference. "I myself think," he then stated, "the sub-letting powers the most doubtful and only dangerous part of the Bill. The great object is to secure the cultivator his occupancy at a fair rent, to be transmitted to his heirs as long as the family can last. I see no good in sub-letting. As far as an occupancy ryot is a rent-receiver, he is one of the objectionable class of land-jobbers. His under-ryot is the important man." It seemed to me that it would be altogether impracticable to put a stop to sub-letting altogether, and I drew attention to Mr. Gibbon's remarks in Chapter V of the Bill in his minute of dissent. "As long," writes Mr. Gibbon, "as there exists a class of people craving for the possession of land, and poorer than the people in possession, or a class who can put the land to more profitable use than the persons who at present hold it, or as long as the line which divides an usufructuary mortgage from a sub-lease remains undefined, *sub-letting will be practised.*" Mr. Boxwell urged that he did not wish to prohibit sub-letting altogether, but to discourage it with restrictions. I pointed out that these restrictions would certainly have the effect of a prohibition in the case of such men as the guzashtadars of Shahabad—men who for ages have held land at fixed rates much below what they could have afforded. A hard-and-fast rule of the kind proposed, subverting the whole order of existing things, seems to me quite impracticable.

* *Section 62.*—The landlord of an under-ryot holding at a money-rent shall not be entitled to recover rent exceeding the rent *which he himself pays* by more than the following percentages of the same, namely, (*a*) when the rent payable by the under-ryot is payable under registered lease or agreement, fifty per cent.; and (*b*) in any other case, 25 per cent.

43. Mr. Forbes brought to our notice that he saw no objection to sub-letting at enhanced rates, provided that rack-renting were prevented, and in order to attain this object, he thought that it should be allowed only in cases where leases were executed for seven years. Mr. Nolan, on the other hand, represented that tenants holding as under-ryots at fixed rents should be placed with regard to rates of rent and rights of occupancy on the same footing as ryots holding under tenure-holders, and suggested that, after the word "namely" there should be substituted for the remainder of the section "fifteen per cent." This percentage would just cover the expenses of collection, and so forth, but would not be sufficient profit to encourage persons to make a business of sub-letting, a result which a percentage of 50 per cent., if allowed, might have.

In discussing the question, we took into consideration the fact that the difference in the

percentages allowed in the case of registered leases and unregistered leases was evidently made with the view of encouraging registration, and that it was extremely desirable to have leases registered as much as possible so as to bring them under control; and we also gave consideration to the fact that the limit of 15 per cent. might be too low, and that *salamis* would be brought into practice to raise the profit so limited. As regards the latter point, that of *salamis*, we were aware that it was only a trick sometimes introduced to defeat the provisions of the law, but its introduction could not be considered as any reason for our not proposing legislation in the proper direction. Mr. Nolan's proposal was carried by my casting vote, Mr. Boxwell and Mr. Price refusing to vote on it, on the ground that it was based on a wrong principle, and that they were unwilling in any way to countenance sub-letting.

Chapter VIII.—General provisions as to rent.
Section 64.—Rules and presumptions as to the fixity of rent.

44. On considering the question in paragraph 13 of your letter as to whether, "with regard to the twenty years' presumption of section 64, clause (2), a fixed proportion of the crop can be fairly considered, having regard to the rise and fall of prices as the natural and equivalent antecedent of a money rent invariable over a term of years," we were of opinion that a fixed share of the produce could in no sense be deemed the equivalent of a fixed rent. A fixed share of the produce gives the landlord most of the ordinary enhancements as occasion arises, while a fixed rent means precisely a rent which does not give the landlord such enhancement, as shown by Mr. Field in his Digest, page 203. On this point Mr. Boxwell was of opinion that bhaoli should be left alone to be governed by custom as heretofore. This, however, I thought would be unsafe, as the point would without doubt be raised after the passing of the Bill, were it to be left indefinite. Finally, we came to the unanimous decision that the twenty years' presumption should apply to bhaoli lands only so long as they remain bhaoli, and should be allowed as a plea in a suit to raise such rents to a higher proportion of the produce on the ground of its being below the prevailing rate.

Section 64 (2).—Twenty years' presumption.

45. In connection with your enquiry in paragraph 6 of your letter, as to whether the presumption embodied in 64 (2) should be retained or not, and as to whether landlords really experience any practicable difficulty in rebutting it, if unjustly pleaded, Mr. Nolan pointed out that a difficulty would probably arise through the landlords refusing to enter the year on receipts for rent in order to make the establishment of the presumption more difficult. The chief objection urged against the presumption was the usual one, that on transfers of property, particularly at auction sales, it operates harshly against the purchaser who is placed at a disadvantage compared with the former owner in rebutting the presumption. In the Patna district, on a reference being made to the Government Pleader, who was a member of the Behar Landholders' Association, no instances in which the presumption had worked hardly on the landholders could be brought to light. It did not appear how the presumption could tell unfairly on landlords, as it had been started in 1859, *i.e.*, twenty-five years ago; all landlords must have become acquainted with its existence, and had had ample opportunity for defeating it by raising the rents or even by lowering them slightly with that object. Taking these things into consideration, we are all in favour of retaining the presumption as it stands in the Bill.

46. With regard to section 70, forms of account, &c., none of us had any better suggestions to give.

Section 73 (*b*).—When a tenant has reason to believe that, owing to ill-feeling or dispute, the person to whom his rent is payable will not be willing to receive it, he may deposit, &c.

47. With regard to section 73 (*b*),* it seemed much too vague; and if it were retained, it would be absolutely necessary to have some sanction, such as that imposed by affidavit, in the case of a tenant making false allegations. A troublesome tenant might pay into Court simply to annoy his landlord, and as the section stands, he might do so with perfect impunity. On the other hand, it was thought that paying even into Court should be encouraged by all means as tending to prevent riots; but again there was the further consideration that the tendency might be in the other direction, as the tenant, by depositing the rent in Court, so to speak, throws down the glove to the landlord and declares hostilities. Mr. Nolan remarked that the existing law under which affidavits are enforced does not make the ryot tender his rent to the landlord, but merely makes him affirm that he has done so, thus producing endless perjury. Mr. Norman said that it was quite unnecessary to cut out the sub-section, as the existing law provided for cases of false statement made by a person examined under section 74. After much discussion the proposal to omit the section was adopted by the conference by my casting vote. In connection with this, I would draw attention to the provisions of the Bill in regard to distraint as they stand in sections 139 and 140. By clause 2 of section 140, the landlord is distinctly made liable for giving of false evidence upon the application required of him. I fail to see why the provisions should be retained for the zemindar, while it is not made incumbent on the ryot.

48. With regard to section 88 (3), Mr. Nolan moved that after the word "produce" be inserted the words "from the threshing-floor," and that the words "appraisement or" should be omitted. He thought that the sub-section would revive the abuse of forcible resistance to the cutting of crops. The landlord would send men to prevent the harvesting, and, if brought for such act before the Magistrate, would reply that he was merely preventing the ryot from doing what he had no right to do. As long as the sub-section remained, he was convinced no

Magistrate would convict for such an act, even though of opinion that the zemindar was not acting in good faith. He proposed to leave the ryot free to cut his crop, as at present, subject also, as at present, to the danger of being cast in excessive rice rent in case of failing to procure an appraisement. We were all of opinion that the proposal should be recommended.

49. In connection with the subject of improvements under Chapter IX, the Conference, at Mr. Nolan's suggestion, recorded its dissent on the statement of the late Hon'ble Kristodus Pal, that in these provinces, except where the bhaoli system prevails, improvements have been generally made by the landlord. Mr. Norman said that he had never known of improvements effected by a landlord; in every case, in his experience, it was the tenant who made the improvements. In Shahabad, Mr. Nolan found comparatively few instances of improvements by landlords, and during eight years' residence in the Pubna district, he had not seen a single instance, although the district included the estates of some of the most liberal landlords, who nevertheless seemed to regard agriculture as something with which they had no concern.

CHAPTER VI.

50. *Improvements.*—Mr. Henry was of opinion that it was desirable to empower revenue officers to arrange for the cutting of distributary channels, the distribution of water, and so forth, these powers being necessary to enable the authorities to assist the cultivators to get water at times when, owing to the failure of the rainfall or to other causes, the outturn of the harvest should be endangered. He accordingly proposed the following rules suggested to him by the experience of the past year. These did not pretend to be comprehensive, and would not apply to extensive irrigation schemes, being intended only to meet the case of village schemes. If approved of, they might be amplified and rendered of more general applicability. Nor were they intended to apply to schemes provided for by special Acts. They had worked well in practice, and if promulgated would enable the revenue officer in Chumparun to effectually secure nearly half the area of the district from the evil effects of deficient rainfall.

The revenue officer should, on the application of any persons interested, be empowered to construct a bund across any river, the water of which is required for irrigation purposes, and to distribute the cost of construction among the occupiers of land benefitted by it. In practice the bund is usually constructed by the voluntary labour of the villagers interested, but it would be as well to have a provision enabling the revenue officer to deal with exceptional cases. The revenue officer should be empowered to acquire the land requisite for the distributaries, with a right of immediate entry. In awarding compensation for the land so taken up, a summary award by a local punchayet, nominated by the revenue officer, should determine the injury done to any standing crops and its money value, the cost of the land taken up being paid by the occupiers of the lands benefitted, as also protection charges, such as the pay of chowkidars appointed to see that the *bund* and distributaries are not cut. The revenue officer should have sole control over the distribution of the water, any person disobeying his orders in this respect being made liable to the penalties prescribed under section 426, Indian Penal Code. It was absolutely necessary, Mr. Henry thought, in the interests of the majority, to have the distribution of the water controlled, otherwise individual interests would so conflict as to mar the efficiency of the scheme. In practice, he found that the great difficulty experienced in successfully working these irrigation schemes was that of preserving the distributaries uninjured, the occupiers of the land through which they passed being anxious to get the water as quickly as possible, and cutting the distributaries in order to do so without delay. In this way the supply destined for more distant fields was diverted, and the general utility of the scheme greatly impaired. The revenue officers should further have the power to order the demolition or the cutting down to a particular level of any bund, or the construction of an escape channel. These powers were necessary to enable him to prevent such damage as might result from the sudden flooding of the river bunded, a casualty of frequent occurrence in hill streams, which rise suddenly, and which, if completely obstructed by a bund, would spill over the country and cause considerable damage. So long as the bund is kept below a certain height, or an escape channel weir of adequate carrying capacity is provided, no harm can result.

These powers the revenue officer would require to extend the benefits of irrigation to villages lower down the stream. When water has been given to villages in a particular locality, the revenue officer should be empowered to divert the full volume from these villages to villages lower down, and this could be effected, either by having an escape channel, or by cutting down the bund to a certain level.

51. Mr. Nolan agreed to the scheme proposed, insisting at the same time on the revenue officer's proceedings being subjected to the sanction of the Commissioner. The scheme as it stood made the Collector or revenue officer a dictator, and he thought it necessary that it ought to be limited to times of famine or drought, local or otherwise, and that in each case the revenue officer should be invested with special powers. The scheme, moreover, was insufficient for larger works, such as bunding a large river, for which a considerable sum of money was necessary; and to meet such cases he proposed that the principle embodied in the Bengal Drainage Act (VI of 1880) should be extended to irrigation. Mr. Nolan's proposal will be found in appendix B.

Mr. Norman was not in favour of Mr. Nolan's proviso, and considered that a summary

remedy was absolutely necessary, delay being the thing to be especially avoided in such cases. He agreed to Mr. Henry's scheme, but at the same time had one of his own, which he desired to put forward. He stated that with reference to the circumstances of the Mozufferpore district, where the land is held by ryots and petty zemindars, much difficulty was experienced in obtaining water for irrigation in times of drought. Water was stored up in jheels and small hill streams, but the want of unanimity among zemindars and ryots rendered it impossible for them to combine sufficiently to construct the necessary weirs and irrigation channels. Quarrels very frequently arose, and in the interests of the agricultural community, it was very desirable that revenue officers should be empowered to take up and adjudicate upon questions arising in connection with such cases, with reference to which summary and immediate action was imperatively required. The Collector's summary orders might be rendered liable to revision by means of a regular suit in the civil court.

It was pointed out that provisions for summary action in cases of disputed right are contained in the Criminal Procedure Code, and the general opinion seemed to be that Mr. Henry's scheme, together with these provisions, quite met the case, and deserved our recommendation.

52. In considering section 90, Mr. Henry suggested that non-occupancy ryots should be allowed to construct wells without the landlords' consent. He failed to see what good reasons a landlord could have for refusing to allow what could not be anything but a distinct improvement. Mr. Nolan supported this, and said further that he was inclined certainly to permit every tenant, whether occupancy or non-occupancy, to improve his holding. It was thought that section 90 (2) would quite meet the case, but this was answered by the consideration that that section would doubtless be quite impracticable for the purpose, as the ryot would never be bold enough to serve the requisite notice on the landlord. Deliberately to deprive the tenants of the right which at present they have for defending themselves against famine and such calamities was to be deprecated most strongly, and this view was adopted by the conference so far as the sinking of wells was concerned.

53. Under section 91 we desire to suggest that the words "or tenant" should be inserted after the word "landlord."

54. We would wish to omit section 94 (e) as we do not recognize the justice of the principle that courts should diminish the compensation due to a tenant for an improvement, on the ground that he has had the benefit for a long time at an unenhanced rent. Such a principle would seem to assume that after a certain time the landlord should have the full right to the work executed by the tenant.

55. Mr. Norman thought that the presumption in section 95 (3)* was unfair and unwise. The probabilities were not sufficiently strong to warrant its being raised, as a ryot might very well have at the same time two different holdings under the same landlord in the same village. This did not receive the support of the majority, but Mr. Norman desired to have it recorded.

* *Section* 95 (3).—The court shall presume, until the contrary is shewn, that such notice (of surrender) has been given (a) if a ryot takes a new holding in the same village from the same landlord during the agricultural year next following the surrender.

56. In answer to the question raised in paragraph 11 of your letter we were inclined to the opinion that section 96, so long as the present wording was adhered to, contained nothing dangerous to the interests of the ryot; and Mr. Forbes thought that too much protection was thereby afforded to him, and proposed that in sub-section (3) the term of two years should be changed to that of one year—a proposition which was carried by my casting vote.

Section 99.—Landlord's right to measure land.

57. With regard to the landlord's right to measure land, provided for in section 99, and the enquiry made in paragraph 21 of your letter as to whether the power should be extended to *all* lands, lakhiraj included, and whether the measurement should extend to a survey of internal details or only of external boundaries, Mr. Nolan was of opinion that rent-free lands should be exempted, as the landlord could have no concern with them; but it seemed to us that the landlord has a distinct concern in the measurement of rent-free lands, in order to ascertain whether the amount of land actually held rent-free corresponds with the amount for which the sunnud has been granted. We further resolved that external details, provided that they included the boundaries of detached plots, would be quite sufficient, and that internal details should not be allowed.

With regard to the limitation of the number of times measurement should be allowed, we thought it necessary to call attention to the case of bhaoli lands, in which annual measurement is not only customary, but also necessary, and to recommend that an exception should be inserted to meet the cases in which rent is payable in kind, and annual measurement is necessary in order to ascertain such rent. Mr. Price was inclined to think the insertion unnecessary, as such cases seemed to be provided for in clause 2 (b) of the section, which makes an exception of cases where the area under cultivation is liable to vary from year to year, and the rent payable depends on the area of cultivation. This clause does not seem to me to meet fully the conditions of a "bhaoli" holding.

Section 101.—Standard of measurement.

58. In connection with section 101 and paragraph 21 of your letter, enquiring (2) whether the measurement should be made according to the officially determined local pole, con-

version into the English measure being subsequently had, or whether the process should be reversed, we were unanimous in thinking that measurement should first be made according to the local standard, with which the ryots are acquainted. The latter would be certain to regard with suspicion and discontent measurement in a standard unknown to them, and any number of subsequent conversions to local standards would fail to dissipate their misgivings. Mr. Norman thought that a bigha of 14,400 square feet was not a very suitable land measure for Behar and Orissa, the local bigha in Behar being very various, and the settlement bigha in Orissa being equivalent to one acre; and he recommended the universal adoption of the English acre.

Sections 102-109.—Managers.

59. We were strongly of opinion that sections 102-109 inclusive were an invasion of private rights, and that they should be expunged from the Bill. Mr. Henry, however, wised to record his dissent, as he was in favour of retaining the sections, but thought at the same time that the powers of a manager should be defined and restricted.

CHAPTER X.

Record of rights.

60. Mr. Price called attention to paragraph 19 of the Government of India's letter in which the point is raised as to whether the powers conferred or conferable on the revenue officers charged with the preparation of the record of rights are sufficient for the purpose in view, and said that he considered them manifestly inadequate as regarded the power of compelling attendance. The only penalty was one of imprisonment conferred by an old Regulation (VII of 1822), which he did not think officers would care to bring into use. He urged that special provisions should be made. But we think that the provisions contained in this chapter and in section 223 of the Bill, which makes the local Government competent to confer certain powers, together with those contained in the Code of Civil Procedure, are quite sufficient for the purpose.

Section 111.—Particulars to be recorded.

61. In answer to your enquiry in connection with section 111 we would suggest that "the instalments and rates of rent" should be inserted to complete the list.

Section 114.—Procedure in case of dispute as to entries in record.

62. We propose to omit from section 114 all after the words "under this Act," as we are of opinion that revenue officers should not follow civil but revenue procedure. The former is somewhat complicated and has not been used hitherto in other cases with which revenue officers have had to do.

Section 118.

63. We would likewise recommend that sub-sections (5) and (6) of section 118 should be altered so as to make the proceedings under them correspond to ordinary revenue procedure.

64. Mr. Nolan and I are strongly of opinion that sections 177 to 120 inclusive should be omitted from the Bill. Why these sections have ever been introduced into the Bill does not seem clear, as the zemindars certainly did not want them, nor did the ryots. The majority of the conference, however, thought it unnecessary to expunge the sections, as they were merely permissive, and would arise in only very exceptional cases. It certainly seems to me that the only reason given in the Select Committee's report for adopting these provisions is not sufficient. The difficulty mentioned is an unfortunate consequence of the permanent settlement, which is no reason for throwing especially heavy extra duties on Government officers for the benefit of a new incoming zemindar. The cases must be very exceptional, and in such there is nothing against the Government taking executive action to assist a zemindar of any very large estate with the aid of especial officers.

65. We were of opinion that the provisions under section 115 were quite unnecessary and would entail great expense and an increased staff. It seemed to us that there was no reason why the Commissioner and the Board of Revenue—the ordinary tribunals of appeal from the orders of revenue officers—should not use their appellate power in such cases.

66. The words "should have regard to" in section 118 (4)* should, we suggest, be altered into "should be bound by," and the words "provided that he does not alter rents except to the extent and on the grounds sanctioned by this Act" should be added. The former seems to be really a clerical error.

* *Section 118 (4).—For this purpose (i.e. settlement of rents) we shall presume that the existing rent is fair and equitable, and shall have regard to the rules laid down in this Act for the guidance of the civil courts in settling rents*

CHAPTER XI.

Table of rates.

67. In considering chapter XI in connection with the Government of India's enquiries in paragraph 22 of their letter, Mr. Nolan said that he thought that to fix rates in the abstract, leaving the civil courts to apply them to specific lands, seem to be a very objectionable form of procedure. It would be a case of putting the cart before the horse. Mr. Boxwell and Mr. Price said that with respect to their districts, the provisions of this chapter would be simply unworkable, and the unanimous opinion was in the same direction.

68. With regard to the Government of India's enquiry in paragraph 2, clause 1, as to whether it would be desirable to empower revenue officers to arrange for the cutting of irrigation channels, the distribution of water, and the payment of compensation, the opinion of the conference was in the negative.

69. In paragraph 19 of your letter we are advised to obtain the opinion of the indigo-planters of such a district as that of Sarun. The Collector of Sarun accordingly stated that the point was of no importance to the planters of his district, as all irrigation was from the distributaries from the Gunduk, the whole of which had been taken up by the Government and brought under the operation of Act III of 1876.

70. The question of *bastu* lands, called attention to in paragraph 12 of your letter, was next discussed, and information asked for. Mr. Boxwell considered that provision should be made in the Bill that every ryot of a village should have a right of occupancy in his "bari" and "bari lands." This, he said, would simply strengthen the present position of the ryot in this respect, as his experience was that, although landlords are supposed to have the right to eject ryots from their "bari" and "bari lands," it was a right they really never used; at the same time it was a right which he thought they ought not to have the power to use. Mr. Vowell stated that he knew of no instance in which the right of occupancy in bastu lands could be acquired. The invariable practice seemed to be that the malik gave the materials or "amla," which were occasionally sold by the civil court, while the site always reverted to the malik. A rich ryot wishing to build a "pucca" house would have to take a pottah from the malik and pay rent. A poor ryot who has lost his jote would have to pay rent for his house either in cash or in "bagari" like artizans and gowalas. Mr. Price's experience in Durbhunga and my own experience generally correspond with Mr. Vowell's. Mr. Nolan said that the custom in Shahabad was that homestead lands were held rent-free. As the ryot got no income from them he could pay no rent. At the same time he thought it might be well to make some provision to save this custom, which he believed to be wide-spread. Mr. Norman, Mr. Vowell, and I expressed our disapprobation of the proposal, on the ground that it was both unnecessary and dangerous. None of us knew of any cases of the enhancement of the rent of *bastu* lands; and I pointed out that the proposal would have the effect of making the zemindars at once put a rental on every single house in their villages. To my knowledge a threat of this very nature was made in the Durbhunga Raj, and that alone was most effective. Besides this the right of occupancy being granted, the "bari" would become liable to be sold up along with the ryot's other occupancy holding; and whereas now a ryot, when sold out of his cultivation, retains his house, he would be turned out of the village as well as his field. However applicable the proposal might be for Bengal, it seems to me a dangerous one to apply in Behar. The proposal by Mr. Boxwell was, however, supported by the remaining five members, and carried, Mr. Henry desiring to extend it by omitting the word "settled," which he said would make it of little use in Chumparun. He proposed that to meet the existing state of things in his district, the proposal should be thus extended—

"The zemindar shall not be empowered to eject an '*asami*' from his homestead merely on the ground that he is not cultivating land in the village." The word '*asami*' he used designedly as it met the case of those persons who, though they live by cultivation, are not necessarily ryots under section 5 of the Bill. There are numerous cultivators whose names find no place in the jumabundi. From year to year they get possession of land as sub-tenants and have to relinquish it at the end of the year. Should they at any time be unable to get this land, they would cease to be ryots under section 5, and the zemindar might, if he had the power of ejecting them from their homestead merely on the ground that they are not cultivating, and use this power as a means of compelling them to take from him any land he might wish to settle at a rack-rent.

CHAPTER XIII.

71. *Distraint.*—On the subject of distraint the feeling of the Conference was that the existing law on the subject was preferable to the new and cumbersome procedure suggested in the Bill. The new procedure is open to many objections, the chief of them being the delay that would inevitably be caused. There is besides the real difficulty to the raiyat in that under the new procedure, he has to deposit before he can get any remedy; while under the old procedure he could stop proceedings without having to make any deposit. It would appear, also, that the new procedure would afford greater likelihood of abuse, as the distrainer would, in the first instance, come armed with the powers of the Civil Court. Mr. Norman dissented from the general opinion on the ground that he had himself found the power abused in Orissa with the object of enhancing rents or of recovering legally irrecoverable arrears. He found that it was always had recourse to these in order to enforce disputed rents. This experience, it was pointed out, might be accounted for by the intervention in Orissa of the canungo, who takes very much the place of the Civil Court in the first instance, as proposed in the new Bill. There is, therefore, we think, great foundation for the criticism that the delay caused by obtaining the aid of the Court before the first step to distrain could be taken would deprive the proposed procedure of its practical utility.

72. We all agreed with the Government of India in thinking that the landlord has *not* perfect security for his rent in the saleability of the occupancy right, and that the proposal to

abolish distraint in the case of occupancy tenants was unwise. The process should apply to occupancy and non-occupancy ryots alike.

We would at the same time recommend that, if the new procedure should be adopted, the words "regarding safe custody" should be substituted in section 141 (3) for the words "prohibiting removal." It is obvious that this alteration would help to prevent a serious abuse.

Section 141 (3).—Order by the Court *prohibiting removal* of the produce pending the execution of an order for distraining the same or rejection of the application.

73. Mr. Nolan objected to section 159. He said that underlying the section was the supposition that rent-suits should be dealt with more summarily than other contested suits—a supposition equivalent to declaring that the procedure in the former cases might with advantage be cut short, and one against which he desired to enter his protest. Rent suits, when contested, usually involved very difficult, intricate, and technical questions, such as the accuracy of the jamabandi. The defence in very many rent-suits is that the jamabandi is false, and that there is a conspiracy to raise the defendant's rent. Such a question would require the utmost care in deciding. Mr. Henry and I expressed our decided objection to depriving the landlord of his summary procedure in rent-suits, and pointed out that sufficient safeguard was provided for in section 168(*b*), which makes full allowance for appeals. Instance upon instance could be cited of landlords being involved in a year's litigation for the recovery of a few rupees rent. We were of opinion that the discretion of the High Court and the local Government combined might with perfect safety be relied upon, and that no change in these provisions of the Bill was necessary.

Section 159 (1).—The High Court may from time to time, with the approval of the local Government, make rules declaring that any portion of the Civil Procedure Code shall not apply to suits between landlord and tenant as such, or to any specified classes of such suits, or shall apply to them subject to modifications.

74. We would suggest that, after the words "rent of a tenant" in section 168 (*b*), there should be added the words "or as to the rates at which rent is payable."

Section 168.—Appeals in rent-suits.

The object of this proposal is obvious.

CHAPTER XVII.

75. *Contract and custom.*—Under this chapter Mr. Nolan moved that nothing in this Act should render invalid a contract against sub-letting. In this way sub-letting, which, it was agreed, could not be summarily put a stop to, might be in a great measure discouraged. This proposal was at once met by the objection that such an insertion in the Bill would have the effect of driving the indigo-planter to the universally condemned ticcadari system. The zemindar would refuse to grant any rayat a lease without this contract to bar his sub-letting, the planter's only refuge would be the ticcadari system, and an extra pressure would be put on the rayat. We decided against Mr. Nolan's proposal.

76. It was agreed by those members of the Conference who had any experience in the matter that the summary sale procedure should and could be applied to those dependent taluks, the revenue of which had been settled directly with Government, though the holders had been in the habit of paying it through the zemindar, who was held responsible for it.* Mr. Norman and Mr. Vowell had met with no such tenures in their districts; but Mr. Henry, Mr. Forbes, and Mr. Boxwell had, and were of opinion that the summary procedure was only fair to the interests of the zemindar, on whom its absence would act harshly.

* *Vide* Government of India's letter, 2 (2).

77. In reply to your call† for information on the subject of *utbundi, halhasili*, or other such tenures, the Collector of Patna put in the following note:—

† *Vide* paragraph 83, Bengal letter.

An *utbandi* tenure is defined by Wilson as paying rent only for the amount of land actually cultivated each year, and a *halhasili* as a tenure of land yielding revenue varying with the crops grown on it. Section 214 saves the condition, whether customary or otherwise, of these tenures from the operation of the Act. It is now asked whether it is necessary to extend this saving to similar tenures under other names. It may be noted here that the term *utbandi* is not known in the Patna district.

A tenure very similar to the utbandi is the *hastbudi* tenure, the name of which is derived from *hast* (that which exists) and *bud* (that which did exist). In this the rate of rent is fixed at so much a bigha, but rent is charged only for so much area as is actually bearing crops at the time of harvest. *Halhasili* tenures exist in the Patna district, and are also called *bar shara fasl patta*. The cash rent is determined on the spot on inspection of the crops as they stand. A very similar tenure is known as the *balkat*, in which the rent is fixed by calculation on the field of the quantity of the produce and its price.

A peculiar tenure, adopted on bad and uncertain lands, such as *deara*, subject to inundation, is known as *jáidádi*, the principle of which is that the full rent agreed upon is paid on land in any year in which any crop whatever is grown upon it.

In all these tenures the principle of the *utbandi and halhasili* tenures obtains; that is to say, the rent is a varying one, depending on the crop or the amount of land cultivated section 214 ought therefore to be applied to them.

There is another tenure of which the rent (calculated in money) varies with the price of grain. It is called *mani bandobast* (from man, a maund).

78. In paragraph 2, clause 6 of the Government of India's letter it is asked whether it would be possible to specify, for the purpose of exemption from the pre-emption sections, any such transferable occupancy rights as those in *guzashta* or *gora* holdings. In reply, we would point out that guzashtadars, since they hold at fixed rates, are not liable to these pre-emption clauses.

79. With reference to the discussion in paragraph 8 of the Resolution of the Government of Bengal of the 21st October 1883,* the Conference entirely agreed with the views propounded by the Government of Bengal.

* On the subject of the distribution of the incidents of the cost of agricultural improvements between landlord and tenant.

APPENDIX A.

Remarks on Price-Lists by the Collectors of Chumparun, Mozufferpore, and Durbhunga.

SECTION 52.—MR. NORMAN'S REMARKS ON PRICE-LISTS.

Sub-divisional price-lists are not the averages for local markets, nor are district price-lists the averages of sub-divisional lists. The only information available in this district for past years is the district and sub-divisional price-lists, which contain no averages, but state the prices of different descriptions of necessaries at certain police stations and outposts. The prices at some of the police stations have not been reported at all. The number of places for which returns are available is 15, and the number of years for which they are available is 10. The prices which prevailed at places other than those during past years cannot be ascertained. It is not possible to construct price-lists, nor to test the correction of such lists by comparison with the grain-dealers' books, because they are preserved by them for three years only.

SECTION 52.—MR. PRICE'S REMARKS ON PRICE-LISTS.

Prices current, being copies of those submitted to Government since 1875 (except the lists for 1875-76, also those for 1877-78, which are not forthcoming), are preserved in the head-quarter's office. These prices are not the averages, but the actual rates prevailing at the time when the lists were prepared. As a rule, grain-dealers in the sudder sub-division do not keep any record of prices current. The prices current at Durbhunga have been kept by bazar chowdhris for four years only, 1875 to 1878, and these agree with the returns submitted from Durbhunga for those years. Copies of the lists submitted from the sub-divisions of Tajpore and Madhubani have been kept since 1872, but no comparison can be made because grain-dealers profess to keep no corresponding returns. It has been ascertained beyond a doubt, after local enquiry, that this state of things prevails throughout the district, and no correct list of the prices of staple food-grains in the Durbhunga district for the last fifteen years can be prepared.

The food-crops that may be considered staples in the Durbhunga district are rice, marwa, and makai: wheat and barley are also grown, but in inconsiderable areas compared with those of the other food-crops.

SECTION 52.—MR. HENRY'S REMARKS ON PRICE-LISTS.

Price-current returns have been preserved with more or less completeness in both the sub-divisional and district offices in Chumparun, but there exists no means of verifying them from the books of the grain-dealers. The prices shewn in our published returns represent retail selling prices, and from such enquiries as I have been able to carry through, it would appear that retail grain-dealers do not keep any records of their transactions of past years. Some of the larger dealers have records showing the wholesale prices at particular periods, but no direct or obvious relation seems to exist between these wholesale prices and retail prices at harvest times.

The Betteah Raj has given me returns for 15 years, and I have secured returns from several of the principal factories showing the prices of grain at harvest time. As regards the Raj, these returns represent the prices paid in the open market for the stocks of grain required by the Maharajah for private consumption, while, as regards the factory, the figures appear to have been derived (1) from the cost of grain actually purchased at harvest time for the year's requirements and (2) from the prices at which the ryots commuted their rents on batai land.

These returns vary greatly and inexplicably, and each requires careful examination before the variations can be reconciled; but I have no doubt that these variations are capable of explanation. I am decidedly of opinion that the average price over a quinquennial period would not be a satisfactory guide, and suggest that the average should be struck for a longer period, say for 10 years.

MR. NOLAN'S REMARKS ON PRICE-LISTS.

Mr. D. J. Macpherson has furnished me with these observations.

The difference between the market prices at Arrah, and those at which cultivators sell food-grain in the interior of the district, is not now so great as it once was, and an examination of the fortnightly price-currents shows that the all-round price of food-grain at harvest time at Bhubooah and Sasseram, far removed from the railway, is on the whole higher than at Arrah and Buxar on the line of rail. This is a somewhat remarkable fact: and as the matter is one of wide application, I think it important to discuss it at some length in a statistical report containing an estimate of the value of the gross produce to the cultivator. The following statement shows the average market prices at harvest time of the principal food-grains in the district of Shahabad for the 19 years, 1866—1884. The prices up to 1878 have been taken from a compilation prepared in the Bengal Secretariat in 1879, entitled "Prices of Food-grains, Firewood and Salt in Bengal for the years 1866 to 1878." Those for the last six years I have obtained by a personal examination of the authoritative fortnightly price-lists of Arrah, Buxar, Bhubooah and Sasseram. For rice, I take the average prices in January and February: for wheat, barley and gram, in April and May; and for maize, in September and October.

Prices in seers and chittacks per rupee of the principal Food-grains at harvest time in Shahabad District from 1866—1884.

YEAR.	Best rice.	Common rice.	Wheat.	Barley.	Gram.	Maize.
	S. c.	S. c.	S. c.	S. c.	S. c.	S. c.
1866	7 12	12 10	10 4	...	...	...
1867	8 12	18 2	17 8	...	...	...
1868	16 4	28 0	20 4	...	...	...
1869	10 8	17 6	15 12	...	...	...
1870	8 12	19 4	18 12	...	...	...
1871	14 8	23 0	24 12	...	...	...
1872	13 0	20 8	21 6	31 8	31 8	...
1873	12 0	19 8	16 0	25 8	28 0	17 12
1874	11 12	12 12	14 10	18 12	18 0	19 8
1875	14 2	17 4	18 8	29 0	29 0	32 0
1876	19 8	22 12	24 8	34 8	34 0	29 12
1877	17 14	19 12	20 12	30 8	30 12	20 0
1878	11 10	13 0	12 12	17 2	13 8	23 12
1879	12 6	18 13	13 11	19 1	15 8	18 2
1880	14 7	21 15	18 7	26 8	24 11	32 0
1881	14 8	21 14	22 0	27 8	34 1	34 10
1882	14 14	21 6	17 10	29 9	29 14	32 2
1883	12 6	18 11	18 8	28 9	28 3	27 2
1884	9 7	13 13	18 13	22 10	22 15	...
Average, excluding 1866	13 0	19 3	18 9	26 15	26 2	26 1

In striking the average, I exclude the year 1866, as otherwise, in the case of rice, the series would both begin and end with a dear year; otherwise dear years are included as well as very cheap ones. Unless this is done, a true idea will not be obtained of the value of produce which is calculated on the average yield of good and bad years taken together. High prices compensate for low outturns, and low prices for good outturns, and thus the value of the produce to the cultivator maintains a fairly uniform level. During the years 1867 to 1883, I find that, at the time cultivators usually sell their grain, prices were on the average cheaper then those for the whole year by 1¼ seer in the case of common rice, and one seer in the case of wheat. I have the yearly averages for barley, gram and maize only for the years 1872—78, and during that period prices at harvest time were cheaper then those for the year by 2 seers in the case of barley nearly 2¼ seers in that of gram, but maize has on the average been selling at harvest time 3¾ seers dearer than throughout the year as a whole. For practical purposes, therefore, it would appear that in the case of rice and wheat, prices at harvest time and throughout the year are pretty much the same, although considerable differences do occur in individual years. The following abstract which I have prepared from the fortnightly price-currents, will show how far market prices at harvest time varied at Arrah, Buxar, Bhabuah and Sasseram during the last six years. As before, I have taken January and February as the time when the ryots usually dispose of their winter rice, April and May when they sell their rubbi grain, and September and October when they sell maize. The statement also shows the percentage of variation at each place from the district average. As the price is expressed in number of seers and chittacks per rupee, the prefix + in the percentage columns denotes greater cheapness and greater dearness. The price-lists do not give the price of maize in every case.

Market prices at harvest time from 1879 to 1884.

Crop.	Year.	Number of seers per rupee at—					Percentage of variation from district average at—			
		Arrah.	Buxar.	Bhabuah.	Sasseram.	Average for district.	Arrah.	Buxar.	Bhabuah.	Sasseram.
		S. c.	S. c.	S. c.	S. c.	S. c.	S. c.	S. c.	S. c.	S. c.
Best rice	1879	15 8	13 8	11 0	10 8	12 6	+ 25	+ 1	— 11	— 15
	1880	23 4	14 2	11 0	10 6	14 7	+ 54	— 3	— 24	— 27
	1881	22 4	14 6	11 0	10 8	14 8	+ 53	— 1	— 24	— 28
	1882	21 0	15 0	11 12	11 15	14 14	+ 41	+ 1	— 21	— 21
	1883	11 10	14 6	12 0	12 0	12 6	— 6	+ 12	— 3	— 3
	1884	9 1	9 0	10 0	9 12	9 7	— 4	— 5	+ 6	+ 3
	Average	16 15	13 1	11 2	10 12	13 0	+ 30	+ 1	— 14	— 17
Common rice	1879	17 8	17 0	22 0	18 12	18 13	— 7	— 10	+ 17	...
	1880	24 8	23 8	16 8	21 8	21 15	+ 11	+ 6	— 16	— 1
	1881	24 12	22 4	18 0	21 8	21 14	+ 13	+ 6	— 17	— 2
	1882	23 12	24 10	18 4	18 14	21 6	+ 11	+ 15	— 14	— 12
	1883	18 12	21 0	17 0	18 0	18 11	+ 1	+ 12	— 9	— 4
	1884	13 10	15 12	12 8	13 6	13 13	— 1	+ 14	— 9	— 4
	Average	20 8	20 13	17 11	18 11	19 6	+ 6	+ 7	— 9	— 4
Wheat	1879	12 8	13 4	14 8	14 8	13 11	— 9	— 3	+ 6	+ 6
	1880	18 10	16 0	19 8	20 0	18 7	+ 1	— 13	+ 4	+ 8
	1881	21 12	19 6	22 12	24 4	22 0	— 1	— 12	+ 3	+ 10
	1882	16 10	16 4	18 12	19 0	17 10	— 6	— 8	+ 6	+ 8
	1883	17 8	16 11	18 14	21 2	18 8	— 7	— 9	+ 2	+ 14
	1884	18 10	18 2	18 4	20 5	18 13	— 1	— 3	— 3	+ 7
	Average	17 9	16 10	18 11	19 13	18 3	— 3	— 9	+ 3	+ 9
Barley	1879	19 0	18 8	19 10	19 4	19 1	— 1	— 3	— 2	+ 1
	1880	27 2	25 8	29 12	22 8	26 0	+ 3	— 2	+ 13	— 14
	1881	38 4	35 12	36 0	40 0	37 0	+ 1	— 2	— 2	+ 8
	1882	33 4	26 10	30 0	28 8	29 0	+ 12	— 10	+ 2	— 4
	1883	26 6	27 0	30 1	30 12	28 0	— 8	— 5	+ 5	+ 9
	1884	22 4	23 8	21 8	23 4	22 0	— 2	+ 4	— 5	+ 3
	Average	27 11	26 2	27 13	27 6	27 4	+ 2	— 4	+ 2	Nil.
Gram	1879	15 13	14 0	16 5	16 0	15 8	+ 1	— 5	+ 3	+ 1
	1880	24 0	24 0	23 12	27 0	24 11	— 3	— 3	— 3	+ 9
	1881	36 12	33 0	31 12	34 4	34 1	+ 8	— 2	— 7	+ 1
	1882	32 0	31 2	29 0	27 8	29 14	+ 7	+ 4	— 3	— 8
	1883	27 14	28 12	29 10	26 8	28 2	— 1	+ 2	+ 5	— 6
	1884	24 0	24 12	21 8	21 6	22 15	+ 5	+ 8	— 6	— 7
	Average	26 11	26 0	25 5	25 7	25 14	+ 3	+ 1	— 2	— 2
Maize	1879	...	18 2	...	...	1 2	...	...	...	...
	1880	33 8	30 8	...	...	32 0	+ 5	— 5	...	...
	1881	36 10	32 4	...	35 0	34 10	+ 6	— 7	...	+ 1
	1882	33 0	34 0	...	29 4	32 2	+ 3	+ 6	...	— 9
	1883	26 4	26 4	...	28 0	27 2	...	— 3	...	+ 3
	Average for 1881-83.	34 13	33 2	...	33 3	33 6	+ 4	— 1	...	— 3

Taking the Arrah prices as a standard, those at Buxar, Bhabuah and Sasseram varied from them on the average according to the following percentages:—

Crop.	Average price at Arrah.	Percentage of variation from Arrah price at—		
		Buxar.	Bhabuah.	Sasseram.
	S. c.			
Best rice	16 15	—20	—35	—17
Common rice	20 8	+ 1	—11	— 7
Wheat	17 9	— 2	+ 6	+12
Barley	27 11	— 2	Nil.	— 1
Gram	26 11	— 1	— 4	— 4
Maize	34 13	— 4	...	— 7

It thus appears that prices of all the principal food-grains, except wheat, are lower at Arrah than at the sub-divisional head-quarters. Prices are on the whole highest at Bhabuah, and next to Bhabuah at Sasseram. As regards *best rice*, the prices are so very much lower at Arrah than elsewhere, that I suspect they do not refer exactly to the same article. In the case of *common rice*, the price-lists do not distinguish between *early rice* and *winter rice*; the former sells much cheaper than the latter, but after January the prices given are probably those of winter rice only. I have not given the prices of *millets*, because they are quoted very irregularly in the price-list, and when prices are quoted, it not unfrequently happens that some such terms as "peas" or "khesari" is entered alongside the figures, showing that the prices given are not those of millets at all. The cheapness of rice and dearness of wheat at Arrah and Buxar, as compared with Bhabuah and Sasseram, depend no doubt on the circumstances that

The following remarks show that the fortnightly price-lists are somewhat unreliable.

near the railway articles which are imported are cheaper, and those which are exported dearer than at a distance from it. On the whole, I think it may be assumed that the average prices at Arrah of wheat are not dearer than those at which grain can be bought in the principal markets throughout the district. There may of course be exceptions, but my object here is to get at a general rate to work upon.

It will now be apparent why it is that, according to the information I have received, prices at Arrah are not very much higher than those at which cultivators can sell their grain towards the south of the district. What I have been told is that, when it is selling at Arrah 28 seers for the rupee, the ryot can usually dispose of it 30½ seers, a difference of only 9 per cent. Supposing that rice bought from the ryot at that rate 25 miles south of Arrah, is sold at Sasseram, 35 miles off, the percentage obtained for profit and cost of carriage will be 16¼. Similarly, rice bought at the above rate 20 miles south of Buxar and sold at Bhabuah, 40 miles off, will give an allowance of 21 per cent. for cost of carriage and trade profits. It is not, however, an easy matter to ascertain what would be an averrge percentage to allow between the retail market prices at sub-divisional head-quarters and the prices at which cultivators part with their grain. We may assume that the prices obtained by the cultivators are reflected in those prevailing at the sub-divisional head-quarters. I believe it is the general rule that retail dealers at head-quarters buy direct from the travelling *beparis* who purchased at the ryot's doors. *Mahajans*, on the other hand, generally buy grain to export to a greater distance than the sub-divisional head-quarters, and as a rule, employ their own men, also called *beparis*, to purchase for them from the ryots. Even if *beparis* reaping an independent profit ever slip in between the mahajan and the ryot, they must make a very small profit indeed, otherwise it is likely that the cultivator would prefer to transact business direct with the mahajan or his local representative. On the whole, therefore, we may assume that grain passes through the hands only of the persons who buy up from the ryot and the retail dealer before it is sold in the market. For these, a profit of three pucca seers of paddy or two seers of cleaned grain in the rupee would be ample, especially now that the facilities for the conveyance of grain from one part of the district to another have increased. There is now no difficulty in taking country produce about the district after the chief harvest of the year—the *aghani* and *rubbi*.

Opium is a crop which regulates prices on a wide area. It was Rs. 7-4 per seer in 1857-58, Rs. 5 in 1861-62, it was afterwards reduced to Rs. 4-8, and is now at Rs. 5 again. There has thus been no rise in its price for 23 years.

APPENDIX B.

Mr. Nolan's proposal for the extension of the Bengal Drainage Act (VI of 1880) to Irrigation.

Mr. Nolan proposed that, to meet the case where irrigation works were required of a permanent nature, or at times other than those of emergent necessity contemplated in Mr. Henry's resolution, on the subject of improvements under Chapter IX of the Bill, Government should be empowered, as under the Bengal Drainage Act, to appoint Commissioners, who would take the votes of landholders affected by projects of irrigation, and, on the representatives of the greater part of the area to be improved consenting, to approve the plans, which would then be carried out either by Government or private agency, the cost being advanced by Government at 6 per cent. interest, and recovered from those benefited. It would seem that this subject should be dealt with by a separate Act, and this proposal is therefore added as an appendix to the report. For the areas irrigated by Government canals, Mr. Nolan was of opinion that Act III of 1876 would meet all requirements. Mr. Nolan had consulted Messrs. Burrows, Mylne and Thomson, and the Superintending Engineer on the subject, and their remarks are annexed.

No. 3870, dated Arrah, the 21st July 1884.

From—The Superintending Engineer, Sone Circle,

To—The Collector of Shahabad.

I have the honour to acknowledge the receipt of your letter No. 1045G of the 16th instant, requesting my opinion as to "whether, with reference specially to landlords' improvements, it is desirable to empower revenue officers to arrange for—

(1). The cutting of irrigation channels.

(2). The distribution of water.

(3). The payment of compensation, and if so, what form such provision should take."

2. As regards the first, the difficulties experienced during the early days of irrigation in this circle are gradually disappearing, and the cutting of village channels does not hold the important place it once did in the consideration of how to carry on irrigation in the district; but in 1877, when the subject of enforcing a compulsory cess on all lands irrigable from the Sone canals was under discussion, the question of how to carry the water to the fields was one of vital importance. You have probably a draft of the Bill in your office. Unfortunately my copy has been mislaid, but it was settled at one meeting that the Government should

provide the means for carrying the water to within a mile of every field in the irrigable area, the channels for conveying the water further being constructed by the people interested. I rather think the whole duty of constructing village channels was thrown on Government in the amended draft of the Bill, but the result would have been nearly the same as that arrived at in the meeting mentioned above, it being quite impossible for Government to undertake the distribution from field to field; the responsibility of Government would have ended when the means of conveying the water to the boundary of a village was provided. This burden to be thrown on Government was necessary, as the Government of India desired to impose the compulsory cess without any delay, and this cess could hardly be collected from the villages altogether cut off from the canals. Fortunately the necessity for undertaking this work by Government, together with that of the still more laborious and difficult duty of maintaining this net-work of small channels, was never experienced, the Bill having been dropped. If the idea of making the owners and occupiers, &c., of large tracts of country or properties pay for special work constructed for their benefit should arise again, it would certainly be an advantage to find some clause in the *Land Bill now under* consideration, which recorded the duty of the landlord to share in the expense of the distribution of the water. The landlord would probably pay in Behar half the cost if the channels were made compulsorily under the order of the Collector. This would of course be decided upon after special enquiry, and form the subject, if necessary, of special legislation.

3. The distribution of water is so intimately mixed up with the provision of channels for its passage from the main canals to the fields that it seems hardly possible to separate the two. In the North-West and Punjab the distribution of the water presents very slight difficulties, but in South Behar our difficulties by no means end when the water arrives at the fields. They are caused partly by the feebleness of the village organisation, and the indifference of the putwari. As Sir Steuart Bayley, (then Mr. Bayley), Commissioner of the Patna Division, in his letter No. 104R of the 26th January 1875 to Government, recorded—"It is also under the consideration of Government to bring them (the putwaries) more closely under the Collector's supervision than they are at present." It is supposed now the opportunity has arisen of re-considering the question that these men will hereafter hold a position more akin to that of the putwaries in the North-West and Punjab than they do at present.

The condition of affairs under which it is impossible to ascertain the name of an occupier of land in a village will, it is hoped, shortly disappear.

4. The subject of imposing an owners' rate in these districts has been under discussion. It is imposed in the North-West and Punjab, and is specially provided for in Part II, sections 37 to 41 of the Northern India Canal and Drainage Act of 1873. On the discussion which preceded the drafting of the Bengal Irrigation Act, the Commissioner of Patna, in paragraphs 12, 13, and 14 of his letter No. 85R of the 13th December 1874, to Government, expressed his opinion that "clearly if ever there is a case for the owners' rate it is in those districts where the bhaoli system exists, and the only question in my mind is whether it is wiser to abstain from introducing anything of the kind at the outset, in order to secure the zemindar's good will and the extension of the benefits of irrigation." This has been settled, as in all cases, where lands are held on the bhaoli system, the landlord is equally assessed with the cultivator. Whether the collection presents any difficulties you will be better able to decide than I can. Beyond this I doubt whether it would be wise to press any claims against the landlords.

5. Under the third head, the payment of compensation, I conclude that it is desired to consider whether the tenant shall receive any return for sums expended in improving his lands; and this would resolve itself, as far as the present enquiry is concerned, into the question of whether the cultivator, having given either money or labour towards providing the means of bringing canal water to his fields, shall receive compensation if he throws up his cultivation, or is removed by order of his landlord. I think the case would be met as in the somewhat similar cases of the construction of a masonry well, or the making of an *ahara*, which have doubtless been considered by the entry of some general clause in the Rent Bill, recognising rights on the part of the tenant to compensation for permanent improvements.

No. 4318, dated the 31st July 1884.

From—MESSRS. BURROWS, THOMSON AND MYLNE,

To—The Collector of Shahabad.

YOUR No. 1045G, dated 16th instant.

In reply to the query in your letter, we beg to state that we consider it will be advisable to empower revenue officers to arrange for the cutting of irrigation channels, the distribution of water, and the payment of compensation where there are no Government canals, providing it is first ascertained that the landlord or landlords will not come forward, and that no local combination can be formed to find the funds for the purpose. But in view of the modification which (in the light of after experience) may perhaps be found desirable in such an Act, we are of opinion that it would be better not to embody it in the Tenancy Bill, considering the disturbance its revision might cause that measure, and with regard also to the more detailed and adequate treatment it would receive if dealt with separately.

Where there are Government canals, and local enterprise or combination is not forthcoming to make the necessary channels, the Canal Act could be amended so as to enable canal officers to do what is necessary.

The form this should take might be the same in both cases (that is, where there are no Government canals and where they do exist), and we think that the best plan would be for Government to supply the capital needed for the undertaking, and charge on the irrigable area a sufficient rate per acre to cover interest and cost of management, distribution, and maintenance, leaving it open to the landlord, or landlords, or ryots to purchase out-and-out the whole arrangement for a certain sum, which could be ascertained when the work is done. We write with special reference to the Bhabuah sub-division, which is a typical case, as in that quarter there are few, if any, large estates, and the villages are in the hands of numerous shareholders, many of whom are also cultivators.

APPENDIX C.

Mr. Forbes' proposal with regard to the restrictions placed on sub-letting in cases in which indigo-planters are concerned, together with the objections and remarks made by the other Collectors of the division, and Mr. Forbes' reply on certain points.

I would advocate several alterations in the Bill in the interest of the indigo-planters, as well as of the ryots themselves. What we wish is to bring the planter and the ryot together to allow them to treat directly with each other without the intervention of the zemindar. The ryot will then be able to make his own terms with the planters, and these will invariably be much more favourable, if the two parties are left to arrange matters between themselves, than he is likely to get from any one else. The indigo interests cannot be ignored. The outlay of the factories in Sarun brings as much, or very nearly as much, money into the district as the immense disbursements made by the Government to the opium cultivators, and in other districts the amount expended by indigo factories is probably even more than this. But unless we give the planters some means of making fair and equitable arrangements with the ryots, we shall force their hand and drive them to seek the aid of the zemindar. We shall oblige them to maintain the *ticcadary* system at all costs—a system which is at the root of nine-tenths of the abuses complained of by zemindars, ryots, and planters alike.

My proposals are these:—*First*, that in section 38 the term beyond which an occupancy ryot may not sub-let a part of his holding should be extended to 15 years; provided that the total portion sub-let does not exceed one-half of his holding.

The intention of the Bill is, among other things, to make the occupancy right as valuable as possible to the ryot. He is given the right of out-and-out transfer, and there seems to me to be no good reason why he should not be given any lesser right so long as it is to his own interest to exercise it, and provided that it does not tend to the creation of a body of rack-rented under-tenants. Rack-renting, however, is to be feared in the case of short, and not of long, leases, and I can see no greater danger in allowing the occupancy ryot to sub-let for 15 or 20 than for seven years. The object of the proviso, which I have added to my proposal, is of course to prevent the occupancy ryot becoming a tenure-holder, and the planter or other sub-tenant thus acquiring a right of occupancy.

The indigo-planter can always pay the ryot a considerably higher rent than the ryot can himself pay to the landlord. This at least, whether such higher rent is given in the form of an advance payment under a zurpeshgi lease, or in the form of ordinary yearly rent, will of course be the basis of the arrangement between the occupancy ryot and the planter. Section 62 should therefore, I think, be specially modified in favour of sub-leases by ryots to indigo-planters; or if it is thought advisable to make the benefit to the letting ryot a more general one, all sub-leases by registered agreement for a term of, say, no less than seven years might be excepted from the operation of the section.

I should prefer the former of these alternatives, although the ryot (lessor) would no doubt prefer the latter. My proposal would not be making an invidious distinction in favour of indigo-planters, but the contrary. The object of the section is to prevent the multiplication of rack-rented under-tenants; but here we have a wealthy class of sub-tenants who choose to pay rack-rents and can afford to do so, and I cannot see what reason or right we have to separate the contracting parties.

In the third place, the indigo-planter's sub-lease will entirely lose its value if it is liable to be voided under section 183 on sale of the letting ryot's holding in execution for arrears of rent. The planter to save himself will be obliged to see that the ryot's rent is regularly paid to the superior landlord. The ryot will not be slow in discovering advantage of this and in acting upon his knowledge. He will regularly default and leave the planter to pay his rent, or ryots and landlord will continue in a plot against the planter. The ryots' holdings will be brought to sale, and bought in by the ryots themselves, or restored to them by the landlord or other *benami* purchasers: the planter will be turned adrift, and the zurpeshgi he paid will be divided between the accomplices.

Some provisions should be made to protect the indigo interests against these dangers. The planter is able and willing to deal fairly and liberally towards the persons from whom he

holds his lands. All that he requires is protection against fraud, and this we are bound to give him. My suggestion is that a proviso should be added to section 183, either exempting all sub-leases for a term of, say, not less than seven years from the operation of this section, or specially exempting such leases to indigo-planters from its operation. The proviso can be strengthened by any further conditions that may appear necessary to protect the purchaser, such as that the rent to be paid to him by the under-tenant for the remainder of the lease shall not be less than a sum, say, 10 or 15 per cent. in excess of the rent he (the purchaser) is liable to pay to the superior landlord. It might, indeed, be urged that the rent payable to the purchaser should be that demandable by him from any under-ryot under section 62. This, from the planter or other under-tenant's view, would be better than nothing. But it would be distinctly unfair to him in cases where he had paid a zurpeshghi advance to the defaulting ryot. The latter, on the other hand, would have realized the full value of his holding from such advance, *plus* the sale proceeds, so that no injustice would be done to him by imposing the limit above suggested (*viz.*, 10 or 15 per cent. in excess of the superior landlord's demand) on the rent demandable by the purchaser. As regards the purchaser, he would buy with full knowledge of the incumbrance (this being properly provided for in section 179, clause 6, which should be modified accordingly) and would regulate his bid accordingly. No hardship would therefore be done to him.

Mr. Norman's Remarks on Mr. Forbes' Proposal.

Mr. Norman is of opinion that Mr. Forbes' proposal seems to be based on the idea that we are bound to do something for the indigo-planters, and with that object to enable them to acquire land. It would seem, however, to proceed on a misapprehension, namely, that in order to produce indigo, the planter must get the land into its own possession. Such of course is not the case—witness the immense quantity of indigo grown by the ryot under sutta or indigo contracts.

The proposal is open to the objection that it involves legislation in favour of a particular class (the indigo-planters), and is therefore invidious.

In order to protect the occupancy ryot from the consequences of his own improvidence, I have already proposed to curtail the maximum terms of under-leases granted by him from seven to two years. *A fortiori*, I am bound to deprecate any extension of the terms.

One of the effects of this proposal would be to place on a firm legal basis the existing system of *kurtaoli* leases whereby the ryot hands over his holding to the planter and forfeits his independence—a result to be deplored.

In order to obtain a *kurtaoli* lease, the planter lends the ryot a considerable sum under the name of *peshgi*, and the ryots' right of re-entry is rendered conditional upon the repayment of this loan. Judging, therefore, from experience, the planters who desire to take advantage of this system now proposed would lend money to the ryot, and would retain the land until repaid. The system, therefore, virtually amounts to one for depriving the ryot of his land and handing him over to the money-lender.

We are endeavouring by the operation of this Bill to improve the status of the occupancy ryot, and to render him an independent agent, so that he will be placed in a favourable position for dealing with any person who desires to do business with him on fair commercial principles, and the planter on his side will have every facility for contracting with him for the production of indigo. Why anything further than this should be demanded in the interests of the planter, I am unable to understand. I certainly consider that it is no part of our duty to assist him in depriving the occupancy ryot of his land, which is what the proposal will really amount to.

Mr. Nolan's Remarks on Mr. Forbes' Proposal.

I entirely dissent from Mr. Forbes' proposal which subverts the decision on certain points at which the Conference has after the fullest consideration arrived, and on which its recommendations are based.

The proposal may be put as an alternative, which amounts to this: Let us either increase the general power of sub-letting, or make special provision extending the power so as to facilitate sub-letting to indigo-planters. The former is exactly what we want to discourage, and would readily prevent for the best interests of the cultivating classes; and the latter is open to all the objections which are usually urged against class legislation, and need not be repeated here. I therefore wish to record my unqualified dissent.

Mr. Fowell's Remarks on Mr. Forbes' Proposal.

I quite acknowledge the force of the reasons urged by Mr. Forbes in support of his proposal. We have proposed restriction on sub-letting to the cultivating class generally in order to prevent rack-renting, and Mr. Forbes suggests that an exception should be made in the case of those persons who are willing and can afford to be rack-rented. I would suggest a way out of the difficulty by proposing to amend section 62 by adding to it the words "unless on the application and registered agreement of the under-tenant." This could not be open to Mr. Nolan's objection to class legislation.

Mr. Price's Remarks on Mr. Forbes' Proposal.

I heartily concur with Mr. Forbes, in thinking that the indigo industry in Behar cannot be ignored, and that it deserves every legitimate support; but I would deprecate any special legislation in its behalf. I think that the protection afforded under the provision of the Bill are sufficiently ample to meet all requirements, and I know that the Durbhunga indigo-planters have never claimed the necessity of having special provisions to meet their case. The restriction of the term of sub-lease should hold good throughout. An indigo-planter will, I think, rarely require a longer lease; and if he should, I presume that there is nothing to prevent its renewal.

Mr. Boxwell's Remarks on Mr. Forbes' Proposal.

I quite agree with Mr. Forbes in thinking that we ought to aim at bringing the planter and the ryot together without the intervention of the zemindar, and that the interests of the former cannot be ignored by us, and I coincide with him in seeing no objection to special legislation about a special class, so long as it injures the interests of no other class. Indigo-planters are exactly the commercial tenants who can protect themselves from the peculiar evils of Indian or Irish tenancy, and who should therefore be left to clear their commercial position and look after themselves. By so doing we should strengthen the hands of Government. I would suggest that the indigo-planters' under-ryot should be allowed not only to pay his ryot lessors' unpaid rent, but also deduct all such payments from the rent payable to him. The two main objects are the security of the actual cultivator against certain specified evils, and the security of the zemindar for the payment of a fair and equitable rent, and I wish to encourage all freedom of action not inconsistent with these objects. I would not allow a ryot to recover a profit rent in court, but I see no objection to the planters paying a salami for a sub-lease, and I would in this way defeat the conspiracy indicated by Mr. Forbes.

Mr. Henry's Remarks on Mr. Forbes' Proposal.

Mr. Henry is opposed to recognizing in the Bill a longer period than seven years for sub-leases. In the case of indigo-planters no practical difficulty, and certainly no hardship, will be entailed by adhering to this period, for the planter can always secure a renewal. It seems to him that chapter XV contains provisions which deal with the evidence of sub-leases when the holdings are put up to sale.

Under the definition a sub-tenancy is an encumbrance, which becomes a registered encumbrance, if registered under the provision of the Indian Registration Act three months before the accrual of the arrears.

Section 180 provides that tenures shall be sold subject to encumbrances.

Section 185, which gives the Local Government power to direct that occupancy holdings shall be dealt with as tenures for the purposes of the section on encumbrances, &c., read with sections 180 and 206, seems to him to meet the case which Mr. Forbes wishes to deal with specially.

In districts where indigo-planters are compelled to take sub-leases from occupancy ryots, the Local Governments would, on the application of the Collectors, and on good grounds shown, declare that, for the purposes of the encumbrance section of the Bill, occupancy holdings should be assimilated with tenures. In those cases in which the sub-lease was voided the planter would still have redress under section 206.

To make any rule of general application to the effect that encumbrances, or the special encumbrance of a sub-lease, shall not be voidable at a sale of the holding for arrears of rent, would act injuriously against the landlords; for whenever the ryot knew that his holding was about to be sold up for arrears of rent, he would at once create a sub-tenancy, receiving in return a sum of money by way of consideration. His holding, being subject to this encumbrance, would not command a good selling price, and the landlord's security for his rent would be weakened *protanto*. A real safeguard against fraud of this description has been provided in the Bill, which declares that an encumbrance shall not be considered a registered encumbrance unless it has been registered three months before the accrual of the arrear. Mr. Henry thinks that any special provisions of the nature advocated by Mr. Forbes are not necessary, as the draft Bill contains provision which could be rendered applicable.

Note by Mr. Halliday.

I fully concur in Mr. Forbes' proposal with regard to the restrictions placed on subletting in cases in which indigo-planters are concerned, and I think his arguments would have been less open to opposition if he had taken a broader ground and had maintained that the power of ryots to give long leases was required both in their own interests and in the interests of *all* industries which demand heavy outlays of money and block, &c., at the outset, and some guarantee that they shall not be liable to interruption or ruin at short recurring intervals of time. Among such industries may possibly be included, within a few years, the manufactures of tobacco and flax on a large scale. It is better that the ryot should be able to deal directly and freely with an outside capitalist to their mutual advantage than that the latter should continue to purchase the zemindar's territorial influence,

to the injury more or less of the ryot. The contention as to class legislation against Mr. Forbes' proposal is not altogether a fair one. If the proposal had been intended to form the subject of a special Bill, there might have been reason in the objection; but in the large comprehensive measure before us, the interest of proprietors, land-holders, planters, money-lenders, tenure-holders and all classes of tenants must be considered.

Mr. Forbes' Reply to certain Objections.

With reference to the argument that section 185 meets the difficulty I have pointed out in regard to the application of section 183 in the case of sub-leases by occupancy ryots to indigo-planters. I would beg to be allowed to add a few remarks. It seems to me that section 185 is insufficient, inasmuch as it provides no protection to the interests of the superior landlord, for unless there is some provision enabling the purchaser of the occupancy-holding to collect a fair and reasonable rent from the sub-lessee of any portion of the holding, he will not be in a position to satisfy the landlord's demand. This, no doubt, will be brought forward, in any case where the Local Government may propose to take action under section 185, as an objection to its doing so. It does not either seem altogether reasonable that the whole onus of taking action should be thrown upon the Local Government. The zemindars are everywhere in Behar doing their best to force the planters to take their villages in ticca, and to prevent their having direct dealings with the ryots. Instances are very common of zemindars inserting a clause in the ryots' pottah stipulating that he shall not grow indigo or sub-let to an indigo-planter, the object being to compel the planter to take a lease of the village from the zemindar at, probably, an exorbitant rent. I fear, for these reasons, that when the Local Government begins to take action under section 185, it will meet with much opposition from the landlord class, and no doubt one argument will be that such action is against the spirit of the law as contained in section 183. The ticcadari system, in connection with indigo, is a recognised evil. The only way of meeting it is to facilitate direct dealings between the planter and the ryot, and I do not see why the subject should not be openly dealt with in the Bill and disposed of once for all.

No. 70R., dated Bankipore, the 3rd September 1884.

From—F. M. Halliday, Esq., Commissioner of the Patna Division,

To—The Secretary to the Government of Bengal, Revenue Department.

In continuation of my letter No. 47R, dated 6th ultimo, I have the honour to submit copy of a letter No. 818G, dated 30th idem, from Mr. Forbes, the Collector of Sarun, containing some further remarks regarding his proposal with regard to the restrictions placed on sub-letting in cases in which indigo-planters are concerned, and in doing so beg to say that I agree in the views expressed by Mr. Forbes.

No. 818G., dated Chuprah, the 30th August 1884.

From—A. Forbes, Esq., Offg. Collector of Sarun,

To—The Commissioner of the Patna Division.

I have the honour to state that until I received with your No. 102R, dated 19th instant, a copy of the report of the Rent Bill Conference held last month at Bankipore I was not aware that Mr. Norman's remarks in connection with *kurtaoli* leases (on page 26 of the report) had been left upon the record.

2. As, however, I now find this is the case, I think it right to point out, as I endeavoured to do verbally, the mistaken view held by Mr. Norman of the object and effect of my proposals. Mr. Norman says that by the *kurtaoli* system "the ryot hands over his holding to the planter and forfeits his independence," and he seems to think that my proposals will have the effect of legalizing this system.

3. In discussing this subject it is necessary first to clearly understand what the *kurtaoli* system is, and what gave rise to it. A *kurtaoli* lease is a sub-lease by the ryot of his whole holding to the indigo-planter with the condition that the planter is to retain a certain specified portion of the land for indigo, and that he is to re-sublet the rest to the ryot lessor. This curious arrangement is not solely an invention of the evil one. In nine cases out of ten it is a defensive alliance between the planter and the ryot against the interference and exactions of the zemindars. The planter assumes the whole of the ryot's responsibility in regard to the payment of the rent of the holding, and effectually protects him from harassment and illegal enhancements, and I think that I am correct in saying that it is, where bad landlords are found, and only there, that the *kurtaoli* system will be met with. The ryot at the same time is safe, under the term of the lease, in the possession of his other lands (*viz.* those which the planter does not require for indigo): he knows, too, that the planter is not an exacting landlord, as it is not his interest to be so. He (the planter) makes his money by his indigo, and is even ready to put up with a moderate loss in the matter of rent in order to keep the ryots' "razi," and to avoid agitation. These considerations then are the ryot's reasons quite as much as the advance of cash on easy or no interest for entering upon the *kurtaoli* arrangement with the planter. The planter, on the other hand, is safe from being suddenly ousted and having his indigo crops distrained and sold

in a rent-suit by the zemindar against the ryot. This is all the security he asks for, and this is what I wish and what I think we are bound to give him.

4. I have said above that under the *kurtaoli* system the ryot is safe in the possession of the portion of his holding in which he does not agree to allow indigo to be grown. I think it very possible, however, that in practice the ryot has to submit to the planter *changing* his indigo from one field to another. I am not aware whether this is or is not a common incident under the *kurtaoli* system, but it certainly seems to me to be a possible one, owing to the peculiar nature of the arrangement by which the planter takes a sub-lease of the whole, and not merely of a specific field or two, of the ryot's holding. I know that under the ticcadari system, when I was a sub-divisional officer in Tirhoot, this changing of lands used to be a common practice, and one which was most unfair and distasteful to the ryots, and if the practice exists also under the *kurtaoli* system, I can quite understand Mr. Norman's objection to its continuance.

5. But what I wish to be clearly understood is that my proposals are directed against the evils of the *kurtaoli* as of the *ticcadari* system, and that their effect will not be, as Mr. Norman seems to think, to stereotype those evils. What I wish is to allow the ryots and planter to treat directly with each other in respect of the particular field in which the latter wishes to grow his indigo. I object as strongly as Mr. Norman does to the planter's obtaining any right in regard to the whole of the ryot's holding, which, as I have endeavoured to explain, is the essence of the *kurtaoli* lease. My proposals are directed against the impediments to free trade which have in Mr. Norman's district rendered recourse to such a device necessary, and the very existence of such a device shews, in my opinion, the need of our legalizing fair and direct dealings between the contracting parties.

No. 1836R., dated Bhagulpore, the 12th August, 1884.

From—G. N. BARLOW, ESQ., C.S.I., Commr. of the Bhagulpore Division and Sonthal Pergunnahs,

To—The Secretary to the Government of Bengal, Revenue Department.

I HAVE the honour to submit the report upon the Bengal Tenancy Act called for in Government Circular No. 3T—R, dated 24th May last.

2. Should Mr. Porch submit any dissent hereafter, the same will be forwarded.

Report of Proceedings of a Conference upon the Bengal Tenancy Act held at Bhagulpore during August 1884.

CHAPTER II.

1. *Section 5 (3).*—This definition does not appear to include ryots holding under unregistered lakhirajdars. The matter is of importance, as in Bhagulpore district alone there are 7,481 unregistered revenue-free holdings. To remedy this, the words "or immediately under a holder of revenue-free lands, not coming under the definition of estates in section 3 (1) of chapter I" should be added after "tenure-holder."

Bengal Government letter, paragraph 4 (Point *a*).

CHAPTER II.

2. *Section 5 (5).*—Messrs. D'Oyly and Weekes would prefer to omit this clause. If it remains, they agree with the majority that the word "greater" be inserted before "part."

Bengal Government letter, paragraph 4 (Point *b*).

CHAPTER V.

3. *Section 37.*—The proposed arrangement of the "converted tenure-holder" will have no practical effect in checking sub-letting. The majority of us (Porch dissenting) think that it will actually encourage the system. The liability to summary sale will have no terrors for the sub-letting money-lenders or occupancy ryots, who will usually be able to pay up their rents without difficulty. As regards the working of the proposed system, very few cases will come to light for registration, and even after registration has been effected in solitary cases, there is no certainty that the zemindar will accept the position claimed by the sub-letting ryot as an occupancy ryot, and apply the summary sale powers. The object of the law may thus be entirely frustrated or, at least, that it will be fulfilled is quite uncertain. If the registration of occupancy holdings contemplated in paragraph 14 of Government of Bengal letter, dated 7th September 1883, were completed, it would somewhat simplify matters; but we are a long way from this. We are unanimous that this section should be omitted.

Bengal Government letter, paragraph 4 (Point *c*).

Should it remain, the following suggestions are offered:—

The sub-letting ryot should be bound to serve a notice upon the zemindar as in cases under section 32, and under penalties similar to those prescribed in section 32 (5). If the zemindar is to avail of summary sale procedure, he should have notice of the sub-letting.

The zemindar should be allowed to apply for registration of a tenure (section 37). In cases where the occupancy right was acknowledged, it might appeal to the interest of the zemindar to bring the transaction to light.

It seems that the holding of a converted tenure-holder should be liable to pre-emption by the zemindar in the same way as an ordinary occupancy holding. Why weaken the force of the discouragement to sub-letting by giving exemption?

In principle there is no reason why the act of the occupancy ryot in sub-letting should bar the zemindar's right of pre-emption.

CHAPTER III.

Bengal Government letter, paragraph 5.

4. *Section 8.*—The necessity for this provision anywhere is doubtful, and in some cases it may work unjustly. Using the word in its present ordinary sense, tenure-holders are fully in a position to take care of themselves, and the law need hardly undertake their protection. It is reported from Maldah district that amongst the tenure-holders under the Act will be found persons who pay only 2 or 4 annas per bigha, while they sub-let at from 12 to 14 annas. The section has a tendency to work in favour of hard and rapacious landlords, and against those who have been lenient.

Section 9.—Ought to meet any possible hardship, and the proposed limit should be removed. If this is done, the period of 10 years now set as a limitation to recurring enhancements under section 10 might be raised to 15 years as in section 50. It has been found impossible to give instances of enhancement of tenure-holder's rents which have already occurred in practice, or might be reasonably expected to occur. References to the Civil Courts have only brought forth one record of the kind, which throws no light upon the subject. The Behar districts of this division contain comparatively few tenures. There are mokuraree tenures in all districts, a fair number of putnies in Purneah and a few in Bhagulpore. The ordinary way of leasing is on mustajiri or by farming. Such holdings will, under the definition in the Act, be "tenures;" but as they are temporary in character, and under written leases, they will not concern the provisions of the law. The District Officer of Maldah observes that there are a large number of tenure-holders there, but owing to the status and liabilities of these persons being somewhat uncertain and ill-defined, they have heretofore enjoyed in the majority of cases immunity from enhancement It is further stated that the provisions of section XVII, Act VIII (B.C.) of 1869 (20 years' presumption) have been availed of with sufficient effect to virtually stop enhancements in these cases.

CHAPTER VIII.

Bengal Government letter, paragraph 6.

5. *Section* 64 (2).—There is much to be said on both sides of the presumption question.

Where estates have changed hands, the papers are often kept back by the former proprietor, and cases are mentioned in Bhagulpore district where actual assistance has been given to ryots to establish fixed rates against a successor. Even in cases where a zemindar has been in possession for generations, it is often difficult to prove variation in rates, owing to the absence of written engagements, which ryots will not usually go to the trouble of giving or accepting, and because the zemindari papers alone are not deemed by the Court sufficient evidence. In almost all cases for enhancement of rent the plea of the ryots is fixed rates. This occurs also in Maldah, where ryots frequently change their lands. On the other hand, the presumption rule is of old standing, and it has been the chief instrument of many tenure-holders and ryots securing a position which they could not possibly have otherwise obtained. We believe that in a very few cases in which the tenant wins upon the basis of uniform payments for 20 years is the fact true that the holding has existed from the time of the Permanent Settlement. In fewer cases still would the fact be capable of proof. In this view a certain demoralizing tendency is perceived in the operation of the law.

If the registration referred to in Government of India's letter, paragraph 7, can be carried out, this would undoubtedly supply the fairest settlement of the question. We, however, consider this to be impracticable. The majority of us (Barlow, D'Oyly, Weekes) are for enacting that the presumption shall not continue to run after the passing of the new Act.

CHAPTER V.

Bengal Government letter, paragraph 7.

6. *Section 25.*—The majority of us (Porch dissenting) are in favour of striking out the words "or estate" in this and the following sections. We believe that the acquisition of occupancy rights under the Act by a ryot in the village where he resides will meet the requirements of the case. The arrangement will be most in keeping with former customs, and will avoid difficulties and objections, and be understood by the people.

Section 27 (b).—A statement is annexed, marked Appendix A, which shows the number of partitions that have taken place in the several districts of this division in each decade since 1793-94. The year 1853 would answer very well for this division.

Sections 28 and 29.—Section 29 (1) seems required as a proviso for section 28, and section 29 (2) as an exception to section 29 (1.)

CHAPTER V.

7. *Section 31 (b).*—Enquiries made in Bhagulpore, both from zemindars and ryots, show that, according to present custom, ryots are not allowed to make any important improvement without consent of the zemindar.

Bengal Government letter, paragraph 8.

The majority of us (D'Oyly dissenting) approve the proposed clause.

Clause (d).—For reasons to be given under section 77, ejectment under decree for non-payment of rent should be added here.

CHAPTER V.

8. *Section 31, Clauses (f) and (g).*—A statement, Appendix B, is furnished regarding occupancy transfers. Admitting that the figures show probably less than the true number, owing to the fact that mahajans often style themselves as cultivators in these transactions, the figures, except in the case of Monghyr district, do not show that any excessive proportion of holdings have been bought up by mahajans in past times. Nevertheless, we are impressed with a sense of danger that, with the increased value likely to be given to these holdings under the new law, a large number of them will pass into the hands of the money-lending class, and the evils of sub-letting by these and by the ordinary occupancy ryot will increase.

The transfer of jotes to mahajans that has followed the settlement in the Sonthal Pergunnahs has become a pressing question and furnishes a warning. Although Government has declared that results obtained amongst a half-civilzed race affords no guide to what may be expected to occur elsewhere, the fact remains to be proved. Experienced non-officials express the strongest opinion upon the subject. The Chanchal Manager says that, if sales of holdings, otherwise than for their own arrears, are allowed, in a very few years the present occupancy ryot will have disappeared. This officer has lately caused enquiries to be made as to the indebtedness of the ryots in 15 of the most prosperous villages in the estate, taking two villages in each circle. The following results were ascertained. One thousand eight hundred and nineteen families, cultivating 30,249 bighas at a yearly rental of about Rs. 27,000, were found owing quarter of the year's rental, and five-eighths of the whole were in debt to the mahajan; some hopelessly so. Mr. Reily goes on to say that hitherto occupancy rights have not been transferable in this part of the country; but the moment these holdings are made liable to sale, a large proportion will be sold up for old debts, or "what is much more common, the tenant will be induced to hand over his holding to the money-lenders in part payment of his debt, on the promise that he will be allowed to retain possession of the land on the *adhi* system. The money-lender once let into possession soon finds means to dispossess the original holder bit by bit, and eventually the occupancy holder is reduced to the position of a serf or paid servant, who is given just sufficient to keep body and soul together, while the bulk of his earnings go towards paying off an ever increasing debt." Enquiries in Rokunpore (part of same estate), where the rental is less than two annas per bigha, showed that 132 tenants, whose names still stand in the zemindari papers as occupying their holdings, had made them over to the mahajan in part payment of their debts and had disappeared from the village, or were serving the money-lender in the capacity of a servant, or had sub-leased the holding from him on the *adhi* system. The mutation of names had been avoided by the money-lender continuing to pay the rent in the name of the original occupier.

As regards sub-letting, there is no difference of opinion between us that it should be checked in every possible way as an evil.

Treating the occupancy raiyats as a body of cultivators, who, having been created and benefitted by the law, are in no way entitled to consideration when they seek to become middlemen and take to rack-renting, we would, as far as possible, impose stringent rules against the practice of sub-letting. We admit that it is impossible to absolutely stop sub-letting; but at the same time we think that the mention of sub-letting as one of the incidents of an occupancy holding is a mistake, and therefore clause (g) should be omitted. Elsewhere, the notice of sub-letting in the law should merely be the imposition of restrictions in cases where sub-letting takes place. The restriction which the majority (D'Oyly dissenting) would impose that in cases of sub-letting by raiyats holding at fixed rates, or by occupancy raiyats, the sub-lessee shall at once acquire a right of occupancy in the land sub-leased as against the lessor.

The proviso, section 37 (a), should be preserved in this connection to meet cases of hardship.

Even with the above restriction imposed, there is still so much uncertainty as to how far the operations of the law will be effectual in practice, that we think (Porch dissenting) the proposal for legalising general transfer of occupancy holding should be given up.

The custom of transfer may be widespread, but it certainly is not universal. There seems to be no necessity to force matters. When it is found that the provisions of the new law are securing their object, and the position of tenants has grown stronger, it will be easy to give the further right of free sale.

In accordance with these remarks, we think that clause (*f*) should be modified, and a transfer of an occupancy holding by sale only be allowed for its own arrears, and clause (*g*) should be struck out. Restrictions upon sub-letting to be separately imposed.

We have made the above proposals because we have not been able to devise any method by which the principles of maxima limits upon rent based upon a proportion of the produce can be practically worked. We are unanimously of opinion that, if such a method can be devised, it will afford the best solution of the difficulty. In such case clauses (*f*) and (*g*) may stand.

CHAPTER V.

Bengal Government letter, paragraph 9.

9. *Section 43. Grounds of enhancements* (*points a.*)—We see no objection to the principle involved in these clauses.

Respecting clause (*a*). Whether it be owing to the fact that the zemindars find it difficult to prove their grounds, and fear that in their answer to the suit the raiyats will establish fixed rates, or whether the view of the Munsiff of Monghyr that rates are already so high and landlords so powerful that the raiyats are unable to make and do not offer resistance to enhancements, is correct, or that of the Collector of Bhagulpore, who says that for every enhancement under suit a thousand cases occur out of court. However these things may be, the total number of enhancement cases in this division is exceedingly small. Still the majority of such cases as there have been are based upon the "prevailing rate." Out of 176 notices of enhancement in Bhagulpore district in 1882 and 1883, 111 were upon this ground.

Notwithstanding the results of special enquiries, disclosing that a prevailing rate existed in Jessore only, it is our belief that such can be generally discovered in this part of the country if not extending over whole pergunnahs, at least limited to villages or groups of villages in the same or neighbouring estates. The raiyats generally know these rates for their lands—complicated and often overloaded as they may be with illegal cesses—and are prepared to struggle forcibly and in combination for their maintenance Cases of attempts to force up rents by the production of "collusive and fictitious rates" are not known to have occurred in these parts, nor do we think them likely to occur while things remain as they are.

Where a prevailing rate exists, the rule of enhancement proposed is fair and reasonable, and to deprive the zemindar of the right would be unjust. We think the ground set forth in section 43 (*a*) should be retained.

The cases that come under the clause are of two kinds: (1) Where a raiyat has held lands at nominal rates, perhaps under verbal agreement or by perwangi, for service or favour done to or shown by a former proprietor. When the service and patron are forgotten, the right is questioned. It is either allowed to continue for sufficient reason, or the matter compromised: the lever being the right to bring a suit. (2) Apart from special cases, there is the claim to advance an ordinary occupancy raiyat to the rates paid by his fellows in the village.

The terms of this section would be improved by adding after the words "occupancy raiyats" in the clause the words "of the same class," and giving an illustration of what is meant with respect to old standing raiyats and new ones, who will mature into occupancy raiyats carrying with them their heavy rack-rents.

CHAPTER V.

10. *Sections 44, 45, 47 and 48, point* (*b*).—The idea of limiting the rent to a certain proportion of the value of the gross produce which has had to be abandoned appeared, at all events, to be based upon a certain fixed principle which was acceptable in many quarters. The limitations contained in these sections are of a more arbitrary character. The intention is, of course, to afford relief and protection to the raiyat; but the justification must be sought for in the principle that a raiyat should not be subjected to a sudden enhancement which he cannot afford to pay. Looking to the conditions under which enhancement may be allowed under the different sections, a distinction is apparent, and strict uniformity cannot be justified in respect of the limits proposed in different cases.

Bengal Government letter, paragraph 9.

Take the case of enhancement based upon a raiyat paying less than the prevailing rate (section 44,) and compare it with the conditions under section 45, rise in prices. The latter case concerns the distribution of an unearned increment, the claims to which may be taken to be not unequally balanced on both sides. In the former case the landlord seeks what is really his right, viz., a rent which is not unfair, by comparison with others, which, upon the same comparison, the raiyat should be able to pay in full, and for non-payment of which he can show no justification. An aggravated case of this kind would be where the raiyat sued was sub-letting his lands at rack rents far above the prevailing rate of his own class.

In the case of improvements (section 46), the landlord seems to have a right to full profits.

The following proposals based upon the above remarks are submitted —

(*a*) Accepted by the majority. (Weekes dissenting.)

In the case of section 44, clause (*a*), the limit should be removed.

(*b*.) Accepted by all. Section 46 to stand as at present.

(*c.*) Accepted by the majority (D'Oyly dissenting.)

Section 47 to stand as at present.

(*d.*) Only two of those present (Messrs. Barlow and Kean) have been able to agree to the following proposal, *viz.*—

Omit clause (*b*) in section 45, and enact that the enhancement allowed shall be equal to one-half the difference between the former rent and the rent arrived at by the calculation under clause (*c*). They think that there is at least an appearance of fairness about such mode of distribution. The zemindars doubtless believe they have a right to a larger share of the unearned increments, but it will be difficult for them to prove the fact, especially in view of the increased cost of cultivation which must necessarily follow the rise in price of the necessaries of life.

Messrs. D'Oyly, Weekes and Porch dissent here, and each hold a different view, the latter wishing to retain the section as it is.

In cases under all sections, sections 48 and 49 should guard against hardship.

CHAPTER V.

11. *Sections 44 to 49 continued:*—If the proposed limits are maintained, some provisions are really necessary to meet special cases where the preceding rent paid has been below the ordinary rate by reason of service or for any special cause. Take the case of an Indigo planter who accepted two annas per bigha from raiyats who cultivated indigo for him, where the prevailing settlement rate for the lands was eight annas (a known case is referred to). If the raiyats repudiate the contract, why should he be restricted to three annas rent.

Bengal Government letter, paragraph 9, continued.

CHAPTER V.

12. *Section* 41. *Enhancement out of Court.*—We think there would be danger in allowing enhancements even under registered contract to the same extent as after suit. This contract system will most undoubtedly be abused in many cases.

Bengal Government letter, paragraph 10.

Notwithstanding the determination often shown by the raiyats in resisting open attempts to enhance rates, it is marvellous how easily they yield when the matter is worked privately and in detail against them by the zemindar. A late case in point occurred under the Court of Wards. We tried to enforce the prevailing rate against three recusant villages. The raiyats combined and withstood us for some two years, refusing to pay any rent and bringing the affairs of the whole estate to a stand-still. We had to give up the estate to the minor before he came of age, since he expressed himself as certain that he could, by the exercise of family influence, as he put it, set matters to rights. Sure enough he did so in an unusually short space of time, and the raiyats who had withstood our open and fair attacks under the law, registered engagements for the full rate demanded. The mode of working this sort of thing is well known, and was suggested during the struggle; it is to get at the principal men and win them over by secret concessions, and the body of the raiyats are nowhere. The provision that the registering officer is to ascertain that the raiyat understands and is willing to enter into the contract is really no safeguard, when one considers the injurious conditions against themselves that raiyats do accept. Having been primed up and brought to the registering office, a raiyat rarely has the pluck to go back from his engagement. It may be necessary to allow contracts under registered engagements, but the provisions upon the subject should be restricted. A practical difficulty has been suggested as likely to arise from the indifference to, and often unwillingness to enter into, written engagements exhibited by the raiyats. It is also asserted that they will never attend to register documents. There is certainly force in these objections.

CHAPTER V.

13. *Section 42* (1).—It is clear to us all that there is a danger of the levelling up of occupancy rents in the manner suggested in the paragraph, which is none the less real because it is at present a long way off.

Bengal Government letter, paragraph 11.

Section 42 (1) read with Chapter VI and section 60 (9) are not perhaps to be solely charged with the effects likely to be produced, seeing that ordinary non-occupancy raiyats, who ripen into occupancy raiyats carrying with them the competition rates at which they entered, will supply a leverage that would work out the result. The idea that occupancy and non-occupancy rates are similar, or that according to principle the latter cannot be higher than the former, is not strictly correct. In old days, when the terms were not known, the older raiyats paid the higher rates, because they held the best lands. The same state of thing exists in Maldah now, although it is doubtful whether the occupancy lands are superior. In Purneah, where the quantity of superfluous land is great, no distinction of rate prevails. In other districts the operation of the law has created a distinction, and hence the non-occupancy rate is higher than the other in many cases. Unless some plan can be devised,—and it seems doubtful if this is possible in the absence of maxima limits,—for so regulating the prevailing rate clause as to prevent the rates paid by occupancy raiyats of a later date being used as the standard for raising the rents of older raiyats of the same class, there seems no way out of the

difficulty, except to eliminate section 43 (a)—an arrangement which we have already said we think unjust to the zemindars. Very strong objections are taken by the zemindar against this section. The Chanchal Manager reports a case that lately came under his notice. A tenant, with a holding rented at Rs. 84, died heirless and the holding reverted. He was surprised at the numerous offers made at a higher rental, until he found that the entire land was sublet for Rs. 156. Under the present law, he settled direct with the under-tenants at existing rates as raiyats, who will now sit in their holdings and qualify for occupancy rights. Mr. Reily discusses the circumstances of this case upon the supposition that the occupier of such a holding had allowed it to go to sale and the zemindar had used his right of pre-emption to buy it, and had then settled it under section 42 (1).

He traces the difficulty which, under the circumstances of the case, the court would have felt in fixing the price under section 32 (4) as judged between him (the zemindar), liable to the condition of the law as to sub-letting, and another purchaser, not so fettered; points out, as compared with the probable high price paid for the land *plus* improvements the valueless nature of the purchase to the zemindar in connection with the restriction, under section 42; and finally demonstrates that, should these persons occupying the land be settled raiyats in respect of other land, in order to save himself, the landlord must evict them in order to settle at full rates with an outsider or non-resident raiyat, or take heavy *salami* to recoup himself.

The outcome of this appears to be a matter not apparently noticed, *viz.*, that section 42 (1) is likely to operate to prevent settled raiyats getting more land in their own village—a condition to be deplored—when the smallness of existing holdings is remembered. Mr. Weekes does not object to section 42; he considers that in all cases a non-occupancy raiyat could be settled in the land under section 56.

14. *Section 216. Bastu lands.*—The following account is given by the Collector of Bhagulpore:—"On the whole, it may be said that formerly cultivators as a rule paid nothing at all for bastu lands. Whether the land occupied by dwelling was included in the jote or holding, generally it was held rent-free *by cultivators*, and in many instances this is the case to the present day, though zemindars are now-a-days inclined to make as much as they can out of their zemindaries, and thus in new settlements it is frequently found that separate rents are charged for bastu lands, and in some cases at high rates. * * * * * * * * Non-cultivators are charged 'basowri' rent according to their caste and trade. A Brahmin never would be charged; artizans often hold their houses free of rent, but give labour free in exchange; labourers similarly pay no rent for bastu, but work as 'begars;' telis and gowalas give an understood quantity of oil and ghee in exchange for free shops."

Bengal Government letter, paragraph 12.

In Monghyr conditions are very similar. Raiyats erect their houses on "dih" or "bastu" lands set apart for the purpose, and no rent is as a rule charged for such lands. Where rents are fixed, no enhancements are made, except in cases of shop-keepers, whose rents increase with their circumstances. In some places the lower classes pay rent for bastu lands. In others only shop-keepers are assessed. Sometimes the labouring classes pay in kind or by voluntary labour, and the petty tradesmen supply salt and tobacco in lieu of rent.

The Collector of Purneah notices that in most villages up to the present day no rent is levied from cultivating raiyats or from "respectable raiyats," Hindu and Mahomedan. This is the case in many pergunnahs. Telis and other low castes, non-cultivating persons, pay "betori" in some form. In Sultanpur havili and Seripore again, the radius of this circle of non-respectability is reduced to a money qualification of a 4-rupee rent-holding, showing an arbitrary encroachment upon right. English notions, as represented by the civil courts, have come a little into play of late: there have been two or three cases of ejectment even from bastu land following ejectment for arable lands; but this is the exception. A new form of compromise has appeared in a few places, and raiyats building a new house have had deductions given them of the rent of the land taken, and in return have been assessed with "betori" at the usual rate of two annas a cottah. The Collector believes that the village site originally belonged to the village community and not to the zemindar: hence it was rent-free. He gives several cogent reasons for this opinion.

The conditions of Maldah contrast with those of other districts, as here rent-free bastu lands do not appear to be known. Rents are liable to enhancement up to the prevailing rate.

In all districts alike, the practice seems to be that a raiyat who has given up his jote is allowed to remain in his house lands upon such terms as may be agreed upon with the landlord. Several raiyats examined in Bhagulpore stated that these terms were rent-free in villages where ordinary bastu holdings were free; and certain zemindars and pleaders corroborated the statements. It was, however, added by the latter that such indulgence was of grace, and not of right. The Munsiff notices that decrees have been given for rent against raiyats who pleaded previous non-payment, as both law and custon forbid that a raiyat should obtain a permanent right in bastu land. There have also been cases where raiyats have obtained rent-free decrees. Cases have occurred when maliks wished to eject raiyats from bastu lands, in which the answer was that they had been held rent-free since the Permanent Settlement; such cases have been dismissed. The uncertainty in connection with the subject of bastu lands and rent arising out of indefinite and varying custom gives an unscrupulous landlord full opportunity to worry his tenant.

We propose that, so long as a raiyat cultivates in the village, he should not be liable to ejectment from his homestead land, nor to any increase of rent for the same except on the grounds that the area has been increased. This is necessary to check the tendency which raiyats have to filch land and take up adjacent desertd *baris* for enclosure with their own. The majority (Barlow, D'Oyly, and Kean) consider that when a raiyat ceases to be a raiyat, he should make his own terms with the landlord: provided that the occupier of bastu lands, when he ceases to be a raiyat, owing to sale of his holding or otherwise, shall not be liable to eviction from his bastu land without a month's notice. Messrs. Weekes and Porch consider that in such cases the occupier of the bastu lands should be entitled to hold on, provided he pays the rent customary for non-cultivators. They believe this arrangement to be according to existing custom. If protection in the way proposed is granted to the cultivating holder of bastu lands, some provision against sub-letting of homestead lands will be required. For at the time of settling a new village, when land is cheap, raiyats take up more than they want for their own requirements in the most favoured situations. By-and-bye, when pressure begins, they are apt to sub-let their surplus lands in the centre of the village, thus injuring (1) the zemindar by competition, (2) the villagers by running up the rates, and (3) both parties in cases where the village site above flood level is limited in extent, by occupying lands required for raiyats who take up new lands. When a tenant sub-lets bastu land, the majority (Barlow, Porch and Weekes) consider that the zemindar should be allowed to recover from him the amount at which the land is let, less 5 per cent.

CHAPTER V.

Bengal Government letter, paragraph 13.

15. *Section 51(a).*—The following cases of deterioration of land are noticed:—

Sudden and marked—

(*a*). Change in the course of a river, rendering a tract subject to inundation and jungle growth. This happens often in Purneah.

(*b*). Change in course and departure of a river, as in case of Mahanunda in Maldah.

(*c*). Cutting off the water-supply by construction of a road or embankment.

Other cases occurring gradually—

(*d*). Efflorescence of reh. This is little known here.

(*e*). Failure in repairing irrigation works (for making which there very likely was a previous enhancement.)

(*f*). Natural deterioration of the soil from bad farming and over-cropping.

It might be well to add the words "either sudden or gradual" after "calamity" in this clause. If it is proposed to make any provision for point (*e*), a special clause would be necessary.

Sections 53 and 64 (3).—In the opinion of the majority (Weekes dissenting) a fixed proportion of the crop cannot fairly be considered, having regard to the rise and fall of prices, as a natural and equivalent antecedent of a money rent invariable over a term of years. Looking at the tremendous effect the application of section 64 (2) would have in parts of the country, where the bhaoli system prevails, the provision should be modified.

We desire to see added to section 53 (4*b*) the words "taking into account the risk run by the ryot in undertaking money payments," as we are convinced that the point may otherwise be overlooked in the civil court.

Bengal Government letter, paragraph 14.

16 (*a*). The idea that the sub-divisional prices current are the average of local markets, and that the districts price current lists are the averages of the sub-divisional lists is incorrect, at least as far as this division is concerned. The prices current represent the actual *retail* prices of articles at that date at the places named in the list.

(*b*). The price-lists are available for at least 15 years at all district and sub-divisional head-quarters, except the following:—

Soopool sub-division for 14 years, Purneah 12 years, Arrareah 7 years, Maldah 12 years.

(*c*). The price-lists cannot be verified, as the retail vendors do not keep accounts for any time if at all; but the majority of us (Barlow and Porch dissenting) consider that they can be approximately verified, by comparison with the books of wholesale dealers at the most important marts in each sub division, as records of the wholesale prices for the past 15 years have been found in at least one large mart in each sub-division, and because they consider that the fluctuations in retail prices can be gauged with tolerable accuracy by the fluctuation in wholesale prices.

(*d*). The results of the enquiries made lead us to believe that an approximately correct price-list for 15 years, for each of the staples shown in the list attached to Government of Bengal's letter (as now revised and returned, Appendix E), could be prepared for at least one large mart in each sub-division. This could generally be done upon the accounts of the wholesale merchants of that mart, but where deficiencies were found, they could be remedied by taking the price for any staple wanted from a neighbouring mart.

(*e*). The question as to whether enhancements can be fairly allowed in direct proportion to the rise in price, or whether it is not essential that some allowance should be made

for the increased cost of production, has been dealt with in the remarks on section 45 (paragraph 10), so far as the members of the conference can agree upon the point, others will record their views separately.

(*f*). It is difficult to say whether any connection exists between jute and rice cultivation. If it be so, the connection is not necessarily that stated in the Bengal Government letter. During the present season, when the price of rice is undoubtedly very high, the Collectors of Purneah and Maldah state that an unusually large crop of jute has been sown, the price of jute being also exceptionally high. On the other hand, last year, when the price of rice was low, the cultivators were unwilling to grow jute because it was also cheap.

(*g*). The majority (Porch dissenting) consider that, with the exception of jute, there is no other crop in this division, the area of cultivation of which can be supposed to vary with the prices of staple food-grain.

(*h*). Adverting to paragraph 13 of Government of India's letter, we are of opinion that, as regards the future, trustworthy price-lists can be prepared, provided that a single price-list for a large area, say a sub-division, suffices. The price-lists cannot be made to distinguish the permanent for the temporary rise in prices, and the occasion when the tract has benefited from the rise from those when it has suffered.

(*i*). On the whole, we accept the view that a sub-divisional price-list would furnish a fair index to the fluctuation which attend prices obtained by the cultivator in his village. Messrs. D'Oyly and Weekes indeed consider that one list for the whole district would suffice.

(*j*). As regards the use of the price-list when decided upon, Messrs. D'Oyly and Porch would use the same in the manner prescribed in sections 45, 48, and 49. Messrs. Barlow and Kean agree in this, subject to the proposals supported by them in connection with section 45, and recorded in paragraph 10 above. Mr. Weekes will record his opinion separately.

CHAPTER VI.

17. This chapter does not do much to improve the position of the non-occupancy ryot.

Bengal Government letter, paragraph 16.

Section 60 virtually gives to those who come to know and understand the law a statutory lease for 5 years at fair and equitable rates as compensation for disturbance, and a few ryots by help of this may acquire occupancy rights.

It is probable that short leases will become the rule, but we do not anticipate that, for a considerable time to come, the provisions of the chapter will lead to any serious disturbance or ejectment of ryots here. This may happen early in parts of the country where, under the old law, the distinction between different classes of ryots was fully and widely recognized and worked up to, especially if it is found that the position of the occupancy ryot is materially improved under the new law; but here it is different. Except where there has been litigation, the ryots understand little about occupancy rights, and the zemindars find ways for enhancing rents even where they exist. The result has been that ryots sit on, and proceedings to oust a ryot, simply to prevent his acquiring occupancy rights, are not usual. All this may, and, if the expectation of the opponent of the Bill is fulfilled that it will set class against class, will be changed, but it will take time.

No doubt danger exists, as pointed out in Government letter, that hereafter occupancy rates will be levelled up. We see no way of avoiding this in the absence of the arrangement for maxima limits, unless occupancy rights are at once given to all resident ryots in respect of lands cultivated by them, and without limit as regards the time for which they have held the lands.

CHAPTER VII.

18. We are unanimously of opinion that the provisions of this chapter are unworkable and should be omitted.

Bengal Government letter, paragraph 17.

The ryots will rarely register a lease, and verbal engagements are the rule of leasing amongst them. If the arrangement proposed by us under section 31, clauses (*g*) and (*f*), are carried out, the sub-tenants of the occupancy ryots, who will form a large proportion of the whole body, will otherwise obtain protection.

CHAPTER V.

Section 88.—The object of this is not clear; every disturbance in the relations of the landlord and tenant is against the chance of the latter being suffered to sit on to acquire occupancy rights, and is suggestive of a fresh enhancement of his rent.

We are of opinion the section should be omitted.

CHAPTER VIII.

19. *Section* 67.—The wording of clause 2 of this section is not very clear: which is to prevail; the number of instalments and dates of payment, &c., fixed by Government, or those fixed

Bengal Government letter, paragraph 18.

by agreement, or in the absence of agreement by custom? This question of adjusting instalments to the present conditions of crops and harvests is a matter of first importance, and proper regulation of the same will go far to keep the cultivator out of the hands of money-lenders.

CHAPTER VIII.

Section 69.—We certainly think that, except with the express consent of the ryots' payment should under no circumstances be allowed to be credited against a demand already barred by limitation. We are unanimous of opinion that in place of section 69 it should be enacted that any payment made should be credited to the oldest arrear outstanding which is not barred by limitation.

A ryot owing three years' rent under section 69 could, by appropriating his payment for the demand of the current or next preceding year, bar recovery of the oldest arrears, as limitation might apply to these two days after the payment was made. Again, should he appropriate his payment to the current year's demand, he would bar the right of payment.

CHAPTER VIII.

Section 70.—A form of receipt and statement of account is approved and submitted Appendices C and D. It corresponds with those printed with the Bill, except that, in the receipt form columns to distinguish between current and arrear payments, and in the account statement, description and qualities of land have been entered. This matter must, however, remain incomplete until arrangements are made to secure the numbering of each field in a village, so that same may be entered in receipts and account statements to render them really useful documents. This would be one of the greatest reforms possible. To effect this, it has been suggested that every zemindar should be bound to keep and register a village map, showing the numbers of all fields, which numbers should correspond with those exhibited in the receipts, &c. The idea is well worthy of consideration.

CHAPTER IX.

20. *Section* 88 *and* 89.—Some doubt has been expressed whether it is in the interests of the ryots that they should have a preferential right to carry out improvements, rather than the owner who has a greater command of capital. The Deputy Collector of Jamui writes :—" The time is yet remote when ryots will be able to carry out improvement, at least in Behar ; and if therefore improvements are expected, the landlord should have the prior right. But even with such right he will not be forward in making improvements ; for under sections 46 to 48 he may be altogether refused any enhancement on the ground of such improvements. The result will be in Behar that, if the commutation of rent comes to prevail, the " pynes" and " ahars" which are now repaired by the landlord's capital and organization will be allowed to fall into ruin, and for a long time thereafter the ryot will suffer. When they shall have learned the use and means of co-operation, the landlord will not allow them the use of these water-courses without a specific rent for the lands." The remedy for this seems to be that, at the time of commuting produce rents into money, the question of these water rights should be considered and dealt with ; an addition to section 53 (4) should be made to this effect. The Collector of Purneah would strike out the last clause of section 89 (1) and clause 2 of same section ; also section 90 (2) and all sections 91, 92, 93 and 94, on the ground that zemindars never make improvements, and should not be tempted to do so against the ryot's will, in order to prevent the ryot doing it himself. The majority of us (Weekes and Kean dissenting) accept this chapter as it stands. As regards the construction of wells by non-occupancy raiyats, they are at present allowed to construct kutcha wells without hinderance. There are no canals (except in Khurrukpore) in this division ; but on more than one occasion difficulty has been experienced in carrying out schemes for bringing water from a long distance by means of irrigation channels which will pass through other zemindaries, and the work has proved impracticable. It would seem that some provision in the law is required to meet this ; but the proper place for legislation of this kind would be, it seems to us, the Land Acquisition Law and Rules, or a separate Act. It might be enacted that on application to the Collector by the zemindar, or a proportion of the tenants, and a sufficient guarantee for the needful funds being furnished, land required for purposes of this sort might be acquired in the usual way.

Bengal Government letter, paragraph 19.

It has been represented that for the purposes of village roads, burial grounds, sites for markets and villages, &c., similar provisions will be necessary. Heretofore the zemindar was always able to arrange for these ; but, as under the new Act, his dominion over the property may be weakened, difficulty may occur in the future.

The Chanchal Manager explains that, founded upon the necessities of the locality, a saving clause is inserted in leases and uniformly acted up to, that the landlord may resume crop land required for new village sites. Abatement of rent is allowed, and in case of Chanchal estate at least, during the past seven years, compensation has been granted for crops injured. The custom is an ancient one and accepted readily by the raiyats without objection, who see clearly enough that the action of the river may make it necessary some day for them in turn to search for a new site for their homesteads.

CHAPTER IX.

21. *Section 96.*—We all consider that the provisions of this section are unduly harsh towards the landlord. There have been one or two cases brought forward of forcible eviction, but

Bengal Government letter, paragraph 20.

as a rule tenants who abandon their holdings are bad cultivators, overburdened with two or three years' arrears who clear out. The risk of complications, such as those described in paragraph 20 of the Bengal Government letter, occurring we judge to be small, and for one case of hardship to the tenant there would, under clause 3, be many befalling the landlord, as the land would remain unlet for two years, the term appointed therein.

We think clause 3 should be struck out, and the matter left to be dealt with under the Specific Relief Act.

CHAPTER IX.

22. *Section 99.*—We agree that a zemindar should be restricted to external measurements in case of lakhiraj lands, except with written permission of the Collector on good and sufficient cause being shown.

Bengal Government letter, paragraph 21.

CHAPTER IX.

Section 101.—The majority are of opinion that the measurement should be made by the local measure. Messrs. Barlow and Kean would use the Gunter's chain, with a view to secure accurate measurement and defeat fraud, which is a first essential.

23. *Section 102, &c.*—We approve of the provisions of this chapter. If the landlords object to them, they have the remedy in their own hands, and they should so arrange their affairs as to make the application of the law uncalled for.

Bengal Government letter, paragraph 22.

We have some misgivings as to the wording of clauses A and B, section 102. The reason why District Officers so favour the arrangement for the appointment of a Joint Manager is the state of confusion and annoyance to the tenant that occurs where disputes are rife amongst shareholders. The conditions are fairly set out in paragraph 134 of the Rent Commission's report. Whether the position is sufficiently reached by the proposed provision of section 102, which are limited to (*a*) inconvenience to the public, and (*b*) injury to private right, is perhaps a little doubtful.

CHAPTER X.

24. The following points are noticed :—(*a*) Nothing is said about measurement, which must be the basis of the record (section 111) in every case.

Bengal Government letter, paragraph 23.

(*b*) In clause (*a*) section 111, the words "father's name, caste and residence" should be added. In clause (*b*), "class of tenureholder." In clause (*c*) should be added "including homestead lands."

(*c*) Headings for classification of land according to crops and rates of rent, and showing improvements and by whom made, might be added with advantage.

(*d*) Section 223 should be more general, and leave it open to Government to invest revenue officers engaged in any work under the Act with any and all powers under existing laws This would enable officers engaged in preparing the record of rights or settling rents under this chapter to be vested with the powers of Survey and Settlement Officers for causing the attendance of parties and enquiring into matters.

With reference to section 116 (2), the majority of us consider that the correctness of the record in undisputed cases should only be presumed until the contrary is shown. There is a risk of persons (more likely to be raiyats than zemindar) being absent at the time the record is made, who would be for ever bound by it. All cases, however, wherein both sides have appeared before the revenue officer, and consented to and signed the entry, should be declared by law conclusively settled. For the rest, a term might be fixed within which absent persons might be permitted to appear and show cause for changing an entry made; and a term should be fixed within which a disputed entry must be carried in appeal, failing which all entries should become final. This will tend to hasten the completion of the record upon strictly fair grounds. In carrying out the provisions of this chapter, the first thing prepared should be a cadastral map of each village with a serial list of fields with the class of land against each. The number of the field in this map should be given in heading IIIC.

It has been pointed out well that the whole effect of all this valuable work will be lost, unless arrangements are made for the mutation of names, &c., after the record is complete. This point should not be lost sight of.

CHAPTER X.

Some exemption should be allowed from the rule, section 120, for dearah and other lands, the condition of which in the neighbourhood of large rivers vary so much.

CHAPTERS XI AND XII.

25. The majority (Porch dissenting) do not believe that the procedure under Chapter XI will have much practical effect. The difficulty of deciding the exact class to which any

Bengal Government letter, paragraph 24.

particular land belongs, which may be made the subject of a suit, is a real one, and cannot be avoided. The preparation of a table of rates in the manner prescribed will be a very difficult matter, and trained officers will be required for the work.

Section 198.—We think that, in addition to the lands described in clauses 1 and 2 of this section, the land which *bonâ fide* forms part of the compound or premises around proprietary buildings should be included as private land. Being uncultivated, they are not included in the definition. Portions of such lands are sometimes let for the purpose of a crop being taken off them, but it seems plain that an occupancy right should not be allowed to arise in such cases.

CHAPTER XIII.

Bengal Government letter, paragraph 25.

26. We all consider that, notwithstanding the provision in section 141 (3) for an intermediate order, the objections which are strongly urged by the zemindar that in numerous cases the delay that must occur in applying to the courts to effect distraint will render the proceedings useless, are well founded. It is reported that in Chanchal estate alone there are 2,000 tenants who come yearly from Bhagulpore and Durbhunga, cultivate a crop on the newly formed lands, and are off again the moment the rivers rise. The majority think (D'Oyly and Kean dissenting) that, if the provisions of the law for securing the payment of rent, whether by sale or under the penalty of eviction, be made effectual in other cases, it would meet the objections if the distraint procedure was limited to the case of non-occupancy and other subordinate raiyats. We unanimously consider the following arrangement worthy of notice, which would leave the power of making distraint in the hands of the landholder as at present, and at the same time furnish a check upon abuses.

At the time of distraint the defaulter should be furnished with an account showing (1) area and boundaries of the holding for rent of which distraint is made; (2) rate and amount of rental, the latter divided into arrear and current, in order to prevent the money realized being credited to previous arrears as is often done; (3) the portion of the holding, the crop of which is distrained, to meet the demand, for in a large holding the whole crop should not be distrained. A duplicate of this account should be despatched at the same time by the distrainer to the court having jurisdiction, and he should further be bound to intimate subsequently to the court when the demand has been satisfied or arrangements have been made with the defaulter.

The penalties provided under section 220 will provide sufficient check in these cases.

CHAPTER XIV.

Bengal Government letter, paragraph 26.

27. *Procedure.*—We have doubt as to the propriety of section 163 (*e*) as regards the raiyat. It is true that the preparation of a written statement by a mooktear means the putting forward of a number of false or useless claims; on the other hand, an ignorant raiyat may fail to take up or depose to the most important points of his case. Perhaps it would suffice if the leave of court to put in a written statement might be asked for upon plain paper; but we should prefer to see clause (*e*), section 163, omitted.

We hope that the arrangement for suing raiyats collectively will be found practicable.

CHAPTER XVI.

Bengal Government letter, paragraph 27.

28. The majority of us (Weekes dissenting) approve of this chapter. A provision should be added in section 199, permitting of adjournment of a sale to the next or subsequent day, as it has sometimes been found impossible to complete the sale of a large number of tenures on the date fixed, and doubt has been cast upon the legality of an adjournment. Provision is also required in the chapter permitting a Collector to make over the duty of holding these sales to a Deputy Collector.

CHAPTER XVII.

Bengal Government letter, paragraph 29.

29. *Section 210.*—We approve of the provision of this section, and have nothing to add to or take away from same.

Bengal Government letter.

30. *Section 227.*—We are unanimously of opinion that dues on account of phulkur and private ferries should be added here. The latter often forms part of the assets of settled estates. The majority (Messrs. Barlow and Kean dissenting) are of opinion that the provisions of section 227 are not sufficient to cover the case of pasturage dues recoverable by custom in the shape of a rate per head for cattle from persons bringing them into jungly tract for purposes of grazing, because the courts would probably hold that the relation of landlord and tenant does not exist between the person having the right of pasturage dues and the persons from whom he seeks to recover pasturage dues. This would apply especially to the case of mehals like the "Bhaisoondah" mehals in Bhagulpore district, the owner of which, though he has not got a single cottah of land, has the right to collect pasturage dues from every owner of buffalo throughout the Colgong pergunnah. Next where, as frequently happens in this division,

cattle are brought from long distances (often more than 50 miles) to graze in jungle tracts, the owner of such tracts, even if he succeeds in getting a decree, has little prospect of executing it. The custom is that the proprietor detains cattle until the dues are paid, and this ensures recovery. The majority are of opinion that an addition should be made to the section to the following effect, that the relation of landlord and tenant shall be held to subsist between the owners and users of such rights. They also think that, in the case of pasturage, the custom which obtains at present of the owner of such right having a lien on such cattle should be legalized.

31. *Point 2. Paragraph 2 of Government of India's letter No. 784, dated 5th May 1884.*—No information as to the existence of any dependent taluq of the kind is traceable in the official records of this division or otherwise. We refrain from offering any opinion upon the subject.

Bengal Government letter, paragraphs 31-32.

Point 3.—The majority of us (Weeks dissenting) think that it would be a grievous hardship to make rent-free tenure-holders liable to be sold up for arrear of cess. The smaller holdings would be broken up rapidly.

32. *Government of India's letter No. 784, paragraph 2. Point 2.*—A detailed description of the *hal hasila* tenure is given below. It shows a tendency towards decreasing in favour of the ordinary system of cultivation, but it still prevails extensively in Purneah and Maldah districts. It is found also in two pergunnahs in North Bhagulpore where the soil is poor and liable to submersion. There are certain other tenures known in Bhagulpore district of a similar character. In the Muddehpurah sub-division, on the banks of the Kosi and Gugri, ryots pay rent only for those lands the crops of which are reaped. The reason for this is the danger of destruction by inundation. Yearly measurements are made. The system is termed *hustoaphur*. A tendency is said to have lately been shown by the zemindar to do away with the custom and make the ryot execute a kabulyat to pay rent, a specific rate on a specified area, with no condition for abatement in case of partial failure.

Bengal Government letter, paragraph 33.

In the north-east of Bhagulpore is a system called *hustabudhi*, where the ryot pays a separate rent for each crop he cultivates according to the area.

Another system is termed *sairabadi*. Here a raiyat cultivates any lands he can get possession of for the season, and pays cash rent according to the area of the crop raised.

Hal hasila lands.—The ordinary meaning of the term *hal hasila* is where rent is charged only for the actual area cultivated, and sometimes according to the crop raised in each year. The system is liable to variation in different localities.

In North Bhagulpore the ryots hold a fixed area of land, but pay in each year only for the area cultivated in that year. The lands are either inferior high lands or low lands liable to be submerged frequently. The former owing to the poverty of the soil have to be left fallow for a year or two to allow them to recover; and the latter, while under water, cannot be cultivated. The cultivated lands are measured every year, and rent charged at the prevailing rate for class. No allowance is made for partial failure. No attempts have hitherto been made by zemindars to re-settle lands thus left fallow. It is not certain that as demand for land increases zemindars will continue to show forbearance.

In Purneah *hal hasila* tenants only have to pay rent for the lands actually cultivated in each year. Measurements are effected yearly to ascertain the rent payable. Formerly rates varied with the actual crops grown; now this has nearly gone out of use, and one rate prevails for all crops.

In some cases, where ryots hold considerable areas (usually limited by boundaries only), they retain a lien on the whole area, while they only pay rent for the portion actually cultivated.

In Maldah two kinds of *hal hasila* system prevail. About Mathurapore the tenants take the lease of a specified area of land, for which they are bound to pay a specified rent for the rubbi crop, whether cultivated or not; and an additional rent, at a specified rate, is charged for such lands of the holding upon which a second or bhadoi crop is grown; but rent for such second crop is not chargeable if the ryot chooses not to grow it. It is said that in this part ryots under the *hal hasila* system acquire occupancy rights in their lands. About Chanchal, in the north of Maldah, the *hal hasila* system, as involving exchange of lands by individual raiyats, at least once every three years, if not oftener, prevails. But the tendency has grown up to retain continuously under cultivation the most favoured qualities of land, either as to situation or fertility, and only exchange the more distant and less fertile lands. Even in the last respect the margin of land that it is possible to exchange is decreasing. A local peculiarity as regards exchange of land is the following. If the land not required for the cultivation of the season is remote from the bank of a river, the zemindar at once resumes it on the tenant ceasing to use it. If it is near a river, the tenant does not give up his lien, but has to pay the zemindar a small rental on each bigha of the unused land, generally calculated on the supposition that the land has yielded one crop during the year. This arrangement is again modified by conditions of population. Where demand for land is small, the zemindar is glad to accept anything he can get from the holder of the disused land.

The rents for *hal hasila* land in this estate are paid in the lump after measurement of the land. While the annual receipts (farrucks) show a varying jumma at least every three years, if not yearly, leases, where they exist, neither give boundaries nor identify the land. Conse-

quently, while it is certain that tenant has held his homestead lands ever since he entered the village, and at least some portion of the cultivated lands for over 12 years, he would be entirely dependent upon oral evidence to prove the fact.

A consideration of the above facts would go to show that in the case of two out of the three kinds of *hal hasila* tenures, the ordinary incidents of ryoti lands, as set forth in the Act, might apply, and would benefit the raiyats to the extent that they would acquire occupancy rights. These cases would be (1) the system at Mathurapore, and (2) the system at Purneah, where a fixed area of land is retained, although the rent for the whole varies according to the quantity of land actually cultivated in each year. In the remaining case, as at Chanchal), where the locality and quantity of cultivation changes from time to time, the incidents of ryoti land would not apply, or apply with difficulty. Owing to the varying nature of tenures of this class, it seems to us that "a saving of customary and other conditions" by specific applications of provisions in the law (as in the case of section 214) is undesirable. We would prefer to see the subject dealt with in the same fashion as other special rights have been dealt with in section 227, *i.e.*, it should be enacted that the general provisions of the law should apply to such tenures "as far as may be, and no further," leaving the courts to decide each case upon its own merits.

33. *Government of India's letter No. 784, paragraph 2, clause 6.*—The following account of a *gorabundi* holding is taken from page 143, Hunter's "Statistical Account of Bengal," Volume XIV (Bhaugulpore District.

Bengal Government letter, paragraph 34.

Since the introduction of Act X of 1859, the word *gora* has come into use to designate a raiyati tenure, the rent of which is not liable to increase. A *gorabundi* tenure formerly meant a holding in which the cultivator had a hereditary right of occupancy, and which was not generally transferable though in some part of the district alienations were sanctioned by usage, but of which the rent was not necessarily fixed for ever. The Deputy Collector distinguishes three forms—first class *gora* tenures are those which possess the characteristics of a transferable and hereditary holding at fixed rates; second class *goras* are not transferable, but the rent is not liable to enhancement; and third class *goras* are such as before the passing of Act X of 1859 possessed the characteristics of an occupancy holding as defined in that Act, the rent being variable. The last of these, which is in fact the ordinary occupancy tenure, is beginning to become a transferable property, particularly in the part of the district bordering on Monghyr.

In Volume XV Monghyr district he has as follows at page 117:—

Gorabundi is a holding equivalent to the *jumma mokurraree* of Bengal, signifies that the raiyat holds at a fixed rent not liable to be raised. This right, which is founded on the custom of the country, was legalised by the Rent Law, where the rent could be proved not to have been enhanced since the Permanent Settlement. Moreover 20 years of such unchanged possession gave a presumption on the part of the tenant that it had not been enhanced during the longer period which the zemindar was bound to rebut. Such holdings are very frequently met with north of the Ganges, but are not so in the south of the district. The term *gorabundi* is often applied by ryots to other tenures, under the supposition that holding at a fixed rent for 20 years gives them a right to hold at a fixed rent for ever, for instance, many ryots on dearah lands which did not exist at the date of the Permanent Settlement call themselves *goradars* on the plea of their rent never having been increased. The Landholders' Association here give the following account:—In the pre-Act X period, *gorabundi* was used to signify the holdings of ryots, for which there were no leases for terms, but which were held under jummabundi. It did not import fixity of rent or transferability. In some cases, if the holding was an ancient one, it might convey an occupancy right, but this was not a necessary incident of the holding. Some time after the passing of Act X, the word came to be used in legal pleadings for ryoti holdings, in respect of which the raiyat claimed exemption from enhancement under sections 3 and 4. The presumption referred to in section 4 could not apply to lands held for terms of years, but it could apply to lands held *gorabundi*, whether the holding dated from the Permanent Settlement or not. Hence the term *gorabundi* or *gora* came to be used to designate holdings which were claimed to be held from the Permanent Settlement, and *primâ facie* proof of which was unchangeableness of rent for 20 years before the commencement of the suit.

The case of Mohant Chatterbhuj Bharti *versus* Janky Pershad, reported at page 298, C.L.R. Volume IV, shows that *gorabundi* holdings are not essentially different from occupancy tenures.

Without offering an opinion as to the exact original meaning of the term *gorabundi*, we are satisfied that it now is used and understood by the raiyats to mean a ryoti holding at fixed rates. There are many instances of these holdings being transferred. We (Messrs. Barlow, Kean, and D'Oyly) consider that these holdings should be subject to pre-emption. Messrs. Porch and Weekes expressed no opinion on this question, as there are no *gorabundi* tenures in their districts.

CHAPTER I.

34. *Section 3, clause 5.*—The definition of "rent" takes no account of service, *plus* money or kind, as a consideration for which land is held. Raiyats in indigo concerns often hold lands at nominal rates of rent on condition of cultivating indigo. Palkee-bearers do the same on account of furnishing service, which is not necessarily rendered gratis.

CHAPTER V.

35. *Section 33.*—Where a sale is otherwise than in execution of a decree for arrears of rent, notice of sale ought to be given to the landlord to enable him to exercise his right of pre-emption. If anything like the proposals made by us in connection with section 31 is finally decided upon, this chapter will, however, be generally modified.

CHAPTER V.

36. *Section 43.*—Referring to point *a*, paragraph 13 of the Government of India's letter, the majority (Weekes and Porch dissenting) think that the omission of a provision similar to that contained in section 74 (1), clause 2 of the draft Bill of 1883 (enhancement upon the ground of the increase in the productive powers of the land, otherwise than by the sole agency or at the sole expense of the raiyat, &c.) is to be regretted. The Select Committee appear to have left out this provision because experience has shown that it can be so little worked. Of course the maxima limit for rent having been given up, owing to the difficulty of obtaining information as to the productive powers of land, affords a strong argument for abandoning this also. Nevertheless the principle is sound, and has all along been recognized. Moreover, its admission in the present Bill is involved in the provision for enhancement in consequence of change produced by fluvial action, section 43 (*d*), and in that for reduction in consequence of deterioration, section 51 (*a*). The zemindar will regard the omission of this provision as a further direct attack upon their interests. If it was allowed to stand, persons would be responsible for trying their chances under it, and could blame no one in case of failure. When so much protection is accorded to the ryot, everything withdrawn from the zemindar is likely to be regarded as of exaggerated value.

CHAPTER V.

37. *Section 51 (b).*—Some regulation as to period seems necessary here, similar to the quinquennial term in section 45 (*a*). Prices go up and down quickly. After an enhancement under section 45 (*a*), which should stand for 15 years under section 50 (1), is a raiyat to be allowed to claim reduction on a fall of prices the succeeding year? and if they go up again one year after, is the landlord to have any, and what, remedy?

CHAPTER V.

38. *Section 53.*—The suggestions contained in Mr. Reynolds' dissent, printed at page 276 of *Gazette of India*, 12th April 1884, seem to be good and should be adopted.

CHAPTER VI.

39. *Section 57.*—There is a practical difficulty here that raiyats often are unwilling to enter into written engagements. In the Court of Wards' Estate, Chanchal, the Board had to sanction the discontinuance of the efforts of the Manager to induce the raiyats to accept pottahs under the rules.

CHAPTER VIII.

40. *Section 77.*—In reports from this division, attention has twice been called to the fact that in numerous cases holdings (occupancy right) if sold will not fetch one year's rent. The Manager of Chanchal Estate reports that if 20,000 out of the total number of holdings there were offered for sale, they would not fetch half a year's rent. The reason is plain. Occupancy raiyats pay Re. 1 to Re. 1-2, while non-occupancy raiyats pay annas eight per bigha for land, which is plentiful. Statistics show that in 49 cases, where sale of the holding was resorted to, only 18 per cent. of the amount decreed was realized; while in 26 cases, where the court decreed ejectment in the event of non-payment under section 52, Act VIII (B.C.) of 1869, the whole amount was realized. This result seems to show that a raiyat can and will successfully exert himself to pay under threat of eviction, where he will let his holding be sold to his own loss and that of the landlord. We perceive plainly that ejectment is consistent with the provisions of the Bill in essential points; but we consider that security for rents is a matter of primary importance, and cannot be left where it is. The majority of us (Weekes dissenting) propose that the right of sale should be allowed to the landlord once a year, and for not less than a full year's demand. On a decree being given, the landlord should be allowed to claim an order for ejectment if the arrears, &c., are not paid within 15 days. The raiyat may then claim a sale instead of ejectment; but in this case he must deposit the amount of the decree. This procedure would save the intolerable delay attending the execution of a decree, and would secure prompt realization of his rents by the landlord; while, where the raiyat wanted to force a sale, he could secure this.

CHAPTER VIII.

41. *Section 80.*—We consider that it would be beneficial if the word "may" was changed into "shall if claimed" in clause I, and into "shall" in clause II of this section.

CHAPTER IX.

42. *Section 91.*—Raiyats should be allowed to register improvements as well as landlords. This would assist the disposal of compensation claims under section 93.

CHAPTER XV.

A provision is required to regulate the place where the sale of holdings should be held. It is beyond question that the sale at the court of holdings which lie at distance in the interior leads to their fetching absurdly low prices. It is the raiyats of the locality where the holding is situated who are likely to pay a fair price. The Chanchal Manager reports that in 64 cases of holdings sold, which were within eight miles of the sudder station (court), the price fetched was Rs. 912, or enough to cover the arrear. In 68 other cases involving distant jotes, the sum recovered was only Rs. 52. This is really an important question for both sides.

G. N. BARLOW, *Commissioner.*
H. KEAN, *Collector, Monghyr.*
W. H. D'OYLY, *Collector, Bhagulpore.*
R. PORCH, *Collector, Maldah.*
A. WEEKES, *Collector, Purneah.*

APPENDIX A.

Statement showing the number of partitions sanctioned and completed during each decade in the districts of the Bhagulpore Division, beginning from end of 1882-83 and counting back to the earliest date of which the records furnish information.

Districts.	1793-94 to 1802-3.	1803-4 to 1812-13.	1813-14 to 1822-23.	1823-24 to 1832-33.	1833-34 to 1842-43.	1843-44 to 1852-53.	1853-54 to 1862-63.	1863-64 to 1872-73.	1873-74 to 1882-83.	Total.
Monghyr .	...	..	...	...	30	17	93	253	383	776
Bhagulpore .	...	6	24	11	23	13	62	142	139	420
Purneah .	2	1	...	...	1	4	12	1	9	30
Maldah .	...	...	...	...	...	2	4	4	...	10
										1,236

APPENDIX B.

Statement showing the total number of occupancy holdings sold and the number purchased by Mahajans in the Regulation Districts of the Bhagulpore Division during the years 1880, 1881, and 1882 according to records of the Civil Court and Registration Offices.

Ascertained from Registration Records.				From Civil Court Records.	
Name of District.	Year.	Total number of occupancy holdings sold.	Number bought by mahajans.	Total number sold.	Number bought by mahajans.
Monghyr	1880	247	158	95	29
	1881	214	171	48	6
	1882	419	146	58	27
Total .	......	880	475	201	62
Bhagulpore	1880	676	17	112	47
	1881		29	51	33
	1882		64	86	20
Total .	......	676	110	249	100
Purneah	1880	621	9(a)	148	35
	1881	550	145	122	81
	1882	613	97	196(b)	85(b)
Total .	......	1,784	251	466	101
Maldah	1880	3,032	218	925	29
	1881	2,592	93	707	24
	1882	3,587	170	747	36
Total .	......	9,211	481	2,379	89
Grand Total .	......	11,875	1,317	3,295	352

(a) Only three months' figures ascertained.
(b) Figures for Kishengunge Munsifees (2) not ascertained.

APPENDIX C.

Form of Receipt.

1. Number
2. Year
3. Name of village thanah
4. Tenant's name
5. Particulars of his holding (area, rent, &c.)—
   - Nukdi bighas Rs.
   - Bhaoli bighas Maunds or Rs.
   - Sayer { Bunker Rs. / Julker Rs. / Phulker Rs.
   - Government cesses { Road cess / Public Works cess
6. Through whom paid
7. Date of payment.
8. Amount paid (particulars on reverse) Rs.
9. Current rent
10. Arrear rent
11. Current cesses
12. Arrear cesses
13. Signature of landlord or authorised agent

Form of Receipt.

1. Number
2. Year
3. Name of village thanah
4. Tenant's name
5. Particulars of his holding (area, rent, &c.)—
   - Nukdi bighas Rs.
   - Bhaoli bighas Maunds or Rs.
   - Sayer { Bunker Rs. / Julker Rs. / Phulker Rs.
   - Government cesses { Road cess / Public Works cess
6. Through whom paid
7. Date of payment
8. Amount paid (particulars on reverse) Rs.
9. Current rent
10. Arrear rent
11. Current cesses
12. Arrear cesses
13. Signature of landlord or authorized agent

Section 69 of the Bengal Tenancy Act, 1884, provides as follows:—

69 (1).—When a tenant makes a payment on account of rent, he may declare the year or the year and instalment to which he wishes the payment to be credited, and the appropriation of payments shall be credited accordingly.

69 (2)—If he does not make any such declaration, the payment may be credited to the account of such year and instalment as the landlord thinks fit.

CESSES.				SAYER.				BHAOLI.				NUKDI.				Date of Payment.
Current.	ARREAR.			Current.	ARREAR.			Current.	ARREAR.			Current.	ARREAR.			
	First year.	Second year.	Third year.		First year.	Second year.	Third year.		First year.	Second year.	Third year.		First year.	Second year.	Third year.	

CESSES.				SAYER.				BHAOLI.				NUKDI.				Date of Payment.
Current.	ARREAR.			Current.	ARREAR.			Current.	ARREAR.			Current.	ARREAR.			
	First year.	Second year.	Third year.		First year.	Second year.	Third year.		First year.	Second year.	Third year.		First year.	Second year.	Third year.	

APPENDIX D.

No.
Farkhati of tenants of — Estate
Number of Kurcha

Account of
Residence
Farkhati for the year

Taraff
Pergunnah
Year — date — in English.
Year — date — in Bengali.

PARTICULARS.	Number of the plot.	Area.	Rent.	Rental.
Bastu				
Udbastu				
Garden				
Mulberry, &c.				
Crops.				
Two crops lands—				
First class				
Second „				
Third „				
One crop lands—				
First class				
Second „				
Special crop lands—				
Thatching grass				
Fallow				
Sayer				
Road and Public Works cesses				

Arrear
Arrear as ascertained this year
Interest
Arrear Road and Public Works cesses

Amount in words

No.
Farkhati of tenants of — Estate
Number of kurcha

Account of
Residence
Farkhati for the year

Taraff
Pergunnah
Year — date — in English.
Year — date — in Bengali.

PARTICULARS.	Number of the plot.	Area.	Rate.	Rental.
Bastu				
Udbastu				
Garden				
Mulberry, &c.				
Crops.				
Two crops lands—				
First class				
Second „				
Third „				
One crop lands—				
First class				
Second „				
Special crop lands—				
Thatching grass				
Fallow				
Sayer				
Road and Public Works cesses				

Arrear
Arrear as ascertained this year
Interest
Arrear Road and Public Works cesses

Amounts in words

Commissioner.

Details of amount collected as per back.

Number of cheque.	Date and year.	Amount.

APPENDIX E.

Statement showing the Principal Food-grains of all districts, except those of the Chota Nagpore and Orissa Divisions, and approximate proportion which the outturn of each bears to the entire outturn of Food-grains in the district.

Name of District.		Principal food-grains.	Proportion of outturn borne to the total outturn of food-grains in the district.	Remarks.
			Per cent.	
Burdwan Division	Burdwan	Rice	88	
		Pulses	10	
		Wheat	2	
	Bankura	Rice	87·50	
		Pulses	6·25	
		Wheat, Indian-corn, &c.	6·25	
	Beerbhoom	Rice	85	
		Wheat	9	
		Pulses	6	
	Midnapore	Rice	100	Wheat and maize also produced to a small extent.
	Hooghly	Rice	87·5	
		Pulses	12·5	
	24-Pergunnahs	Rice	88·8	
		Pulses	11·2	
Presidency Division	Nuddea	Rice	......	
		Pulses	......	
		Barley	......	
	Khulna	Rice	87·5	
		Pulses	12·5	
	Jessore	Rice	88	
		Pulses	10	
		Wheat, cheena, and barley	2	
	Moorshedabad	Rice	90	
		Kalai	3	
		Gram	2	
		Other grains	5	
Rajshahye Division	Dinagepore	Rice	92	
		Kalai	68	
	Rajshahye	Rice	75	
		Pulses	18·75	
		Wheat, &c.	6·25	
	Rungpore	Rice	88	
		Khesari	8	
		Wheat	4	
	Bogra	Rice	88	
		Gram and pulses	9	
		Cheena	3	
	Pubna	Rice	90	
		Pulses	5	
		Millets	5	
Dacca Division	Dacca	Rice	62·50	
		Gram, cheena, and pulses	37·50	
	Furreedpore	Rice	75	
		Cheena	8	
		Pulses	6	
		Other crops	11	Apparently these are not food-grain crops.
	Backergunge	Rice	75	
		Kalai or khesari	15·75	
		Masuri	9·25	
	Mymensingh	Rice	45	
		Kalai	22	
		Other food-grains	33	
	Tipperah	Rice	100	
Chittagong Division	Chittagong	Rice	89	
		Pulses	11	
	Noakholly	Rice	92	
		Gram and pulses	8	
Patna Division	Patna	Rice	68·75	
		Indian-corn	12·50	
		Barley	18·75	
	Gya	Rice	50	
		Gram	25	
		Wheat	18·75	
		Other crops	6·25	
	Shahabad	Rice	70	
		Wheat	14	
		Barley	7	
		Other grains	9	
	Durbhunga	Rice	62·5	
		Millet	25	
		Indian-corn	12·5	
	Mozufferpore	Rice	37·50	
		Maize	22	
		Barley	12·50	
		Other crops	28	
	Sarun	Indian-corn	40	
		Rice	20	
		Barley	15	
		Other food-grains, wheat, gram, &c.	25	
	Chumparun	Rice	55	
		Indian-corn	25	
		Wheat and barley	20	
Bhagulpore Division	Monghyr	Rice	50	
		Wheat	18·75	
		Indian-corn	12·50	
		Pulses	18·75	
	Bhagulpore	Rice	62·50	
		Indian-corn and Marwa (a)	18·75	
		Wheat	18·75	
	Purneah	Rice	75	
		Kurti (a species of vetch or bean, (b)	16·7	
		Wheat and masuri	8·3	
	Maldah	Rice	70	
		Millet	10	
		Cold-weather crops (c)	20	

(a) Instead of "and" read "or."
(b) Add "or khesari."
(c) For "cold-weather crops" read "other food-grains."

Statement showing the mean highest and lowest rates per maund of ordinary sacking and bagging Jute in the Serajgunge Bazar, 1868 to 1883.

I.

Period.	January.		February.		March.		April.		May.		June.	
	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1868 . .	3 1 0	2 5 0	3 3 0	2 6 6	2 13 0	2 10 0	2 14 0	2 7 6	3 4 6	2 13 0	3 4 0	2 13 0
1869 . .	3 9 0	2 15 6	3 4 0	3 0 0	3 9 6	3 4 6	3 10 0	3 6 6	3 12 0	3 7 9	3 12 6	3 9 6
1870 . .	3 12 6	3 9 0	4 10 0	3 15 3	4 14 9	4 5 6	4 15 0	4 9 0	6 3 0	5 4 0	6 3 9	5 14 0
1871 . .	5 9 6	4 8 0	5 10 0	4 14 0	5 5 6	4 14 0	5 3 0	4 6 0	...	...	...	...
1872 . .	4 9 0	3 14 0	4 6 0	3 13 0	4 6 6	3 14 6	4 2 0	3 9 0	4 4 6	3 9 0	4 0 0	3 3 0
1873 . .	1 15 0	1 8 0	2 2 6	1 8 0	2 3 0	1 14 0	2 3 9	1 14 6	2 4 6	1 14 0	2 2 0	1 14 0
1874 . .	3 15 0	3 8 0	4 6 0	3 10 3	3 10 0	3 0 0	3 10 0	3 0 0	3 12 0	3 3 0	3 10 0	3 6 0
1875 . .	3 8 3	3 4 0	3 5 0	2 15 0	3 0 0	2 14 0	3 1 6	2 9 0	3 8 9	2 12 0	3 1 0	2 12 0
1876 . .	3 4 6	2 14 0	3 3 6	2 15 9	3 2 0	2 14 0	3 0 0	2 10 0	3 1 6	2 14 0	3 3 0	3 0 0
1877 . .	4 0 0	3 7 0	4 0 6	3 9 6	4 6 0	3 15 0	4 11 0	4 4 0	5 2 0	4 4 0	4 10 0	4 0 0
1878 . .	4 0 0	3 15 0	4 5 6	3 15 0	4 5 6	4 0 0	4 4 0	4 0 0	4 5 3	4 0 0	4 4 9	4 0 0
1879 . .	3 9 0	2 12 0	4 0 0	2 12 0	3 10 0	3 0 0	3 5 3	2 14 0	3 11 0	2 15 6	3 11 0	3 2 0
1880 . .	4 9 9	4 5 0	6 8 6	5 14 6	6 12 0	6 2 0	5 14 6	5 6 6	5 6 6	4 9 0	4 7 0	4 2 0
1881 . .	4 6 6	4 0 0	4 8 0	4 2 0	4 8 0	4 4 6	4 6 0	4 2 0	4 5 0	3 15 0	4 5 0	4 3 0
1882 . .	3 7 6	3 5 6	3 3 9	3 1 6	3 4 9	3 3 3	3 5 0	3 3 0	3 3 0	2 15 6	3 3 3	3 2 0
1883 . .	2 4 6	2 2 3	2 4 3	2 2 9	2 4 0	2 2 0	2 4 6	2 2 6	2 12 0	2 9 0	3 4 6	2 14 0

Period.	July.		August.		September.		October.		November.		December.	
	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.	Highest.	Lowest.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1868 . .	3 1 0	2 6 0	2 12 0	2 2 6	3 4 0	2 9 0	3 2 6	2 12 0	3 6 0	2 13 0	3 9 6	2 13 0
1869 . .	4 1 3	3 10 9	4 4 0	3 11 0	3 12 0	3 6 0	3 10 6	3 6 0	3 10 6	3 5 6	3 11 6	3 6 6
1870 . .	5 7 0	4 6 0	5 7 3	4 9 0	4 8 9	3 13 6	4 3 9	3 7 0	4 1 0	3 8 0	5 0 0	4 6 6
1871 . .	4 12 6	3 13 6	4 7 0	3 5 6	3 15 0	3 4 6	3 10 0	3 4 0	4 2 6	3 4 0	4 4 6	3 8 0
1872 . .	3 8 0	2 13 6	2 9 0	2 4 0	2 10 0	2 3 0	2 9 6	1 14 0	2 3 6	1 12 0	2 3 0	1 8 0
1873 . .	2 4 0	1 14 6	2 10 0	2 6 0	2 5 6	2 1 0	2 8 0	2 1 0	2 11 6	2 2 0	3 11 0	2 12 0
1874 . .	3 5 6	2 8 0	2 14 0	2 6 0	3 4 0	2 12 0	3 5 6	2 9 6	3 3 0	2 9 0	3 5 0	2 8 0
1875 . .	2 11 6	2 2 6	2 14 0	2 8 6	3 0 0	2 11 0	2 15 0	2 5 0	3 6 0	2 6 0	3 12 0	3 2 6
1876 . .	3 8 6	3 0 0	3 9 0	2 15 0	3 6 0	2 15 0	3 4 6	2 6 0	3 8 3	3 1 0	4 3 0	3 15 0
1877 . .	4 11 0	3 8 0	4 0 0	2 12 0	3 12 0	2 15 0	3 11 0	3 2 0	3 10 0	3 6 0	4 3 0	3 13 0
1878 . .	4 6 0	3 14 0	4 3 0	3 8 0	4 0 0	3 8 6	3 14 0	3 0 0	3 9 0	3 2 0	3 14 0	3 2 6
1879 . .	3 9 0	3 4 0	3 11 0	3 3 9	3 11 0	3 5 6	3 11 0	3 4 6	3 13 9	3 8 6	4 7 6	3 15 6
1880 . .	4 4 0	3 12 6	3 12 6	3 5 6	3 12 0	3 7 0	3 12 0	3 6 0	4 0 0	3 14 6	4 1 0	3 14 9
1881 . .	4 7 6	3 15 6	3 15 0	3 10 6	3 7 6	3 4 0	3 7 0	3 3 6	3 8 6	3 5 6	3 7 6	3 5 0
1882 . .	3 0 0	2 14 0	2 14 0	2 8 0	2 3 9	2 0 9	2 3 0	2 1 6	2 6 6	2 2 6	2 3 3	2 1 0
1883 . .	3 4 6	3 2 0	3 3 6	3 1 6	3 6 0	3 4 6	4 2 0	3 15 0	4 10 0	4 9 0	5 3 3	4 14 6

II.

Period.	Yearly average price per maund.	
	Highest.	Lowest.
	Rs. A. P.	Rs. A. P.
1868	3 2 3	2 9 3
1869	3 11 7	3 6 1
1870	4 15 3	4 4 11
1871	4 11 2	6 14 6
1872	3 7 3	2 13 9
1873	2 8 9	1 15 9
1874	3 8 4	2 14 8
1875	3 2 11	2 11 1
1876	3 5 10	2 15 4
1877	4 3 8	3 9 3
1878	4 1 11	3 10 9
1879	3 11 9	3 2 9
1880	4 12 4	4 5 7
1881	4 1 0	3 12 6
1882	2 14 2	2 11 6
1883	3 3 11	3 1 3

III.

	Rs. A. P.	Rs. A. P.
Five years, 1868-72	3 15 11	3 6 6
Ditto, 1873-77	3 5 11	2 13 3
Ditto, 1878-82	3 14 8	3 8 7

Memorandum of dissent by W. H. D'OYLY, Esq., *Collector of Bhaugulpore.*

CHAPTER II.

Section 5 (5).—In agreeing with the majority to the modification of section 5 (5), I did so only on the understanding that the clause in question is to be retained either in its present or in a modified form. I should, however, prefer to strike out the clause altogether. I am very strongly of opinion that no raiyat should be allowed to retain a right of occupancy in any land which he sub-lets, except only when he sub-lets by reason of inability to cultivate on account of age, sex, disease, accident or temporary absence from home on military or domestic service, or a pilgrimage, and when he thus sub-lets for a term not exceeding the duration of disability. My reasons are these. It is one of the avowed objects of the present legislation to improve the status of the actual cultivator, and with this view to check sub-letting as far as possible. If a raiyat then holds more lands than he and his family can cultivate, why should he be allowed to become a middleman by sub-letting the portion which he and his family cannot cultivate? It has been objected to this proposal that it is too drastic, and would probably eventually lead to a destruction of all occupancy rights. I do not see why it should lead to a destruction of occupancy rights in so much of the land as each family can cultivate. On the contrary, I think it would lead to a more certain fixity of tenure. No ryot would part with what is necessary for the maintenance of himself and of his family, and the knowledge that he would lose occupancy rights in the portion he sub-lets would prevent him from sub-letting what is necessary to keep. As for the rest, if he sub-lets it let him lose his occupancy rights, and let the actual cultivator acquire rights in due time. If a zemindar settles land with a raiyat for cultivation, why, without the landlord's consent, should such a raiyat be allowed to acquire the status of a tenure-holder against the landlord. I feel certain that such a measure as that I have proposed would simplify the law, rendering a large portion of the present Bill unnecessary. It would be fair to the zemindar and to the actual cultivator.

CHAPTER V.

Section 31 (*b*).—I disagree with the majority as to the retention of this clause in its present form. I think that the present custom of the country should not be interfered with; the custom is accepted by the raiyats themselves. All the zemindars, raiyats, and lawyers, who have been consulted, agree that the raiyats cannot, without the permission of his landlord, make improvements of a permanent nature. He may fence, or drain, dig cutcha wells and small water-courses, and make small banks; but he may not without permission make a pucca well, a tank, bandh, or pynee, nor can he plant trees. If by the new Bill a raiyat may make a tank without the consent of his landlord [see section 31 (*b*) and 87 (2*a*)], is he to be liable for the rent of the land occupied by the tank at the same rate at which he paid rent for the land before it was used for a tank? If so, then perhaps the interests of the zemindar would not be injuriously affected; but the present custom in many parts of the country is that the raiyat asking for permission to dig a tank in, say, two bighas of land, pays a *salami* which is really equivalent to the capatalized value of the rent of two bighas, and the tank having been excavated, the raiyat pays no more rent for the two bighas. This is fair, and it is the custom. Why alter it? If the clause is retained, and if the raiyat is to continue liable to pay rent as before for land in which a tank has been dug, how is the zemindar to recover his rent if the ryot defaults? Distrain is not possible: the zemindar is driven to his only remedy—a suit followed by sale of the raiyat's jote.

CHAPTER V.

Section 31 (*f*) *and* (*g*).—Although I agree with the majority in their remarks on these two clauses, I do so only in case of the rejection of my proposal that sub-letting by an occupancy ryot should only be allowed for the reasons given in section 37 (*a*). If section 37 is struck out, the provisions of clause (*a*) of that section should be retained as containing the only permissible reasons for sub-letting. I deny that the proposal is dangerous: on the contrary, I maintain that it is the only effective safeguard to the actual cultivator.

CHAPTER V.

Section 45.—Two only of the members of the Committee could, at the time this section was under discussion, agree to any one proposal. These two proposed that clause (*b*) of section 45 should be eliminated, and that a clause should be substituted, allowing enhancement only up to one-half of the value of the proportional increase that would be arrived at by calculation according to clause (*c*).

This is of course based on the presumption that the landlord should not be the sole gainer by enhancement in direct proportion to the rise in prices, and that some allowance should be made for the increased cost of cultivation. But this argument must fall to pieces if it can be shown that the presumption on which it is based is incorrect; if it can be shownin fact that the landlord would *not* be the sole gainer by enhancement in direct proportion to the increase in prices, but that his gain would be in exactly the same proportion as the raiyats after *full* allowance has been made for the increased cost of cultivation. In short, I

think I can show clearly and conclusively that the section, as it stands at present, leaving out clause (*b*) only, is absolutely fair to landlord, raiyat and labourer, because it *does* allow *fully* for the increased cost of cultivation; and that therefore there is no necessity for making any *further* allowance. To begin with, it seemed to be the general opinion of the Committee that the cost of cultivation does not rise in proportion to the rise in the price of produce, but in a less degree. The price of produce has risen within the last 20 years by 100 per cent. I know as a fact that cultivators used to sell dhan (unhusked rise) at two maunds for the rupee, while recently they have been getting Re. 1 and more per maund (I leave the current exceptional year out of consideration); but labourers can still be got at two annas each per diem or eight labourers for Re. 1, whereas 20 years ago 11 to 12 labourers could be got for Re. 1; therefore the rise in the price of labour has not been in proportion to the rise in price of produce *where labourers are paid in coin*. But, as a fact, ryots who employ labourers generally pay *in kind*; therefore for the purposes of the question under discussion, we may assume that the cost of cultivation has increased in the same proportion in which the price of produce has risen. Now, to show that the provisions of section 45, eliminating clause (*b*), are absolutely fair *to all*, and that they *do* allow fully for the increased cost of cultivation, I will take the following case:—

A landlord seeks in 1885 to enhance the rate of rent at which his ryot B holds land. It is proved that in the quinquennial period, 1871-75, the average price of dhan was Re. 1 per maund, and that during that period the rate of rent was Rs. 3 per bigah of 27,225 square feet. The average price of dhan during 1880-84 has risen to Re. 1-4 per maund.

Q. What would be the fair rate of rent for 1886?

(*a*) According to section 45 (*c*) the calculation would be follows:—

$$\begin{matrix} R & R & Rs. & Rs. \\ 1 : & 1\tfrac{1}{4} :: & 3 : & 3\tfrac{3}{4} \end{matrix}$$

or as Re. 1 is to Re. 1-4, so is the old rate of rent Rs. 3 to the rate to be found Rs. 3-12.

(*b*) According to the proposal made by the two members of this Conference the calculation would be:—

$$3 + \frac{3\tfrac{3}{4} - 3}{2} = 3 \text{ Rs. } 6 \text{ A.}$$

or in words, the old rent of Rs. 3 *plus* one-half of the difference between Rs. 3-12 and Rs. 3, which is equal to Rs. 3-6.

In applying the results of these two methods of calculation to the shares of the landlord A and of the ryot B in the value of the produce of one bigha of 27,225 square feet, it will be easy to see which is the fairest of the two to the landlord and raiyat. For the purposes of calculation, it does not matter what the average produce of a bigha is, nor what is the actual cost of cultivation. Assuming that the former is 10 maunds, and that the latter is one-third of the gross value of the produce, we get the following results:—

	Rs.	A.
In 1871-75, 10 maunds at Re. 1	=10	0
In 1880-84, 10 maunds at Re. 1-4	=12	8

The proportion in which the value of the produce is divided between the landlord, the raiyat and the labourer by the two methods of calculation is shown in the following tables:—

First according to Section 45 (c), i.e., in direct proportion to the rice in price of produce.

YEAR.	Gross value of produce.	Cost of cultivation, *i.e.*, the labourer's share.	Rent, *i.e.*, the landlord's share.	Balance, *i.e.*, the cultivator's share.
	Rs.	Rs.	Rs.	Rs.
1871-75	10	$3\frac{1}{3}$	3	$3\frac{2}{3}$
1880-84	$12\frac{1}{2}$	$4\frac{1}{6}$	$3\frac{3}{4}$	$4\frac{7}{12}$

Thus by this method it will be seen that by raising the rent from Rs. 3 to Rs. 3-12, *i.e.*, in direct proportion to the rise in price of produce, *full* allowance is made for the increased cost of cultivation, and the raiyat, the labourer, and the landlord profit in the same proportion.

Second, by the method (b), i.e., according to the proposal made by two Members of the Committee

YEAR.	Gross value of Produce	Cost of cultivation, *i.e.*, the labourer's share.	Rent, *i.e.*, the landlord's share.	Balance, *i.e.*, the raiyat's share.
	Rs.	Rs.	Rs.	Rs.
1871-75	10	$3\frac{1}{3}$	3	$3\frac{2}{3}$
1880-84	$12\frac{1}{2}$	$4\frac{1}{6}$	$3\frac{3}{8}$	$4\frac{23}{24}$

It will thus be seen that by this method, after making the same *full* allowance for the increased cost of cultivation, the ryot gets an undue share of the value of the produce, while the landlord gets less than a fair proportion.

In short, section 45 (*c*) *does* allow for increased cost of cultivation, and therefore it would be unfair to make any *further* allowance. There is no fallacy in this, whereas there is a fallacy in the opposite argument in presuming that section 45 (*c*) gives the zemindar the *whole* of the increase secured by a rise in the price of produce, for in fact that section gives him only his fair proportion of the increased value. I would therefore leave the section as it is, eliminating only clause (*b*) for this reason: that if by any chance the calculation under clause (*c*) would result in an enhancement of more than four annas in the rupee, the Court has the power under section 49 to order progressive enhancement. It might be advisable to substitute for clause (*b*) a clause making it compulsory on a Court, in cases where the enhancement under 45 (*c*) would exceed four annas in the rupee, to order progressive enhancement. I am sure that this will be found to be fairer to the landlord than clause (*b*) in the present Bill would be, while it will not be by any means unfair to the ryot.

CHAPTER V.

Section 47 (*b*).—In this case, for the same reasons as those given above, I think clause (*b*) is unnecessary; section 49 will sufficiently protect the ryot, while 47 (*b*) will be unnecessarily hard on the landlord.

CHAPTER IX.

Managers.—I think it very necessary that managers should be restricted by special enactment from either raising or lowering rates of rent, more especially from lowering them without the express consent of all the proprietors or of the Court.

CHAPTER XIII.

Distraint.—The majority of the Committee would exclude occupancy ryots from liability to the provisions for distraint, because the landlord has the remedy of sale of occupancy holdings. In this I entirely disagree with the majority of the Committee. Why should a landlord be forced to sell without the option of exercising the more merciful remedy of distraint. I do not believe for a moment that the defaulting ryot would always be able to save his holding from sale, How is it so many sales have already occurred even before transfer has been legalized? Let the landlord at least have the power to recover without recourse to the sale laws. One member of the Committee, I understand, proposes the cumbrous procedure of the Bill in the case of occupancy ryots, and the simpler procedure recommended by the Committee in the case of non-occupancy ryots. I would not advocate different systems for the two classes; what is fair for one is fair for the other. I would extend the simple procedure recommended by the Committee to the cases of *all* ryots alike.

If occupancy ryots are to be exempted from liability, then, when the time so ardently wished for has arrived, when nearly every ryot shall have acquired a right of occupancy, the chapter conferring powers to distrain will become almost a dead-letter; it would apply only in the very few cases where rights of occupancy had not been acquired.

Dissent by MR. WEEKES, *Collector of Purneah.*

Price-lists and rise in prices.—I do not think it safe to lay the price-lists obtained for each sub-division in their crude state before the Civil Court. Many corrections and allowances must be made for bad seasons and famines in Bengal and the rest of India respectively; and other abnormal and accidental changes must be eliminated before the table can present the true rise in prices. The conditions of India are exceptional in this respect; where fluctuations are both great and sudden, my idea is that no account need be had of each petty market rate in such a general and widespread matter as the rise in prices, which might probably be tabulated with approximate accuracy for the whole of Bengal from the prices to be found in the books of merchants in Calcutta, as in London for England. The merchant offices could supply the tables which would give the proportionate increase in the price of rice for all Bengal. Suppose, for example, that in A.D. 1700 paddy sold in Calcutta at 100 seers per rupee and sells now at 25, thus we have a fourfold increase, and if the price of paddy at Ranigunge in this district be now found to be one maund per rupee, it is a fair inference, I think, that the price in Ranigunge in 1700 was four maunds per rupee. On the other hand, it may be that railways have made the difference between the price to-day at Calcutta and at Ranigunge less than it was in 1700, but I think not, as the only communication between the places now as it was then is by water. The safer plan no doubt might be to have a separate table of the rise in prices for each district, but in my opinion price-lists for all Bengal should be examined and the r se reduced. This examination would test the accuracy of the different lists and correct possible errors, and I believe would show pretty much the same increase for the whole province. The variations would be due to intermediate change in communications, the opening of new

railways, roads, &c. It is merely the change in the purchasing power of silver measured in grain.

As regards the enhancement of rent in consequence of the rise, I think the rent must be raised in exact proportion with the rise in the value of the landlord's share of the produce, or in other words, the diminution in the value of silver. If the price of rice is doubled, the rent ought to be doubled.

The prices to be ascertained are the wholesale prices of paddy, &c., those being as near as possible to, though somewhat dearer than, the prices obtained by cultivators. But considering that rise in prices is to a great extent caused by increase in the population that produce food-grains, it seems rather hard that the landlord should be recouped for the whole of the loss that he would otherwise suffer, while the producers, who are increased in number, only receive about the same amount of grain as before.

Certainly, however, in calculating the enhanced rent, all previous enhancement on other ground should be deducted from the enhancement to be made on the score of rise in prices. I would note that the headings in the table at the end of the Secretary, Government of Bengal's letter are incorrect. The total of only the "principal food-grains" cannot equal the total food-supply. But this does not signify. The proportions given, of course, include all food-grains.

MEMORANDUM OF DISSENT ON CHAPTER XIII.

Distraint.—I voted yesterday with the majority in favour of freeing occupancy ryots from distraint; but shortly afterwards, when it was too late, wished to propose an amendment to the effect that it seemed impolitic and undesirable to completely take away from the zemindars the power of distraint (for which there was the sanction of old custom) even in the case of occupancy ryots, although it is true that the zemindar's rights would be eventually sufficiently secured by the power to sell the right of occupancy and even to eject for arrears if that proposal be sanctioned.

It seems to me that the crops should always be considered hypothecated for the payment of rent, and to destroy the right to distrain would be to allow a money-lender's claim to step in before that of the zemindar, and to risk the former being satisfied to the prejudice of the latter. The Government, in its own interests, should be extremely jealous of any infringement of the hypothecation for rent principle.

What I propose is that the somewhat cumbrous and guarded distraint procedure of the present Bill be declared applicable to distraint on occupancy ryots, and that the more speedy distraint procedure of Act X, 1859, with a mere notice to the Civil Court, be followed in the only cases in which the zemindars foretell difficulty, and where I too apprehend difficulty, *viz.*, the case of non-settled ryots on border and dearah lands. I acknowledge there is a difficulty in these cases which does not exist in the case of occupancy ryots.

CHAPTER XVI.

Patni tenures Sale Law.—My objection to this chapter is the same as that of the late Hon'ble Kristodas Pal. All change is in itself an evil so far as legislation is concerned (though the contrary opinion would seem to prevail in some quarters), and this maxim is all the more cogent, whereas in this case little or no alteration in the law is intended. The zemindars object to the incorporation of the patni law into this Bill; and on the principle of letting well alone the old Regulation should stand as it is. It belongs as a matter of history to the year 1819, not 1884.

Dissent on subject of ejectment for arrears of occupancy ryots.—I consider that, while ejectment may be necessary in many cases, which, though numerous, are somewhat exceptional, yet the procedure approved of by the majority in accordance with the view of the Manager of the Chanchal Estate, that an occupancy ryot shall be liable to be at once ejected without the right to claim a sale of his occupancy rights, unless he shall first pay up the arrear due, does not at all approve itself to my mind as either just or reasonable. The occupancy ryot has by custom a right to have his rights sold. This proves that the denial of the right is unjust, and it is unreasonable, as what is the use of his claiming a sale after he has paid the arrears for which his rights are to be sold?

Why not put up for sale his rights, and in case one year's rent be not fetched, stop sale proceedings and eject him?

Besides, the procedure is utterly unsuited to the conditions that generally prevail, *viz.*, that the right of occupancy will sell at least for one year's rent. I am not, however, against ejectment when these conditions are found not to exist.

No. 1893R., dated Bhagulpore, the 16th August 1884.

From—G. N. Barlow, Esq., C.S.I., Commissioner of the Bhagulpore Division and Sonthal Pergunnahs,

To—The Secretary to the Government of Bengal, Revenue Department.

In continuation of this office No. 1836R. of the 12th instant, I have the honour to forward

herewith a memorandum of dissent from the Collector of Maldah on the provisions of the Bengal Revised Tenancy Bill.

From the Collector of Maldah, Bhagulpore Division.

Memorandum of certain points regarding the *report* of the proceedings of the Bhagulpore Division Committee which met on the 4th, 5th, 6th, 7th and 8th of August 1884 at Bhagulpore to consider and report on the provisions of the *Bengal* [*Revised*] *Tenancy Bill, 1884.*

Bengal Government letter, paragraph 4.

CHAPTER V.

SECTION 37.

Report.

The majority of us (Porch dissenting) think that it will actually encourage the system. The liability to summary sale will have no terrors for the subletting money-lender or occupancy ryot, who will usually be able to pay up their rents without difficulty.

Memorandum.

I do not agree with this. This provision of the law will at least secure the interest of "*actual cultivators,*" who would but for this provision be ryots without right of occupancy, as ryots holding under an "occupancy ryot" cannot acquire a right of occupancy in accordance with the principle of the Bill.

Bengal Government letter, paragraph 5.

CHAPTER III.

SECTION 8.

It is reported from Maldah district that amongst the tenureholders under the Act will be found persons who pay only 2 to 4 annas per bigha, while they sublet at from 12 to 14 annas. The section has a tendency to work in favour of hard and rapacious landlords and against those who have been lenient.

Notwithstanding what has been stated here, I am of opinion that this section should be retained in general equity as a protection against undue enhancement of rents of tenures, and to secure the position of the tenureholder to such extent as seems fair, and to inculcate moderation in the treatment of this class of the landed interest as to enhancement of rents.

Bengal Government letter, paragraph 6.

CHAPTER VIII.

SECTION 64(2).

The majority of us (Barlow, D'Oyly, Weekes) are for enacting that the presumption shall not continue to run after the passing of the new Act.

I *concur* with the majority as to enacting that the presumption *shall not continue* to run after the passing of the new Act.

Bengal Government letter, paragraph 7.

CHAPTER V.

SECTION 25.

The majority of us (Porch dissenting) are in favour of striking out the words "or estate" in this and the following section. We believe that the acquisition of occupancy rights under the Act by a ryot in the village where he resides will meet the requirements of the case. The arrangement will be most in keeping with former customs and will avoid difficulties and objections, and be understood by the people.

It was considered by me that the extending of the right over the entire estate is objectionable, and it was proposed *in my note* that the right should be limited to the estate or portion of estate lying within the jurisdiction of a sub-division or munsifi only. The principle of the two amendments is the same. If the amendment of the conference is adopted, the mere striking out the words "*or estate*" in this section (and other sections) will not do, as there are often lands of two or three estates situated in a single village, and a settled ryot of any one of these estates cannot have the right over lands of other estates lying in the same village. To remedy this, a proviso will have to be added that the right will in no case extend beyond the limits of the estate of which he is a settled ryot.

Bengal Government letter, paragraph 8.

CHAPTER V.

SECTION 31, CLAUSES F AND G.

Report.

We think that the mention of subletting as one of the incidents of an occupancy holding is a mistake, and therefore clause* *g* should be omitted: elsewhere the notice of subletting in the law should merely be the imposition of restrictions in cases where subletting takes place. † The restriction which the majority (D'Oyly dissenting) would impose is that in cases of subletting by ryots holding at fixed rates or by occupancy ryots, the sublessee shall at once acquire a right of occupancy in the land subleased as against the lessor.

The proviso section 37 (*a*) should be preserved in this connection to meet cases of hardship.

Even with the above restriction imposed, there is still so much uncertainty as to how far the operations of the law will be effectual in practice that *we think the proposal for legalising general transfer of an occupancy holding should‡ be given up* (PORCH DISSENTING). The custom of transfer may be widespread, but it certainly is not universal. There seems to be no necessity to force matters. When it is found that the provisions of the new law are securing their object, and the position of tenants has grown stronger, it will be easy to give the further right of free sale.

In accordance with these remarks we think that clause *f* should be modified, and a transfer of an occupancy holding by sale only be allowed for its own arrears, and clause *g* should be struck out. Restrictions upon subletting to be separately imposed.

Memorandum.

* This would no doubt be a considerable check to the system of subletting, but the omission of the clause altogether will take from the occupancy ryots a right which they have all along been exercising, and will operate rather hardly against them. It is doubtful again how far this restriction will be workable. This is in fact going to an extreme. It is for the purpose of sanctioning larger privileges of the occupancy ryot that this Act was set on foot, otherwise everything can be set at rest by declaring occupancy rights not to be saleable at all, but merely *heritable*, as under the existing law. I am against the omission of clause *g*.

† This will again conflict with the general principle of the law, *viz.*, that a ryot holding under an occupancy ryot cannot acquire a right of occupancy unless the subletting ryot be transformed into a middleman or tenureholder, and this was presumed by me in accordance with my assent to this latter restriction.

‡ THIS IS OPPOSED TO THE VERY SPIRIT AND PRINCIPLE OF THE PRESENT BILL AS ALREADY NOTICED, AND IS A DEPLORABLE STEP BACKWARDS.

This gives no new or improved status to the occupancy ryot, and the occupancy holding HAS BEEN GENERALLY SO SALEABLE ALL ALONG. *On the contrary, by these proposals, the existing privileges of occupancy ryots are to be curtailed. The safeguard proposed in my reply to paragraph 8 was more in accord with the principle and spirit of the proposed law, and is stated hereafter*

"It is known that the lower classes of the people are generally improvident, and would readily incur debt if they could get any one to lend them money. To make the ryot's occupancy right saleable for the ryot's debt would give the ryot an additional facility and temptation to become indebted. In this way the occupancy right without some restriction of transfer may largely and easily pass into the hands of money-lenders and speculators, who, it is feared, will rack-rent the land. To guard against this predicament, it may, in addition to the restrictions contained in the present Bill, be provided (1) that *the occupancy right shall not be saleable for the ryot's debts*; and (2) that *on the right passing into the hands of any transferree, if he is not an* "ACTUAL CULTIVATOR" or *found not to be carrying on cultivation by means of servants of at least half the area of the purchased occupancy holding, the transfer should be*

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declared void at the instance of the zemindar at any time within a year of the purchase. It seems, however, to be difficult, or indeed impossible, to suggest any plan that will be a sure and certain check on the danger apprehended, and at the same time free from all objection. It is obvious that such danger must be concomitant to the provision declaring the occupancy right saleable, and the danger will be greater in proportion to the unrestricted nature of the sale. It should therefore be also enacted (1) that THE OCCUPANCY HOLDING SHALL NOT BE SALEABLE FOR THE RYOT'S DEBTS; (2) and that *no sale of a ryotti occupancy holding to any one, except an actual cultivator ryot, should take place or become valid, without the landlord's consent, and any such transfer should be liable to be set aside at the landlord's instance within one year from the date of such transfer. Further, the exclusion or extension of this incident of the right of occupancy,* viz., TRANSFERABILITY *should be made permissive and depending on the discretion of the local Government to exclude the operation of this clause from, or extend the operation of this clause, to any village, estate, pergunnah, munsifi, thana, district or other division of the country according as may be found proper with regard to the solvency, independence, and enlightenment of the ryots,* viz., *to exclude the operation of the provisions of the law as to transferability of the occupancy holding from any tract in which it may be found by the local Government to be temporarily undesirable as to operation, and again to extend the same to such tract whenever it may be found expedient by an order of Government* locally notified and published in the *Calcutta Gazette as usual.*

Bengal Government letter, paragraph 9.

The abolition of the "PREVAILING RATE" from the Statute Book will go very hard against the landlord. There may not be a readily ascertainable "PREVAILING RATE" in existence over some large tract of the district, and if for some reason or other the occupancy ryots of one or two villages, pay at higher rates than in neighbouring villages, the zemindars of the neighbouring villages sometimes come down upon their ryots for enhancement on this ground principally. This rule as to enhancement, however, has apparently scarcely ever been abused by any of the zemindars of this district, as is evidenced by the paucity of such suits; but here land is in excess and more ryots are wanted. The onus of proof will be on the zemindar, and unless he can satisfy the court by clear tangible proof, he will have no chance of succeeding in his suit. The difficulties in the way of enhancement of the rent of occupancy ryots by suits are so many that the further curtailing of the existing grounds of enhancement seem to be unreasonable and unjust, and therefore bad in tendency. Zemindars, especially those who are powerful and unscrupulous, and therefore dangerous under such circumstances, may be tempted to try unfair means of putting pressure on the unwary ryot, and thus get the ryot to submit to unjustifiable enhancement by private agreement under pressure.

Bengal Government letter, paragraph 10.

Considering the general circumstances of the ryots, and the manner in which they are fre-

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quently deceived by the zemindars and their servants, it is desirable that there should be a difference between the extent of enhancement in court and out of court. The necessity for such difference exists, and the Legislature should lay down such difference as may seem reasonable and just and suitable under the circumstances.

Bengal Government letter, paragraph 12.

CHAPTER XVII.

SECTION 216.

If protection in the way proposed is granted to the cultivating holder of bastu lands some provision against subletting of homestead lands will be required, for at the time of settling a new village, when land is cheap, ryots take up more than they want for their own requirement in the most favoured situations. By and bye when pressure begins, they are apt to sublet their surplus lands in the centre of the village, thus injuring (1) the zemindar by competition, and (2) the villagers by running up the rates, and (3) both parties in cases where the village site above flood level is limited in extent by occupying lands required for ryots, who take up the new lands when a tenant sublets bastu land. The majority (Barlow, Porch, and Weekes) consider that the zemindar should be allowed to recover from him the amount at which the land is sublet less 5 per cent.

This may do and may guard against such subletting; but on further consideration it appears to me to be inequitable and opposed to the principle of the Bill, whether the bastu land is part of an occupancy holding or otherwise. I THEREFORE NOW WITHDRAW MY ASSENT TO THIS PROPOSAL. *After a ryot has paid rent for years for a holding, he should not be interfered with as long as he pays the proper customary rent for the same, whether he sublets or not.*

There is no well defined or acknowledged custom regarding the bastu lands which do not form part of any holding. The general belief is that such holders are not liable to eviction and such holdings are transferable, but may be subjected to enhancement on the ground of the prevailing rate of rent for such lands in the neighbourhood being higher than the rate paid. *It does not appear to be safe to leave so important a matter to be regulated by custom when that custom is so vague and ill-defined.* It often gives an unscrupulous landlord full opportunity to worry the tenant by suing him for ejectment, in which he may at times succeed, or to realise from him an illegal nazar by threatening so to sue him. *With regard to bastu lands which are not part of any holding,* PROVISION SHOULD THEREFORE BE MADE *so as to render the tenant not liable to eviction, except on breach of any condition, the breach of which is expressly laid down in writing as rendering him liable to eviction, and that enhancement of the rates of rent of such lands should not be granted, except when they are under the prevailing rates for bastu lands of the neighbourhood or when a written contract to be duly registered, is voluntarily executed by the tenant accepting the enhancement.* IN NO CASE, *however, should the enhanced rent exceed the previous rent by more than 50 per cent., and further that no second enhancement will be claimable within 15 years.* The mere custom will not, as already mentioned, sufficiently protect the ryot in such cases, and it is not an easy matter to prove such custom. WITH REGARD TO HOMESTEAD LANDS FORMING PART OF ANY HOLDING *the same conditions regulate the homestead land as the remaining lands of the holding. When a ryot is ejected from, or otherwise parts with, his agricultural holding, he is ordinarily permitted to retain possession of his homestead lands on the conditions that are in each case come to between him and his landlord.* THIS CONFUSED STATE OF THINGS SHOULD BE PUT AN END TO BY LEGISLATION. *It should be laid down that* ANY SUCH RYOT SHOULD NOT BE DISTURBED IN THE POSSESSION OF

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	SUCH BASTU OR HOMESTEAD LAND AS LONG AS HE AGREES TO PAY A FAIR AND EQUITABLE RENT ACCORDING TO THE PREVAILING RATES OF THE NEIGHBOURHOOD FOR SUCH LANDS.

Bengal Government letter, paragraph 14.

CHAPTER V.

SECTION 52.

(*g*) The majority (Porch dissenting) consider that with the exception of jute there is no other crop in this division, the area of cultivation of which can be supposed to vary with the prices of staple food grain.

In the Turtipur indigo concern (Messrs. Jardine, Skinner & Co.) it is seen that when paddy cultivation becomes unprofitable from low prices of paddy, numbers of ryots come and offer to sow their paddy lands, which are suitable for indigo cultivation, with indigo, on the customary terms as to advantage and delivered of plaint to the indigo manufacturer.

Bengal Government letter, paragraph 18.

CHAPTER VIII.

SECTION 70.

To effect this it has been suggested that every zemindar should be bound to keep in register a village map shewing the numbers of all fields, which number should correspond with those exhibited in the receipts. The idea is well worthy of consideration.

But the expenses of this will be large, and zemindars will derive no benefit by keeping such records. They and their servants will therefore naturally try to raise the cost of this and something in excess from the ryots. In fairness some portion of it should be borne by the ryots, and the proportion should be legally fixed, in order to put some check on the customary extortion.

Bengal Government letter, paragraph 20.

CHAPTER IX.

SECTION 96.

We think clause 3 should be struck out, and the matter left to be dealt with under the Specific Relief Act.

I would observe here that there is no harm in retaining this clause, and thus making this Act complete in itself.

Section 96 of the Bill, dealing with the abandonment of holdings, seems, as pointed out by the Government of India, to be the fairest way of dealing with the conflicting interest of landlord and tenant in such cases. The danger pointed out does not seem to be so enormous as represented. If the ryot be illegally ejected under this section, he may have his remedy in court. If he would not seek such redress, no amount of law-making will be able to give him an effective protection. Under the existing practice the land of the deserter is resumed by the zemindar immediately after desertion, and the deserter never again comes to reassert his claim. Now, however, no new ryot will agree to take the land of the deserter until the expiry of the period prescribed by clause 3. The zemindar may thus have to suffer, or he may be compelled to settle the land temporarily at a rate lower than the fair rate of the land. The provision is not therefore a thoroughly equitable one, but it is merely a compromise in which both the tenant and the landlord have to make some concession. In view of the difficulties of the zemindar as pointed out, and the loss of rent to which he may be subjected in consequence of the provision of clause 3 of this section, it is held by many that two years' limita-

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tion is rather too long; but considering all the circumstances, I think two years' limitation may be allowed to stand. The newly settled ryot will also be under the risk of being driven out at any moment within two years—an inconvenience which is not inconsiderable.

Bengal Government letter, paragraph 24.

CHAPTERS XI AND XII.

The preparation of a table of rates in the manner prescribed will be a very difficult matter, and trained officers will be required for the work.

There will no doubt be difficulty, but where the difficulty can be overcome and a proper table prepared it will do much good and operate widely to advantage. I would here draw attention to what has been generally admitted at this conference regarding prevailing rates in the remarks on Bengal Government letter, paragraph 9, of the Bhagulpore conference report of August 1884.

Bengal Government letter, paragraph 25.

CHAPTER XIII.

The majority (D'Oyly and Kean dissenting) think that if the provisions of the law for securing the payment of rent, whether by sale or under the penalty of eviction, be made effectual in other cases, it would meet the objections, if the distraint procedure was limited to the case of non-occupancy and other subordinate ryots.

We unanimously consider the following arrangement worthy of notice, which would leave the power of making distraint in the hands of the landholders as at present, and at the same time furnish a check upon abuses.

At the time of distraint the defaulter should be furnished with an account shewing (1) area and boundaries of the holding for rent of which distraint is made; (2) rate and amount of rental, the latter divided into arrear and current in order to prevent the money realized being credited to previous arrears as is often done; (3) the portion of the holding the crop of which is distrained to meet the demand, for in a large holding the whole crop should not be distrained. A duplicate of this account should be despatched at the same time by the distrainer to the court having jurisdiction, and he should further be bound to intimate subsequently to the court when the demand has been satisfied or arrangements have been made with the defaulter.

I was in favour of distraint by court, and I still think that to be the safest and most proper course for the following reasons:—

"The provisions of this chapter requiring distraint to be exercised through court only is a decided improvement on the present law, as the power of distraint is often abused by the zemindars. Such abuses are within the power of the executive to suppress, but it can give no redress in cases not brought to its notice, and such cases are seldom brought to notica. I do not see much force in the arguments adduced by the landlords. If they make timely application they can have no reason to be losers even as respects non-occupancy ryots in border districts and chur lands. If the crop is distrained a few days before it becomes actually fit for harvest, there can be no difficulty. The success of these provisions will depend greatly on the promptness with which applications for distraint are disposed of by the court.

R. Porch,
Collector.

Maldah,
The 19th August 1884.

No. 480, dated Chinsurah, the 8th August 1884.

From—JOHN BEAMES, ESQ., Commissioner of the Burdwan Division,

To—The Secretary to the Government of Bengal, Revenue Department.

In reply to your Circular No. 3T—R and connected correspondence, I have the honour to report on the Bengal Tenancy Bill.

2. The instructions contained in paragraph 1 of your letter contemplate that a conference shall be held, to which each officer shall bring notes of his views, and after comparing and discussing these, a report shall be drawn up embodying, not my opinion only, or that of the officers under me, but the general conclusions arrived at. This procedure is intended to secure a consensus of opinion in each division.

3. I beg to point out that most Collectors have for long time past had no practical experience of the majority of the questions involved, as the trial of rent suits was transferred to the civil courts fifteen years ago. I and the Collectors of Hooghly and Beerbhoom have, it is true, served in Orissa, where rent suits are still tried by Revenue Officers; but I ceased to be a Collector in that province six years ago, and the Collectors left it even before that, so that our recollections in matters of detail are somewhat rusty.

4. Under these circumstances, I felt that it was not probable that any of the officers in this division would be in position to speak from personal knowledge on most of the points raised. If they come to the conference to discuss the Bill, section by section and chapter by chapter, they would be kept away from their districts a long time, and the ordinary work of the division would be seriously interfered with. To avoid this inconvenience, I called on the Collectors to submit their views in the first instance in the shape of a report. I then carefully collected all these reports and drew up this report on those points about which we all agreed, leaving for the conference only those points on which there was a difference of opinion. At the conference the points we fully discussed.

5. In the following pages, therefore, it should be understood that whenever I give an opinion as my own, without any mention of the conference, the point is one concerning which I and my Collectors agree, or one on which they have offered no opinion. Particular suggestions are given in the name of the officer from whom they emanated, and in respect of the points discussed at the conference, the opinion of the majority is recorded. With this preliminary explanation, I proceed to report on the various points *seriatim*.

CHAPTER I.

6. Certain suggestions regarding the definitions in section 3 of the Bill will be more conveniently considered in the next paragraph.

CHAPTER II.

7. The first question is whether the definition of raiyat in section 5 (3) covers all classes of raiyats. We are all agreed that it does not. There are in many parts of this division persons called "aymadars," who hold land free of revenue on grants made by the Supreme power before the commencement of British rule. These men are not "proprietors" as defined in section 3 (2), because they do not own an "estate." An "estate," by section 3 (1), includes only land registered under the Land Registration Act, whether revenue-paying or revenue-free; but the tenants of aymadars are undoubtedly raiyats, and the definition should be widened so as to include them.

8. Again, there is the case of raiyats cultivating alluvial lands (churs) which have accreted to the estate of a riparian proprietor. Under Act IX of 1847, no settlement of these lands can be made with the proprietor till a general survey has been made, and as this can only take place once in ten years, the alluvion is left unassessed and unregistered in the Collector's books, and the Government Pleader of Hooghly suggests that, as the definition now stands, it might fairly be contended that the tenants on these lands are not raiyats in the sense of clause 3, section 5, during the time the land remains unsurveyed and unassessed.

9. Then there are the "mandals" and "aymadars" of Midnapore. These men belong to that large class (referred to in paragraph 32 of Mr. Cotton's memorandum on land tenures in Bengal) to whom tenures were granted for the purpose of reclaiming jungle. As the Collector of Midnapore points out, it can hardly be said that a man who some generations back took land for the purpose of breaking up the jungle and settling cultivators thereon is one who, in the words of section 5 (1), "acquired the right to collect rents." What he acquired at the outset was land from which no rents were leviable, as it was all waste. In process of time, no doubt, the right to receive rents grew up out of the successful effort to settle cultivators; but that right was a growth subsequent to the period of acquisition, and not the actual right transferred at the moment of acquisition.

10. This is a point of the highest importance for the Midnapore district, because, unless the mandal or aymadar be recognised as a tenure-holder, many thousands of hereditary cultivators, who in equity should be considered occupancy raiyats, will, under the provisions of the Bill, become mere tenants-at-will. There should therefore be added after the words "to collect rents" in clause 1 of section 5 and in clause 4 (c) of the same section the words "or to bring waste land under cultivation by establishing tenants on it." Also with reference to the Hooghly and Burdwan aymadars, and to the cultivators of unsettled alluvial accretions above referred to, some alteration is required in the terms of section 3, clause 1.

11. In respect of lakhirajdars who are not registered, we think that, if they suffer any injury from not being registered, it is their own fault, and they have the easy remedy of applying for registration. It is, however, doubtful whether the definition, as it stands, will cover the raiyats on estates the property of Government, and held under direct management: some provision should be made for this class of estates. The Collector of Bankoora recommends compulsory registration, but was not prepared to say how he would proceed to enforce it. The suggestion did not strike the other officers present as feasible.

12. The next question is as to the fairness of the presumption in section 5 (5). The Collector of Midnapore considers that, instead of establishing a presumption based on area, it would be better to provide that when a tenant receives from under-tenants rents equal to what he has to pay to the zemindar, he shall, until the contrary is proved, be assumed to be a tenure-holder. But many other gentlemen whom I have consulted consider that the provision in this section is very arbitrary, and that it is neither necessary nor fair. The reports of the Collectors are, however, very brief on this point, and it will be better to consider it in connection with the next point. I will merely say here that, if a tenant who holds 101 bighas can turn himself into a tenure-holder by sub-letting one bigha, he will undoubtedly do so. The creation of a tenure is an act for which a zemindar in the present day gets a large sum of money in the shape of *salami* or bonus, and it is not surprising that zemindars should resent a measure which would deprive them of a legitimate source of income, which at the same time weakens their hold over their estates by allowing tenures to be created at will by a large proportion of their tenants.

13. But if it is a hardship that the holder of a jote of more than 100 bighas should be able to turn himself into a tenure-holder by sub-letting a minute fraction of his holding, it is a still greater hardship that, under section 37, the occupancy raiyat should be able to attain that status by sub-letting half his holding. It is true that he will have to register the transaction, but the Collector of Hooghly, who considers this section a "dangerous innovation," points out that practical difficulties in registering such tenures would be nearly insuperable. There is no doubt that, as soon as the ryots come to understand the provisions of the law, they would avail themselves of it very largely, and that an amount of sub-letting would take place which would seriously embarrass zemindars and change the whole features of the landed property of Bengal.

14. As to keeping out the money-lender, it seems that the provisions of section 37 would not have that effect. So long as the raiyat is improvident, he will have recourse to the mahajan, and if you deteriorate the value of the only security the raiyat has to give for loans, namely, his holding, the money-lender will raise his terms, and the raiyat will be more rapidly impoverished than now. You will not prevent the raiyat from borrowing; no law will do that; you will only make it harder for him to get money, and throw him more rapidly and more deeply into the clutches of the man you profess to wish to save him from.

15. But, after all, why resort to legislation of this type, which reminds one of the middle ages, and its invidious prescriptions of Jews, foreign merchants and the like? If it is desired to keep out the money-lender because he is an exacting landlord, it is open to Government to make laws limiting the power of landlords of all classes to extort and exact. I see very little in this Bill to check the exaction of illegal cesses, though in my opinion this is a far more important matter than all the subjects treated of in the Bill put together. The provisions of section 86 will be inoperative: no raiyat could continue to live on an estate after subjecting his zemindar to a heavy fine. He would have made the place too hot to hold him. I will refer to this point again when discussing Chapter VIII.

16. The fact that the money-lender, if he purchases an occupancy right, will be subject to the summary procedure of the Putui Sale Law, or something similar, will, as the Collector of Burdwan points out, have no terrors for him, as he is *ex hypothesi* a man with lots of money who is never likely to fall into arrears.

17. Most of the Collectors affirm, from their own experience, that money-lenders in Bengal at least, whatever they may be in Behar, are not harsher to their raiyats than other people, and that they certainly do more than others to improve their land. My own opinion is very much in accord with this view. It must also be borne in mind that in many parts of Bengal, specially of this division, it is difficult to draw a distinction between a money-lender and an ordinary raiyat. Any raiyat who saves a little money—and there are many who do so—lends it in small sums to his neighbours, so that almost every well-to-do raiyat is a money-lender, and it does not seem advisable to deter men of this class from

purchasing occupancy rights. Occupancy rights are already in most parts of Bengal freely transferred, and, looking to the slowness with which any new enactment penetrates into the minds of the ordinary raiyat, I have no doubt that this Bill, if it becomes law in anything like its present shape, will not affect the popular practice to any perceptible degree for many years to come.

18. Another point is that mentioned in paragraph 27 of the Select Committee's report, and paragraph 6 of the Government of India's letter—the difficulty of finding out when a raiyat has sub-let half his holding. This I conceive to be insuperable. People come to our courts when it pleases them, and if it is no one's interest to come, we cannot make them do so. It is certainly not the interest of the zemindar to bring the fact to the notice of the authorities, nor is it the interest of the purchaser, and these two between them are quite able to persuade or intimidate the raiyat into keeping quiet.

19. The convertible tenure-holder is a creation of this Bill, and does not find any favour in the eyes of the officers present at the conference. They do not see that there is any necessity for him, and the whole procedure is an encroachment on the rights of zemindars.

CHAPTER III.

20. As to deciding what holdings are and what are not tenures, the provisions of section 5 (4) supply all that is necessary, giving the courts ample discretion in cases of doubt. Some Collectors have pointed out that there will be considerable doubt as to the purpose for which a holding was originally acquired, especially in the case of holdings of very ancient date, of which there are many.

21. The privileges granted by the Bill to tenure-holders are a direct encouragement to sub-letting, as by that process an enormous proportion of ryots will be able to turn themselves into tenure-holders. I do not see why enhancement, if allowed at all, should not take effect at once. I still adhere to the objection which I have all along expressed to the provision in section 9 for gradual enhancement, and I see no reason why the tenure-holder should be liable to fresh enhancement every ten years (section 10), while the occupancy ryot is so liable only once in 15 years [section 50 (1)].

22. In Midnapore tenures, as far as the Collector can learn, are not subjected to enhancement, though intermediate tenants, who would under this Bill be classed as tenure-holders have been hitherto regarded as occupancy ryots and subjected to enhancement. In Bankoora it is stated that there are no enhanceable tenures. This seems rather a sweeping statement, but it is probably perfectly true that in that, as in all other districts, enhancement suits against tenure-holders are almost unknown. It is consequently impossible to carry out the suggestion in your 5th paragraph, that the effect of this chapter should be considered with reference to actual or probable enhancements of this kind.

23. Regarding section 8, there seems to be no reason for protecting tenure-holders to the same extent as ryots, and I may add that, if the "convertible tenure-holder" becomes a reality, there is every reason, in the interests of the zemindar, that the tenure-holder's position should not be made too favourable. I, however, agree with the Collector of Midnapore in thinking that the provisions of section 48 should be made applicable to the case of enhancement of tenure-holders' rents.

CHAPTER IV.

24. The point for discussion appears to be whether, by extending to the class of ryots holding at fixed rates the 20 years' presumption rule of section 64 (2) of the Bill, any unfairness will be shown to the zemindar or the auction purchaser.

25. I do not see why this class of ryots should be assimilated to tenure-holders. The Collector of Burdwan would assimilate them to occupancy ryots, and this is, I think, the category under which they most naturally fall. The other Collectors have not expressed any opinion on this point.

26. As to the question of the 20 years' presumption, it is generally admitted that the presumption is favourable to the ryots and adverse to the zemindar. In such a case as this I feel, and have always felt, that it is an error to suppose that Government is free to legislate as it may think best. Government is only at liberty to make enactments for the improvement of the ryot's position up to the point where such improvement would make the position of the zemindar worse than it was under the Permanent Settlement. When that point is reached, Government is bound to stop—bound by the pledges given by the Government of 1793, which cannot fairly be overlooked. Of course Government is well aware of this, and has no intention of overriding the Permanent Settlement; but there are cases perhaps in which the ultimate effect of the provisions of this Bill in that direction may not be accurately foreseen, and it is therefore necessary to keep this point constantly in view.

27. On the other hand, it is thought by most officers that the presumption having been in force for 25 years cannot now be taken away without injustice to them. It is hard on the

auction-purchaser no doubt, and it is often hard on the zemindar; for many zemindars do not keep regular accounts, while a very large majority of the ryots keep carefully their rent receipts for many years; and as to the respective powers of meeting the burden of proof possessed by the ryot and the zemindar, it is easier to keep a small bundle of *dakhilas* extending over 20 years, than bulky zemindari accounts extending over the same period. On the whole, however, the opinion of the conference was in favour of retaining the presumption.

CHAPTER V.

28. Butwaras are exceedingly rare in this part of the country, the provisions of sections 10 and 11 of Act XI of 1859 for opening separate accounts being very generally preferred to the expense of a partition. On the first of the two points raised under section 25 (1), I do not understand why the right of occupancy should be given to any ryot for a single scrap of land beyond that for which he has earned it. Why should a ryot, who has a right of occupancy for 10 bighas of land which he has held for years, also acquire that right in respect of (say) 5 bighas more which he only took for the first time a year ago? This rule will operate very injuriously against the ryot. If he prospers in the world, and wishes to take up more land, the zemindar will not let him have it because, as he has a right of occupancy for this old land, he would under this section acquire a right for his new land also. I do not see the reason for the rule, and I objected to it in my former reports.

29. All the Collectors fully agree with me on this point, and the Collector of Midnapore further points out that very serious complications would arise in the application of the law from the manner in which estates are constituted in his district. Thus there are in Midnapore (and I may add in other districts also) estates consisting—

(*a*). Of several villages scattered all over the district.

(*b*). Several villages in different districts.

(*c*). Part of one village.

(*d*). Small parts of a large number of villages.

29½. In cases (*a*) and (*b*) there is no reason for giving a ryot exceptional privileges in village X because he happens to hold them in village Y, 50 miles off, simply in consequence of villages X and Y both belonging to the same proprietor.

30. In cases (*c*) and (*d*) greater complications still would arise. A ryot having occupancy rights in land in village X, takes up fresh land in that village. If that land belongs to his original landlord, he acquires occupancy rights in it; but if it belongs to another landlord he does not. As the village lies in three or four different estates, he would acquire occupancy rights in one case, and not in another, on a principle which certainly no simple ryot, and probably no one else, could understand. The fact is, the use of the words "village" and "estate" in the same section is contradictory as regards Bengal, where the expression "a village or estate" cannot be considered as the use of two equivalent terms. In my opinion, and that of those whom I have consulted, section 25 should be entirely omitted from the law.

31. Holding this view, it becomes unnecessary to make any remarks on the point (*b*) in your 7th paragraph. I look upon the whole of the provision as uncalled for and calculated to cause endless confusion, while I fail to see in what way any conceivable just rights of the ryots are concerned in the question. If Government insists on retaining this section, at any rate, as suggested by the Collector of Burdwan, the words "or estate" should be omitted, but it will be far better to omit the whole section.

32. Regarding section 29 (1), the conference do not see how it conflicts with section 28. The landlord who acquires the interest of one of his ryots having a right of occupancy is very properly allowed by section 28 to extinguish it, and there is nothing in this repugnant to the provisions of 29 (1), by which a person who, in his capacity of ryot, acquires a right of occupancy is not debarred from doing so by the fact that in another capacity he holds a share in the estate. There are frequent instances of persons holding this twofold position, and the practice is that laid down in these sections.

33. We now come to the provisions of section 31. There is not much importance in clause (*b*). Most Collectors agree with me in thinking that ryots very seldom make improvements; they have neither capital nor enterprize sufficient for such a task. In Hooghly, it is customary not to allow ryots to make improvements without the consent of their landlords. The question does not often arise, but it is an understood thing that improvements are not to be made without the zemindar's permission, and they cling very much to this state of things. Moreover, it would be rather a dangerous thing to allow an ignorant ryot to make what he chose to think was an improvement. A favourite kind of "improvement" in some districts, where the soil is undulating, and where torrents are formed after rains, consists in a ryot so damming up or diverting the stream that all the water shall run on to his land and none on to his neighbour's. Another, in land liable to floods, is to put up a mud bank round his fields, which protects them and turns the full force of the flood on to other fields.

34. In fact the ryot is too short-sighted and too selfish to be trusted to make improve-

ments. The landlord is often short sighted and selfish too, but as he is equally interested in the welfare of all parts of his estate, any improvements he might make would be likely to benefit the whole estate, and not one or two ryots at the expense of the rest. I would omit this clause altogether, because it is not likely to be much resorted to, and when it is resorted to, it will be for the purpose of partial and selfish improvements of one holding to the detriment of others.

35. As to section 31 (*f*), I have already said that I do not regard the mahajan as a bugbear. If he be really an exacting landlord, he will have very little opportunity of exercising extortion when he buys up a small occupancy holding on which there may perhaps be one or at the most two under-tenants. If Government wants to keep the mahajan from acquiring land from fear of his being extortionate, it will be necessary to make a law prohibiting him from purchasing estates at sales for arrears of revenue or by private contract; for it is when he purchases an estate, and not when he acquires a petty occupancy holding, that his oppressive tendencies will find full scope for action.

36. In most districts of this division occupancy rights are freely transferable and saleable, and I am in accord with all those whom I have consulted in thinking that the existing practice should be allowed to stand. The Collector of Hooghly deplores the disappearance of the old patriarchal connection between landlord and tenant, and the substitution for it of purely commercial relations: but there is no use in lamenting what cannot be altered. Writing regarding this division only, I should say that the change has been in many ways beneficial.

37. The conference was unanimously of opinion that transferability should be allowed: indeed most of the officers present failed to see how it could be stopped. The returns of the registration officers show that only a small proportion of purchasers of land are money-lenders, and even of those entered in the returns under that name, it is believed that a large number are raiyats who combine money-lending with cultivation.

38. *Section* 31 (*g*).—The question has already been considered under section 5 (5) above.

39. *Section* 39 (*a*).—Grounds of enhancement. There is no "prevailing rate," as far as I can discover, in any part of this division; but we are all agreed that it would not be at all difficult for a court, either from evidence taken by itself, or from an enquiry conducted by a revenue officer, to ascertain a fair and generally existing average of rents for various classes of soils. In the extensive settlement operations conducted during the last few years in Midnapore, it has not been found impossible to strike average rates which have stood close scrutiny in contested cases in the civil courts. I do not think there is in these parts any danger of collusive rates being put forward; if they were, the courts could easily detect them. This ground of enhancement is not open to the abuses feared, and as it is generally understood, and in itself equitable, it should be retained. As it is now 15 years since the trial of rent suits has been transferred to the civil courts, neither I nor my Collectors are in a position to give any "practical instances" of hardships (if there be any) resulting either from the existence or non-existence of the rule. Government will doubtless obtain such illustrations from the Munsifs, who alone, in the present day, have actual experience of such matters.

40. Regarding the question raised in your paragraph 10, I am of opinion that in this part of Bengal the raiyats in general may be safely trusted to take care of their own interest, and that there is very little danger of their being overreached in contracts made out of court. And with regard to the question of the limit up to which enhancement should be made, my own opinion is that section 48 is sufficient for all purposes, and that the Legislature should not interfere and make irritating and minute distinctions and restrictions which neither zemindars nor ryots are likely to understand.

41. On the whole question of enhancement, Mr. Wilson, the Collector of Midnapore, an officer of great experience, and who has had special opportunities of studying the question, makes the following remarks which, although I do not absolutely agree with them, are so much to the point that I think it better to reproduce them entire:—

42. "The hesitation of the Government of India with respect to this section is, I think, amply justified. If all kinds of crops grew on all kinds of soils, and if price-lists could distinguish between permanent and temporary rises, there might be no objection to the proposed procedure; but neither of these suppositions are in accordance with the facts.

43. "It is obvious that a rise in the price of produce justifies enhancement only if it is not due to failure of crops, and if it is permanent. It is no gain to a raiyat to get a higher price if he has less to sell, and no one could think it right to raise a raiyat's rent with the prospect of his being entitled to a reduction within the next few years. Both these important considerations have been overlooked in framing these sections.

44. "Except where there has been some special cause at work, such as a new railway, canal or road, giving access to fresh markets, a merely local rise in prices is for the most part due to bad crops either in the locality itself, or in some other locality which it supplies. In the former case it cannot be taken as indicating increased profits from cultivation, while in the latter it can. No mechanical process of calculation can ever determine which is the true state of the case in any particular instance. Moreover, in either case such a local rise in prices

could not be expected to last. A local rise in prices then must be carefully studied before it can be accepted as a legitimate ground of enhancement.

45. "In the case of a general rise of prices, it is equally easy to show that no such mechanical process of calculation as this section contemplates can safely be relied upon. Any one who takes the trouble of examining old price-lists will confess that it is not an easy thing to decide what quinquennial period in the past can equitably be taken as a standard of comparison; but I will assume that this difficulty has been surmounted, and that (say) 8 annas a maund, the average price of paddy in the years 1851—55, is to be our starting point. Since this, there has probably been on the whole an upward tendency, but it has not been an uninterrupted process. Two or three years of high prices have been followed by two or three years of abundant harvests and low prices. Being anxious to enhance, I naturally wait for a favourable opportunity, when a famine in Madras or elsewhere makes an extraordinary demand on stocks already diminished by a couple of indifferent seasons and raises prices to a high figure. Now is the time for my suit, and instead of 8 annas a maund I can honestly prove that the prices of the last five years have been (say) ten annas, twelve annas, one rupee, then two rupees, and last year one rupee eight annas. Thereupon the court, if it follows this section, will turn me out an average of close on 19 annas as the current price of paddy. Sub-section (*b*), no doubt, stands in the way of a corresponding enhancement of rents, but it is obvious that a process which can give 136 per cent. instead of 20 or 25 per cent. will be capable, under other circumstances, of giving 25 per cent. instead of 10 per cent., or nothing at all. It may perhaps be said that in the supposed case the mistake lay in taking for comparison the period 1851-55. But the five years immediately preceding the suit must be taken as one of the two periods to be compared, and if these five years included a Madras famine, the court proceeding under this section could only arrive at a correct result by selecting for comparison some past quinquennial period also, including a famine as disastrous as the recent one.

46. "Prices fluctuate so much from year to year, and from period to period, that from the comparison of carefully chosen periods almost any result could be worked out, and as the choice of one of the two lies with the plaintiff, the game is in his hands.

47. "Then again the court is not to look at the price of what the land in question produces, but the price of staple food-grains. So the tenant of high land, which produces mulberry or oilseeds or tobacco, and the Sonthal who extracts a crop of biri kalai out of a couple of inches of soil over the laterite, must pay higher rents if this section be followed, because the cultivator of rice land gets a better price for his produce. It is not possible to calculate the rent-paying capacity of land which produces (say) castor, but could not produce paddy, from the price of paddy which grows on land incapable of producing castor.

48. "Section 48 provides that no enhancement shall be decreed which appears, under the circumstances of the case, to be unfair and inequitable, and the courts would no doubt in time discover and apply the limitations required to prevent injustice; but it seems to me much better that the law should be, as far as possible, complete in itself. Its principles at all events should cover all clauses of cases.

49. "In order then to diminish the chance of error likely to arise from mistaking a temporary fluctuation for a permanent rise in price, the periods to be taken for comparison should not be quinquennial, but decennial. Three bad seasons often come together, and they would not falsify the figures of ten years so much as those of five.

50. "Then it should be made clear that the price-lists of staple food-grains shall not be taken as a basis of enhancement in the case of land incapable of producing such grains.

51. "In such cases the prices of the crops which the land does or can produce should be alone considered. It would not do to presume the existence of a rise as calculated from the published price-lists, leaving the raiyat to rebut the presumption, because, while the zemindar would have an easy means of establishing his case, the practical difficulties in the way of the raiyat would be very great.

52. "Again, following the decisions of the High Court under the existing law, it should be clearly laid down that the court, while accepting a rise in published prices as *primâ facie* a valid ground of enhancement, shall not follow them blindly or mechanically, but shall be bound to satisfy itself that the increased average is not due to one or two exceptional years, and the increase, if real, is not, so far as can be judged, due to exceptional failure of crops or other temporary causes.

53. "With respect to the cost of cultivation also, I think that some modification of section 45 is necessary. As different meanings have been some times given to the term cost of cultivation, it seems best to put the matter in a form leaving no room for ambiguity. Of the crop which a raiyat produces, one part (A) goes to feed himself and his family; another part (B) pays for whatever necessaries and comforts he has to buy for domestic use; a third part (C) pays his rent, and a fourth part (D) pays for bullocks, ploughs, extra labour, and whatever else he has to spend in order to carry on his cultivation. At present A, I will suppose, is worth in rupee E; B is worth M; C is worth N, and D is worth O. If prices double, and he has to pay 2 N as rent and 2 O in the purchase and feed of bullocks, &c., this will not affect

the amount of A, and will leave him for domestic purchases 2 E. His position therefore remains unchanged if the rise in prices has been uniform in all directions. But it may well happen that the price of cattle or labour has risen more than the price of food-grains, and it should, I think, be open to the raiyat to show that this has been the case, and to demand a deduction from the enhancement which the strict rule of proportion would give.

54. "I fear that the provisions of this sub-section [46 (c)] would lead to difficulty and confusion. It would, I think, be better to omit the words 'or likely to be caused' from sub-section (b) (1), and only to call on the raiyat to pay for improvements after their benefits have reached him. This would apparently be more equitable as well as more convenient."

55. Though, as I said above, the Collectors of this division have not had much practical experience of late of these questions, yet from their general knowledge of their districts, the members of the conference were of opinion that the provisions of section 41, by which enhancement by private contract gives the zemindar comparatively unfavourable terms, will have the effect of driving the parties into court about a matter which they would otherwise settle amicably between themselves, and they are all agreed that this is very undesirable.

56. The Government Pleader of Hooghly observes that, unless enhancement by private contract is equalised with enhancement by decree of court, no raiyat will consent to an amicable arrangement, as he will always have the hope that by forcing the landlord into court he will get better terms. This will encourage litigation, which it is desirable for many reasons to discourage.

57. With regard to paragraph 11 of your letter, section 42 (1) is objected to by myself and all those whom I have consulted. The feeling is general that the zemindar, having been by other provisions of this Bill hampered and impeded in many ways in endeavouring to get a living out of his estate, should at any rate be allowed to make what he can out of the non-occupancy raiyat. Section 42 (1) allows the zemindar to obtain whatever rate he can by private contract, and it will be easy for him to evade the provisions of this section. The land had a market rate of rent, and if the settled raiyat will not agree by contract to pay this rate, the zemindar will let the land to some one else who will. The law allows him some freedom in his dealing with non-occupancy raiyats, and he will find it therefore to his interest to re-let the land to such an one, and not to a settled raiyat in respect of whom his transactions are hampered by all sorts of restrictions. The settled raiyat will therefore only be able to get the land by offering a higher price for it than the non-occupancy ryot. It seems therefore certain that this section will have the effect of enhancing the scale of occupancy lands as anticipated by Government. There seems no necessity for this section at all. In this opinion we all concur. The question of the non-occupancy ryot will be discussed further on under chapter VI.

58. Your 12th paragraph regarding bastu lands. There are so few butwaras in this division that no light can be derived from that source. During the time I have held my present post, only four butwaras, two of which are very petty, have occurred. The local custom in different districts varies somewhat. I will therefore give the statements of each Collector separately.

59. In Midnapore the ryot, when ejected from his holding, loses his bastu land also. The landlord insists on this, as he would find it difficult to get a new tenant for the land unless he could also provide him with a homestead. In Hooghly, on the contrary, the ryot who gives up or is ejected from his land does not necessarily lose his bastu, though he is frequently required to pay a higher rent for it than if he held land also.

60. In Bankoora the bastu land is generally held separate from the cultvated land, and at a separate rent. Loss of the latter would not therefore involve loss of the former. The same practice prevails in Beerbhoom. In Bardwan ejectment is very rare, but a ryot occasionally relinquishes his lands, in which case he retains his bastu, which is stated to be usually held under a separate engagement.

61. It will be seen that Midnapore differs from the other districts of Western Bengal in this and, I may add, in many other respects. In that district many of the worst forms of the struggle between landlord and tenant, happily unknown in other parts of the division, prevail.

62. It would doubtless be very much to the benefit of the ryot that he should always hold his homestead land on a different tenure from that on which he holds his cultivation. Rents of bastu land are not now liable to enhancement, and I think this state of things should continue. In a village where the land is divided between many landlords, it is not just that a ryot should lose his homestead because he gives up his land under landlord A, and takes to cultivating land under landlord B close by. I would protect the homestead, taking all power over it out of the landlord's hands, and would make him in respect of all land in towns, hamlets, and villages (by which I mean clusters of houses), subject to the ordinary civil laws, and not to the revenue law. It is desirable, in view of the great progress that the country is now making, that facilities should be given for the establishment of new towns and large manufacturing villages, and that, when he grants or leases land for such purposes,

the zemindar should be a free agent, and be delivered from the numberless irritating restrictions which hamper him when he deals with land let for agricultural purposes. From the ryots *bástu* to the big trading town or the large factory, all land occupied for dwelling purposes should be put on the ordinary footing of all mercantile transactions and ruled by the general Civil Code.

63. *Section* 51 (*a*).—In this division deposit of sand is the chief cause of deterioration; sometimes, however, denudation occurs, as in the hilly parts of Bankoora, where cultivable soil may be washed away and bare rock left. This is, however, rare. The word "calamity," used in this section, is perhaps not well selected, as in the minds of many people it implies some sudden catastrophe, though of course no such meaning is really inherent in it. To avoid misunderstanding, it would be better to use some other word.

64. Grain rents are not common in this division, except in Bankoora and, I believe, in parts of Midnapore. The Collectors see no objection to the provisions of section 53 in general, but the Collector of Bankoora states that those whom he has consulted are mostly opposed to the provisions of clause 4 (*a*). The commutation should, they think, be based on a calculation of the proportion of the crop which can be considered as the natural equivalent of a money rent. The ryots in Bankoora are very desirous of commuting their "sonja jummas" or grain rents, and this section would be largely resorted to in that district, though probably not in other parts of the division.

65. *Section* 52.—The information supplied by the Collectors is generally to the effect that price-lists for some years past are in existence in the district offices, but that they are not to be relied on. It would be possible in most places to test their accuracy by reference to local traders, though there is a reluctance on their part to reveal more than they can help for fear the information should be used against them in connection with the license tax. The price-lists prepared at the thanas are mostly inaccurate, being generally prepared by a constable after superficial enquiry. They are perhaps correct enough for the use that is made of them at present, but it would require much greater accuracy to render them sufficiently trustworthy for the use of a civil court. In Midnapore, recently, these thana price-lists had to be referred to when revising the settlement of the large Government estates, and the Collector detected several undoubted inaccuracies in them.

66. Your paragraph 15. There is an entire agreement of opinion among the officers consulted as to the necessity for making allowance for the increased cost of production following on an universal rise in prices; but we do not think that any limit need be fixed. The provisions of section 48 are, we think, a sufficient safeguard against excessive enhancement. It is not possible to supply any examples from actual practice as required in your 15th paragraph, because Collectors in the present day have no means of becoming practically in acquainted with such matters: the Munsifs will probably be able to supply the required illustrations. As we recommend that there should be no hard-and-fast rule laid down as to the amount of enhancement, it is unnecessary to discuss the extent of deduction to be allowed in remote districts as compared with those which have railways. The courts will doubtless, when necessary, take such facts into consideration.

67. There is no such question in this division as that mentioned by you in regard to the jute cultivation. The only food staple, besides rice, which is grown in very large quantities, is the potato in Hooghly; but the Collector thinks, and I agree with him, that even this article is not yet grown in a sufficiently large quantity as to seriously interfere with the position held by rice as the chief food staple of the district.

68. When a rent in kind is commuted to a money-rent, a very large deduction should be made from the average money value of the rent in kind paid during the last ten years. A ryot can pay a grain rent much more easily than he can pay the equivalent in money. The grain rent being usually a certain proportion of the outturn, rises and falls according as the harvest is good or bad; but the money-rent is so much a bigha, no matter what may be the outturn, and even the most careful ryot is liable to be involved in debt and difficulties by two or three bad harvests in succession.

69. It has been suggested that a clause should be added to section 53 (4) (*b*), explaining that, in deducing equivalent money rents from grain rents, allowance should be made for the above facts. I am not sure, however, that this is absolutely necessary, as such considerations would probably occur of themselves to any officers trying such a case.

CHAPTER VI.

70. On non-occupancy ryots. The point of the argument contained in your paragraph 16 is somewhat difficult to grasp, and it has been apparently understood in different ways by different officers, some holding that the position of the non-occupancy ryot will be improved, and others that it will not. There is a general feeling that the provisions of this chapter will have a tendency to bring both landlord and tenant into court unnecessarily, which is more detrimental to the latter than to the former. On the other hand, the tenant is protected from unconditional enhancement, while it does not seem that any material change is effected in his chances of acquiring occupancy rights. The question was raised some time ago whether landlords did, as a rule, take action to prevent ryots from acquiring occupancy rights, and it was found that in the great majority of cases in this division they did not do so. I see no reason for supposing that in this part of Bengal

non-occupancy ryots will be at all generally compelled to relinquish and re-enter under a lease.

CHAPTER VII.

71. I object strongly to the whole of this chapter, and so do the Collectors. There must be at the bottom of the scale some freedom of competition. A law which imposes stringent rules upon a class who very seldom have any chance of finding out what the law is, is sure to be evaded and disregarded I have already expressed an opinion adverse to sections 37 and 38, and I am opposed on general grounds to over-legislation of this kind. The ryot should be allowed to get what rent he can out of his under-ryot. Both men being of the same, or nearly the same, rank in life, and enjoying the same, or nearly the same, amount of influence, they should be left to settle matters between themselves; there is no fear of the one bullying the other, as there seems to be in some people's minds of the zemindar bullying the ryot. No such limitation would probably be of any effect in checking the practice of sub-letting.

CHAPTER VIII.

72. The only question raised here is the adequacy of the forms of receipt and account in Schedule III. To my mind a much more practical question is—How are you going people to compel to use them? The landlord may be fined if he is found out, but it is no ones interest to betray him. The Collector of Bankoora observes that the forms are too intricate to be intelligible to the illiterate people of his district, but the Bill provides for this by allowing receipts to be given in any other way prescribed by the Local Government. When the Bill is passed, Collectors may be asked to consider this point with regard to the circumstances of their respective districts, and where the form is found to be too intricate, Government may be asked to substitute a simpler one. The forms are good ones in themselves, and I have at present no alteration to suggest, except the omission of the Behar word "baoli," which is not needed and not understood here. The Collector of Hooghly takes exception, and I think reasonably so, to the provisions of section 69 (1), which enables a tenant, when making a payment of rent, to declare the instalment for which he pays it. The old and well known rule in rent payments, as well as in all mercantile transactions, is that a payment shall be credited to the oldest unpaid arrear, and when it is disputed which is the oldest unpaid arrear, there seems to be no reason why the ryot should have the right of deciding the question by insisting that the payment shall be credited to the oldest arrear instalment which it pleases him to admit.

73. *Section* 67—Calls for some remarks. The Collector of Midnapore puts the matter so clearly and fully that I cannot do better than reproduce his remarks in full:—

74. "I doubt very much whether it is wise to attempt to introduce the English practice of paying rent on fixed quarter days.

"In the greater part of this district the Umli year prevails, and the following table shows the instalment (stated in annas) of rent which is at present payable each month. In fact, however, the monthly instalments are not paid or demanded, and it is only for the purpose of causing expense and annoyance to some ryot who opposes him that a zemindar ever sues for a monthly instalment. At or about the end of the year there is a fixed day, called the punya, when the ryots are expected to pay in something on account of the new year first commencing.

"If before this time his rent for the past year has been all paid, a ryot has in most cases nothing to pay as interest on account of the instalments not having been punctually paid on the due dates. If any balance remains, interest is charged on it for the past year at an all-round rate without considering for how many months it has been due. The way in which this rate is arrived at will appear from the table which follows. The monthly instalments are such that, if interest at 12 per cent. be charged on each up to the end of the year, the total interest on Rs. 100 amounts to Rs. 8-2-9. The all-round rate should then be 8·17 per cent., or a little more than 1¼ annas on a rupee, but the usual practice is to take it as 2 annas. In some cases, by special agreement a higher rate than 1 per cent. a month, or 12 per cent. a year, is charged.

Month.	Amount of instalment in annas.	Number of months on which interest is payable up to the end of the year.	Interest accruing up to the end of the year on each unpaid instalment of a total rent of Rs. 100 at 12 per cent. per annum.	Corresponding instalment of revenue.	Interest at 12 per cent. on Rs. 100 up to the end of the year.
	Annas.		Rs. A. P.		Rs. A. P.
Assin	½	12	0 6 0	5½	3 1 6
Kartick	1½	11	1 0 6		
Aughan	3½	10	2 3 0		
Pous	3½	9	1 15 6	7½	2 10 0
Magh	2	8	1 0 0		
Falgoon	2	7	0 14 0		
Chaitra	¾	6	0 4 6	1¾	0 3 9
Baisack	½	5	0 2 6		
Jaisto	½	4	0 2 0		
Assar	½	3	0 1 6	1¼	......
Shrabon	½	2	0 1 0		
Bhadra	¼	1	0 0 3		
Total .	16		8 2 9	16	5 15 3

75. "The effect of this section would of course depend to a great extent on the dates and instalments to be fixed by Government; but I will assume for the present that one day for payment would be fixed at or about the end of each quarter, and that the instalments would correspond with the instalments now fixed for the payment of revenue.

"*Primâ facie* then if the same rate of interest were charged the ryot would gain considerably from the proposed change. But it is tolerably certain that if fixed days of payment are prescribed by law, the indulgence at present generally granted to ryots who pay in full at any time within the year will no longer be granted. Interest will be charged on all sums not paid punctually on the due dates. I presume here that section 79 will be so interpreted as to allow of this, since otherwise it would be useless to fix quarter days, the ryots having no inducement to observe them. It is often difficult, even for a moderately rented ryot, to pay money punctually, except at harvest time, without borrowing (in which case he would certainly have to pay more than 12 per cent. interest), and consequently it is very doubtful whether the apparent gain to the ryot would not turn out to be a real loss. So far as the ryot is concerned, the only changes required in the present system are such as will prevent the institution of vexatious suits for monthly instalments and the realisation of excessive interest on arrears outstanding at the end of the year. The former evil might be stopped by the simple provision that no suit for the realisation of the rent of any holding shall be entertained within three months from the institution of a previous suit for the realisation of the rent of the same holding. With reference to the latter, it might be sufficient to provide that, in the absence of a registered agreement, no court shall decree interest on a ryot's rent at a rate exceeding 12 per cent. for the period which has elapsed since the end of the year on account of which the rent was payable.

76. "For the period within the year during which rent was due but unpaid the courts might be empowered to decree, at the option of the landlord, either at the rate of 12 per cent. calculated in detail, or at the all-round rate of 1¼ annas in the rupee. As the heavy instalments fall early in the year, this latter provision would be fair to the ryot, wherever the Umli year prevails. Where the Bengal year prevails, and the heavy instalments come at the end of the year, the all-round rate of 1 anna might be sufficient.

77. "It is necessary to legalise the all-round rate in order to relieve landlords from the necessity of making troublesome calculation about petty amounts.

78. "Section 79 as it stands would be no sufficient check on the prevailing oppressive practice. For the landlord it would no doubt be very convenient if he could realise his rent on certain fixed days with the same punctuality with which he has to pay his revenue. But except in the case of exceptionally moderate rents, such punctuality is, I fear, not always attainable. Whenever rents are taken in money, the risk of good and bad seasons falls on the ryot, who, not being for the most part a capitalist, can only pay his rent punctually in bad seasons with the aid of the much-abused but necessary village mohajun, unless his rent is so moderate that even in bad seasons the produce of his holding is sufficient to pay his rent as well as to maintain himself and his family.

79. "It is of course essentially necessary to prevent the landlord from harassing the ryots by suing them for rent on every monthly instalment. But I think the limitation of instalments to four in the year would be productive of much hardship. It must be constantly borne in mind throughout this Bill that wherever the law introduces new provisions for the advantage of the ryot the zemindar will, as a rule, keep the ryot to those provisions, and withdraw many of the indulgences which kindly feeling and friendly relations of old standing have allowed to grow up between landlord and tenant. It is therefore not wise to over-legislate. I would omit the words 'not being more than four in each year' from this section. When it comes to be applied the local Government, in consultation with the Board of Revenue and the other revenue officers, will be able to fix such instalments as may be found suitable to the circumstances of each district."

80. With regard to section 75 (2) I agree with Mr. Wilson in thinking that it would be very difficult to comply with it in his district (Midnapore), and may add in Hooghly and Burdwan also. The Collector has in a vast majority of cases no means of knowing who the claimants are. There are often very many shareholders, some of whom live in other districts and whose names and residences are not known to the ryot. The Collector suggests the starting of the District Gazette to contain these and similar notifications, as is the practice in the Madras (and I believe the Bombay) Presidency. This would be an excellent step on many grounds, but the matter is perhaps beyond the scope of the present discussion.

81. I would omit section 75 (2) altogether. If the shareholder in an estate tries to realise from the ryot in his village, the Collector's receipt for the deposit will be sufficient protection for the ryot, and the sharer can then go to court and get his money under section 76 (1). If the notice in section 75 (2) is thought indispensable, then it will be necessary to see that the provisions of section 7, clause (*c*) of the Land Registration Act, which requires that the address of every sharer in an estate should be inserted in column 3 of the register of revenue-paying lands, part I (generally known as register A1), should be strictly observed. At present, as I gather from my annual inspections of these registers in the various districts of this division, the addresses of all proprietors are not invariably entered.

. . . . .

82. In my remarks on section 5 (5) above (see paragraph 15) I have said something about sections 85 and 86. I may here observe that in those parts of the country where the zemindar is influential enough to levy illegal cesses at all, it is idle to expect a ryot to cut his own throat by suing the zemindar under section 86. A ryot who had succeeded in getting his landlord fined Rs. 500 would pronounce a decree of banishment against himself, for he would, as I said above, have made his native village too hot to hold him. He would become an object of bitter hatred to his zemindar, and would be the mark for every species of petty tyranny that malice could invent. And the zemindar would very soon find means for getting the Rs. 500 back into his own pocket with heavy interest.

83. Where a zemindar levies illegal cesses at all he levies them from all the ryots and not from one only. It is useless to expect any one ryot to bell the cat. I would empower the Collector of his own motion, whenever it came to his knowledge that illegal cesses were being levied in any estate, to take the matter up either in person or by an officer not lower in rank than a Deputy Collector. Such officer should have power to call for and record evidence and compel the production of all papers, and if he arrived at a finding that illegal cesses had been levied, he should be empowered to give a decree for their refund, or if the ryots preferred it for the amounts being credited in satisfaction of any unpaid instalments of rent due from them, and if no instalments were due, then as an advance against the next that might fall due, and the zemindar should then and there be compelled to give receipts for the amounts to the ryots. If he refused or neglected to do so, the Collector or Deputy Collector should give the receipts. Thus the ryots would be recouped, and they would at the same time be protected from the effects of the zemindar's revenge; for though it might be worth his while to take revenge on a solitary ryot who had sued him under section 86, he could not do so on the whole body of ryots.

84. Another reason for recommending this procedure is that the illegal cesses levied, though collectively they amount to a large sum, are taken in such very small sums from each individual ryot that it would not be worth the while of any one man to incur the zemindar's displeasure by suing for their recovery. Levied as they are, a few annas from each ryot at a time, they are injurious by frequency with which they are demanded, and the total want of consideration shewn in apportioning the demand. They are like drops of water constantly falling, and we know from history that one of the worst tortures of the inquisition consisted in letting single drops of water fall on a man's head at short intervals till he was driven mad.

85. The zemindars who take illegal cesses are very often ignorant that the practice is improper. The enquiry by a Deputy Collector, and the consequent enlightenment of their ryots as to its illegality, would be sufficient to put a stop to the practice in a year or two without any heavy penalty being inflicted on the zemindar. I would, however, make him pay all the costs of the enquiry.

CHAPTER IX.

86. There is no question with us as wells for agricultural purposes, as they are unknown in this division. In the high lands of western Midnapore and Bankoora, however, much importance attaches to the construction of *bandhs* or reservoirs made by damming up the ravines between two hills. These works are far more costly than raiyats as a rule could undertake, and it will therefore be better to include them under the general head of improvements, which I now proceed to discuss.

87. It is our unanimous opinion that the raiyats, as a rule, are too poor to make improvements, and I have, when discussing section 31 (6), expressed the opinion that if raiyats are allowed to make what they consider improvements, it will generally be found that they are such as benefit themselves at the expense of their neighbours. In such cases it might not be possible to prove under clause (3) of section 87 that the improvement substantially diminished the value of the whole or any appreciable part of a large estate, but the transaction would undoubtedly give rise to feuds and affrays between neighbouring raiyats, which it is not desirable to encourage.

88. For this reason, even if it should be thought advisable to allow raiyats to execute improvements at all, I would throw the weight of the legislature on the landlord's side, and I would enact the direct reverse of section 89, clause (2), providing that in cases of dispute as to the right to make improvements the priority should be with the landlord and not with the raiyat. I do not think this matter is of much immediate importance, as the present generation of raiyats is not much given, or in fact able, to make substantial improvements. The only person who has capital or enterprize enough to make really useful improvements is the landlord, and Government wishing, as it must, to see the country improved, should lend the weight of its authority to him.

89. The officers present at the Conference agree entirely with me on this point, and with regard to the question raised in clause (1), paragraph 2 of the Government of India's letter, Mr. Toynbee, Collector of Hooghly, who was for many years an irrigation officer, is of opinion that such powers as are there mentioned should certainly be given to revenue officers, being absolutely necessary to the proper working of canal irrigation, but that the proper place for

such provisions is not a Rent Bill, but an Irrigation Bill. Those members of the Conference who have had any practical acquaintance with irrigation matters (including myself) are of the same opinion, and would prefer not to have the powers provided by this Bill.

90. Your paragraph 20, regarding section 96: it is the general opinion that the provisions are fair both to landlord and tenant. It is not thought that they expose the raiyat, whether occupancy or non-occupancy, to any danger of having established or inchoate rights suppressed. It may undoubtedly be the case that zamíndárs have ejected raiyats unfairly, but no instances of such proceedings have come to light in this division, and it must not be forgotten that in fairness to the landlord the law should allow him every facility for keeping the lands for which he has to pay revenue to Government in the hands of cultivators. It would probably lead to much confusion if the interest of a deserting raiyat were allowed to be sold. The section as it stands affords ample safeguards to the raiyats against any illegal action on the part of the zamíndár.

91. Your paragraph 21: My own opinion is that all that the zamíndár can fairly claim in respect of lakhiraj lands is to measure their area or external boundaries. In cases where he suspects that a lakhirajdar has encroached upon his mal land he can institute a civil suit for recovery, and the court will order measurement; but in other cases all that he has any right to do is to measure round the tenure. The officers present at the Conference also hold this view.

92. I consider that the measurement should be made in all cases by the standard English pole, but as there was some difference of opinion among the Collectors, the matter was discussed at the Conference. After considerable discussion it was eventually admitted by the advocates of the local system of measurement that the English system offered the least opportunity for fraud or dispute. The local poles are very numerous, and often the zamíndár asserts that one standard is in force, while the raiyat asserts another. If a raiyat wishes to know the area of his holding, it can be converted for him from the English to the local standard, and as a matter of fact the raiyat is, as a rule, only anxious that the number of plots with their well defined ridges which he claims should be measured in his name than that any definite area of land should be recorded. The conclusion arrived at was therefore in favour of the English system.

93. Your paragraph 22: I myself and a majority of the Collectors are in favour of the sections 102—109 standing as they are. I think the appointment of a manager is often the saving of an estate. I know one case—that of Jokhodia in Noakholly—in which, when I was Commissioner of Chittagong, a manager was appointed with the very best possible results, and the co-sharers themselves, though at first some of them were very much opposed to the measure, ultimately, I believe, acquiesced in it, and admitted that it had been very beneficial * * * * I would, however, restrict the power of application under section 102 (b) to co-owners, as I do not see what right any one else has to interfere in the matter. Section 102 (a) supposes a case which is very seldom likely to occur.

94. The only dissents are that of the Collector of Bankoora, who would extend the provisions only to such estates as are able to bear the cost of a manager on Rs. 50 a month, and that of the Collector of Burdwan who thinks that the risk of harm to an estate from an unprincipled manager are greater than those likely to accrue from disputes. To the first it may be replied that in the case of very small estates (and they must be very small if they cannot afford to pay so much as Rs. 50 a month) the general manager appointed under section 105 would take the estate under his charge, or the Court of Wards might manage it very cheaply. To the second I can only reply that I consider the guarantees afforded by the Act are sufficient to prevent the appointment of an incompetent or unprincipled manager.

CHAPTER X.

95. I have already expressed by opinion on this point more than once, and I can do no more than repeat what I have already written. It would undoubtedly be a great benefit to the country if there were in existence such a record of rights. In the early years of my service, which were passed in the Panjáb, I learnt to appreciate at its full value the record of rights for each village in the country, which exists in that province. But to introduce the system into an old and permanently-settled province will not only be very expensive, but will stir up agitation and litigation on all sides. The officers I have consulted agree with me in thinking that the whole procedure is objectionable, and in hoping that the country is not about to be plunged into a state of confusion unparalleled since the days of native rule, merely for the purpose of endeavouring to arrive at a result which can never be attained. As I have discussed this question at much length in paragraphs 79—94 of my No. 339, dated 22nd June 1883, and again in demi-official note written at Mr. Bernard's request in April last, it is not, I think, necessary for me to say any more on the subject. Mr. Wilson, the only Collector who has considered the point carefully, also refers to his demi-official note written at the same time as mine above referred to.

96. Your paragraph 24: The remarks in the last paragraph apply equally to chapter

XI. It would be, we are all agreed, impracticable to form tables of rates which would have any real value or represent actual facts. The tables would be worse than useless, and the expense of preparing them would be a very heavy burden upon the raiyats and the zamíndárs. In the present day the country (I speak of Bengal Proper) has got accustomed to having its rents decided by the courts, and is sufficiently civilized to be left to fight its own battles.

97. Chapter XII has no practical importance in this division, as the question of zamíndár's khamar lands has never given rise to any difficulty or dispute. None of the Collectors know of any other class of land which could be brought under section 138 (1).

CHAPTER XIII.

98. I have always held, and still hold, that the power of distraint is an ancient and well established right of zamíndárs, and that it would be unfair to deprive them of it. In the present day in Bengal Proper, I do not think it is nearly so much abused as is popularly supposed. It does no harm to the raiyat if legitimately practised, and as remarked in your letter under reply, is really in many cases a more humane proceeding than suing with its attendant processes.

99. From the reports of the Collectors it appears that in Burdwan, Midnapore, and Bankoora distraint is not often resorted to; the question therefore possesses very little interest as regards those districts All the Collectors, however, agree with me in thinking that it should be retained. This being so, the only question that arises is—Shall distraint be allowed to be made by the zamíndár direct, or only through the court? I have no hesitation in saying that the procedure of section 13, compelling zamíndárs to apply to the court for distraint, robs the process of all its value, and virtually takes away from zamíndárs the power altogether. The essence of distraint, and that in which its sole value lies, is rapidity. Before the raiyat has time to carry off his crop it is distrained. If the zamíndár has to apply to the civil court to supply seven separate heads of information, to file documents, be examined in court, and all the rest of it, the raiyat will have ample time to remove his crop. The provisions of section 141, clause 3, will be of little use, for even they will take too long a time. Clause (4) of that section talks about order for distraint being made a considerable time before the crop is ripe for harvesting—an expression which has no meaning in this connection. The instalments for paying rents by raiyats are fixed so as to fall when the crop is ripe, and as no arrear can arise till the date of payment is past, no distraint can take place till the crop is ready to be cut. I forget how matters stand in Behar, but I am writing about Bengal, and I do not think it advisable to look at all Bengal through Behar spectacles as there seems to be a tendency to do all through this Bill.

100. If distraint is to be of any use to the zamíndár he should be allowed, as at present, to distrain through his own agency under such safeguards as may be devised, and subject to severe penalties in case of illegal action. It would be easy to secure this by framing a section similar to section 78 of Act VIII (B.C.) of 1869; also sections 98 and 99 of the same. These old provisions are everywhere known and understood, and afford all the necessary protection to any raiyat who is not an absolute child. The raiyats in most parts of this division are by no means children, and know how to take care of themselves uncommonly well. It does not seem fair that the zamíndárs of Bengal should be deprived of an ancient right which there is no danger of their abusing, because the raiyats of Behar cannot protect themselves from oppression.

CHAPTERS XIV & XV.

101. I regret that neither I nor my Collectors are able to offer any suggestions on this head. We should prefer not to give an opinion on subjects which lie beyond our provincel One or two remarks have been made by one Collector, but in the absence of any practica. experience of judicial work this cannot be regarded as having much value.

CHAPTER XVI.

102. I think it is a great pity that the old putni law cannot be left alone. There is not the slightest necessity for dragging it into this Act. If, however, this must be done, then as few changes as possible should be made. The only Collector who has gone fully into this question is Mr. Wilson, with whose remarks I entirely concur. They are as follows:—

CHAPTER XVI.

103. "There are a few points in this chapter which call for notice.

"Baisack is not the first day of the year where the Amli year prevails.

"195. This section omits, probably through an oversight, the ten days' notice required by Regulation I of 1820, section 2 (2).

"198. It seldom happens that a tenant's objection can be disposed of before sale day.

At present when on sale day an objection is found to be pending, the Collector requires the putnidar to deposit the amount claimed, and hears the objection afterwards. This procedure works well, and is in fact one of the principal things enabling the putni law to work so smoothly as it does.

104. "The Bill changes all this. The objecting putnidar must either pay the zemindar's claim or allow his tenure to be sold. The only remedy apparently open to him is a suit to set aside the sale. Such a procedure as this would leave the tenant entirely in his landlord's power and could not work for a year without producing a crop of scandalous injustice. If it be thought necessary to get rid of the Collecter's summary enquiry then certain fresh provisions must be added.

105. "Under section 205 any person aggrieved by a sale effected under cover of, but not in accordance with, the provisions of this chapter can sue for cancelment of the sale and for damages. But nothing is said about a sale effected in accordance with the provisions of this chapter for the realization of a claim found to be invalid. In such cases damages not exceeding double the invalid claim should be recoverable.

106. "Further, if a putnidar to save his tenure from sale pays his landlord's claim, he should be entitled, on proving the claim, or any part of it to be invalid to recover in the civil court damages not exceeding double the amount of the invalid claim, besides recovering the amount wrongfully exacted.

107. "Without some such provisions as these, I have no hesitation in saying that this procedure, which has now worked smoothly for more than half a century, will become in its proposed form incapable of equitable working.

"The best course probably is to retain the Collector's summary enquiry.

108. "201 (5). When the purchaser is the zemindar, the present practice is to let him pay only the difference between his claim and the selling price. This is convenient and apparently unobjectionable.

109. "(6). The time allowed for notifying resale, *i.e.*, the afternoon of the eighth day only is not sufficient. Resale should take place on the tenth day.

110. "203. I see no reason for relieving the zemindar from the duty imposed on him by Regulation VIII of 1819, section 15, of letting the purchaser have access to the papers in his office regarding the tenure.

"It should be made clear from what date the purchaser's possession is to be held to commence and the defaulter's to cease.

111. "207 (*c*). The sale being held in the Collector's office, the words 'of the Collector' might be omitted.

112. "208. If, as sometimes happens, several days at the beginning of Kartick are close holidays, so that petitions under section 197 are several days late, it seems desirable that the sale should be postponed till a corresponding day in Aghran, the date before which notice must be served being similarly moved forward.

113. "209. I see no reason why the proposed summary procedure should not be made applicable to the recovery of road and public works cess from rent-free tenureholders, nor does it seem necessary to exempt from it those dependent taluks which formerly paid revenue direct to Government. There are no such taluks in the district."

CHAPTER XVII.

114. *Section 210.*—I am opposed on principle to unnecessary interference by legislation, and I think freedom of contract should be allowed in a great majority of cases, if not in all. Of course it may be said that if ryots and landlords are to be allowed to contract themselves out of the law, there is no use on having a law at all. But to this I reply that as I understand the matter the principal object of the Bill is to protect those ryots who are too poor, ignorant, or in other ways weak to protect themselves. For them the very minutely interfering provisions of this Bill may be necessary and useful, but the main fault of the whole thing, in my view, is that it compels ryots who are advanced and intelligent and well able to take care of themselves to sit under the same protection as is provided for the backward ones. It retards the progress of the country. It puts grown men into leading-strings, because infants cannot go without them. Why should an intelligent ryot of Lower Bengal be treated like a child, because the Behar ryot requires such treatment? The whole of this section is very strongly objected to by the zemindars of this division, and I entirely agree with them. It is an altogether unjustifiable curtailment of their rights.

115. Section 213 is generally thought unnecessary. I beg a reference to my remarks in paragraph 8 above. As the definition in section 5 (3) stands, it is doubtful whether the cultivator of chur land can be considered a ryot at all. But if that definition be altered so as to bring him under the head of ryot, then I think instead of the 12 years' period within which he cannot acquire occupancy rights, the principle of which I do not understand, it

would be simpler and more in consonance with the equity of the case to rule that so long as *churs* or alluvial accretions have not been surveyed or assessed to land revenue under the provisions of Act IX of 1847, so long no right of occupancy shall accrue. Such right, however, should begin to run from date of settlement, and should then be acquirable under the same conditions and by the same lapse of time as other ryots.

116. As to clause (2) I do not see what the civil court has to do with such matters. It is for the revenue officers to decide when any land has ceased to become chur, though I must confess that I never yet heard or know of any land which having once been chur ever ceased to be such.

117. *Section 215.*—It should be made clear that a right of occupancy cannot be acquired by any person holding land under a service tenureholder. This is important in this division, where ghatwals, pharidars, and other service tenureholders often hold land in very great quantities and have numerous ryots under them.

118. *Section 223.*—To the powers specified in this section should be added that of imposing a daily fine under Act XX of 1848 for non-compliance with orders to produce papers. This is very essential, as nothing hampers the proper execution of business so much as the inveterate habit many zemindars have of withholding or delaying the production of necessary information.

119. *Section 227.*—In most districts of this division there is very little pasturage. This is a serious drawback, and I am not sure to what extent the general provisions of the Bill will operate to stop the gradual conversion of pasturage into arable land, which in some districts has had such a bad effect upon the breeding of cattle, which are rapidly degenerating from stall-feeding. In Bankoora and Western Midnapore there is abundant pasturage, for much of which no rent is ever demanded. It cannot be said without longer enquiry than we have had time for what are the precise local customs in regard to pasturage in the jungle mehals, but it is obvious that to place all pasturage by one stroke of the pen under the same rules as arable land would be very dangerous. It might lead to unscrupulous zemindars at once imposing rents, and this would give rise to disturbances among the wild pastoral tribes. There can be no occupancy right in such lands as are used for pasturage, and there can be no power of acquiring any such. Especially in cases where (as in Messrs. Watson and Company's estates in Midnapore) forest conservancy has been introduced, and the cattle are no longer allowed to graze indiscriminately everywhere, much irritation has been caused, and to bring all such cases under the rent law would satisfy neither party. Cases of pasturage, forest rights, and fisheries should, I think, be left to be dealt with, if necessary, under a separate law.

120. Regarding the questions raised in paragraph 2 of the Government of India's letter, I have the honour to state that in respect of point (2) there are, it appears, a few such tenures in some districts, but that the opinion of myself and the Collectors in Conference is that no inconvenience has been experienced by zemindars from the present practice, and we do not think it advisable to subject such taluks to the summary sale procedure or to make them liable to pay to Government direct or in any way to alter the present old established and satisfactorily working state of affairs.

121. As regards point 3) we are of the same opinion. There is not the slightest necessity for introducing the summary sale law in this respect. Section 58 of the Bengal Cess Act, 1880, provides, we think, all that is necessary. There is also great danger, as suggested by you, that arrears might be purposely allowed to accumulate in order to bring the tenures to sale, which would be a greater evil than any that the landlords now complain of.

122. The Collectors have no records to shew all the curious varieties of tenure existing in their districts and did not think it advisable to excite attention by setting on foot local enquiries to ascertain what tenures existed. It is known that there do exist, especially in the wilder parts of Midnapore and Bankoora, strange tenures of various sorts. We come upon them occasionally in the course of enquiries into other matters. The difficulty in dealing with these tenures by name would be that occasionally the same kind of tenure is known in different districts by different names; while on the other hand one name is used in different places to indicate two very different kinds of tenure. For instance *utbandi*, as known in Midnapore, seems to be a very different thing from the custom or kind of tenure known by that name elsewhere. Until an exhaustive and correct list and description of all these tenures shall have been prepared. we think it would be better to leave them to be dealt with by the general provisions of section 217, which are quite comprehensive enough for the purpose.

123. The officers at the Conference are unanimously opposed to pre-emption being introduced into the Bill at all, thinking that it is not an indigenous custom, but one borrowed from Mahomedan law, and not in accordance with the general customs or ideas of the agricultural population.

124. We also think that the remarks made with regard to point (5) apply also to the so-called semi-tenures, and that the legislature is not at present in a position to define them with any degree of precision.

NOTES ON THE BENGAL TENANCY BILL, 1884.

CHAPTER II.

Section 5 (1).—In order to make it clear that the mundals, aymadars, &c., who abound in this district and elsewhere, are henceforth to be regarded not as occupancy ryots but as tenure-holders, something should, I think, be added to this clause.

It can hardly be said that a man who, some generations back, took land then unoccupied for the purpose of settling cultivators on it acquired from the proprietors "the right to collect rents," though his descendant at the present day may oe as much a mere receiver of rents as if he were a putnidar After the words "to collect rents" I would add the words "or to bring land under cultivation by establishing tenants upon it." So far as this district is concerned this is the most important point in the Bill; because on the recognition of their landlords as tenure-holders depends the fate of thousands of hereditary cultivators who, under the law as it stands, are mere tenants-at-will. There need be the less hesitation in amending the law, because it is not in harmony with the prevailing opinion as to the equity of the case. It is only within the last few years that the unfortunate position of the tenants of mundals, aymadars, &c., has been made clear by judicial decision.

It is true that consideration is in equity and by custom due to the enterprising man who brings waste land under cultivation by settling ryots upon it; but his profits should be provided for not by lowering the status of the cultivators, but by moderating the demand of the proprietor to whose hitherto valueless land he has given a definite money value. The 10 per cent. to be given under section 7 (3) is not a maximum but a minimum, and the court which has to fix a chuckdar's or mundal's rent can take into consideration the money which he has spent and the difficulties which he has overcome.

Section 5 (4) (c).—The final sentence of this clause, for the reasons above stated, should run thus: "Whether it was a right to collect rents or to bring land under cultivation by establishing tenants upon it, or whether it was a right to cultivate land in the manner defined in clause (2)."

Section 5, clause (5).—Instead of establishing a presumption based on areas I would provide that when a tenant receives from undertenants rents equal to what he has to pay, it shall be presumed, till the contrary is proved, that he is a tenure-holder—not a ryot. This deals with the essential difference between the two, and facts are much more easily ascertained regarding rents than regarding areas.

CHAPTER III.

So far as I have been able to ascertain tenures have in this district never as such been made the subject of enhancement suits, though in many cases intermediate tenants, who should certainly be classed as tenure-holders, have been treated as occupancy ryots and subjected to enhancement accordingly. I am disposed to think that this would probably not have happened if the law had made any definite provision for enhancing the rents of tenure-holders. Some such provisions as are contained in this chapter are required to bring the law into harmony with facts. There are only a few points on which I have any criticism to offer.

Section 6 (1) (b).—The words "that the lands are capable of affording it" are, I think, too vague. I would substitute the following words:—"That the rent receivable from tenants, together with the estimated yearly value of any land in the tenure-holder's possession, or granted by him rent-free, or at a beneficial rent after deducting the cost of collection, exceeds by more than 10 per cent. the rent payable to the landlord"

Section 7 (3) (c).—I would omit the words "and risk." The introduction of this element of uncertainty could hardly fail to cause inconvenience and furnish matter for dispute. In settling estates with proprietors or others no allowance is made on this account.

Section 8.—To double a tenure-holder's rent even in the course of five years might sometimes be a very harsh proceeding. Take the case of a tenureholder paying a rent of Rs. 400. His collections, when the tenure was created, were Rs. 500. They have now doubled and amount to Rs. 1,000. If the tenure is liable to enhancement, it may be *primâ facie* quite fair that the landlord should double his rent, claiming Rs. 800 instead of Rs. 400. But this would reduce the tenure-holder's income from Rs. 600 to Rs. 200. To double a man's rent may often reduce his income to much less than half.

I see no necessity for protecting tenureholders in the same way or to the same extent as ryots, but should be inclined to fix 50 per cent. as the maximum of enhancement in section 8, and to add a provision like that of section 48 to the effect that the courts shall in no case decree an increase which appears to be unfair or inequitable. This will serve to indicate that no mere mechanical system of calculation is to be blindly followed.

CHAPTER IV.

In the Bolarampore Government estate an aymadar under the 20 years' presumption succeeded in establishing a right to hold a large area on a nominal rent of one rupee, though

there is no reasonable doubt that for many years after the Permanent Settlement it was all uninhabited jungle.

No similar case has come to my knowledge, but no doubt they sometimes occur. On the other hand, it must be recollected that if the presumption were limited to 20 years before the new law comes into operation, it would yearly become more difficult, and ultimately it would be practically impossible for a ryot to establish his claim to hold at a fixed rate. It is easier for a zemindar than for a ryot to keep old papers. I would not therefore change the present law on this point.

CHAPTER V.

Sections 25 and 26.—An estate may consist of a number of villages lying near together, and to such a case the provisions of these sections may be applicable. But in other cases it consists of—

(1) Several villages scattered throughout one district.
(2) Several villages in different districts.
(3) Part of one village.
(4) Parts of several villages.

Taking case (1) I do not think that it would be reasonable to give a ryot exceptional privileges in village B, because he has held land in another village A belonging to the same estate, but situated at a distance of 50 miles from B.

In cases (3) and (4) other difficulties arise. I omit complications regarding middlemen, and suppose that the ryot holds directly from the proprietor. A ryot then of village A is a settled ryot throughout that village if he has held land in any part of it for 12 years, although part of it does not belong to his own landlord. Clearly therefore his privileges are inherent in his status as a permanent cultivating tenant of old standing, and are not derived from the payment of rent to one person or another. But if he takes up land in the adjoining village B the principle changes. He retains his privileges only if the land which he takes up in village B belongs to the same estate, or in other words pays rent to the same landlord as his old holding.

It may be said that this is a mere theoretic objection; but rules of law based on no self-consistent principle very often result in difficulty and confusion; and whatever may be the case in Behar, I am persuaded that in Bengal it would not be wise to allow a man to acquire privileges with respect to the land of one proprietor by occupying the land of another. Independently of the above consideration, it is very doubtful whether the proposed provisions would be of any practical use to the ryot for whose benefit they are intended. If a landlord has a vacant holding on his hands he will let it in the manner which is most to his own advantage and not to a privileged ryot. The result would therefore be that in consequence of his privileges the settled ryot would find it difficult to get a new holding without paying a premium. To escape from this effect of his privileges he would have to go outside the village or estate to which he belonged.

On the whole it seems to me that sections 25 and 26 must be altogether recast.

The present definition of a settled ryot appears to have originated in the suggestion made in paragraph 11 of the Secretary of State's despatch of 17th August 1882, which was necessarily made with imperfect information regarding the facts to be dealt with, and I fear that future difficulty and confusion will result if it is adhered to. The correspondence which followed shews that the Secretary of State was not willing to grant occupancy rights to all holders of ryoti land, but does not indicate that he regarded his own suggestion as being removed from discussion.

Section 31 (f).—I at one time supported the proposal to make occupancy rights saleable, but further experience and fuller consideration have led me to change my opinion. In this and many other districts such rights are already by custom saleable, or rather, to be more accurate, holdings protected by such rights are by custom saleable; and I know of no reason for interfering with the spontaneous growth of a custom whose existence proves it to be in accordance with the convenience of the parties concerned. In Behar and some other districts there is no such custom, and I would deprecate its forcible introduction. Those who know North Behar best seem to be generally of opinion that if occupancy rights could be sold they would in many cases pass out of the hands of the cultivators, and I do not think that any good likely to result from the provisions of this section would justify the Legislature in incurring the risk of such a serious evil. I write on the assumption that Bengal and Behar are to be treated alike. I would simply omit sub-section (*f*) of section 31, leaving the present state of things undisturbed.

Sections 32-36.—The statutory right of sale having gone, these provisions would, I presume, go with it.

Section 37.—The effect of this section would be twofold. It would improve the position of the under-tenants by raising them from the status of under-ryots to that of ryots, and it would bring the converted tenureholder within the scope of the summary procedure to be hereafter provided for the realization of rent from tenureholders. As regards the first of

these two points it seems to me that whatever provisions may be required for the protection of under-ryots should apply to the whole class, and should not be limited in their application to those who hold under-ryots who have sublet more than half their holdings. As regards the second point I would suggest that if it be thought wise to apply the proposed summary procedure to any class of ryots this can be done by a direct provision of law to that effect without creating a class of tenants intermediate between an ordinary tenureholder and an occupancy ryot.

Section 38.—I do not understand clearly the purpose of this section. If there is no well-defined object in view it might perhaps be omitted.

Sections 41, 44 (*a*), 45 (*b*).—The check on enhancement here provided is, I think, greatly preferable to one requiring for its application such a knowledge of gross outturn, cost of cultivation, and the like as can never really exist.

Section 48.—This provision cannot, I think, stand. A landlord with a vacant holding on his hands will let it to some one who offers the full market rate of rent. If a settled raiyat will not pay this he will not get the land. It is out of the power of the Legislature directly to fix the rate which land shall command in the market. This of course depends partly on the existing demand for land and partly on custom.

Sections 43 (*a*), 44.—As there are generally no rent rates properly so called, I would alter the words "prevailing rate payable" throughout these sections to "rents generally paid," and the words "rate of rent" to the word "rent."

Where there are no recognized prevailing rates of rent I do not think that the rents paid by neighbouring raiyats can be accepted as conclusive evidence of what is fair and equitable.

I take it that in India as elsewhere a fair and equitable rent for an unprivileged raiyat is such a rent as a solvent agriculturist free from the pressure of necessity might reasonably be expected to offer; or, what practically comes to the same thing, such a rent that the tenant of a moderate-sized holding could pay it and live in decent comfort. A fair rent for a privileged raiyat falls below this to an extent determined by the nature of his customary or statutory privileges. If, as is said to be the case in some parts of Behar, the peasantry generally are only a few degrees above starvation point, the fact that they pay rent at a certain rate may be a *primâ facie* reason for supposing that such a rate is unfair and inequitable, but it cannot be a reason for concluding that it is fair and equitable.

Suits based on this ground of enhancement are very rare, and I can cite no instances in which such suits have resulted in hardship to raiyats; but the provision made in section 44 (*b*) for a reference to revenue officers will greatly facilitate enhancement on this ground. I would add to section 44 another sub-section to the effect that the court shall not take the rents paid by any class of raiyats in any neighbourhood as the basis of enhancement if it appears that they are in an impoverished condition. It would no doubt often be difficult for a Judge sitting in court to estimate the validity of a plea of general impoverishment, but section 44 (*b*) removes this objection.

Section 45.—The hesitation of the Government of India with respect to this section is, I think, amply justified. If all kinds of crops grew on all kinds of soils, and if price-lists could distinguish between permanent and temporary rises, there might be no objection to the proposed procedure, but neither of these suppositions is in accordance with the facts.

It is obvious that a rise in the price of produce justifies enhancement only if it is not due to failure of crops and if it is permanent. It is no gain to a raiyat to get a higher price if he has less to sell, and no one could think it right to raise a raiyat's rent with the prospect of his being entitled to a reduction within the next few years. Both these important considerations have been overlooked in framing this section.

Except where there has been some special cause at work, such as a new railway, canal, or road giving access to fresh markets, a merely local rise in prices is for the most part due to bad crops, either in the locality itself or in some other locality which it supplies. In the former case it cannot be taken as indicating increased profits from cultivation, while in the latter it can. No mechanical process of calculation can ever determine which is the true state of the case in any particular instance. Moreover, in either case such a local rise in prices could not be expected to last. A local rise in prices then must be carefully studied before it can be accepted as a legitimate ground of enhancement.

In the case of a general rise of prices it is equally easy to shew that no such mechanical process of calculation as this section contemplates can safely be relied upon. Any one who takes the trouble of examining old price-lists will confess that it is not an easy thing to decide what quinquennial period in the past can equitably be taken as a standard of comparison; but I will assume that this difficulty has been surmounted, and that (say) 8 annas a maund—the average price of paddy in the years 1851-55—is to be our starting point. Since this there has probably been on the whole an upward tendency, but it has not been an uninterrupted progress. Two or three years of high prices have been followed by two or three years of abundant harvests and low prices. Being anxious to enhance, I naturally wait for a favourable

opportunity, when a famine in Madras or elsewhere makes an extraordinary demand on stocks already diminished by a couple of indifferent seasons, and prices have risen to a high figure. Now is the time for my suit, and instead of 8 annas a maund I can honestly prove that the prices of the last five years have been (say) 10 annas, 12 annas, one rupee, then two rupees, and last year one rupee eight annas. Thereupon the court, if it follows this section, will turn me out an average of close on 19 annas as the current price of paddy. Sub-section (*b*) no doubt stands in the way of a corresponding enhancement of rents; but it is obvious that a process which can give 136 per cent. instead of 20 or 25 per cent. will be capable, under other circumstances, of giving 25 per cent. instead of 10 per cent., or nothing at all. It may perhaps be said that in the supposed case the mistake lay in taking for comparison the period 1851-55. But the five years immediately preceding the suit must be taken as one of the two periods to be compared, and if these five years included a Madras famine, the court proceeding under this section could only arrive at a correct result by selecting for comparison some past quinquennial period, also including a famine as disastrous as the recent one.

Prices fluctuate so much from year to year and from period to period that from the comparison of carefully chosen periods almost any result could be worked out, and as the choice of one of the two lies with the plaintiff the game is in his hands.

Then, again, the court is not to look at the price of what the land in question produces, but at the price of staple food-grains. So the tenant of high land which produces mulberry or oilseeds or tobacco, and the Santhal who extracts a crop of biri kalai out of a couple of inches of soil over the latterite must pay higher rents if this section be followed, because the cultivator of rice land gets a better price for his produce. It is not possible to calculate the rent-paying capacity of land which produces, say, castor, but could not produce paddy, from the price of paddy which grows on land incapable of producing castor.

Section 48 provides that no enhancement shall be decreed which appears under the circumstances of the case to be unfair and inequitable, and the courts would, no doubt, in time, discover and apply the limitations required to prevent injustice; but it seems to me much better that the law should be as far as possible complete in itself. Its principles, at all events, should cover all classes of cases.

In order then to diminish the chance of error likely to arise from mistaking a temporary fluctuation for a permanent rise in price the periods to be taken for comparison should not be quinquennial but decennial. Three bad seasons often come together, and they would not falsify the figures of ten years so much as those of five.

Then, it should be made clear that the price-lists of staple food-grains shall not be taken as a basis of enhancement in the case of land incapable of producing such grains. In such cases the prices of the crops which the land does or can produce should be alone considered. It would not do to presume the existence of a rise as calculated from the published price-lists leaving the raiyat to rebut the presumption, because, while the zemindar would have an easy means of establishing his case, the practical difficulties in the way of the raiyat would be very great.

Again, following the decisions of the High Court under the existing law, it should be clearly laid down that the court, while accepting a rise in published prices as *primâ facie* a valid ground of enhancement, shall not follow them blindly or mechanically, but shall be bound to satisfy itself that the increased average is not due to one or two exceptional years, and that the increase, if real, is not so far as can be judged due to exceptional failure of crops or other temporary causes.

With respect to the cost of cultivation also I think that some modification of section 45 is necessary. As different meanings have been sometimes given to the term "cost of cultivation," it seems best to put the matter in a form leaving no room for ambiguity. Of the crop which a raiyat produces one part A goes to feed himself and his family; another part B pays for whatever necessaries and comforts he has to buy for domestic use; a third part C pays his rent; and a fourth part D pays for bullocks, ploughs, extra labour, and whatever else he has to spend in order to carry on his cultivation. At present A, I will suppose, is worth in rupees *l*, B is worth *m*, C is worth *n*, and D is worth *o*. If prices double, and he has to pay 2 *n* as rent and 2 *o* in the purchase and feed of bullocks, &c., this will not affect the amount of A, and will leave him for domestic purchases 2 *l*. His position therefore remains unchanged, if the rise in prices has been uniform in all directions. But it may well happen that the price of cattle or of labour has risen more than the price of food-grains, and it should, I think, be open to the raiyat to shew that this has been the case, and to demand a deduction from the enhancement which strict rule of proportion would give.

In truth, however, I feel no doubt that the decision of the majority in the great rent case was wrong. If the words "fair and equitable rent" have any meaning at all they mean "such a rent as a solvent agriculturist free from the pressure of necessity might reasonably be expected to offer," and I see no reason for supposing that such a rent will always or generally be arrived at by any process of calculation from past to current prices.

Section 46 (*c*).—I fear that the provisions of this sub-section would lead to difficulty and confusion. It would, I think, be better to omit the words "or likely to be caused" from

sub-section (*b*) (1), and only to call on the raiyat to pay for improvements after their benefits have reached him. This would apparently be more equitable as well as more convenient.

Section 52.—There are at present two sets of price-lists. One set for the sudder station and sub-divisional head-quarters only is submitted by the Collector, and appears in the *Gazette*. Besides this a price-list for each thanna is prepared by the police and sent to the Magistrate in whose office a complete list is compiled. These lists are of great use to a district officer who can question and test the accuracy of any figures to which his attention is called, but they are not so trustworthy that a court could safely make them the basis of a decree for enhancement.

In particular instances forming the subject of enquiry, I have not unfrequently detected errors. This is not at all to be wondered at. At a police-station when the day comes for preparing the list there may be no one present to prepare it, but a writer-constable, and even if there is an officer of higher grade present he may often be tempted to fill in the figures without sufficiently careful enquiry. Moreover, grain is sold in the local markets by measures which differ in size in different parts of the district, and there is plenty of room for error in reducing these various measures to standard seers. If published price-lists are to be made the basis of enhancement proceedings, they must be compiled afresh by some trustworthy officer not below the rank of a Sub-Deputy Collector. There would be no great difficulty in compiling trustworthy lists of the wholesale prices of staple food-grain for the last 15 years for the sudder station and sub-divisional head-quarters, and one or two other principal marts in different parts of the district; but I could not undertake to procure correct figures for every thana.

I have pointed out with reference to section 45 the comparatively limited use which can equitably be made of published price-lists, and as it is contrary to public policy to stimulate enhancement, especially in Behar, the expediency of publishing authoritative price-lists seems very doubtful.

The idea was, I believe, suggested by the use made of police price-lists in certain settlements under Act VIII (B.C.) of 1879; but that Act is a harsh law passed *ex post facto* to remove the difficulties into which the revenue authorities had drifted in connection with certain settlements in this district, and the results arrived at in these cases have since been falsified by the facts. Act VIII (B.C.) of 1879, then, and its procedure should be regarded as a warning rather than an example.

Section 53.—I quite agree with Mr. Reynolds in thinking that when a rent in kind is commuted into a money rent, a considerable deduction should be made from the average money value of the rent in kind paid for the last ten years.

A ryot can pay a rent in kind, making no demand on his providence and self-control, the equivalent of which in money would be absolutely ruinous; and even the most provident tenant paying a uniform money rent is liable to be involved in debt by two or three indifferent harvests in succession.

It may be that commutation rates will be mainly based on the money rates paid by neighbouring ryots, but so far as the average value of the rent paid in kind is considered at all, it should be so considered as to give a true rather than a false idea of what the money rent should be. A clause should therefore be added to section 53 (4) (*b*) explaining that in deducing equivalent money rents from rents paid in kind a deduction should be made in consideration of the fact that with a fixed money rent the tenant alone bears the risk arising from vicissitudes of the seasons.

Here, too, as in enhancements under section 45, if the peasantry of any locality are in an impoverished condition, I think this fact should be taken into consideration with reference to sub-section 42 (*a*). It seems desirable also that the grounds on which a Collector or settlement officer may refuse an order of commutation, or at all events the class of considerations by which he is to be guided in passing or refusing such an order, should be specified.

CHAPTER VI.

It appears to me probable that this chapter will improve the position of the non-occupancy ryot, but it is difficult to foresee completely how the new provisions regarding five years' leases will practically work. In such matters theoretic speculations are seldom fully realised in fact. What usually happens is the unforeseen. To protect rights of spontaneous origin is safe. To create new ones is risky.

Section 62.—This section seems to call for amendment, because, as the rent which a ryot pays is a single lump sum, and is not distributed over the several plots of land included in his holding, there are generally no means of determining how much rent he pays for the land included in an under-ryot's holding. To the words "which he himself pays," the words "or than an occupancy ryot might fairly and equitably be required to pay" should apparently be added.

The above suggestion is made on the assumption that the proposed limit is to be placed on the rent payable by under-ryots; but I greatly doubt whether the attempt to do this

will succeed. How the law will be evaded I cannot say, but that land which ryots can hold or sub-let as they choose, will, in one way or another, realise the market price, I feel no doubt. That the market price even in the case of under-ryots is to some extent fixed by custom rather than by independent individual competition is no doubt true. Thus a bhagjotedar in most parts of this district never pays either more or less than half the crop. But that fact does not affect the question whether the rent can be directly limited by law. The objection that a ryot holding at a privileged rate himself should not be required to sublet at a privileged rate is met by the change suggested above in the wording of this section.

So far as this district is concerned, if section 5 (1) is amended as suggested above, the question of the protection of under-ryots will lose much of its importance.

Section 67 (1).—I doubt very much whether it is wise to attempt to introduce the English practice of paying rent on fixed quarter days.

In the greater part of this district the Amli year prevails, and the following table shews the instalment (stated in annas) of rent which is at present payable each month. In fact, however, the monthly instalments are not paid or demanded, and it is only for the purpose of causing expense and annoyance to some ryot who opposes him that a zemindar ever sues for a monthly instalment. At or about the end of the year there is a fixed day called the punya, when the ryots are expected to pay in something on account of the new year just commencing. If before this time his rent for the past year has been all paid, a ryot has in most cases nothing to pay as interest on account of the instalments not having been punctually paid on the due dates. If any balance remains, interest is charged on it for the past year at an all-round rate, without considering for how many months it has been due. The way in which this rate is arrived at will appear from the table which follows. The monthly instalments are such that if interest at 12 per cent. be charged on each up to the end of the year, the total interest on Rs. 100 amounts to Rs. 8-2-9. The all-round rate should then be 8·7 per cent. or a little more than 1¼ annas on a rupee, but the usual practice is to take it as 2 annas. In some cases by special agreement a higher rate than 1 per cent. a month, or 12 per cent. a year, is charged:—

MONTH.	Amount of instalment in annas.	Number of months on which interest is payable up to the end of the year.	Interest accruing up to the end of the year on each unpaid instalment of a total rent of Rs. 100 at 12 per cent. per annum.	Corresponding instalment of revenue.	Interest at 12 per cent. on Rs. 100 up to the end of the year.
	Annas.		Rs. A. P.		Rs. A. P.
Assin	½	12	0 6 0		
Kartick	1½	11	1 0 6	5½	3 1 6
Aughran	3½	10	2 3 0		
Pous	3½	9	1 15 6		
Magh	2	8	1 0 0	7½	2 10 0
Falgoon	2	7	0 14 0		
Choit	¾	6	0 4 6		
Baisack	½	5	0 2 6	1¾	0 3 9
Joisto	½	4	0 2 0		
Assar	½	3	0 1 6		
Shraban	½	2	0 1 0	1¼	......
Bhadro	¼	1	0 0 3		
TOTAL	16	......	8 2 9	16	5 15 3

The effect of this section would of course depend to a great extent on the dates and instalments to be fixed by Government, but I will assume for the present that one day for payment would be fixed at or about the end of each quarter, and that the instalments would correspond with the instalments now fixed for the payment of revenue. Interest would then be payable on each instalment as shewn in the last column of the table.

Primâ facie then if the same rate of interest were charged the ryot would gain considerably from the proposed change. But it is tolerably certain that if fixed days of payment are prescribed by law, the indulgence at present generally granted to ryots who pay in full at any time within the year will no longer be granted. Interest will be charged on all sums not paid punctually on the due dates. I presume here that section 79 will be so interpreted as to allow of this, since otherwise it would be useless to fix quarter days, the ryots having no inducement to observe them. It is often difficult even for a moderately rented ryot to pay money punctually except at harvest time without borrowing (in which case he would certainly have to pay more than 12 per cent. interest, and consequently it is very doubtful whether the apparent gain to the ryot would not turn out to be a real loss. So far as the ryot is concerned, the only changes required in the present system are such as will prevent the institution of vexatious suits for monthly instalments, and the realization of excessive interest on arrears outstanding at the end of the year. The former evil might be stopped by the simple provision that no suit for the realization of the rent of any holding shall be entertained

within three months from the institution of a previous suit for the realization of the rent of the same holding. With reference to the latter it might be sufficient to provide that in the absence of a registered agreement no court shall decree interest on a ryot's rent at a rate exceeding 12 per cent. for the period which has elapsed since the end of the year on account of which the rent was payable. For the period within the year during which rent was due but unpaid, the courts might be empoweren to decree at the option of the landlord either at the rate of 12 per cent. calculated in detail or at the all-round rate of 1¼ annas in the rupee. As the heavy instalments fall early in the year, this latter provision would be fair to the ryot wherever the Amli year prevails. Where the Bengali year prevails, and the heavy instalments come at the end of the year, the all-round rate of 1 anna might be sufficient. It is necessary to legalise the all-round rate in order to relieve landlords from the necessity of making troublesome calculation about petty amounts. Section 79 as it stands would be no sufficient check on the prevailing oppressive practice.

For the landlord it would no doubt be very convenient if he could realise his rent on certain fixed days with the same punctuality with which he has to pay his revenue. But except in the case of exceptionally moderate rents, such punctuality is, I fear, not always attainable. Wherever rents are taken in money, the risk of good and bad seasons falls on the ryot, who, not being for the most part a capitalist, can only pay his rent punctually in bad seasons with the aid of the much-abused but necessary village mahajun, unless his rent is so moderate, that even in bad seasons the produce of his holding is sufficient to pay his rent, as well as to maintain himself and his family.

Section 69 (1).—Landlords strongly object to this section, but it only states what is already settled law.

Section 75 (2).—It would be a difficult matter to comply with this section as it stands. Except in the case of estates which are now registered, and such tenures as may be registered hereafter, the Collector would have no means of knowing who the claimants were. In the case of numerous shareholders, some of whom lived out of the district, it would be troublesome and expensive to trace them out. The only remedy I can suggest is the publication of a little district gazette containing sale notifications &c. Such a publication is greatly needed now, and would cost Government nothing; as, if properly utilised, it would be indispensable to all persons largely interested in land. I believe there is something of this kind in Madras.

CHAPTER IX.

Sections 87-93.—The provisions of these sections contemplate a state of things so different from what exists, or is likely to exist, under any circumstances which can be foreseen, that they should, I think, be omitted. It would be sufficient to provide that an ejected tenant shall be entitled to compensation for any improvement which, by custom or contract, he was at liberty to make. Section 194 might stand as it is.

Section 88.—The provisions of this section should be limited by the clause "In the absence of special agreement or proved custom to the contrary." It represents what are usually the rights of tenants of the class referred to, but in some cases the landlord advances grain and makes a special agreement that the produce is to be stored in his khamar, and in such cases the dominion over the produce before division rests with the landlord.

Section 95 (1).—Some provision seems to be required here as in the case of ejectment with respect to the standing crop, as the Amli year ends at a time when the principal crop of the year is on the ground.

Section 99 (2).—The wording of this sub-section might, I think, be improved thus: "Without the consent of the tenant or the written permission of the Collector a landlord shall not be entitled to measure any land which has been measured during the ten years immediately preceding, either by himself or by any person whose successor in interest he is."

It should, I think, be made clear under what circumstances the Collector should give the permission above referred to.

Sections 102-109.—Cases in which disputes between joint owners endanger the public peace are not, I think, infrequent. The last prominent instance which has come under my notice is that of pergunnah Sildah in the west of this district, which for the last nine months has been in a disturbed state productive of much suffering and crime in consequence of disputes with respect to the management of the property between Messrs. Watson & Co. and the brothers Dutt. The one party holds 2 annas of the undivided property on a temporary lease, and the other holds 14 annas in putni. This case seems to suggest the expediency of slightly altering the wording of this section so as to include the case of persons in joint possession under different titles. It might run thus: "When two or more persons in possession of an estate or tenure, &c."

I see nothing to justify the Maharaja of Durbhunga's fear that a manager working under the Judge or the Court of Wards would be likely to neglect the interest of the proprietors. It is generally found that the management of the Court of Wards, though far from perfect, is much more successful than that of private proprietors, and, indeed it is to the Court's comparatively good management (from the landlord's point of view) of his own

estate that the Maharaja owes a great part of the wealth which he now enjoys. The Court of Wards has often been accused, rightly or wrongly, of unduly neglecting the interests of raiyats, but the opposite accusation is now brought for the first time.

It would not, I think, be advisable to limit by law the cost of management. Where, as in Orissa and Behar, raiyats pay their rent through village headmen of one kind or another the cost of management may be kept very low. Where collections have to be made separately from each individual raiyat, they are necessarily high. As the Court of Wards requires its servants to be content with their salaries, and refuses to countenance the exactions of various kinds which very generally contribute largely towards the maintenance of zemindari servants, the legitimate cost of management is no doubt comparatively high under the Court, but that is inevitable.

Sections 110-116.—The operation of these sections should, I think, be confined to those cases in which rents are to be settled. Except for the purpose of settling rents, neither landlords nor tenants will ever voluntarily incur the expen e of such a costly process, nor is there any need for it in the public interest, the tendency of such enquiries being rather to stimulate than to allay strife. To call in question all doubtful titles could not possibly promote peace and harmony. In any case the solid results from such a proceeding must be very small, as it is out of the question to give finality to the result of a superficial enquiry necessarily often conducted in the absence of the persons interested.

In nine cases out of ten a raiyat, whatever may be entered against his name, will think it best to keep quiet and see what happens. The landlord looking further ahead, and being in a better position for influencing ameens, will take care that the entries in which he is interested are made in accordance with his wishes. To the wilfully false entries thus made must be added the very considerable percentage of error due to carelessness and *bonâ fide* mistake which the papers of a ryotwari settlement are always found to contain when tested by the process of collection. On the whole therefore the result of such an enquiry conducted independently of the settlement of rents would be too full of error to have much value.

With respect to the preparation of a general register of right by means of a cadastral survey of Bengal, I beg to refer to my note, dated 19th March 1884.

Sections 123-134.—I cannot but think that these sections should be omitted as being either useless or positively mischievous. If their provisions are never applied, it is clear that they will be useless. If on the other hand an attempt is made to apply them injustice and confusion must result.

The cultivated lands of this district all fall into one or two great classes—low-lying rice land and high land. But each of these classes is again sub-divided. Thus of rice lands there are four recognized kinds which are not of course sharply distinguished, and land of each kind may be of the first quality, second quality, or fifth quality. In some settlements as many as 16 qualities have been recognized and separately assessed. This is not necessary; but lands of the same kind differ so much in value that no table of rates could work fairly unless it recognized four or five qualities of land of each of the four kinds to which rice lands may belong. There must therefore be 16 or 20 rates for rice land alone. A settlement officer, who works more or less by constant compromises, may make use of such varying rates, but I do not think that any court could ascertain whether land in dispute should be considered sandy, loam or loamy sand, and whether if classed as loam it is of the fourth or fifth, if classed as sand of the first or second quality. A table only broadly dividing lands into a few great classes must necessarily be inequitable, while a table drawing minute distinctions could not be used with any degree of precision by a civil court, and must therefore work unjustly in practice. Moreover, the minute classification of lands according to their real value is, *pace* Bombay authorities, totally impossible.

A settlement officer can ascertain what rent land commands; when he goes beyond this he is on slippery ground.

Again, whose business is it to object when a table of rates is published? No actual holdings having been assessed, and no raiyat having been informed whether the published rates, if applied to his holding, will raise his rent, it is not to be supposed that he will incur the trouble and expense of contesting rates which, so far as he or any one else knows, may not affect him in any way. Whether they affect him or not depends on the result of possible future litigation with respect to the classification of his land. It is not the habit of a Bengali peasant to enter upon troublesome and expensive litigation about matters which do not at present directly affect him, and may never affect him. The publication of the table of rates would therefore have no practical effect in the way of protecting raiyats.

Section 125.—It has already been shown with reference to section 45 that fair and equitable rents cannot be deduced by any mechanical process from the prices of stable food-grains, and the same arguments apply to section 125.

Section 131.—I feel bound again to urge the extreme danger of providing that tables of rates once published shall be unquestionable for a long term of years. Revenue officers

have in past times mistaken a temporary for a permanent rise in prices, and the same thing may happen again.

CHAPTER XII.

Sections 135-138.—Disputes regarding the identity of khamar lands seldom or never occur here, and consequently this chapter has no practical interest in this district.

CHAPTER XIII.

Sections 139-158.—The right of distraint is little used or valued in this district, and I have not had sufficient experience of the working of the existing law on this subject to enable me to form a confident opinion regarding it.

CHAPTERS XIV AND XV.

I am not in a position to offer criticism of any value on most of the provisions of these chapters. So far as I can judge section 164 would work well.

CHAPTER XVI.

There are a few points in this chapter which call for notice.

Section 195.—Baisack is not the first day of the year where the Amli year prevails.

This section omits, probably through an oversight, the ten days' notice required by Regulation I of 1820, section 2 (2).

Section 198.—It seldom happens that a tenant's objection can be disposed of before sale day. At present when on sale day an objection is found to be pending, the Collector requires the putnidar to deposit the amount claimed, and hears the objection afterwards. This procedure works well, and is in fact one of the principal things enabling the putni law to work so smoothly as it does.

The Bill changes all this. The objecting putnidar must either pay the zemindar's claim or allow his tenure to be sold. The only remedy apparently open to him is a suit to set aside the sale. Such a procedure as this would leave the tenant entirely in his landlord's power and could not work for a year without producing a crop of scandalous injustice. If it be thought necessary to get rid of the Collector's summary enquiry, then certain fresh provisions must be added.

Under section 205 any person aggrieved by a sale effected under cover of, but not in accordance with, the provisions of this chapter, can sue for cancelment of the sale and for damages. But nothing is said about a sale effected in accordance with the provisions of this chapter for the realization of a claim found to be invalid. In such cases damages, not exceeding double the invalid claim, should be recoverable.

Further, if a putnidar to save his tenure from sale pays his landlord's claim, he should be entitled on proving the claim or any part of it to be invalid to recover in the civil court damages not exceeding double the amount of the invalid claim, besides recovering the amount wrongfully exacted.

Without some such provisions as these I have no hesitation in saying that this procedure, which has now worked smoothly for more than half a century, will become in its proposed form incapable of equitable working. The best course probably is to retain the Collector's summary enquiry.

Section 201 (5).—When the purchaser is the zemindar the present practice is to let him pay only the difference between his claim and the selling price. This is convenient and apparently unobjectionable.

Section 201 (6).—The time allowed for notifying re-sale, *i.e.*, the afternoon of the eighth day only, is not sufficient. Re-sale should take place on the tenth day.

Section 203.—I see no reason for relieving the zemindar from the duty imposed on him by Regulation VIII of 1819, section 15, of letting the purchaser have access to the papers in his office regarding the tenure.

It should be made clear from what date the purchaser's possession is to be held to commence and the defaulter's to cease.

Section 207 (*c*).—The sale being held in the Collector's office, the words "of the Collector" might be omitted.

Section 208.—If, as sometime happens, several days at the beginning of Kartick are close holidays, so that petitions under section 197 are several days late, it seems desirable that the sale should be postponed till a corresponding day in Aghran, the date before which notice must be served being similarly moved forward.

Section 209.—I see no reason why the proposed summary procedure should not be made applicable to the recovery of road and public works cess from rent-free tenureholders, nor does

it seem necessary to exempt from it those dependent taluqs, which formerly paid revenue direct to Government. There are no such taluqs in this district.

CHAPTER XVII.

Section 212.—I do not understand what class of contracts this refers to. A large part of the tenures in some Bengal districts have arisen in speculative leases of waste lands for the purpose of reclamation, but no doubt this section will not touch them.

Section 215.—It should be made clear that a right of occupancy cannot be acquired by tenants of service tenureholders.

Section 216.—I do not think that anything more is necessary regarding bastu land. There is no custom in this district under which a ryot whose holding includes bastu land can retain this land when ejected from the rest of his holding. Such a custom would often be very inconvenient, as a landlord after ejecting a defaulting tenant would find it difficult to let the cultivated land without the bastu. The attachment of ryots for their homes may be played upon in more than one way by men bent on exploiting them. There was a well-known English zemindar in Nuddea, whose first step towards general enhancement of rents was to give his tenants separate mocurrari leases for their homesteads, his calculation (which proved to be correct) being that this firm hold on their bastu land would make them more unwilling to migrate, and therefore more squeezeable in respect of arable land.

Section 223.—Besides the powers specified in this section the revenue officer must have power to impose a daily fine for the non-production of papers. This is the only really effective method of compelling an unwilling person to produce papers, and it involves no hardship. When the person who has been called upon to produce papers at length makes up his mind to submit and produces them, the fine is generally remitted.

The forms of accounts and receipts given at the end of the Bill are not suited for general use. Probably no forms could be devised which would suit all districts. It should, I think, be entirely left to the executive Government to prescribe forms.

One or two questions raised by Government or the Select Committee could not be conveniently discussed in connection with any particular section of the Bill; they are therefore considered here.

Gradual raising of rent rate.—It is feared that if a landlord is allowed to let vacant holdings at whatever rent they fetch in the market, the result will be a gradual rise in rents generally, and consequently in the rates up to which enhancement will be possible under section 43 (*a*). For several reasons I do not think it advisable that an attempt should be made to check this. In the first place I feel sure that any attempt to prevent a landlord from realizing the market price for a vacant holding would be as ineffective as an attempt to fix the market price of bread. The market price in the case of land is influenced by custom as well as by individual competition, but this does not affect the question. In what particular way a law limiting such rents would be evaded I cannot say, but that it would fail of its object is, in my judgment, absolutely certain.

Then, again, the number of holdings which come into a zemindar's hands for re-letting is, at all events in this district, so small, that their rents could only very slowly affect the general average, and if rents are to be raised at all it is, I think, much better that it should be done gradually by such natural means than by a coarse and violent process founded on an attempt to calculate ideal rents by a mechanical process from inaccurate or inapplicable statistics. In any case attempts to enhance on the ground of prevailing rates have hitherto been so rare and so unsuccessful that if the law affecting such suits were to remain unchanged this question would have little or no practical importance. Section 44 (*b*) enabling a court to call in the aid of a revenue officer will greatly facilitate enhancement on this ground, but on the other hand it will render possible the application as proposed above of the obviously equitable provision that when the ryots of any locality are found to be in an impoverished condition the rents generally paid there shall not be taken as the basis of enhancement.

It is not in section 44 but in section 45 that the real danger to the ryots lies. Indeed, if the latter section became law in its present form, it would be absolutely ruinous to them.

Mahajuns.—The necessity of doing something to diminish the influence of village mahajuns is another subject with regard to which some misapprehension seems to me to be prevalent. In the districts with which I am most familiar a rustic money-lender is generally a successful cultivator, and a cultivator, if he is successful and saves a little money, becomes almost as a matter of course a money-lender. Money and grain-lending and the purchase of additional land are pretty nearly the only investments open to him till he gets enough capital to deal on a large scale in grain or other country produce. If a man has 100 bighas of land, it is pretty certain *a priori* that he lends money or grain or both. I do not think that the people of this class are harder landlords than their neighbours, and in any case it is certain that whatever laws we may pass the provident will continue to transfer to

themselves the property of the improvident in rural Bengal as in all other human communities.

Capitalists from the towns who, like all other capitalists in this country are also money-lenders, buy up estates, putnis, and other large tenures when they come into the market, but not occupancy holdings. Whether the case is different in Behar I do not know.

Irrigation channel.—Act III (B.C.) of 1876, part 5, provides for the construction of village irrigation channels by proprietors. In this district such channels are constructed by the officers of Government. In either case whatever land is required besides what is voluntarily given is taken up under the Land Acquisition Act. I have recently proposed a simplification of the land acquisition procedure to suit such petty cases. Nothing further seems to be necessary.

R. H. WILSON.

MIDNAPORE,
July 1st, 1884.

Proposed field survey of Bengal.

(1) The object of the revenue survey of Bengal was to secure the land revenue by identifying and recording the lands comprised in each revenue-paying estate and revenue-free holding. It was therefore only concerned with the external boundaries of the villages comprised in each estate except where two or more estates or parts of estates are comprised in one village, in which case the boundaries of the several estates or parts of estates within the village had to be demarcated and surveyed. In those districts in which village communities in the Indian sense never existed, and in which an estate does not usually consist of a certain number of villages, the so-called village of the survey is, I believe, merely a block of convenient size, more or less arbitrarily taken, and in such districts the object was the demarcation and survey of estates and revenue-free holdings within the village boundaries.

(2) In such a survey the non-professional party goes ahead, demarcates and marks the boundaries, settles boundary disputes, computes areas, and thus collects materials for the register of villages and estates. The professional party which follows checks the non-professional work so far as the external boundaries of villages are concerned, calculates the areas of villages, and compiles a general map from the several village maps. The areas of entire villages as calculated by the professional party serve as a check upon the interior details, if any, given in the registers of the non-professional party. When there is any serious discrepancy the estates or parts of estates within the village, with reference to which the discrepancy occurs, have to be measured afresh.

(3) So far then as village boundaries are concerned the maps of the revenue survey would, I think, form a secure basis for the work of a field survey. They can easily be enlarged to any required scale, and it will remain to fill in the details. In spite of the absence of boundary pillars there is seldom or never any real difficulty in identifying in the field the boundaries shewn in village maps.

(4) The detailed survey should, I think, be made by the plane table method, rather than with chain and compass, as in this way more accurate results are secured with less trouble. The work being very simple there would be no need of expensive professional agency. In fact as explained in paragraph 8 below, it would be difficult if not impossible to separate the survey and settlement operations.

(5) It may be well to notice here a mistake which is sometimes made. The fact being admitted that detailed surveys made in the course of ryotwari settlements, batwara proceedings, and the like are often found to be untrustworthy, it is assumed that this is due to want of skill on the part of the surveyors, and on this assumption it is proposed to remedy the evil by providing instruction in the art of surveying. As a matter of fact, however, all the skill which a native surveyor requires can be readily acquired in a week or ten days by any man of ordinary intelligence, and the defects found to be common in the work of men of this class are due not to want of skill, but to laziness and want of honesty. A man employed on a low salary and without adequate supervision in work directly affecting the interests of various persons has unusual facilities for profitable dishonesty, and if he gives way to temptation, it is not surprising. The measuring of land is as easy in Bengal as elsewhere, and all that is necessary in order to secure correct results is adequate supervision.

(6) I now come to the record of rights which would have to be prepared in the following way. The lands of a village being surveyed in detail, the field book or chitta would shew against each field amongst other things the name of the cultivating raiyat, the amount of his rent, and the person to whom it was payable, information being obtained by local enquiry. From the chitta the khatian is prepared, which bears to the chitta the same relation which a ledger bears to a day book. In the khatian a page is devoted to each cultivator, and against his name are given various particulars regarding each field which he cultivates. Amongst the particulars would be the rent paid, and the person to whom it is payable. Each rent receiver's name would then head another page containing full particulars regarding all his property in the village. By following up and entering in this way all the persons interested in the lands of each cultivator till the proprietor was reached, it is obvious that a complete record would be

made of all existing rights in the lands of each village. This with an index at the beginning is the form in which records of rights are in Bengal usually prepared, and I do not think that it can be altered with advantage. Of course all the information required need not be collected in the precise order indicated. To do this would waste time. Tenure-holders known to be interested in a village under survey would be called upon for information without waiting till the records regarding tenants of an inferior class were complete. But the method of the proceeding is as I have stated.

(7) In theory then the preparation of a record of rights would be almost as simple a matter as a field survey, but in reality the practical difficulties would be very considerable. Every one concerned being hostile to the whole proceeding, no one would be very ready to give correct information. The general feeling in such cases is that if there must be a survey it is advisable to cripple its power for evil by supplying as many erroneous or distorted facts as may be. The statements of landlords and tenants regarding rents and rights will not be found to agree, and it will not always be easy to decide which is right. When, as must often happen, the raiyat is not present, having perhaps gone away for harvest work to another district, the influence of the zamindar will often secure a false record regarding his rent. Mistakes arising in this and other ways generally come to light in a Government estate when the process of rent collection begins. But there will be no such check on the accuracy of a general record of rights, and I fear that when all is said and done any such general record will contain a very considerable percentage of erroneous entries. With respect to tenure-holders who generally have written title deeds, it would, I think, be possible in the end to secure correct information, though the process of summoning, and fining, and issuing distress warrants would be long and troublesome.

(8) As the record of rights must be to a great extent compiled in the course of the survey, and as the plots to be surveyed must be demarcated by a revenue officer, I do not see how the two parts of the work could very well be separated. The survey and the preparation of the record of rights must, I think, go together.

(9) It is difficult to form an estimate of the probable cost of the proposed operations without knowing to what amount of strife and litigation they will give rise during their progress; what amount of error the records as first prepared will be found to contain, and how long the process of revision will occupy. Assuming, however, that everything went on smoothly, I would roughly calculate the cost as follows:—

A Sub-Deputy Collector with the aid of three peshkars or head surveyors could supervise the work of 30 surveyors with a corresponding staff of computors and mohuris, and the annual cost of such an establishment would be about Rs. 22,000. Over three such parties a Deputy Collector would be required costing with his establishment about Rs. 6,500 a year. A Deputy Collector with three Sub-Deputy Collectors' parties, including in all 90 amins, would therefore cost about Rs. 72,500 a year. They could not work in the field more than six months in the year, and 250 acres would under the circumstances be a liberal estimate of the monthly outturn of work from each amin. At this rate three Deputy Collectors' parties costing, with the supervising Deputy Collector and his staff, Rs. 72,500, would complete in a year 210 square miles.

The cost would therefore be at the rate of about Rs. 345 per square mile; and in order to complete the survey of Bengal in 30 years, if the area be taken as 100,000 square miles, it would be necessary to employ 15 parties, each supervised by a Deputy Collector and three Sub-Deputy Collectors, at a total annual cost of Rs. 10,87,500. This would be the cost if everything worked smoothly. It will be seen that my estimate though framed in a different way agrees pretty nearly with Mr. Bernard's estimate.

(10) The proposed operations would be of no permanent value without the means of correcting the records and keeping them up to date, and I do not think that it would be wise to enter upon a project involving the expenditure of nearly four crores of rupees without considering how the record of rights is to be kept up to date, and what the annual cost of keeping it up would be. This is the more necessary, as, to prevent the confusion which must result from the accumulation of arrears, the process of correction should follow closely on the preparation of the original record.

(11) How then is the record of rights to be revised and kept up to date? The amount of work involved in respect of transfers and leases alone may be to some extent estimated by referring to the statistical returns of the Registration Department which shew that 134,250 transfers and 19,519 leases were registered in the year 1882-83. If the survey of any district were complete it might be possible to require the survey numbers to give in all leases and transfer deeds. The registry office could then furnish the survey office with the needful particulars regarding all registered transactions. This would be troublesome and expensive, and a considerable permanent staff would be required in the survey office, but if money be no object the thing could be done. It must be remembered, however, that long before the survey and record of rights for any district was complete, and before therefore the mention of survey numbers in documents relating to land could be made compulsory, a considerable number of changes would have occurred, and consequently there would be much difficulty in bringing the entries up to date.

(12) With respect to the numerous transactions which are not registered, including enhancements, it will probably be suggested that the necessary information should be collected by means of putwaris. But the cost of this would be very great. If any reliance is to be placed on a putwari's papers he must have a decent salary, and it can hardly be thought that Rs. 10 a month—the lowest pay of a mohurir—would be too large an amount to give in order to raise him above the temptations which would surround him. Now there are in Bengal 248,706 villages, and if the odd 48,706 be omitted as uninhabited a putwari on Rs. 10 a month in each of the remaining 200,000 would cost in all Rs. 2,40,00,000 a year or nearly two and a half crores of rupees. I take no account of the cost of the establishment, which would be required in each district for the purpose of arranging and entering in the records the information supplied by putwaris, nor is it necessary to discuss here the percentage of dishonest or otherwise erroneous entries likely to be found in a putwari's papers. Who would bear the cost I know not, but whether the money is to come from Government or from the zemindars, I would suggest that this large income, if really available from any source, should be devoted to the rapid construction of railways, canals, and roads, as large public works of this class are in my judgment likely to be more useful than putwaris. If applied to the formation of a sinking fund it would extinguish the Indian public debt within the lifetime of persons now living.

(13) On the whole, for reasons which will be apparent from the preceding paragraphs, I do not think it expedient to undertake a field survey of Bengal.

MIDNAPORE,
March 19th, 1884.

R. H. WILSON.

No. 17RL, dated Calcutta, the 28th July 1884.

From—A. SMITH, ESQ., Commissioner of the Presidency Division,
To—The Secretary to the Government of Bengal, Revenue Department.

WITH reference to your Circular No. 3T—R of the 24th May last, we have the honour to submit the following report after holding the conference on the subject of the new Draft Tenancy Bill directed therein.

2. We met for the purpose of considering the Bill on the 14th, 15th, 16th, 17th and 18th July.

3. We considered first the questions put in paragraph 2 of the letter of the Government of India. With regard to the first point, works of irrigation on any large scale do not exist, and are not called for in the districts of this division. The question put is not therefore of particular importance here; where works on a large scale are wanted, Act III (B.C.) of 1876 enables Government to carry them out, and in Behar and Orissa the Act is applied. Of smaller irrigation works affecting individual estates, and which may therefore be regarded as works to be dealt with by the landlord and tenants thereof, we have had little experience. We would be disinclined to admit interference in such cases except on the application of the parties; even on such application there are difficulties in the way of requiring a landlord to undertake works of the financial success of which he may be uncertain, and of the means of executing which he may not be at the time possessed. If improvements are made on the application of either landlord or tenant, and opposed by the other of the two parties, the first cost of this work, is admitted, should be advanced, and the rest should be borne by the party applying, and he should receive such a share of the profits as will fully compensate him. The subject is dealt with in the Bill, and beyond the remarks which will be hereinafter made on the proposals, our experience does not enable us to make any useful suggestions.

4. On the second question, *viz.* the applicability of the summary sale procedure to the realization of the revenue of the shamila talooks, or talooks settled direct with Government, but paying revenue through the zamindar, we see no objection to the proposal, provided the zemindar applies and has the talook registered in a public register as one to which the procedure shall apply. It is but just to the zemindars, who have to pay the Government revenue punctually, that they should receive their fixed demands punctually. So far, however, as our experience goes, zemindars have not felt much difficulty in realizing the rents of such talooks, and we do not consider the question of much importance.

On the third question, *viz.* the proposal to apply the putni sale procedure to the realization of cess from rent-free tenure-holders, it was felt that the question is one of cess law rather than of rent law. The rate at which the cesses are levied is variable, and thus the amount of the cesses payable by any particular tenure varies. This element of uncertainty makes the expediency of applying so stringent a procedure as the Putni Sale Act doubtful. The small proportion that the arrears ordinarily bear to the value of the tenure was also felt as an argument in the same direction. Opinions on the point were divided: Messrs. Stevens and Tayler being inclined to answer the enquiry in the affirmative, and the rest in the negative.

5. On the subject of bustu lands which are not part of an occupancy holding to which reference is made in clause 4, paragraph 2 of the letter of the Government of India, and in paragraph 14 of your letter under reply, we think that the conditions, where not regulated

by contract, should be governed by custom. So far as our experience goes, it is not the rule that homestead lands are raised at the raiyat's sole expense; when, however, that is the case, we think the rent should not be enhancible above the highest rates chargeable for arable lands. Custom deals leniently with such lands, and we recommend that it be followed. We are not disposed to recommend that enhancement of rents in respect of them be absolutely prohibited. The information that has been collected on the subject of the customs is not very full. The Sub-Divisional Officer of Baraset makes the following remarks:—

"At present there is no substantive legislative enactment on the subject of bastu lands not forming part of an occupancy tenure. From enquiries made of pleaders enjoying large practice in the civil courts here, I learn that bastu lands not included in occupancy tenures are generally held to be transferable by the custom of this part of the country, especially in cases where the homestead lands have been in the possession of a raiyat's family for more than one generation. These lands are held as a rule at fixed rents, and suits for enhancement in respect of them have occurred very rarely. Suits for ejectment of tenants from bastu lands are brought occasionally in the civil courts here, and when the tenant can show that he had been in peaceful possession of the same for 30 to 35 years, the onus lay fully on the landlord to show that the tenant has no permanent transferable interest in the tenure. The well-known cases of Banimadhub Banerjee *versus* Joy Krishna Mookerjee and others, and of Durga Prosad Misser *versus* Brindabun Sukul, reported respectively at pages 152-59 and at pages 159-64, Bengal Law Reports, volume 7, lay down the principles that ought to be adopted in the determination of the rights of a raiyat in homestead lands. The tendency of the Case Law on this subject is to protect the interests of raiyats of homestead lands, and the Legislature will do well to condense the principles inculcated in those rulings, with some improvements, into definite provisions to be embodied in the proposed Rent Law. I think, however, that, where the tenant enters into special contract with the zemindar to give up his lands whenever required, he should not be allowed to take advantage of any provisions that may be introduced into the new law."

Baboo Hem Chunder Ker, Deputy Collector of the 24-Pergunnahs, makes the following observations:—

"With regard to the enquiry of the Government of India, I have been told that in former times, or rather at the time of the Decennial Settlement, 'bastu land' was separately recorded in papers as 'raiyat land,' while arable land was recorded as ticca. My reply to the query, whether any provisions are required with respect to tenants of bastu lands, which is not a part of an occupancy holding, will be in the affirmative. Such lands, when held separately from his arable lands, unless held under any written special contract, should not only be exempted from enhancement, but that its holder should not ordinarily be evicted. This is the present practice, and is generally followed by considerate landlords in respect of good and non-troublesome raiyats. Lands taken for the purposes of homestead, and used as such, is so protected. Such, however, is not the case when they form a part and parcel of a holding containing land used for the purposes of cultivation. But even then, if the tenure for some reason or other is lost to the raiyat, a considerate landlord, while settling the major portion of such holding with another tenant (it is needless to say that in all cases where land is sold by auction it is the landlord who as a rule buys it), permits the old raiyat to retain his house, and in addition to it, grants him a small quantity of land for his support. In the matter of private sales, the seller scarcely parts with his cheeta; the homestead land of the occupancy and non-occupancy raiyat is alike treated with consideration, although the older a raiyat is the greater is the consideration shown to him. I do not think that the remarks of the Government, that successive enhancements of rates payable for homestead lands is the screw applied for raising rents in districts where there is a large quantity of waste lands or a demand for tenants, apply to the 24-Pergunnahs district. In respect of the raiyats of the hal hasili raiyat's lands, the policy of the zemindar is to encourage the tenantry to improve the soil, though he takes care that they do not acquire a right of occupancy. In respect of the hal hasili land, the rate in respect of bastu land is not generally successive, specially when the lands are held under a rusadi jumma."

6. Mr. Stevens, in summing up the views of his Deputy Collector as given above, says:—

"The view which I am inclined to take is that there is but little disposition to treat the raiyats unfairly regarding homestead lands, and that the form of pressure said in the letter of the Government of Bengal to be sometimes used to compel raiyats to agree to enhancements is not used in this district. I think, however, that it would be well to assimilate generally the terms of holdings of bastu land to those of agricultural lands."

7. The information so given verbally by the Collectors of the other districts supported the inference that the conclusion Mr. Stevens draws in respect of the 24-Pergunnahs is equally applicable to their charges. At the same time it did not appear to us that the information was sufficient to warrant any further recommendation than that which we have made.

8. We have no doubt that whatever conditions are enacted with reference to the utbundee and hal hasili tenures should be extended to other similar tenures. It is not, however, possible, on the information we possess, to give a list of such tenures, and we think it would be better

to give a description of them in the Act, and leave the Courts to apply the provisions to tenures answering to the description. Tenures corresponding with the utbundee tenures of Nuddea and Backergunge are known in various parts of the 24-Pergunnahs by other names, such as ticcas, khorfa ticcas and gantees, and some of these names again designate tenures of very different characters in other parts of the division. We cannot give at present an exhaustive list, and one cannot be prepared without detailed enquiry. It would be necessary in such a list to give not merely the name, but also the locality.

9. We are not inclined to recommend that the zemindar should be deprived of a right of pre-emption in respect of any transferable rights of occupancy. Mr. Barrow, who has had experience of guzashta tenures, however, tells us that these tenures are not mere occupancy tenures, but are tenures held at a fixed rent.

10. With regard to paragraph 7, clause 2 of the Government of India's letter, we have no reason to doubt that the present price-lists published by Government are fairly accurate statements of what they profess to show, *viz.*, the retail or wholesale prices at the special localities to which they refer, these being generally the head-quarters of districts or sub-divisions. These figures do not actually represent the prices the raiyats obtain for their produce, nor would the price currents of local markets do that. These prices are to be got from the books of the mahajuns who purchase from the raiyats. In the settlement of Khoordah in Pooree, it was found possible to get such lists. No doubt, when the purpose for which they are wanted is known, there is danger that accounts may be prepared for the occasion. This happened in Pooree, when fresh enquiries with a view to test the original figures were made. Such frauds can, however, be more or less checked by the published price-list. The retail prices at head-quarters necessarily differ from the prices at which the mahajun buys from the raiyat, by reason of costs of conveyance, trader's profits, and casual fluctuations of supply and demand. Nevertheless there is necessarily between the two sets of figures a sort of rough proportion, which permits of the one being used to check the other. The existence of this rough proportion renders it possible to use the fluctuations in the price-lists as a rough indication of the fluctuations in the price the ryot receives for his produce. We do not think that this price alone can be considered in determining the rates of rent. There are no doubt cases where the fluctuations in the other elements are not so material but that they may be left out of consideration. This was the case in the Khoordah Settlement. High prices necessarily follow short crops. If the short crops are on the land, the rent of which is being considered, the high prices will be counterbalanced by the short crops, and there may be little, if any, variation in the ryot's profits. On the other hand, if the high prices result from short crops elsewhere, they increase the rent-paying power. Taking a series of years, it may be assumed that land has yielded through them an average crop, and if prices have been high, it may be considered that, putting out of consideration other elements, the ryot's profits have been high. They have probably been indeed somewhat higher than the proportion would indicate, for high prices of food tend to decrease the wages of labour by driving men into the labour market who would not be required to labour if food were cheap; cheap prices tend to exactly the opposite result. We think therefore that the cost of production cannot be properly omitted altogether in considering what is a fair rent. We think too that the nature of the crops the land ordinarily produces should be taken into consideration, and that the fluctuations in the prices of those crops should not be omitted from the calculation. In respect of land that will yield valuable crops, such as pân leaf, betelnut, and the like, the profits yielded by those crops should be an element in determining the rent where it is not regulated by contract.

11. We think that the definition of an estate in section 3 of the draft Bill is insufficient. It does not include an unregistered lakhraj. Many small estates of this nature have been deliberately exempted from registration by reason of the trouble and expense involved being incommensurate with the value of the properties. We would therefore add, after the word "included" in line one of the definition, the words "or liable to be included."

12. In the definition of ryot, section 52, the majority of us, in order to bring private thatching-grass lands and the like under the provision applicable to the ryot, would add after the words "cultivating it" the words "gathering the produce;" Messrs. Barton and Barrow, thinking the case of the lands in question sufficiently met by section 227, would leave the clause as it stands.

13. Mr. Barton considers section 5, paragraph 5, unjust to the superior landlords. The rest of us are in favour of its retention.

14. The special limitation on the enhancement of a tenure-holder, provided by section 8, we would all strike out. Mr. Barrow mentioned to us a case where the rent of a tenure had been advanced from Rs. 186 to Rs. 2,700 on suit. He was not able to give the particulars, but we are satisfied that a limit of the nature proposed would work unfavourably. Tenures are frequently created at low rent for the reclamation of waste, and with a distinct understanding that from time to time, as reclamation proceeds, the superior tenant shall obtain a due proportion of the assets. In such a case, as well as in other cases, the proposed limit would operate inequitably, and we think the other restrictions sufficient. We would also

strike out the corresponding restrictions in sections 44(a), 45(b), 47(b), and 47(c) on the enhancement of the rent of occupancy ryots. We think that all these sections would operate unfairly towards the landlord. We have, however, no objections to the provision making enhanced rent progressive, and would make it so within reasonable limits in cases where the enhancement would exceed the limits, the removal of which we suggest.

15. We are of opinion that the proposal in section 37 to convert an occupancy ryot who sub-lets more than half his holding on registration in a public register is not workable. The enormous difficulty that has been experienced in the registration of estates, and the necessity that has been left for exempting the smaller lakhraj estates from registration, convince us that the registration of tenures would be a work of enormous difficulty, and we feel so doubtful of its being possible to effect such registration that we can hardly consider feasible any scheme that rests on it. The section gives no indication as to who is to move for such registration. Is it to be the occupancy ryot, who in all probability has no design to become a tenure-holder with a liability for summary sale under the proposed section 209? Will the application be made by the superior landlord, who may have no knowledge of the sub-lease, or by the lessee, who has probably no desire to be on bad terms with his lessor? We do not think it would be practicable to secure registration. Further, the question as to the proportion of the tenure sub-let would be prolific of dispute. We think the proposal inexpedient in any case, and the inexpediency is increased if the restriction of sub-leasing to seven years, as provided by section 38, is maintained. We do not, however, think section 38 of any practical benefit, and we would therefore strike it out as involving a useless restriction.

16. With reference to paragraph 7 of the letter of the Government of India, questions with reference to the presumption as to rent being fixed arising from 20 years' proved payment at the same rate, now rarely come before the revenue courts. We think, however, that the presumption should be maintained. We have already indicated that we consider the proposal to register such tenancies one of such enormous magnitude and difficulty that we doubt the expediency of attempting it. The proposal contained in section 122 of the Act to bar the plea, where there has been a record of rights or a settlement, appears to us reasonable, subject to the modification we hereafter suggest in respect of section 116. The character of the tenure should be determined and recorded in the proceedings.

17. With reference to paragraph 8 of the letter of the Government of India, and paragraph 7 of your letter under reply, we do not think that a ryot should acquire a right of occupancy in the land of one estate because he happens to have such a right in another estate, even if the two estates are in one village, and that the village in which the ryot resides. To some of us it appears doubtful if a ryot should acquire a right of occupancy in new land by reason of his having such a right in other lands. It appears to us to be certain that, if a non-occupancy ryot is to be admitted to engage for vacant land at the market rate (section 5 b), and a settled ryot cannot be asked to pay more than one-fourth in excess of the rent paid by the previous tenant, the settled ryot's chance of getting new land is small, whereas competition will secure a higher rate than that which the proposed law allows him to pay. The circumstances which have led to the proposal to convert the occupancy ryot of the old law into the settled ryot of the draft pertain to another part of the province, and our experience of them is small; still, as I have said, some of us doubt the expediency of allowing a right of occupancy in any land other than that in which it has been acquired by possession. If the status of a settled ryot is to be conferred in lands not held, we would not allow it to extend to estates separated by partition from that in which the land in which the occupancy right exists is situated before the passing of the Act. The Select Committee has in the draft allowed the zemindars to receive from a non-occupancy applicant for vacant land the full market rate. We think this is fairly due to the zemindar in whom the property in the soil was formally declared to be vested by the preamble of Regulation II of 1793. It seems to us to be reasonable that the landlord in whom the property in the soil is vested, and who is responsible for the Government revenue, should be allowed to dispose of vacant lands on the most favourable terms he can obtain; and we see no reason why a person seeking lands for the first time should obtain it at less than the market rate, any more than he would be able to obtain any other article. We would require a non-occupancy ryot seeking new land to enter on the same terms. As we have above indicated, he is not likely to obtain land on less favourable terms, and the draft section intended for his benefit will only operate to his injury. We recognize that the effect of this will be gradually to raise the rents of occupancy ryots as the market rates increased above those they pay; but we do not think it unreasonable that this liability should attach to the occupancy tenure.

18. With reference to the Government of India, paragraph 9, and section 26—2, the ryot who asserts a special privilege should, we think, be required to prove it. We do not see why the ordinary rule should be altered in favour of the ryot and against the zemindar.

19. We would allow the zemindar the same right of pre-emption against a gift or bequest to other than heirs (section 35), that is allowed in the case of sale, the value being in this case determined by arbitration; we would require notice to be given before registration. Mr.

Barton would empower the landlords to give or withhold consent in all cases of gift or transfer, and would not allow bequest to others than the heirs at law.

20. Referring to the enquiry in paragraph 7 of your letter under reply, we think the position of a ryot, who is only a joint shareholder in the superior tenure, differs from that of one who is entire landlord. The objections to allowing the latter to acquire a right of occupancy in land held in the tenure apply with less force to the latter, and we would allow section 29-1 to stand.

21. With reference to paragraph 9 of your letter under reply, the subject of enhancement has been already noticed in paragraphs 10 and 14 above We think it inexpedient, sections 41 and 43, to have different limits to enhancement by agreement and by suit. If the rates that may be fixed by suit are fair, there is no reason why the parties should not agree to them without suit, and there are very valid reasons why parties who have no wish for litigation should not be forced into it. If enhancement be granted under section 43(*c*), on the ground of an improvement effected by the landlord, we would allow reduction under section 51 when it has ceased to operate, or has become less effective. We would strike out the word "permanently" in section 51(*a*). We do not think that the prevailing rate should be struck out from among the legitimate grounds of enhancement. To those whom it concerns, the ryot and the landlord, there is no principle more familiar than that the one should give and the other receive the prevailing rate. It may not be possible to find a rate that uniformly prevails over extensive areas, but it is certainly the experience of all who have had to deal with settlement work that such rates prevail over moderate areas, and that a ryot rarely demurs to paying the same rate that his neighbours pay. Enhancement cases are not now dealt with by the revenue courts in this part of the province, and the Collectors are consequently not in a position to speak as to the extent to which the abuse referred to in your letter (*vide* the production in evidence of collusive or fictitious rates) may prevail. We believe, however, that such suits are not very numerous, and we think that, if such evidence is brought, it ought to be readily rebutted.

22. With reference to paragraph 13 of your letter under reply, paragraph 14 of the letter of the Government of India, and section 53 of the draft Act, Messrs. Tayler, Barton, and Veasey would not allow commutation without the consent of both landlord and tenant. Mr. Barton wishes it to be understood that his suggestion refers to Lower Bengal. Mr. Barrow would allow the section to stand, but would strike out the proviso in section 210(*d*), and leave the parties competent to contract themselves to sale commutation. Where commutation is granted, we think that the rent should be subject to reduction and enhancement like that of an ordinary occupancy tenure. We do not think that the payment of a fixed portion of the produce, even for 20 years, should be considered as establishing a holding at a fixed rate. On the contrary, it appears to us that such a payment was a payment at a variable rate, where the rent was by a special method of adjustment inherent in the system adopted to the circumstances of the holding.

23. With reference to the provisions of Chapter VI, regarding non-occupancy ryots, Mr. Barton would leave all the arrangements to contract, and would strike out sections 58 and 61 and the whole of section 60 except clause 10. The rest of us think that section 60, clause 7, is likely to frighten landlords and drive them into court after five years, and we would strike out the clause as likely to injure the cause it is intended to serve. We would also strike out the last clause of section 60—9 for reasons similar to those that lead us to object to the similar provisions in respect of tenures and occupancy holdings. We would reduce the term of notice in section 59 to three months as in section 95. The term of three months is in accordance with existing usage, and if it is extended to six months it will probably cause many notices to be served after term. Three months also appear sufficient. Considering the importance of the consequence, we would extend the term of suit in the same section from six months to a year. The schedule of limitation should be altered if the term be altered as proposed.

24. Mr. Stevens and Mr. Barrow would strike out clauses *a* and *b* in section 62, and would substitute in the main part of the section the words "what is fair and reasonable" for those that now follow the word "exceeding." In some places where occupancy rents are high, 25 or 50 per cent. would be an intolerable burden. In other cases such percentages might be very light. Mr. Barton would add that this shall not apply where a contract has been made. The provision appears to be intended to be some protection to the landlord against the natural effect of subletting to which he is not a party. As the rent of the head ryot is determined by the rules governing the rent of the occupancy ryot, the effect will be, where there is subletting to many degrees, that the lower undertenants will be rather badly rack-rented. While the evils at both ends of this system of subletting are easily seen the suggestion of any remedy except the almost impracticable one of preventing subletting is practically impossible.

25. For the same reasons that we suggest the reduction of the six months' notice in section 59 to three months, we would make a similar reduction in section 63.

26. In section 67—2 we would strike out the portion between the word "dates" in

line 4 and the word "as" in line 7. We would provide at the end of the clause that where there is neither agreement nor custom, the local Government may by rule fix dates for any local area. We would not limit these dates to four, because it is often convenient to the ryot to pay in small sums when he gets the money, and it will be convenient to regulate the instalments with reference to the times at which the ryot ordinarily receives money, and to make the amounts as far as possible in proportion to the capability of paying at the dates fixed. The ryot like other people is apt to spend money when it is in possession without thinking sufficiently for future claims, and it is desirable as far as possible to help him in this matter. We would, however, to prevent the ryot from being harassed by unnecessary litigation, provide that not more than four suits shall be brought for the rent of one year. The Government revenue is payable in four instalments, and we think that landholders should be entitled to recover in the same way the rent out of which the Government revenue is paid.

27. We suggest the following changes in the form of receipt prescribed at section 70 :—

(*a*) After "year" in heading 2, we would add words to shew that the year in which and not that for which payment is made is meant.

(*b*) In heading 3 we would put thana or pergunnah in place of thanas, as the pergunnah is more commonly used for distinction of area in revenue matters than the thana.

(*c*) Below Government cesses in heading 5 we would put interest.

(*d*) On the reverse under arrears we would enter the years, and we would add a column for interest.

(*e*) We would, in accordance with native usage, transfer the space for signature to the upper right-hand corner.

28. In the form of account we would reput a heading.

5—(*a*) Interest on arrears.

(*b*) In heading 7 we would enter "as per receipt No. ," and below arrear demand we would put interest.

(*c*) In heading 10 we would add "or that of agent."

We think these additions will make the forms more complete.

29. In section 71—1, after the words "signed by the landlords" we would add "or his agent."

30. After "landlord" in the three clauses of section 72, we would insert "or any one collecting in his behalf" and for the word "shall" in clause 3, we would substitute "may." It should also be made clear what court is to impose the fine.

31. In section 86, after the words "executed by his landlord," we would insert "or any of his servants."

32. In section 90, we would require the landlord's consent to an excavation of a well. There are cases where even the erection of a hut without the landlord's consent would be objectionable. Thus a portion of the land surrounding the owner's dwelling may be sublet for cultivation, there being no idea of the erection of a dwelling for the tenant in front of the owner's door. We would be inclined to leave even this point to private arrangement. Messrs. Barton, Tayler, and Veasey would strike out section 90 altogether.

33. We would be inclined to strike out the word "substantially" in section 87, clause 3. Mr. Barton would strike out section 87—2 *f*. Messrs. Tayler, Barton, and Veasey would strike out section 88, and would insert "or holds at a fixed rent" after the word "holding" in line 2, section 89—1.

34. We would add to the points in section 94, to which regard is to be had in estimating compensation for improvements: "The effect of the improvement on the rest of the landlord's estates or tenure."

35. We do not think that the facts stated in clauses *a* and *b*, section 95—3, are sufficient to warrant a presumption that the notice was served, and we would strike them out.

36. In section 98, clause 3, the general feeling of the Conference was to substitute a uniform period of one year for the two periods of six months and two years, it being specially felt that the latter period was too long. Messrs. Stevens and Barrow were in favour of retaining the periods in the Bill. On the latter part of the section we should substitute "the Court may, if satisfied that the ryot did not voluntarily abandon the holding, order recovery of possession at the close of the agricultural year on such terms, if any, with respect to persons injured as may seem just." We would not allow a ryot voluntarily abandoning his land a right to return to it and eject the new occupants on any terms.

37. Section 9 should be considered with section 58. If section 98 is meant to bar ejectment by force, except in execution of decree, there is no objection to the clause, but it seems to us that it should be made clear that a non-occupancy ryot who has held on an expired lease and has been legally called on to quit should quit without suit. We do not think there is any material danger, at all events in this part of Bengal, of the section being used by the landlord to destroy occupancy rights. The ryots here are quite capable of looking after their rights, and when a ryot is illegally ejected he will sue. Such ejectments, however, are not very common, nor are they likely to be so. We have, however, no objection to making

forcible ejectment penal in the same way as illegal distraint is made punishable by section 220 when the case is not sufficient to bring the Penal Code into action. Some of us are inclined to think that if the zemindar is to be punished for using force to eject, the ryot who provokes the use of force by holding on without a colour of right should also be punishable.

38. With reference to your paragragh 21 and section 99 of the draft Bill, we would allow the landlord to measure the interior details of lakhiraj estates within his estate or holding, only so far as may be necessary to determine the outer boundary. In doing so he should give notice to the lakirajdar. If necessary, the civil court may be moved for and give an order under section 100.

39. We think that section 101 may stand. It is desirable to familiarise the people with the system, so that in time it may be generally brought into use in supersession of the varying local scales.

40. With reference to paragraph 22 of your letter and section 102 of the Bill, we do not think that the risk that managers will often act detrimentally to the interests of the proprietors is great. It will be observed, however, that such risk as is run in the appointment is run in order to avoid inconvenience and injury that is being caused to the public or to private rights. It is thus but a small risk of an uncertain evil that is run to obviate certain evils that are occuring. The landlords have the right under the draft section to appoint a common manager, and it is always open to them to settle their differences and have management restored.

41. Mr. Barton would strike out section 110 *b*.

42. In section 111 *a* we would add "residence and father's name." In section 111 *b* we would give the local name by which the tenure or holding is known. In section 111 *c* we would give also the rent payable, the date when fixed, the rate or rates at which fixed, the class of land, and the quantity of each class.

43. It would at times facilitate enquiries if power to examine the landlord's record and account were given.

44. Having regard to the duties to be performed, we think that the special court of section 115 should be a revenue officer assisted by assessors appointed by the parties interested. The court so constituted should have power to refer to the civil court any question of law which may be appealed to the High Court. When the presiding officer and the assessors agree, we would allow no appeal on a question of fact, but where they differ we would permit an appeal to the Commissioner. Section 118, clause 6, should be amended if necessary, in conformity with any change that may be made.

45. In section 116, clause 2, we would provide that every entry be presumed to be correct unless the contrary be proved within three years from the date of the final publication; but in the case of disputed entries we would not allow the matter to be reopened between the same parties or parties claiming through them, so as to prevent collusive disputes, which might otherwise be carried on without the knowledge of those really interested. Section 122 would require to be modified in accordance with any change made in section 116. The words "clause *b*" after section 111 in section 122 should be struck out; the reference is clearly to the whole section 111,

46. With reference to chapter XI, it has been already said that a table of rates cannot be relied on as being applicable to more than moderate areas. The expense of preparing such tables would be generally disproportionate to the area affected. Even when such tables are prepared, the classification of the land will in almost all instances be disputed. We therefore think it will be generally found better in the tracts to which our experience extends to apply the full settlement provisions at once.

47. With reference to section 188-1 and paragraph 24 of your letter under reply, it is the custom at Barripore in the 24-Pergunnahs to let lands to be used for betel-leaf gardens to be held at a stipulated rent while so used. The lands may be so held for 25, 30 or even 40 years; but when they cease to be used in accordance with the original understanding, they revert to the landlord. Mr. Barton, Collector of Jessore, brings to notice the case of the zemindar's khás as contradistinguished from his khamar lands. The latter name designates cultivated lands not held by a tenant but by the landlord himself. The former includes lands also in the landlord's direct personal possession, whether homestead, garden, waste, or uncultivated.

48. The proposed distraint procedure seems to be much like a suit with attachment before judgment. It seems to us to be cumbrous and likely to be dilatory. So far as the districts with which we are best acquainted are concerned, we think it would be better to retain the present procedure, with sharper penalties for wrongful use of them. We would in particular make the landlord responsible in damages for anything wrongfully done by his agent under colour of the distraint procedure, whether authorized or not. We would make the procedure applicable to occupancy as well as non-occupancy raiyats.

49. *Section 123, clause g.*—We would modify as follows :—

"The Court when passing the decree shall, on the oral application of his decree-holder, unless there be special reasons to the contrary, which shall be recorded, order," &c.

50. We do not think it advisable to club suits. It does not appear to us that such a system would facilitate or expedite disposal of them. It is not possible to tell beforehand

that important points of difference may not arise at the hearing. Where such points do arise clubbing will certainly lead to confusion. Where cases are really similar, no trouble is now felt in deciding them. One judgment may be made to govern any number of such suits. The proposal to reduce as far as possible court-fees in rent-suits, and to charge reduced process fees when a considerable number of processes has to be taken to one locality, is unobjectionable, and apart from any general reduction in the scale of court-fees for rent-suits. Some refund may perhaps be permitted where one decision is made to govern a number of suits. We think it would also be expedient to see that a sufficient number of officers is always available to try rent cases promptly. In the old days, when rent-suits were tried by the revenue courts, great care was taken to see that they were decided promptly, and full explanation had to be given whenever a case was pending more than two months. We are not sure that equally close supervision is now exercised over the subordinate civil courts, and there is reason to think that delays at times occur. Careful attention should, we think, be given to this point, and prompt hearing of such cases should be ensured.

51. In chapter XV we would be inclined to protect the non-occupancy raiyat against ejectment, but would make his rent enhanceable up to the rate paid for similar lands by non-occupancy raiyats in the locality, and make any lease under which he may hold voidable by his purchaser.

52. In section 177 *b* we would add after "1877," "or any preceding Registration Act."

53. The effect of the limitation of six months in section 186, clause *c*, will be to compel the decree-holder to bring the tenure to sale within six months from the decree. Looking to the frequent dilatory action of the Court in execution proceedings, and to the fact that it is to the plaintiff's interest to get his money soon, we think the term may be extended.

54. In section 190-2 there appears no good reason why the judgment-debtor may not purchase. At times, especially when the judgment-debtor consists of a number of quarrelling sharers, it may be a good thing for everybody that one of them should purchase and get rid of the rest; we would allow such purchase, but would not allow such a purchase to void encumbrances.

55. In section 195-2 we would put "a copy of the petition" for "the petition."

56. With reference to paragraph 28 of your letter under reply, we have already indicated that we consider the registration of tenures a task of enormous magnitude and difficulty, and we are not prepared to make any definite suggestions as to the course that should be followed if it be determined to register them. The difficulty that has been experienced in registering estates, especially the revenue-free estates under Act VII of 1876, and the necessity that has been felt of exempting even some of those from registration, make us fear that it would be practically impossible to effect a complete registration of tenures. We think that to be useful and trustworthy the registration, if attempted, should be a public registration. Entries in the serishtas of landlords are often discredited; that any attempt to divide the work by such registration would not be likely to lead to any beneficial results.

57. With regard to section 210, we are all of us agreed on the subject of clauses *b*, *c*, and *e*. These we would all retain. With regard to clause *a*, Mr. Barton would allow a raiyat to contract himself out of the rights of a settled raiyat. Messrs. Taylor, Barton, Veasey, and Barrow would strike out clause *d*. Messrs. Tayler, Barton, and Veasey would strike out clause *g*; and Mr. Stevens would so far modify it as to allow contract made at the beginning of a tenancy for a limited term to prevail. With regard to clause *h*, our remarks at paragraph 36 above should be considered. There appears no objection to allowing a raiyat to contract himself out of the right to sub-let. There is no question that the use of this right is injurious to the superior tenure-holders, and necessarily also leads to the lowest holders holding on by hard terms.

58. The proposal with regard to chur and dearah lands, section 212, do not appear to us to call for any remarks. Mr. Barton would exclude this section (see his note at the end).

59. The provisions of section 220 will meet the suggestion made above for more severe punishments in connection with wrongful proceedings under the distraint laws. If the present procedure be retained, the last part of section 98 of the existing law will be unnecessary if this clause is enacted.

60. Difficulty is, we think, likely to arise from the use of the words "empowered as aforesaid to accept service" in section 221-2 and the words "authorised in writing in that behalf" in section 221-3. No raiyat can ever know whether the agent possesses such a power or not; and though we are aware that the suggestion involves some risk on the other side, we think it would be on the whole better to bind the zemindars by the acts of his recognized agent, so long as there is no reason to suspect collusion or bad faith on the other side.

61. We would alter section 226 so as to make it include a case where the rent, though not fixed, but variable, is clearly inadequate.

62. On the important subject of the transferability of the occupancy right it is to be observed that, according to existing judicial rulings, the occupancy right created by 12 year's occupation under Act X of 1859 is not now saleable. Nevertheless, it appears that in practice

such rights are sold. I append statements obtained from the district registration offices showing the sales of raiyati holdings with rights of occupancy sold during the last few months. It will be seen that the results vary in different districts. The purchasers are largely raiyats, but mahajuns take also a very large share in the transactions. It is probable enough that all the rights of occupancy so transferred have not accrued under Act X of 1859, but on the other hand it is practically certain that many of them must have. It would be impossible, even by an examination of the deeds, to tell in which cases the rights are Act X rights, and in which they have originated otherwise. The price obtainable for an occupancy tenure, leaving out of court the value of raiyats' improvements, which are rare, is the value of the difference between the privileged rate of rent and the market rate, and where the right to sell has originated without the consent of the zemindar, the sale no doubt means the transfer to the raiyat of the value of part of the rent the zemindar would have been able to get from the new tenant. On this account, as well as on account of the possible introduction of a hostile tenant, the zemindars object to such sales. On the other hand, such sales are now, in actual fact, common. It would be difficult to stop them. It would be impossible to discriminate between the sales of Act X occupancy rights and other occupancy rights. In this way the stoppage of sale would be attended with injustice to the owners of holdings now legally transferable. It is certainly a benefit, though not always an unmixed one, to the owners to be able to transfer. While the law allows the raiyat to hold at a privileged rate, it is only a step, though no doubt it is an important step, further to allow him to sell. On the whole, we think it best to allow the right of transfer to continue. Mr. Barton would, however, as said above, require the zemindar's consent, and we would all give him a right of pre-emption.

Statement showing the Number and Value of Raiyati Holdings with right of Occupancy transferred by Registered Deeds during the last Six Months in the Presidency Division.

District.	Number of transactions.	Purchasers.					Annual rent payable to landlord.	Purchase money.	Area of holding in bighas.
		Mahajuns, traders, and money-lenders.	Landlords.		Raiyats.	Others.			
			Landlord of the holding transferred.	Other landlords.					
1	2	3	4	5	6	7	8	9	10
							Rs.	Rs.	
24-Pergunnahs	488	54	20	40	188	196	3,893	55,162	2,771
Nuddea	200	89	3	5	58	45	2,523	10,010	2,771
Jessore	1,003	71	9	47	746	157	10,643	59,566	12,487
Khoolna	183	11	5	23	103	40	3,110	10,277	3,166
Moorshedabad	720	88	5	25	500	125	Figures not furnished.		
Total ...	2,594	318	42	140	1,595	563	20,169	1,35,015	20,195

Note on the Report of the Conference.

The joint letter represents very accurately the opinions expressed at the Conference, and as regards almost the whole of it I find that either I agree or my dissent is noted. There are however, one or two points of importance on which I wish very briefly to remark.

2. In reference to paragraph 17, I am unable to concur in the theory that in declaring the zemindars to be the proprietors of the soil, the framers of the Permanent Settlement, either intentionally or negligently, deprived the ryots of any of their rights. It seems to me that the proprietary right of the zemindars is clearly subject to the rights of the ryots—rights which it would have been inequitable and contrary to the known policy of the Government of the time to take away.

3. I wish to observe also that hitherto custom rather than competition or contract appears to have fixed the rents of the occupancy ryots as well as the conditions of their holdings. It is plain that where the parties are of very unequal strength, as they are in many parts of Bengal, custom tends to protect the weaker against the stronger. The chief purpose of the present Bill is, I take it, to ascertain and confirm as far as possible existing customs, and to put off as long as possible the inevitable change to a system of competition till the weaker class, by improved education, may become capable of entering into a contract on equal terms. As the "market rates," by which I understand rates resulting from competition, have not regulated the rents of occupancy ryots in the past, I think it desirable that they shall not do so for the future. And section 42 of the Bill appears to be open to objection on the ground that it will have a tendency to determine by competition the rents payable by occupancy ryots.

3. I dissent from the assertion implied in paragraph 18 that a ryot claiming a right of occupancy asserts a special privilege. It has been admitted, even by the strongest opponents of the Bill, that the great majority of ryots have these rights. The occupancy ryot is the

ordinary ryot, and the non-occupancy ryot is the exception. I think therefore that, if it is impossible to shew by evidence that the holding is that of the non-occupancy ryot, it is fair to presume that it is of the ordinary kind. I do not, however, like the presumption as it stands in the Bill. The truth is that 12 years' occupation is not in actual fact an essential qualification of an occupancy ryot. Act X of 1859 laid down that occupation for 12 years should as a rule confer a right of occupancy, but it would be a very serious error to say that no rights of occupancy exist, or are even now created, except by virtue of the provisions of that law. In this connection I would invite attention to the following extract from a report by Baboo Kalli Churan Ghose, Deputy Collector, which reached me too late to enable me to use it in my own report, but which I found of great service at the Conference. The extract is of much value in my estimation, in that it points out clearly that non-occupancy ryots are of two distinct classes, namely those who can, and those who cannot, acquire occupancy rights. I do not wish to add more than is necessary to the mass of papers which have now accumulated on this subject, and I will therefore not comment on the extract further. Baboo Kalli Churan Ghose reports as follows :—

"The chapter on non-occupancy ryots deserves serious consideration. A non-occupancy ryot is a creature of Act X of 1859. As far as I am aware custom recognized the holders of utbundi or ticca lands as the only class of ryots liable to ejectment on sufficient notice. The High Court has, I believe, held that if a ryot holds under a lease without specification of time, and the document does not contain words of inheritance, he holds only from year to year and is liable to ejectment at any time before he acquires a right of occupancy. I consider this view to be opposed to custom and to real meaning of the contract as understood by the parties. Notwithstanding the obscurity into which old institutions have fallen, it is remarkable that in this matter the communial rule still serves. In every zemindari sherista khiraj lands are divided into—

1st . . . . Ryoti.
2nd . . . . Khamar.

The former is again subdivided into—

1st . . . . Hazra or 'existing.'
2nd . . . . Palatoka or 'lapsed.'

"The word khamar means 'not settled,' or available for settlement. The word has not the same meaning as nijjote or other similar words.

"The three divisions are maintained also in the juma-wasil-baki papers, and columns are provided in it for transfers from 'ryoti' to 'palatoka,' and from 'khamar' and 'palatoka' to 'ryoti.'

"The names of utbundi cultivators, if given at all, appears in a supplement.

"As in old times a stranger once admitted into the 'community' became entitled to all the privileges of membership without being required to remain for any period in a state of probation; so it has been the practice of all landlords in the matter of admission of ryots. If once a ryot is admitted into occupation as a jumma-holder, he becomes at once a settled ryot of the village and is not liable to ejectment. A new-comer is admitted into this class by the grant of a lease, or the registration of his name in the zemindari sherista as a ryot or *proja*. He is shewn in the jumma-wasil papers as the holder of ryoti lands, and becomes entitled to all the privileges of a jumma-holder or khodkosta ryot. The non-occupancy clauses of the Bill deprive this class of ryots of their status. It may be said that if they can prove the existence of a custom they will be saved.

"But I have already pointed out that it is impossible for any ryot to prove a custom. To facilitate the growth of occupancy rights, and to prevent injustice to this class of ryots, I would have a section to the effect that when once a ryot is admitted to occupation without specification of time as the holder of a ryoti tenure, he shall not be liable to ejectment so long as he continues to pay rent at fair and equitable rates. It will be seen that I fully support the proposal that the parties must be left to settle the rents between themselves at the time of occupation. If a zemindar exacts a high rent, the tenure will be given up in all probability; but whether it be so or not, I do not think we can interfere with the terms of admission of a stranger under any practice recognized in the country. If a question should arise regarding the enhancement of rent, it should be decided under section 60 (9). In this section I would, however, substitute the word 'paid' for 'payable.'

"I think express legislation necessary to get rid of the judicial rulings regarding year to year tenancies.

"A real non-occupancy ryot is the cultivator holding land under a custom in which growth of occupancy rights is impossible. As for instance an utbundi ryot, a bhag jotedar, and one holding for a term of years on the express understanding that the landlord will re-enter on expiration of the term. If non-occupancy ryots are not subdivided in the way pointed out above, I would certainly object to the definition in section 55. The class referred to in this section includes different subclasses with different rights.

"While it is true that custom and not competition regulates the rents of occupancy and non-occupancy tenures, it is also true that status effects the amount. I do not think any novel principle is being introduced into the law for determining the rent payable by this class of ryots.

"The whole chapter as it stands requires to be reconsidered. It does not improve the position of the non-occupancy ryot, and the apprehensions of His Honour the Lieutenant-Governor seem to be well founded. If the chapter is confined to the real non-occupancy ryot, he should be liable so ejectment, on the expiration of the term of his lease, or on sufficient notice. We can then get rid of the provisions affecting the growth of occupancy rights and tending to increase legislation."

4. In regard to paragraph 37, I certainly think that a non-occupancy ryot who has held on an expired lease, and has been legally called on to quit, ought to do so, and ought not to put his landlord to the trouble and expense of a suit; but I do not think that it would be safe to entrust the landlord with any power of summary ejectment. I am unable to concur in the remark that "the ryots here are quite capable of looking after their rights." Some are, but very many are not, and for proof of this statement I need go no further than the kabuliyat which was read by Mr. Ilbert in Council when he was introducing the Bill; that suicidal document was executed by some 1,200 ryots within some 20 miles of Calcutta.

5. It appears to me to be not quite accurate to say that in practice occupancy rights created by 12 years' occupation under Act X of 1859 are sold. The final result of the many conflicting rulings of this subject is that transferability is not one of the incidents of the occupancy right created by this Statute, but it is admitted that the right to transfer a ryot's holding may be given by custom. The Chief Justice in the final full bench ruling said as follows:—

"The ordinary construction of the words of section 6 appears to me to be that the right is only to be in the person who has occupied for 12 years, and it was not intended to give any right of property which could be transferred * * The question, as I have answered, is solely upon the Act, and independent of the existence of any custom." My own experience has already led me to the belief that the custom of transferring ordinary tenants' holdings was very general. The statistics now collected by the district officers of this division, and appended to the report, fully confirm this view. These statistics show that in six months, in this division, 2,594 occupancy rights were transferred by registered deeds—three-fifths of them to ryots, something less than one-eighth to mahajuns, about one-fifteenth to landlords, and the rest to "others." It seems plain that the right of free transfer is very generally, if not universally, enjoyed. I cannot, therefore, agree with the report in the statement that "where the right to sell has originated without the consent of the zemindar, the sale no doubt means the transfer to the ryot of the value of part of the rent the zemindar would have been able to get from the new tenant." Nor do I think that the price obtainable for an occupancy tenure (even leaving out of consideration the value of ryots' improvements) is necessarily the value of the difference between the privileged rate of rent and the market rate. This part of the report seems to be based on the belief, which I for one do not hold, that the rents which the zemindar obtains from occupancy ryots either are, or ought justly to be determined by competition.

While the remarks on this subject do not commend themselves to me, it is satisfactory that there is little difference of opinion as to what ought to be the law.

6. I wish to add one general remark, *viz.*, that, in drafting the new law, the Legislature should be careful to consider the probable effect of each attempt to secure definite checks. I have already noticed one of these (section 40), and there are others. There seems to me to be some reason for apprehension that such checks will often be unsuited to local circumstances, and will therefore be either inoperative or inequitable and mischievous.

C. C. Stevens,
Collector, 24-Pergunnahs.

Dated the 4th August 1882.

Note on the Report of the Conference.

I beg to add a few words regarding section 213 of the Bill. It enacts as follows:—

"(1) Notwithstanding anything in this Act, a ryot holding land of the kind known as char or dearah, that is to say, land ordinarily liable to improvement or deterioration by fluvial action, shall not acquire a right of occupancy in the land until he has held the land for twelve continuous years; and until he acquires a right of occupancy in the land, shall be liable to pay such rent for his holding as may be agreed on between him and his landlord.

"(2) But the Court may, on the application of either the landlord or the tenant, declare that any land has ceased to be char or dearah land within the meaning of this section, and therefore all the provisions of this Act shall apply to the land."

2. I am afraid the effect of this section in Behar will be to give the dearah lands to indigo. It seems to me that in its actual working this section will be a source of trouble to tens of thousands of ryots who have holdings on river lands not only in Behar, but all over Bengal. It seems to me that the section can be easily so worked, say by indigo planters, as to prevent the old ryots from getting any rights in the most fertile lands, *viz.*, the new accretions. This section puts it in the power, say of an indigo planter in Behar, to prevent *khud-khasht* ryots from getting rights in the new accretions, and to fix and limit the old ryot to his original holding. After each accretion the original old holding of the ryot will get more and more sandy and unfertile, until at last it will be worthless, and the ryot will have

to use the accreted lands just as the former zemindar or planter dictates. The section is a very curious one, and its full meaning escaped my notice at the time of the conference. I think it should be expunged, as it will certainly be mischievous.

3. There is no necessity whatever for making a special provision of this kind for char and dearah lands. Such a provision was never before in any Rent Law. The general principles of the land law should be applicable to char and dearah lands, as they always have hitherto been. This section, being contrary to the customs of the country, would cause the intensest irritation among the cultivators concerned, and would be a weapon of oppression and coercion in the hand of an unscrupulous zemindar or thikadar.

4. I am also of opinion that a ryot or tenure-holder, against whom a decree for rent has been given, should not be allowed to appeal unless he pays into Court the amount decreed. This would do something towards curtailing the delays to which refractory tenants can now subject their landlords whom they force into the courts before they can get their just dues. The dilatoriness and expensiveness of the civil courts in the disposal of rent-suits are well-founded and almost universal grievances among rent receivers everywhere.

E. J. BARTON,
Collector of Jessore.

Note on the Report of the Conference.

I accept the joint report, but agree generally with Mr. Stevens in the qualifications he has added. I also think there should be only four instalments for payment of rent as proposed in the Bill, and that the law should clearly declare disturbance of possession a criminal offence, whether the disturber is acting under colour of a right or not (section 37 of the report).

F. H. BARROW,
Collector of Khulna.

Dated the 12th August 1884.

No. 913, dated 9th August 1884.

From—W. R. LARMINIE, Esq., Commissioner of the Orissa Division,

To—The Secretary to the Government of Bengal, Revenue Department.

I HAVE the honour to submit the following report on the provisions of the revised draft Tenancy Bill, as requested in your Land Revenue Circular No. 3T.—R., dated 24th May 1884.

2. The officers with whom I held a consultation on the subject were the Collectors of Cuttack, Balasore, and Pooree, and Mr. K. G. Gupta, Joint-Magistrate of Cuttack.

3. Although there were some differences of opinion in regard to various details, we were at one as to the chief ends to be gained, and as to the main lines which legislation should follow. We all agreed that it was of paramount importance that the Bill should secure, as far as possible, the existence of a prosperous class of cultivators; that no impediment should be placed in the way of the improvement of this class; and that every possible facility should be given the landlord to realize his rents, as far as was consistent with the safety of the tenant. While regretting the necessity imposed upon us by the conditions of the Permanent Settlement, we recognized the justice, under existing circumstances, of allowing the landlord a share, but only a share, in the increased profits accruing to landed property from causes independent of action on the part of either landlord or tenant. Some of us, including myself, were of opinion that, if it could be found practicable, it would be better to compensate all landlords for giving up their right to enhance rents at a rate calculated on a valuation of probable increase in value of produce during, say, the next 20 years. A share of all subsequent increases would thus fall into the hands of Government, which is at present, in Bengal, the only partner in the ownership of landed property which derives no direct benefit from the general increase of prosperity. It is unnecessary, and indeed useless, now to discuss this idea in detail, as it seems to be outside what is called the sphere of practical politics.

4. Leaving this proposal on one side, therefore, we are all of opinion that, if the Bill is to be practically of any general utility, the following principles are essential. Non-occupancy are not to pay a higher rent than occupancy ryots for the same class of land. Every possible obstacle is to be thrown in the way of sub-letting. Net profits should be taken as the basis for the judicial determination of all rents. It is perfectly clear that, if no limit is placed upon the rents payable by non-occupancy ryots, rents will be forced up all round. If occupancy ryots are allowed to sub-let at higher rates than they are paying themselves, and their tenants subsequently acquire rights of occupancy, the landlord necessarily secures a standing point towards a general increase of rent. If gross profits are made the basis for rent settlements, it is quite possible that an increase in the value of produce would be injurious to the ryot, such increase generally involving increased cost of production. These general principles being laid down, I now proceed to discuss the provisions of the law in some detail, following the order of the various paragraphs of your letter under reply. The circumstances of the province of Orissa differ so much from those of the rest of Bengal, that I shall refrain from employing any arguments based on facts which exist only in this part of the country.

5. It seems evident that the definition of ryot in section 5 (3) does not include those holding from unregistered *lakhrajdars*. These latter are not proprietors, nor are they

tenure-holders as defined in chapter I. A clause might be added to this sub-section enacting that the word tenure-holder should, in reference thereto, include such unregistered lakhraj-dars.

6. As regards section 5 (5), Messrs. Grant, Currie, and Gupta object to any limit being fixed, as they would practically prohibit sub-letting altogether. Mr. Jones and myself recognize the necessity for a limit, and are of opinion that that proposed is as fair a one as can be fixed. As implied above, Messrs. Grant, Currie, and Gupta would not, in section 37, fix any limit whatever. They are of opinion that, if an occupancy ryot lets any portion of his holding, he should be converted into a tenure-holder as regards the whole holding. Mr. Jones and I think that such a provision would be unfair and unworkable. At the same time, we are not satisfied that the limit should be a particular fraction of the holding without reference to its actual size. The question really to be decided would be whether the original occupancy ryot continued a *bonâ fide* cultivating ryot or not, and the limit would then depend on the question whether that portion retained by the occupancy ryot was sufficient to support himself and his family. The principle, I take it to be, is that no one should be looked upon as a cultivating ryot, and one whose interests it is specially desirable to protect, if such ryot does not support himself and his family mainly by agriculture. If, therefore, the possessor of an occupancy holding sub-lets so large a portion of his holding that he cannot support himself by direct cultivation, he has practically abandoned his position, and should be classed as a tenure-holder. This question is one, therefore, which should be either left to the Courts to determine, or else some actual limit should be fixed as to the amount of land which should be cultivated by the occupancy ryot to entitle him to retain his *status* as such. This limit would vary according to the circumstances of each locality.

7. The whole question is exceedingly difficult; but if, as will be proposed hereafter, it is enacted that no ryot can sue an under-ryot for a higher rent than he would himself be liable to pay under the rules for enhancement, the temptation to sub-let will be very much diminished.

8. As regards tenure-holders generally, viewed in reference to the observations contained in paragraph 5 of your letter, we see no objection to the provisions of the Bill; but it is doubtful if they could be applied to the tenure-holders created under section 37. The rents fairly claimable from these on an enhancement suit should be fixed entirely by the rules applicable to occupancy ryots, both as regards rates and intervals of enhancement. Otherwise a conflict of interests would arise, which it would be almost impossible to get rid of. Let, for instance, A. be an occupancy ryot, paying rent to B., who by sub-letting to C. becomes a tenure-holder under section 37. B. may sue A. for enhancement of rent, and may obtain a decree for a higher rent than A. is getting from C. A. must then sue C., and possibly may fail to obtain a decree for the same amount of rent. The only way out of the difficulty that I see is to enact that C. should be made a party to every enhancement suit brought by B. against A., and that the decision as to rents payable should equally affect A. and C.

9. With reference to paragraph 6 of your letter, we are all of opinion that no change should be made in the existing law.

10. On the points raised under the head of a settled ryot, all of us are agreed that question (*a*) should be answered in the affirmative. We have no reason to object to the limit of 30 years fixed in defining the word "estate," but we cannot urge any special reason in its favour. We all regret our being debarred from discussing, again, the definition of a "settled ryot," being of opinion that the conclusion come to is wrong in principle and inequitable in working.

11. We do not think that section 29 (1) is necessarily at variance with section 28, as long as the ryot is only part proprietor.

12. The next question is an important one, and has been much discussed. Should rights of occupancy be declared transferable? As a matter of fact, they are by custom transferable in the greater part of Bengal, and the custom is daily spreading, so that it seems unnecessary to make any special enactment on the point. If the custom be transformed into a legal obligation, it appears necessary to allow of a right of pre-emption being claimed by the landlord. The recognition of such a right would, in our opinion, lead to results entirely at variance with the ends we are all anxious to attain, and we therefore think it better to leave the question untouched, always provided that the right of occupancy be saleable in execution of a decree for arrears of rent.

13. The question of enhancement next comes for consideration. Objections were raised to section 41 (2) on the ground that no registering officer could ascertain the facts, as the ryot might admit that he had been paying a higher rent than he really had been doing. As far as my experience goes, the day is gone by when ryots will deliberately agree to pay more than they are obliged to do, and the very existence of such a clause as section 41 would very soon ensure a sturdy resistance to any excessive demand. Of course the registering officer could only judge of the facts as set forth in the document before him, but he should see that the ryot understands the provisions of the law. Mr. Grant would place no limitation whatever on the power of contract, but it seems impossible to reconcile such an opinion with the other views entertained by that officer.

14. Section 44 (*a*) led to a considerable amount of discussion, but no one was able to suggest any better limit than eight annas in the rupee, although all were agreed that it was not a satisfactory one.

15. Section 45 is one of the most important in the Bill. We are all dissatisfied with it. It seems unworkable, and completely ignores the cost of production. It is very difficult to lay down principles upon which enhancements of rent can be calculated without entering into very detailed discussions as to what amount of net profits should be allowed to the actual cultivator. Logically speaking, there should be fixed minimum profit over and above the cost of production left in the hands of the cultivator before any rent could be demanded; but probably no two persons would agree as to what that minimum should be. We are of opinion that the most practical plan would be to ascertain the net profits, and divide them equally between the landlord and tenant, with the proviso that the share of the tenant's net profit should be sufficient to insure the nominal value of the holding, if sold, being not less than one year's rent.

16. Section 46 seems fair and equitable.

17. We are all of opinion that section 47 would be unworkable, and would strike it out.

18. With reference to your paragraph 12, we are all of opinion that the rent of *bastu* land should only be increased on the grounds specified in section 43 (*a*). In Orissa the homestead land generally forms part of the holding.

19. It is proposed to amend section 51 as follows:—

In clause (*a*) instead of the words "by a deposit of sand or other calamity," we would insert "from any cause capable of being specially ascertained."

In clause (*b*) instead of "staple food-crops" we would insert "crops ordinarily grown upon such land." We fail to understand why, if the average prices of staple food-crop fell, and the prices of the crop actually grown increased, the ryot could justly claim a reduction of rent.

20. We are all of opinion that the price list referred to in section 52 should include all crops ordinarily grown.

21. Section 53 does not seem open to objection, but some of the Collectors are of opinion that an order under sub-section (6) should be open to appeal. I do not see any necessity for it.

22. I have already stated that, in our opinion, the rents of non-occupancy and occupancy ryots should be identical. The only difference between them then being that the landlord might proceed to sue the former class for enhanced rent at closer intervals than in the case of the latter. Mr. Grant would make no distinction between occupancy and non-occupancy ryots; but this is a question we are debarred from discussing.

23. The question of under-ryots has already been to a certain extent discussed when treating of section 37. I need only add here that those who would permit sub-letting at all would not allow a demand for rents higher than could be claimed from an occupancy ryot, except in the special cases noted in section 37 (*a*) and (*b*).

24. We all strongly approve of the provisions of section 70.

25. Messrs. Grant and Gupta would strike out sections 93 and 94, but Mr. Jones and myself consider them fair and equitable.

26. In section 96 we would omit sub-section (3) altogether; and indeed if our views hold good as to the holding being worth at least one year's rent, the whole section might be omitted.

27. Sections 102 and 109 seem reasonable, but we have not had any such experience as would enable us to form any strong opinion thereon.

28. We are all agreed that it is an almost absolute necessity that there should be a general survey and record of existing rights. Until such is completed, no Rent Bill, even if theoretically perfect, can be properly worked. Indeed, it is open to question whether, if such a settlement be not at least determined on, it is worth while to elaborate such a Bill as the present. Its chief enactments involve a knowledge of existing rights and rates of rent; and if these cannot be determined with some approach to certainty, it will be hopeless to expect any really satisfactory result from the working of the law.

29. As far as our experience goes, section 138 (1*a*) gives a complete list of lands usually looked upon as private.

30. We have now to consider the question of procedure in regard to the collection of rents. If, on the one hand, we have striven to secure the tenant from rack-renting and illegal exactions, we are no less anxious to give every reasonable facility to the landlord to realize his lawful dues. The first point for consideration is the law of distraint. Mr. Grant would leave it as it is now; Mr. Gupta would either abolish it altogether or leave it as it is now; Messrs. Jones, Currie, and myself are of opinion that it should be abolished in the case of all saleable holdings, and that the draft Bill is suited to all other cases. It seems to me that distraint is, in itself, a most objectionable proceeding, and can only be justified by its being absolutely necessary. Those best acquainted with the subject say it is thus absolutely necessary, and I defer to their opinion, but its necessity vanishes when the interest in a holding becomes saleable. It is worth noticing that distraint for arrears of rent is or was legal in Ireland, and that, by common consent, such a procedure has become absolutely obsolete.

31. It has been proposed to make the patni law applicable to other fixed tenures. My experience of the Burdwan district leads me to the belief that it would be almost

impossible to carry out such a proposal. The number of tenures likely to be advertised for sale would be enormous. Twice a year some 1,400 patni tenures are brought to the hammer, and although by far the greater number are not sold in consequence of arrears having been paid up, yet a considerable amount of labour is expended in serving notices, &c. If all other fixed tenures were similarly dealt with, I doubt if a sufficient number of peons could be found to carry out the preliminary proceedings. The conduct of the sales, too, would probably occupy at least a month.

32. We are all of opinion that the Certificate Procedure might well be employed in the case of all permanent tenures held at fixed rates. If there be no dispute as to the rate of rent, and the proposed system of receipts be carried out, I see absolutely no risk in allowing such a summary procedure as we propose. Where rents are open to dispute, or where there are rival claimants, it would be necessary to proceed in the ordinary way by regular suit.

33. In regard to paragraph 2 of Government of India's letter No. 784, dated 5th May 1884, we have only to say that our experience does not justify us in offering any opinion on the points raised in clauses 2, 5, and 6 thereof.

34. In conclusion, I have only to say that I have purposely avoided entering into any elaborate arguments in support of the views set forth above—*first*, because a thorough detailed discussion of the whole question would occupy a much larger portion of my time than my other duties would permit; and *secondly*, any one who has studied the literature of the Bill will readily find arguments both for and against the conclusions I have come to.

35. I do not think that the Bill, even if modified as we have proposed, is the best we could have, but it possibly goes as far in the right direction as can be hoped for.

Telegram, dated 19th August, 1884.

From—Darjeeling,	To—Cuttack,
From—Secy. to the Govt. of Bengal, Revenue Dept.	To—Commissioner.

Please see paragraph 10 of your Conference report. Report at once your objections to definition of settled ryot. Wire briefly nature of objections.

Telegram, dated 20th August, 1884.

From—Chandnichowk, Cuttack,	To—Darjeeling,
From—Commissioner.	To—Secy. to the Govt. of Bengal, Revenue Dept.

Long time limit inconsistent principle. Bill readily evaded by landlord. Settled ryot pure question of fact.

No. 959, Cuttack, dated 21st August, 1884.

From—W. R. LARMINIE, Esq., Commissioner of the Orissa Division,

To—The Secretary to the Government of Bengal, Revenue Dept.

As requested in your telegram dated 19th instant, I have the honour to submit the following expression of my views with regard to the definition of a "settled ryot" as now given in the draft Rent Bill.

2. The main object of the Bill is, as I understand it from the ryot's point of view, to secure the resident cultivator in the possession of his holding as long as he pays a fair rent, and also to ensure his having a share in any general increase of prosperity. The words "fair rent" are used in contradistinction to "rack-rent," and recognize the principle that the cultivating classes are supposed to reap profits in excess of the *minimum* of their actual necessities. Permanency of tenure is absolutely an essential element in any system which can be expected to secure this object. If a ryot is exposed to constant demands for increased rent, and is liable to ejectment in case of his refusal to agree to such demands, there is practically nothing to prevent his becoming liable to the payment of a rack-rent, and this would operate with special hardship where population began to press on the soil. It seems to me therefore clear that, whenever any one is, as a matter of fact, a *bonâ fide* cultivator, permanently resident in any particular *estate*, he should have a permanent interest in his holding, and be termed, in the language of the Bill, a "settled ryot." The term of 12 years is much longer than is necessary to raise a presumption of permanent intention on the part of the ryot, and there seems to me to be absolutely no other object with which such a term could be fixed. That the term is too long in the interest of the ryot is proved by the notorious fact that landlords, in some parts of Bengal, shift their tenants about so as to prevent their acquiring rights of occupancy. Such proceedings should be rendered impossible; and it seems to me that if a *minimum* term *must* be fixed, it should not exceed three years. As a rule, there would not be the slightest difficulty in ascertaining whether any particular cultivator was a permanent resident or not, and looked at in this light, the determination of the point might possibly be safely left to the courts. A *minimum* term of three years would, however, render it extremely difficult for a landlord to prevent a right of occupancy from accruing. These arguments lose some of their force if the views

are accepted, which I expressed in my late report as to non-occupancy ryots not being liable to pay a higher rent than occupancy ones. If such were the law, it would scarcely be worth a landlord's while to disturb a cultivator in his possession for the mere purpose of keeping alive a right to sue, perhaps unsuccessfully, for enhanced rates of rent at shorter intervals than he otherwise could do. Indeed, I am inclined to believe that the equalization of occupancy and non-occupancy rates of rent would, in a very few years, secure occupancy rights to almost every cultivator in Bengal.

No. 47Ct., dated Camp Commillah, the 9th August 1884.

From—E. E. Lowis, Esq., Commissioner of the Chittagong Division,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to your No. 3T—R, dated 24th May 1884, I have the honour to report on the special provisions of the Rent Bill referred to in your letter. I have at the same time availed myself of the opportunity to say a few words regarding some of the general principles of the proposed law, and to show how far they accord with existing conditions in connection with the landed interests of my division. A conference of all the Collectors was not held to discuss the provisions of the Bill, as in this division communication is very difficult after June; but the opinions of all have been invited. It happens also that Government have had the advantage of two separate opinions on the subject. I was myself absent on leave during May, June, and most of July, and during this period my *locum tenens*, Mr. Cotton, after consultation with the Collector and others at Chittagong, recorded his remarks on the Bill, leaving me to draw up a final report after consultation with Mr. Cooke, at present Collector of Tipperah, and who was for two years Collector of Noakholly. Mr. Cotton's report has been sent direct to Government. I will not therefore repeat what he has said, but merely allude to it where necessary. My own views on this question have been discussed, not only with Mr. Cooke, but also with intelligent natives of Tipperah, and I find that they meet with general support and approval.

2. My remarks of course have special reference to the Chittagong Division, with the condition and past history of which I am more intimately acquainted; but I trust that my remarks will be found equally applicable to other parts of the country, for I believe that, though the circumstances of this division vary in many ways from those found in the rest of Bengal, the difference is due not so much to an essential difference in the nature of the tenure under which land is held as to the extent to which general principles, common to all, have been more or less developed. There is certainly a fear, which I gave expression to in my last report, that it will be found difficult, if not impossible, to frame a law that will suit Behar and Bengal alike; but the underlying principle being the same in both, I am in hopes that the reports of the different Commissioners will afford material for the successful completion of what is no doubt an arduous task.

3. This division, as you are aware, has of late years, more than any other in Bengal, afforded an excellent field for the study of questions regarding the tenure of land, for it has been the scene of very heavy settlement operations, in the course of which the actual facts regarding the tenure of land have been subjected to close scrutiny and much criticism at the hands of local authorities. The subject therefore is one which has occupied my attention more or less exclusively since 1875, when I first took charge of this Commissionership, and is one, therefore, regarding which I may claim to have acquired some knowledge.

In the course of the operations referred to above, the want of any legal definition of a ryot, and the absence of any recognized line of distinction between a ryot and a tenure-holder were acutely felt; mistaken notions on these points caused difficulties to arise, which were not smoothed out without much waste of time. When last called on to report on the draft of this Bill, the want of any attempt to define a ryot, and to distinguish between the conditions attaching to a ryoti holding and a tenure struck me; and I did not see how the proposals then put forward could be made to fit in with the existing state of things.

The provisions of the Bill have now, however, been materially altered for the better; all the essential points which were previously passed over have now been prominently brought forward and disposed of, as I consider most appropriately, the enunciation of the general principles to be followed in deciding questions of this nature being perhaps the most valuable portion of the proposed measure. I am quite sure that, had the provisions contained in Chapters II and III of this Act been in existence some years ago, the difficulty and delay that have attended our settlement operations in Chittagong and Noakholly need not have been encountered.

4. The Bill defines a ryot to be the person who maintains cultivation by his personal labour or at his own risk; a tenure-holder to be a person let in over ryots, or one who originally let in as a ryot forfeits his position as such by casting on others the risk and trouble of maintaining cultivation. Starting with this broad and well-recognized distinction between the two classes, the Bill proceeds to lay down the provisions applicable to each. These are the general principles that have my entire approval, the enunciation of which my experience during the last few years has taught me to regard as most important.

In the Chittagong and Noakholly settlements, cases were frequently met with of tenants originally let in for purposes of cultivation, true ryots who have sublet their holdings in whole or in part; and great diversity of opinion has been expressed as to the best method of

dealing with such persons who are in one sense ryots, and in another tenure-holders. Their right to sub-let has been called in question: sometimes they have been treated as ryots, sometimes as tenure-holders and always with an appeal to the civil courts, which gave decisions as diverse as those of the revenue authorities. After much trouble and endless correspondence, I have succeeded in establishing the correctness of the principle I have alluded to as being that set forth in the present Bill, but all that labour might have been saved had the measure now under discussion been law some years ago.

5. The settlement operations in the district of Chittagong have afforded a more than ordinarily valuable field for the examination of the question now under discussion, because it was possible to compare the existing condition of things, not with a dim traditional history of the past, but with the actual record of things as they were found by us when we first acquired the country more than a century ago. The conclusions I have arrived at are therefore based on reliable data, and not on opinions expressed by revenue officers at the time of the Decennial Settlement, valuable as those expressions of opinion may be.

6. The district of Chittagong was acquired by the East India Company in 1760, and the first act of the new owners was to make a land settlement. Situated as the officers of the Company were, it is evident that this settlement must have been made strictly in accordance with the then prevailing custom. We may safely assume therefore that the papers of that settlement afford a fair picture of what sort of settlement would have been made had the country remained under Mahomedan rule. These papers, I may add, are still in existence in the Collector's office, and though worn and worm-eaten, are in sufficiently good preservation for purposes of reference. In 1763 the unit of settlement was not the actual cultivator, but the talukdar, that is, the person who undertook the responsibility of keeping a certain tract of country under cultivation. The names of actual cultivators appear on the papers, but not the revenue payable by them: that is, assessed on the taluk at a certain customary rate, plus two or three abwabs. The land seems to have been regarded when waste as State property; when brought under cultivation a quasi-proprietary title in it passed to the person who caused and maintained such cultivation, subject to the payment of a certain customary *sirikh* or rate of rent.

7. I have been fortunate enough to obtain from a native gentleman, whose family have been in the district from a date previous to our occupation of it, a copy of an old Nawabi grant or lease, which shows the manner in which waste was taken up and the conditions under which it was held. The following is a translation:—

"According to the kabulyat executed by Manna Asbek, this potta is granted to him on the following terms for the jungle land situated in mouzah Shuluk in Chakla Rangonea of Islamabad, within the boundary noted on the margin, exclusive of the land contained in the pottadars of pergunnah Nezam Nagar, that he will bring the land into cultivation by inviting settlers who have no fixed abode for themselves. He will receive an allowance of three kanis and four gundas for each droon of waste which he makes culturable, and remaining quantity of land will be settled with him, and he will have to pay the Government revenue. It should be remarked that the khanabari and naukari lands will be settled at noabad rate, besides he will not have the responsibility of making bridges, &c.:—

South by Gurcherry, north and east by Kazi Mahomed Sagir's abad land, Raktcherry and Pekonea nala, and west by Shapleja dehee and Hatya tank.

	Rates.	Rs.	A.	P.
First year, 1120 M. S.	Maf	......		
Second year, 1121 M. S.	Ryoti	1	8	0
	Unintelligible	0	12	0
	Khamar	0	8	0
Third year, 1122 M. S.	Ryoti	3	0	0
	Unintelligible	1	8	0
	Khamar	1	0	0
Fourth year, 1123 M. S.	Khamar	2	0	0
Dated 22nd Joomadil Awal 1220 M. S.	Ryoti	6	0	0
	Unintelligible	3	0	0

The pottah bears no signature, but is stamped with a Government seal and bears date 1120 Mughi, equivalent to 1758 A. D., or only two years before the cession of the province. It will be observed that the intention evidently was to allow the grantee to bring as much land as he could under cultivation, the land to be hereafter subject to measurement and assessment: a proprietary allowance of more than one-fourth or over four kanis being granted for every droon of land then found to be under cultivation.

1. Our settlement was made with men who had acquired land under some such leases as the above, and it is certain that all taluks were assessed at a certain rate, and all were allowed deductions under the head of khanabari and pattadari allowance, that is, for a homestead and allowance as holder of the lease. I may add that the talukdars, who were virtually the ryots, though directly liable to the Government demand, actually paid revenue through certain persons called tarafdars, who were responsible to the Nawab's representative; but it is clear that these tarafdars, with whom the Permanent Settlement was eventually made, were in the first instance merely farmers of revenue, and responsible for a certain sum which has been assessed by the State on the talukdars; and it is important to observe that the Government demand was made on the talukdars who merely paid through the tarafdars. It is easy to understand why the Government did not look below the talukdar; land was then plentiful.

and the actual cultivators few; these latter, too, sat very loose to their holdings, and were migratory and fluctuating, so that the responsibility of maintaining cultivation was considerable.

9. Along with our settlement of the land open to assessment, measures were also taken to secure the expansion of cultivation over the existing large tracts of waste; and to this end a proclamation was issued, inviting persons to take up waste, and assuring these who did so that land so taken up would be exempt from assessment from a certain period, after which the customary rate would be assessed on all lands found under cultivation; and further, that any future increase of cultivation, ascertained after actual measurement, would be subject to the same customary rate. The people were in fact assured that their new masters were resolved to adhere to the old custom, the person who brought waste under the plough, and maintained cultivation, being liable to the fixed *nirikh* or rate on all lands reclaimed by him.

10. From these proceedings we may learn that the waste was considered to be the property of the State, who held it for the public benefit; that when brought under cultivation, it was subject to a demand governed by a customary rate; that assessment was made on the person who became responsible for the maintenance of cultivation, that is, on the person answering to the description of a ryot in the Bill; and that the assessment was limited to a demand against the land found by measurement actually under cultivation, land so discovered being liable to assessment in future, whether cultivated or not. In fact, Government dealt direct with its ryots, using the word ryots in its fullest signification, though realizing the revenue through the agency of tarafdars. There are cultivators under the talukdar ryots, but they were unsettled and held to be possessed of no rights.

11. From 1763 up to the close of the century, land continued to be taken up under the above conditions, revenue being assessed on the talukdar for all land under cultivation as found by the successive measurements that were made from time to time, such assessment being always levied at customary rates. At the time of the Decennial Settlement, all lands shewn by the measurement papers of 1763 as belonging to tarafs were permanently settled with the tarafdars who were, however, understood to be bound by the prevailing rate in their demand on the jamabundi ryots, as the talukdars under them were called. So far there had been no need to look below the talukdar, the real ryot; he cultivated personally the whole or part of his holding; what he could not cultivate personally, he undertook to maintain in cultivation by means of temporary ryots.

The maintenance of cultivation, however, under such conditions was troublesome and irksome; gradually, therefore, it became the custom for the original ryot, the talukdar, to sublet to itmamdars or sub-tenants, who undertook to pay a fixed rent for a certain area, so far relieving the talukdar of the trouble and risk of cultivation; and so in the next great measurement that took place in 1836, we find itmams recorded in some places within the taluks. The status of the itmamdar was not recognized by any enactment, but as these tenures were and are almost always protected by leases, no difficulty regarding them ever arose. As time went on, however, the cultivators under the talukdars and itmamdars, who were originally shifting and migratory, began to settle down; cultivators found land, taken at first on temporary leases, so much to their liking, that they continued in possession at the old rent, and so beneath the original ryot sprung up a class of sub-tenants with certain rights recognized by custom, but not recognized by law.

The original ryots, the talukdars, thus to a great extent gradually rid themselves of the risk of the cultivation, and enjoyed fixed rents from itmamdars protected by leases; these again in their turn rid themselves of the risk of cultivation by letting to dur-itmamdars, or induced cultivators to remain on the land, cultivating the same land year after year, thus practically casting on them the burden of cultivation. The itmamdars and dur-itmamdars were protected mostly by permanent leases; the ryots were protected only by custom, but had acquired certain prescriptive rights.

12. The above does not afford an exact picture of the condition of the whole province, but I apprehend that much the same process had been going on in other places as had been going on in Chittagong; at any rate, it was felt that half a century of peace and quiet had introduced such changes into the agricultural community, that some measure was needed to define more clearly the mutual relations between landlord and tenant. It was then that Act X of 1859 was passed, and the occupancy right recognised, under which many of these sub-tenants have gradually acquired substantial rights.

The legislators of 1859 contented themselves with giving certain privileges to the ryot, but did not attempt to define the limit beyond which a tenant ceased to be a ryot, and indeed it is the gradual acquirement of rights under Act X of 1859 that has often placed the ryot in a position to convert himself into a superior holder; but whatever may have been the case 25 years ago, it is evident that we must now look below the ryot of Act X to find the person entitled to the privileges which that law was intended to bestow. Since Act X was passed, there has certainly been in this district a gradual development of successive interests in land which render the passing of some such measure as that under discussion imperative.

13. A great deal of land in Chittagong is still let to cultivators who pay at fluctuating

rates and occupy for the year only; but as cultivation extends, the tendency to settle definitely for land increases, and with a number of gradations of holders, all let in originally as ryots, but not all in a position to claim the privileges of a ryot, it becomes necessary, in order to prevent confusion, to settle definitely what rights and privileges accrue to each class. What I have said regarding Chittagong applies equally to Noakholly. Everywhere the land is held by talukdars, howladars, &c., under whom are sub-tenants, some of whom pay a fixed rent for a given area, some of whom take up more or less land as they please, but there also, as land becomes more occupied, and ryots more numerous, the tendency to settle becomes more and more manifest.

In Tipperah, again, when there was an abundance of waste waiting for the plough, the ryots were often migratory, and the system arose of charcha measurements, under which ameens were sent every year to measure the amount of land held by the ryot, according to which rent became payable; but here the same hardening process has been going on, and the migratory ryot has in most cases become a tenant claiming an occupancy right.

14. It is easy, as I have shewn, in Chittagong to trace the gradual growth of the various sub-tenures: first the talukdars responsible for the maintenance of cultivation over a given area paying themselves a customary rent, and making what profit they could by letting to ryots who sat loose to their holdings, or only cultivated by the year; then the gradual settlement of the cultivating class, and the creation from amongst them of sub-tenancies, the holders of which in their turn undertook the risk and responsibility of maintaining cultivation, paying to their superior landlord a customary rent, the rate of which was practically fixed; again, as population increased and cultivation expanded, the process of sub-letting has gone on till we have often a chain of sub-tenants between the original landlord and the cultivator, all originally let in as ryots, but who have in course of time really become tenure-holders. It may be objected that I seem to affirm the necessity for legalizing sub-letting, and so in truth I do to a certain extent; for with a population continually increasing, and dependent for support on agriculture, sub-letting is inevitable, and will be resorted to whatever restrictions legislators may devise, so that we do well to allow a natural law to be followed, contenting ourselves with affording protection to the real ryot, and taking care that the person who absolves himself from the risk and trouble of maintaining cultivation is relegated to his proper position as a tenure-holder. This the Bill before me proposes to do; for a distinctive feature of the proposed law is that it recognizes sub-letting, but seeks ever to protect the lowest link in the chain, the cultivator, by enacting safeguards in respect to his assessment, &c., and by compelling the superior holder, be he called ryot or itmamdar or howladar, to take his proper place as a tenure-holder. Sub-letting has permitted a population accustomed to live on the land to maintain themselves in this manner, and has afforded a safety-valve to the pressure of population, but for which we must ere this have had to solve the problem of how a vast population is to be taught to seek maintenance by other means than agriculture.

It is only during the last twenty or thirty years that the pressure of the population on the soil has caused that increase in sub-infeudation which now demands legislation; such legislation must coincide with existing conditions, and, being suited to altered circumstances, may appear to be open to hostile criticism on the ground of novelty; a consideration of the revenue history of Chittagong, however, will show how unfounded any such objection is. Rise in the price of produce and demand for land, with the check of a customary rate, have there introduced a series of sub-tenants, each in succession entering as true ryots, and each in turn abandoning the risk and trouble of maintaining cultivation in favour of an inferior holder; a change has thus been gradually brought about, which has in some places led to complications that can only be allayed by the application of the law. The present state of things has been evolved without friction in Chittagong, and also in Noakholly; in neither district do we find the discontent that we hear of elsewhere, but none the less is it a misfortune, that up to date legislation has not sought to define what is meant by a ryot, and when a holder of land ceases to be a ryot and becomes a tenure-holder.

CHAPTER II.

15. I approve entirely of the description here given of ryots and tenure-holders; the two classes are quite distinct, and the present attempt to lay down rules for their separation I consider a great step in advance. In reporting on the original Bill, I pointed out that the absence of any definition of a ryot was a fatal omission, and I am glad to see that a clear definition has now been deemed necessary.

16. I have in more than one report to the Board, and otherwise, expressed my opinion that the true ryot is he who undertakes the risk and trouble of cultivation, whatever his designation may be; and that he who receives a fixed rent, and escapes such risk and trouble, is not a ryot, but a tenure-holder. This principle the present law, I am glad to see, fully recognizes, the rule is simple and easy of application, as well as comprehensive; and by following it there can be no difficulty whatever in determining whether a holding is a ryoti one or a tenure. Sub-letting may or may not be an evil, at any rate the practice is universal, as well as one which will increase as cultivation spreads, and the pressure of the population on the soil becomes greater; the enunciation of the above rule therefore is necessary for the guidance of the courts and revenue officers, and for the protection of the under-ryot, a large and increasing class of tenants.

17. From what I have said in a previous part of this letter, it will appear what a growth of sub-infeudation has sprung up in this division, and how necessary it is to lay down some definite rules whereby the position of the lowest class may be assured, and protection afforded to the person on whom falls the risk and trouble of cultivation.

Act X was an immense advance on the old law, and assured protection to the occupant ryot; since then agricultural prosperity, and the spread of cultivation, has developed another class of ryots, *viz.*, under-ryots, and to meet the necessities of their case fresh legislation is now demanded. We seek to be the apostles of no new creed, but simply desire to apply and formulate a natural law, under which, in my division at least, landed tenures have during the last century gradually sprung into existence.

18. *Section 5* (2) requires some little amendment to meet the requirements of this division. A good deal of land is let in Noakholly and Chittagong to yearly tenants, who arrange in the spring the amount of land they wish to take up, and often also the rate at which they agree to take it. These arrangements depend on the state of the rice market at the time; when the bazar is good, more land is let and at better rates: and the contrary happens when the market is depressed. In such cases, by applying the rule which I have alluded to, it will appear that as the risk does not rest on the temporary cultivator, but on the person who receives rent, therefore the latter is the true ryot. Again, a Noakholly chur howladar is often dependent entirely on cultivators, who enter into such yearly agreements, so that in a bad year much of his holding may remain unlet; he, therefore, is the true ryot, though he does not, speaking strictly, come within the wording of the definition. It is true that by applying the principle which underlies the Act a correct conclusion may be arrived at; but to avoid mistakes I would insert in section 5 (2), after the word "partners," "or by means of inferior cultivators holding by the year and at fluctuating rates." I would also add a fresh clause (*b*): "a person shall not be deemed a ryot who enters on land for the purpose of temporary cultivation, or under engagements subject to yearly or short periodical modifications."

19. The presumption in section 5 (3) I do not consider a fair one. One hundred bighas comprise an area larger than one person can ordinarily maintain in cultivation by his own labour. There are cases in which cultivation is maintained over as large an area by means of temporary yearly holders such as I have described above, but the trouble and risk of such management is excessive, and, as a rule, even an area of 50 bighas is not considered too small to admit of sub-letting. Hundreds of our Government taluks are very much below 50 bighas in extent, and yet we find on them itmams and dur-itmams under the talukdar. I would certainly fix the limit at 50 bighas. Our object is not to extend the ryotti privilege over as large an area as possible, but extend our protection over under-ryots as far as possible.

The most useful feature of the proposed law is that it extends protection to the ryots' under-ryots, a class hitherto unprotected; the limit therefore should not be too liberal, and, as I have said, I consider an area of 50 bighas as much as a person can ordinarily undertake to cultivate by himself. The common run of real ryotti holdings, as a ryotti holding is interpreted under the proposed law, is below 50 bighas.

CHAPTER III.

20. *Section 8* cannot be maintained in its present shape. The rent of a tenure can be sometimes equitably more than doubled: take the case of a howla on a Government chur containing a large quantity of waste; the howladar, it is true, is probably let in as a ryot, but he sub-lets his holding to nim-howladars at fixed rates; at the end of a term of years, when what was waste has been brought under cultivation, it would be perfectly just to demand in some cases more than double the original rent. It is true that a subsequent section deals with reclamation of waste, but increase of rent due to cultivation of waste is so common a contingency in this division, that it would be much fairer to provide that the rate shall not be more than doubled, not the rent: the limit as to the total rent cannot, I consider, be sustained: the section may run thus—"The enhanced rent * * * shall not be at more than double the rate at which the rent was previously payable."

21. *Section 11.*—No definition is here given of what is meant by a permanent tenure. I presume the term is not intended to be confined to istomarari or mokarari leases, but to comprise all tenures, the term of which is not fixed by contract, where possession is continuous, subject only to payment of a fair rent. This is no doubt intended, but it would be as well to define this a little more clearly.

22. *Section 15.*—The registration of tenures is a most necessary provision, and I consider that such registration should be both public and compulsory. We have now reached a stage at which it becomes needful to adopt measures to secure protection to under-ryots, and to do this effectually we must secure the separation of the two classes, which can only be properly effected by public registration. The procedure must also be compulsory, and neglect in complying with the provisions of the law must entail penalties, otherwise registration will be to a great extent a dead letter. A strict application of the provisions of the law in this direction is indeed necessary, and it must not be forgotten that sub-letting ryots are numerous, and that they will not regard with favour an enactment which brings them

under the summary sale procedure, but will do all in their power to escape its provisions. In this view it appears to me that the burden of registration is too much thrown on the landlord; it is true that registration will be to him a boon, for certainly in Chittagong and Noakholly direct dealings with the actual ryots on the part of the proprietor of an estate are rare, and there will be no backwardness on their part in insisting on registration; but it is not always possible for the landlord to know of all transfers and successions, and it is rather the duty of the transferrer and transferee to make known the transaction than that of the landlord to hunt out the information. But throwing the onus on the tenure-holder will not alone suffice. There is no doubt that, if registration be left to be settled between the parties themselves, difficulties will arise, registration will be neglected, and the information on the subject will not be as public as it ought to be; for these reasons I am of opinion that registration should be public, in carrying out which proposal there need not be, it appears to me, any difficulty whatever.

There are rural sub-registry offices scattered over the country, to which the people commonly resort for registration of deeds; at these offices sub-registers could easily be opened for the registration of tenures, and entries in these sub-registers sent periodically to the Collector, who would keep up one general register for the whole district.

23. Mr. Cotton foresees great difficulty in the way of any registration, but as public registration has practically been effected in Chittagong, the objection may be treated as groundless. As I have already stated, most of the tenures in Chittagong, or what will be treated as tenures, are covered by permanent leases which, under the provisions of the Registration Law, must be registered: as a fact, during the past few years 248,043 such holdings have been registered. We may assume therefore that a considerable proportion of the tenure-holders in Chittagong have already been registered without litigation or trouble of any sort; what has been done to some extent may be enforced to the full; what has been done in one place may be done in another. The necessity for registration of documents having been made clear to the people, the deeds have been registered, and so, if the necessity for registering tenures be made clear, I apprehend no difficulty in enforcing the provisions of the law. I would make it compulsory on every person acquiring or succeeding to a tenure, and also any one becoming a tenure-holder under section 37, to register; and to secure obedience, I would extend the provision of section 18 (2), and disqualify every unregistered tenure-holder from suing for rent; while, to guard against any evasion of the rule, I would make it compulsory on every plaintiff in a rent-suit to state that he has been so registered, and to support the statement by filing copy of the entry, the court declining to accept any plaint that does not contain an affirmation to this effect. Under section 20, again, I would make all late applications liable to a fine in the shape of double fees.

24. I would also make registration of a permanent tenure in pursuance of these provisions equivalent to common registry under Act XI, and a protection in case of sale for arrears of revenue. Some such provision is really necessary to prevent the hardship which is at present encountered under the Sale Law. There are hundreds of sales every year in Chittagong of taluks and tarafs, within which are numberless itmams and other permanent sub-tenures totally unprotected; the Sale Law provided a protection by registry in the Collector's books, but the safeguard was not understood at the time, and by the time the protection came to be appreciated, the period within which registry ought to have been made had passed away, so far as old holdings were concerned. I need not, however, enter further into the details of this scheme for public registration. I will merely say that, as I consider the recognition of the essential difference between a ryot and a tenure-holder a peculiarly valuable part of the proposed law, so I consider the registration of tenures as a most important part of the scheme. Every tenure, including of course every sub-let ryotti holding, should be re-registered under penalty in case of neglect to register, and the registration should be public.

25. As I have said, I anticipate no difficulty whatever in the working of these provisions, including summary sale; in fact, I can cite the case of one large estate in Noakholly, where a system of letting to small talukdars, whose rents are realizable by summary sale, has long been in force. The Paikpara Rajahs own very considerable estates in Noakholly, which consist almost entirely of small taluks, saleable under Regulation VIII. These taluks are not extensive, but resemble the intermediate tenures which the present law seeks to deal with. Every year, on kist day, a long list of taluks in arrear is handed in to the Collectors, but, as a rule, before sale day the arrears are paid up, holdings being but rarely actually brought to the hammer; the rent is realised punctually and without trouble, and the under-tenants are not harassed. I would be glad to see a public register of all tenures in every estate in Bengal, the arrears due from which could be realized with like punctuality and ease. The introduction of this measure will be a great boon to the proprietors of permanently settled estates in my division.

26. *Izarahs.*—Before leaving the subject of tenures, I would take the opportunity of making some remarks regarding a point which has not been noticed either in the Bill or in the Government letter—I allude to the enhancement of rent by temporary farmers. Under the definition contained in section 5, an izaradar or farmer is a tenure-holder, and in discussing the rights and privileges of that class, I would wish that some limit had been

placed on their power to harass and oppress the ryots. The custom of granting izarahs is a most vicious one, and injurious to the interests of zemindar and ryot alike; to the latter it brings rack-renting of a peculiarly searching description; to the former it brings a temporary increase of rent at the cost of future difficulty with the tenantry. The custom I am thankful to say, is not known in Chittagong or Noakholly; at least it was only introduced for a time in the latter district on the estates of the Maharajah of Tipperah, but the izaradars' houses and cutcheries were burnt, and the attempt was abandoned. The custom prevails in Tipperah, however, though all honest and intelligent opinion condemns the practice. The zemindar lets part of his estate, two or three villages, to an izaradar, sometimes putting up the izarah to the highest bidder; the izarah is generally only for three or four years, and is taken in most cases by some local man who is acquainted with the means of the individual ryot, and who measures his demand accordingly. It will be understood that under the izaradars rents are very much enhanced, and such is their local influence, that the ryots will continue to be harassed under them, the law notwithstanding. I consider, therefore, that some restriction should by law be placed on their power to enhance. In this proposal I have the support of all the intelligent natives in the district: the enhancement by these temporary and grasping farmers, eager only for their own gain, has been a source of great hardship to the ryots, and it would be in every way desirable to discourage this form of sub-letting. I would suggest the propriety of absolutely forbidding enhancement by the holder of a temporary farm.

CHAPTER IV.

27. *Section 25.*—In view of the prevalence of yearly holdings in this division, which do not convey, and never have been held to convey, occupancy rights, it will be necessary to make some alteration in this section: the following addition may be made to 25 (1):—"This right shall not extend to land held under temporary engagements, subject to yearly or short periodical modification, unless there has been 12 years' continuous possession under such temporary engagements." Again, in section 26 a further clause may be added 8 (8):—"The entire provisions of this section are subject to the reservation contained in the latter part of clause 1, section 25."

28. Doubts have been entertained as to the expediency of allowing to a settled ryot right of occupancy in an estate, and it has been pointed out that this presumption will be hard on the owners of large estates. If the proposal made by me in a previous part of this report be accepted, and if every ryot who sub-lets is compelled to take his place as a tenure-holder, I do not understand how the provisions of the Bill can work any injury.

In order to maintain his position, and enjoy the privileges of a ryot under the Act, a villager must have land near his home: he cannot take up land in different parts, even of a small estate, without sub-letting, and thus forfeiting his occupancy right. The fear entertained, I fancy, is that one man will acquire ryotti holdings all over the estates of, say, the Rajah of Burdwan, and being a settled ryot of a village in Burdwan may, as such, acquire occupancy rights in land situated in Dacca. But this, if the rule suggested be enforced, he cannot do; for he certainly can only cultivate in one locality, and can only be entitled therefore to be considered a ryot in one locality, guarded by the provisions of section 37 and compulsory registry with its attendant disadvantages. I apprehend no injury to the owners of large estates from the working of these provisions. It is rather the small proprietor who will suffer. Holding land in a village for a period of 12 years makes a villager a settled ryot, and confers a right of occupancy; there may be twenty separate taluks in a village, in Chittagong there are often a great many more. As the proposed law now stands, the settled ryot may take up land in a dozen taluks, and in each claim at once right of occupancy; for all the lands may lie within easy distance from his dwelling-house, and he may hold them all as a ryot under the Act. On consideration it will, I think, be found that the smaller proprietors, and not the larger, are the ones who have cause to object to sections 25 and 26. This objection on the part of petty tenure-holders applies with force in Chittagong, where such holdings are legion, and in a less degree to Noakholly, the only remedy seems to be a proviso that a ryot acquiring occupancy rights under one tenure within an estate cannot carry those rights with him, as it were, in respect of land taken in another tenure, even though both are situate within the same village.

29. *Section 30* will also require some alteration. After the words "year to year" insert "nor in lands held under temporary engagements." It will be observed that, while I seek to exclude more temporary holders from the enjoyment of occupancy rights, and the position of settled ryot, I yet desire to favour the settlement of such migratory and shifting cultivators. If a person holds the same land even under temporary engagements for a period of 12 years, we may safely presume that he wishes to settle.

30. *Section 31*, clause (*f*) will require some slight alteration. I do not agree to the proposals set forth in the next chapter, and consider that, where the custom of allowing transfer of occupancy rights is in existence, the exercise of the right should not be hampered with conditions; the recognition of the right, however, may be confined to those places where it is now allowed to be exercised.

CHAPTER V.

31. *Restriction on transfer.*—These provisions I would gladly see eliminated from the Bill, as I see no occasion for restricting the transfer of ryotti holdings. This right most certainly increases the value of the holding, and the more we succeed in effecting that, the more do we better the condition of the ryot, and the better security do we give the landlord for the realization of his rent. This view has been in fact accepted by the proprietors in Eastern Bengal, and the custom of acquiescing in the transfer of occupancy rights has gradually sprung up. It may be a question whether the custom is now so prevalent everywhere as to call for general legal recognition, and it may be necessary to restrict the operation of such legal sanction to certain localities; but there is certainly no reason whatever why restrictions on the exercise of the privilege should be deliberately imposed where the right has been exercised without objection. If it be deemed inadvisable yet to accord general sanction to a practice which is not yet common to the whole country, then better far to leave the question alone altogether than to hamper the movement with vexatious restrictions that may impede its progress.

The time cannot be far distant when the right of transfer will come to be universally, and not merely locally, recognized. Let us in the mean time take care that we do not, by indiscreet interference, hinder the progress of its development.

32. *Restriction of sub-letting.*—These provisions, taken in conjunction with those regarding tenures, constitute a most prominent feature in the present Bill, and though they may appear to be novel, and do indeed indicate a great advance in our legislation on this subject, they are, as I have said, really only the development of principles which underlie our system of landed tenure, and which have been all along acknowledged; the position therefore taken in the Bill only indicates our having taken a step forward in sympathy with the progress made by the agricultural community, and does not indicate an entirely new departure.

33. That the proposed rules regarding sub-letting will have the effect of discouraging the acquisition of occupancy holdings by mahajans, I am very confident. As a rule, no mere money-lender will cultivate himself; if he buys an occupancy holding, he must sub-let, and then he becomes a tenure-holder, with power only as such over his ryots. In the case of ryots who lend money, the same remark applies; a substantial ryot who is well enough off to lend to his neighbours, has probably already as much land as he can keep in cultivation; and if he purchase, it must be with the intention of sub-letting the holding, in which case he, like the mahajan, becomes a tenure-holder, his tenants being protected as ryots. Practically the cultivating classes are too well off in this division for there to be any fear of occupancy holdings falling into the hands of mahajans.

34. *Section 37* requires some alteration. Sub-letting to the temporary cultivators, I have described in a previous paragraph, cannot be regarded as such, getting rid of the risk and trouble of cultivation, as to warrant the ryot being regarded as a tenure-holder. I would also desire more distinctly to affirm the principle that the onus of causing prompt registration lies on the person who creates incumbrances. The section should run thus:—"If an occupancy ryot gets rid of the risk and responsibility of maintaining cultivation by sub-letting to other than temporary or yearly cultivators more than half the culturable area of his holding, he shall be deemed to have become a tenure-holder, and shall be bound to register himself as such in a public register, under any Act which may be passed for registration of tenure-holders."

35. I have altered the words "half his holding" to "half the culturable area of his holding," in order to provide for the case of holdings which contain a considerable quantity of waste; such holdings, I may add, are common enough in this division. A taluk in Chittagong may contain a quantity of hill which cannot be cultivated; a chur howlah or nim-howlah in Noakholly may contain a quantity of land as yet unfit for cultivation; in such cases, the person originally let in as a ryot might sub-let most of his culturable area, and yet claim to be treated as a ryot, on the ground of not having sub-let half of the entire holding, though to all intents and purposes he may have become a tenure-holder by sub-letting half of the culturable area. The difficulty of fixing the extent of sub-letting which shall convert a ryotti holding into a tenure, is no doubt serious; but I consider that the conclusion arrived at by the Select Committee is a fair one under the circumstances: experience alone will show whether the sub-letting of half the holding does or does not practically effect the purpose for which the restriction is laid down.

36. *Section 37, clause (a).*—As far as my own experience goes, there seems to be no good reason for the insertion of this provision. Sex is no bar to proper management of a ryotti holding in this country; a woman is rarely, if ever, left absolutely alone, and even if a woman finds it necessary to sub-let, I see no objection to her being obliged to assume her proper position as a tenure-holder; there is no reason why her under ryots should remain unprotected, because a woman is incapable of undertaking cultivation and has (an improbable contingency) no relation who will undertake for her. So as regards the other disabilities mentioned in the clause, I see no reason why the under-ryots in such cases should be left unprotected.

37. *Clause* (*b*) also I would omit as opposed to the principle underlying the entire measure, *viz.*, that a person who escapes the risk and responsibility of cultivation by sub-letting ceases to be a ryot, and ceases to enjoy the privileges of a ryot. I am clearly of opinion that the holding of a person who becomes a tenure-holder under section 37 must be considered to have become subject to sale for arrears, enhancement, &c., the same as other tenures. It would, I am sure, create much confusion if we attempt to treat sub-letting ryots in this half-and-half way. We have declared, and declared rightly, that the person who undertakes to maintain cultivation is the one entitled to the privileges of a ryot, and that the person who escapes from this responsibility must be relegated to another class with other rights and privileges. Why should not the rule be rigidly applied? It is a very simple one, and perfectly easy of application. If a ryot sub-lets, let him be treated as a tenure-holder; let him continue to pay the same rent he paid as a ryot, which will be considered to be a fair and equitable rent, and subject only to enhancement as provided in section 7; while even if he retains part of the holding in his own possession, clause (*d*), sub-section 3, section 7, meets the case. Mr. Cotton has very graphically described the confusion likely to arise from the proposed method of dealing with converted tenures, and indeed there is some foundation for his objections; but the difficulty, it seems to me, vanishes if we proceed on the lines I have suggested, and apply to these holdings the principle of the Bill in all its integrity; only in this way can we avoid the confusion which Mr. Cotton anticipates. I am entirely in favour of the proposal regarding converted tenures, but I am assured that the measure will not work if applied in the half-and-half manner proposed.

38. *Section 38.*—This section also I would omit as likely to lead to much confusion. Throughout Chittagong, and to a great extent in Noakholly, it has become customary for persons originally let in as ryots for purposes of cultivation to sub-let permanently, and sub-lessees again to sub-let permanently to under-tenants. A talukdar in Chittagong, a howladar in Noakholly, is often originally let in for the purpose of cultivation: in one case he grants itmams, and in the other nim-howlahs, which are practically permanent leases; the rate, at any rate, is generally fixed, the total rent being increased only by assessment on increased cultivation. The itmamdars and nim-howladars again sometimes grant sub-leases on much the same terms as their own. It will therefore be evident that to introduce a law fixing seven years as the limit beyond which sub-leases are not to run will be a most disastrous step. It seems to me further that the custom which has grown up here is a true development of the principles which form the basis of the system of landed tenure in Bengal, *viz.*, that when the original ryot seeks to escape the responsibility of maintaining cultivation, he shall fix the rate at which his under-ryot is to pay him rent; and so on in all the successive grades.

39. One thing, however, must be guarded against, and that is the possibility of a ryot granting sub-leases to relatives and friends at low rates, and allowing his ryoti holding to go to sale, while he reaps the benefit, *benami*, of sub-leases at absurdly low rates. The limit of seven years here prescribed must certainly be eliminated as far as this division is concerned, and in its place some provision made to guard against such fraudulent disposition of property as I have alluded to.

40. *Enhancement of rent.*—The enhancement of rent is not a question which has much exercised the minds of the agricultural community in Chittagong and Noakholly, and though it has attained some prominence in Tipperah, certainly it has not caused the friction and disturbance which is to be found elsewhere. Rents are now no doubt higher than they were 20 years ago, but the enhancement, at least in Chittagong and Noakholly, has been the result of amicable arrangement, and has followed natural laws, one great reason for the absence of any popular excitement in this direction being that a competitive rent is unknown, the existence of culturable waste maintaining that check on rates which it did in olden days before the pergunnah *nirikhs* became things of the past. In many other districts the demand for ryots is great, and this the landlords have taken advantage of to push the letting rates to an extravagant extent, and the question which now demands attention is, shall this state of things continue, or shall the demand on the ryots be subject to some limit by law? It appears to me that the question can have only one answer, that in the interest of the ryot it is necessary that some check should be placed on the enhancement of rates, and that rack-renting should be discouraged.

41. There are some who think that to place any restriction on the letting of land is an infringement of the permanent settlement, but the argument is not a sound one. At the time of the Permanent Settlement, the zemindar was permitted to make his own profit out of extended cultivation; he need no longer be afraid that increase of cultivation will result in increased assessment for himself; but none the less in settling the waste included in his estate was he bound by certain customary rates which he could not, and dare not, overstep. It is true he was restrained by no legal obligation, but nevertheless he certainly was bound by obligation quite as powerful, *viz.*, custom and his own interests. Such a thing as a competition rate was not contemplated, and now that increase of population has caused a change, which renders the old unwritten law inoperative, there is no reason whatever why the old check should not be maintained by legal enactment, the power to make which was specially reserved at the time of the Decennial Settlement. It is true that the point has not been reached in

Chittagong and Noakholly, at which legal interference appears to be called for; the natural check I have alluded to is still in operation, under the action of which a system of land tenure has sprung into existence, admitting of development without any strain on the relations between landlord and tenant, and which has produced a class of peasantry pre-eminent in Bengal for intelligence, independence and prosperity. This is true; but none the less do I advocate the enactment of rules and regulations in this direction, for the time must soon come when their application will become necessary, and it is better to be prepared with a remedy for an evil before it actually happens, than to wait till the strained relation between landlord and tenant force themselves on our notice and demand a remedy.

42. As regards the restrictions on enhancement, they should have reference not to the total rent payable, but to the rate at which rent is payable. This is a remark which is applicable to the Bill throughout, and I would be glad to see an alteration made in this particular. The old custom was to regulate the *nirikh* or the rate of rent, and though we may not be able to re-establish the old customary rate, our efforts should be directed to regulating not so much the total rent as the rate on which indeed the total rent depends. In many places in the Bill, which I need not more particularly specify, it would be well to substitute "rate of rent" for "rent."

43. As to the grounds of enhancement, I am doubtful as to retaining the prevailing rate. Such a thing as a prevailing rate is certainly recognised in parts of this division; the Chowailia *nirikh* is a household word in Chittagong, and the prevailing rate is perfectly well known in both Chittagong and Noakholly; but this refers rather to the customary rates paid by itmamdars, howladars, and the like, *i.e.*, rather to rates paid for tenures than for ryoti holdings. As regards rates paid by persons who will under the provisions of this law be treated as ryots, they are very variable; and though they do very often approximate to some given standard, do not afford a very safe guide in fixing fair rents, especially in those parts of the country where enhancement has been general.

44. My experience of the Tipperah settlements has led me entirely to distrust the prevailing rate as a ground of enhancement. When that district came into this division, I found settlement proceedings supported by rate reports, showing that the rates adopted were not in excess of those prevailing in the neighbourhood, and yet the ryots I found opposed to the settlements, and the rents unrealisable under them; it was not till I had personally made enquiry that I discovered the reason, *viz.*, that the prevailing rate was not the realized rate, that it was in fact a fictitious one, which the zemindar realizes if he can. By means of sub-letting to izaradars, the zemindars have, during a period of considerable agricultural prosperity, run up the rates, and now that a period of depression has set in, these rates are more than the ryots can or will pay; the zemindar realizes less, accumulates a large *bakyabaki*, but keeps up the rate hoping to get the full amount of prospects improve. Mr. Reynolds has given other reasons for distrusting the prevailing rate as a ground of enhancement, and I see Mr. Cotton also is opposed to it.

45. Rise in the price of produce is a most legitimate ground for enhancement: but in calculating such increase, the cost of production must not be lost sight of, and that we know has increased very much of late years; the cost of keeping cattle, the expenses of living, and of hired labour have all increased, and these items must be taken as a set-off against improvement in the selling price of produce. In Chittagong I have often been told that it is difficult to make profit on cultivation with "gaboors" (hired cultivators), three for the rupee with their food, *i.e.*, when a hired hand is paid 5 annas per day, with his food found him. No doubt the theory of a fair and equitable rent includes a consideration of cost of production, but that it does form part of the cultivation should be distinctly stated, and not left to the discretion of the court.

The rise in the price of staple food-crops is a most legitimate and admitted ground for enhancement; but there is no reason why the staple food-crops alone should be considered. Jute is in Tipperah certainly a crop that should not be omitted. Increase in the productive powers of the land, due to landlords' improvements, is also a legitimate ground for enhancement, due provision being made for the proper registry of such improvements as I have noticed later on.

46. Enhancement under clause (*a*) of section 43 I strongly object to: it is but seldom that the action of a river benefits a holding; the benefit too (if any) is caused by a natural process quite independent of the landlord, and is as much a ground for enhancement as a favourable rainy season; it is moreover extremely difficult to decide whether benefit has resulted from fluvial action, and to what extent. This ground for enhancement can only give rise to petty and profitless litigation, and may well be omitted.

47. As to the extent of enhancement, I am strongly of opinion that the rate of enhancement in and out of court should be equalized; resort to the courts should not be encouraged; and as a landlord should not be able to get more than a fair rate in court, he should be afforded every facility for arranging a fair rent out of it. I consider the provisions of section 41 very fair and reasonable, and would apply the limits therein laid down to all cases alike. During the past eight years I have been much engaged in supervising settlement work in various parts of this division, and after much enquiry and discussion, the conclusion I have

come to is that, as a general rule, it is not safe to demand an increase of more than 25 per cent. on the old rate of rent. I would apply the provisions and limitations of section 41 to enhancement of rent under any head; in other words, the landlord in or out of court should not be entitled to claim at one time a rise in the rate of rent of more than 25 per cent., and if the enhancement is more than two annas in the rupee, there should be no further enhancement as regards that particular holding for a period of at least fifteen years; if the arrangement be made out of court, the contract must be registered. A simple rule of this nature will be better understood, and will work better, than the adoption of different rates under different heads of enhancement with varying conditions for contracts made in and out of court. It is true that contracts have been entered into by the ryots which are manifestly unjust, but the safeguard of registration and ascertainment by the registering officer that the ryot understands the contract will, I anticipate, prove a sufficient protection. As to any abuse of the power of enhancement, I have nothing to say: rents have indeed been raised, but the rise has not been exorbitant and has caused no great friction or popular excitement.

48. *Price-list.*—Holding as I do that rise in the price of produce is the most legitimate ground for enhancement, it will be understood that I attached great importance to the preparation of price-lists, which will enable the court to judge the fairness of any claim that may come up for decision. The staple food-crop of this division is no doubt rice, though a little gram and other pulses are grown to a limited extent, and a table showing the prices current for rice during the last fifteen years there need be no difficulty whatever in preparing. The prices current supplied to Government are in existence, and can form the groundwork for calculation; they indeed show the retail price only, but the entries can be checked by referring to large traders' books. The Collector of Noakholly has prepared such a table for his district without any difficulty, and the same could be done, if necessary, for Chittagong and Tipperah. I consider that important staple crops like jute cannot be left out of consideration; but I believe it would be easy enough to ascertain the current prices paid for this produce during the few years it has been a staple in the district of Tipperah, the only district in the division where it is grown to any extent.

CHAPTER VI.

49. I dissent from the opinion that a non-occupancy ryot must pay whatever rack-rent the landlord chooses to demand; on the contrary, I hold that the landlord is bound to let him in at a fair and equitable rate of rent. There are some who hold that any interference between the landlord and his non-occupancy ryot, any interference with the rates at which the former leases unoccupied land, is an infringement of the principles of the Decennial Settlement when the waste lands were, it is said, made over to the zemindar to dispose of as seemed best to him, and that the right of Government to interfere was only reserved in favour of occupant ryots. In this popular belief I do not concur, as I conceive that the waste lands were not made over to the zemindars to be disposed of as they thought fit, in the sense that the proprietors were entitled to demand a rack-rent from the occupiers. At the time of the Decennial Settlement, there was everywhere an established rate or *nirikh* by which the letting of land was governed, and which the zemindars of the time could not overstep, because, if they did, they could not have obtained tenants. Everywhere in Bengal there was then a large amount of waste fit for cultivation; there was therefore a demand for ryots, and not by ryots for land, and this circumstance exercised and unwritten, but none the less most potent, check on rack-renting. It is an error therefore to suppose that the zemindars were able, in the sense that is now understood, to dispose of the waste as they pleased; they were in fact able to lease only under certain conditions, and there was a most powerful check on their demanding anything but a fair rent. Hence it is that no distinction was ever made in the initial rate between occupancy and non-occupancy ryots, and in fact up to date, in this division at least, no such difference has ever been recognized.

50. The existence in this division of culturable waste waiting for ryots no doubt accounts for this, but even in other districts I suspect, where there is no waste, the custom of letting in occupancy and non-occupancy ryots alike at the same rate is not unknown. Be that as it may, I am quite sure that, if any limit in this direction be imposed, it cannot be justly pleaded that this is the first time the right of the zemindar to demand what rent he pleased from an in-coming non-occupancy ryot has ever been called in question.

The check that used to be exercised is now inoperative, but that seems to me no reason for declining to interfere, and imposing some limits on a demand that may become oppressive. Rack-renting is foreign to the whole system of the proprietorship of land in Bengal; the ryot has always been considered entitled to hold land at fair and reasonable rates, and there is no good reason why that rule should now be departed from. I consider that the non-occupancy ryot cannot be in strict justice called on to pay more than any other; but as a concession to popular prejudice, I am willing to allow that he may be assessed at a rate not exceeding 10 per cent. above that paid by occupancy ryots in the neighbourhood.

51. *Section 38, clause ("c").*—I also object to the power here given to evict simply on the ground that the term of the lease has expired. As I have said, the ryot in possession

is entitled to retain possession as long as he pays a fair rent: the idea of a ryot being liable to eviction at the conclusion of a certain period, however willing he may be to pay a reasonable rent, is one quite foreign to the country and the custom of the people. Under the Mahomedans, the ryot was entitled to possession subject to the payment of rent at a certain known rate, and so long as he paid that rent, he was not subject to eviction. At the time of the Permanent Settlement, the State made over to the zemindar only such power over the ryot as it possessed itself; and hence up to date occupancy and non-occupancy rates have always been the same, while it has never been contended that a ryot is liable to dispossession as long as he is willing to pay a fair rent. I cannot, I confess, understand the necessity for departing from those rules now: and though in concession to more advanced views, I am willing to admit a rate for non-occupancy ryots a little above that payable by occupancy tenants, I cannot admit that the landlord has any right to evict a ryot as long as he agrees to pay a fair rent. I would exclude clause (c) altogether: if the ryot will not agree to what the court considers an equitable rent, then, and not till then, may he be evicted from his holding.

CHAPTER VII.

52. *Section 63.*—This section cannot stand as it is. An under-ryot is as much entitled to exemption from eviction as a ryot, so long as he pays a fair rent. The principle of right to possession on payment of a fair rent is one that permeates the entire agricultural system down to the lowest link in the chain, and should be consistently maintained. We cannot say to the landlord you shall not rack-rent or needlessly evict your ryot, and yet allow the ryot to exercise such powers over his under-ryots without check.

In Government letter.

CHAPTER VIII.

53. *Section 64.*—The 20 years' presumption may be abandoned. During the last 25 years the right to hold at fixed rates has been in most cases enquired into, and it would now suffice to call on all who have such a claim to register themselves once for all. This may lead to some present litigation, but the matter would be settled finally. To this arrangement the zemindar could have no objection.

54. There will probably be a very considerable increase in the number of deposits if this Bill becomes law, more especially under section 73, clause (c). In almost every estate there are sharers, and often a great many, while the custom of giving joint receipts is quite unknown; it will be found therefore, certainly at first, impossible for the tenants to obtain joint receipts, and in consequence we may expect a very large number of deposits under this clause. The co-sharers often live very far apart, two or three it may be in the district, another in Dacca, and another in Nuddea, the cost of service of notice therefore under section 75, clause 2, will be considerable, which the eight-anna fee prescribed in section 73, sub-section 2, will not cover. No provision has been made for recovering all or any part of this amount from the landlords. Is it intended that the service shall be practically gratuitous? I think not. The tenant is obliged to go to the court to deposit, only because of the negligence of his landlord or landlords, and there is no reason why the latter should not pay at least some of the expense which has been incurred on account of their own neglect. At present under the law there is no charge, but notices are in consequence served after a great deal of delay. A notice of deposit is now sent only when a civil court peon happens to be going to that particular locality on other business.

CHAPTER IX.

55. Some of the provisions of this chapter afford an illustration of the difficulty of enacting a law that shall be applicable to Bengal throughout. The construction of tanks and other works for the storage of water are no doubt improvements in dry districts like those in Behar, but they are not required ordinarily in Eastern Bengal. There are already numberless tanks in Tipperah and Noakholly, while in Chittagong the mania for tank-digging has become quite a nuisance, so large an area of arable land is there in that district which has been rendered useless, simply in order that some villager may hand down his name to posterity in connection with such a work. It is true the definition of an improvement appears to place some limit on the execution of such works, but in reality it will not be difficult to plead that some benefit has resulted, or will result, and an opportunity afforded for legal action, which the ingenious Chittagong ryot will not be slow to take advantage of.

56. I was at first disposed to recommend the exclusion of clause (a), sub-section 2, section 87, as inapplicable to the districts of this division; but as the excavation of places for storage of water is often necessary on newly-formed chur lands, I have abandoned that idea, but at the same time I do not consider that the ryot should be allowed to commence such works at his own will and pleasure. At present a ryot cannot dig a tank without permission of his landlord, and I consider that he should certainly be bound to give notice of his intention, and an opportunity afforded the landlord to dispute the propriety of the work: when once the work has been executed, it will be too late to discover that it is not required, and is no improvement. While, therefore, I would

retain the clause alluded to, I would make it binding on the ryot to give notice of his intention to the landlord.

57. Some such procedure also, seems called for by the provisions of section 89, sub-section 3, which authorizes the Collector to decide a dispute on this point. It seems useless to allow the ryot to execute the work, and then allow its propriety to be called in question afterwards; it would be better to make any such settlement of the matter a preliminary step; so also as regards landlords' improvements, which it is desired shall be registered; notice should be served on the tenant whose interests are thereby affected.

Under nearly every head of sub-section 2, except clause 5, a question may arise on the part of either landlord or tenant as to the fact of the proposed work being an improvement; and I am convinced that it would be wise, and would prevent useless litigation, to provide in every case for due notice being given to the other party concerned. The erection of a suitable dwelling-house is an exception; about that there can be no dispute; and as regards such an improvement, I would not require the service of notice on the landlord; but as regards the improvements under clause (*a*), their utility must generally be so extremely doubtful that the propriety of their execution should be subject to preliminary enquiry. The same remarks apply with regard to drainage works which may benefit a ryot at the expense of other lands belonging to his landlord. The ryots in Eastern Bengal cannot be allowed to enter on such works as I have alluded to without restriction of some sort on their proceedings.

58. *Section 96.*—I do not consider that the provisions of this section will expose the ryots to any danger of having their rights infringed on by their landlords. I refer of course to the ryots in this division, where I am not aware of the occurrence of any such arbitrary acts on the part of the landlords, as those alluded to in the Government letter. The question of enhancement, and the rate of rent for occupancy and non-occupancy ryots, have already been alluded to in a previous part of this letter. I need not therefore again refer to the subject.

59. *Section 97, Sub-division of holding.*—This is a most necessary provision. The custom has grown up of transferring shares in ryoti holdings, but such portions cannot be treated as separate holdings without the consent of the landlord. This is a wholesome restriction, and it is well that it should be made clear that the law, while recognizing transferability, will not recognize the splitting up of a holding into separate shares without the consent of the proprietor.

60. *Measurements.*—I approve generally of the provisions of the Bill under this heading. As regards lakheraj holdings, as a landlord only wishes to ascertain the position of the holding and its aggregate area, while he has no interest in interior details, it will be sufficient if the measurement in such cases extends only to external boundaries. The measurement should certainly be made according to the local standard which all the villagers understand; it is useless to compel a tenant to be present at a measurement, the particulars of which he does not understand and cannot object to. Further, to be of any use practically to either tenant or landlord, the measurement must eventually be reduced to the local standard; it should therefore be made according to it at first, and, if necessary, converted into English measure afterwards. An entry showing how many standard bighas there are in a holding conveys no meaning to a ryot, and is useless to a landlord for all practical purposes.

61. *Managers.*—I approve of the provisions of the Bill. The existence of sharers in estates, and disputes amongst them, is often the cause of much oppression to the ryots and disturbance of the public peace; it should therefore be in the power of the authorities to provide for the maintenance of peace and order by the appointment of managers. The necessity for vesting the authorities with this power has long been acknowledged, and has been exercised since 1812; the present provisions are really only an expansion of the principles of Regulation V of 1812. I fail to see how the appointment of a manager can lead to difficulty and friction: such a step will only be taken when difficulty and friction to a considerable extent have already arisen. There is always of course a fear that a manager may abuse his trust, but the same fear may be expressed regarding a proposal to take an estate under the Court of Wards, and is not one that can be held to outweigh the advantages to be gained by putting an end to the disputes of co-sharers in an important izmali estate.

CHAPTER X.

62. *Record of rights.*—The provisions of this chapter are most important as affording a means whereby a record may be made after authoritative enquiry of the rights in their holdings possessed by the entire agricultural community in Bengal. They are also important as providing a means for allaying that spirit of discontent and combination which is so rife in Eastern Bengal, and which has formed subject for comment in succeeding administration reports.

63. The want of any authoritative record regarding the rights possessed in their holdings by the various classes of the agricultural community in Bengal has long been an acknowledged blot in our administration; but the work of effecting a remedy is truly a gigantic task, and I fear, if attempted on the proposed lines, an impossible one. It is proposed to record not

only the nature of the right possessed by the occupants of holdings, but also the amount of rent payable by them, and the conditions under which it is payable; to prepare a record of this nature regarding even one district will, I apprehend, involve an expenditure of labour, time, and money out of all proportion to the value of the results to be secured by the work when accomplished. It is not quite clear what is intended by the word payable in clause (e). section 111; it may mean the existing rent or the rent which the land is capable of paying. The phrase occurs in the present Settlement Law, Act VIII of 1879, and has there always been understood in the latter sense, including an enhanced rent. I apprehend that here the existing, and not any enhanced, rent, however fair, is intended; but even then I foresee the immense difficulty of making any such record, for the amount of rent is the very essence of the dispute now going on in Eastern Bengal between landlord and tenant, and any attempt to settle that point will lead to a protracted dispute with regard to nearly every entry; so that, if we take in hand the preparation of a record of rights, containing all the particulars noted in section 111, we will in fact have at the same time to make a settlement of rents, and determine what is to be entered as a fair and equitable rent.

64. The task would be easier in Chittagong and Noakholly, where tenure-holders at fixed rates with registered pottahs intervene between the landlord and actual cultivator; but in Tipperah it is quite different; there the complaint of the landlords is general, that the ryot disputes the rate of rent, and I believe the majority of contested cases turn entirely on the question of the amount of rent actually realizable. In every estate the amount of *bakyabaki* (outstanding balance) is large; the zemindars do not collect the amounts shown in their papers, and if they go into court, the ryots plead that the rent shown on the papers is a fictitious and not a real demand. During the last ten years the cultivation of jute, and the occurrence of the Bengal and Madras famines, increased for a time the profits of agriculture which the zemindars sought to share in by raising the rates; being at the time able to meet such enhanced demand, the ryots made no objection, and so enhanced rents appeared on the books by tacit consent. Now that jute sells at Rs. 3 or Rs. 2-8 per maund, instead of Rs. 5, and the price of rice is no longer high, the ryots cannot pay the amounts entered against them, and in consequence the entered rent is not now realized even if it was some years ago.

65. The vicious system of granting farms, to which I have alluded, has enabled the zemindars to frame rent-rolls which show the uttermost farthing that can be got out of a ryot when agricultural prosperity is at its highest point; but it is impossible to maintain that such rents should be entered as payable in any public record.

In many cases the zemindars find that they cannot now let the izarahs at old rates; the izaradars have got what they could in their three or four years leases, and knowing that it would not pay them to renew have declined settlement, leaving the zemindar with a stith which he cannot realize amicably, and which is disputed if he goes into court.

66. I am quite certain that no record of rights on the lines proposed could be made in Tipperah, or anywhere in Eastern Bengal, without the majority of entries under clauses (e), (f), (g), (h), section 111, being keenly contested. It would be possible to make out a record which will show only the status and position of the tenant, though even that would be a task of no mean magnitude; but once we attempt to touch the question of rent, we enter on an enquiry that covers the whole dispute which is at present agitating the agricultural community in Lower Bengal, and putting such a strain on the relations existing between landlord and tenant. It may be necessary to enter on a work of such magnitude for the preservation of the public peace; but I do not consider that anything short of a grave crisis will be held to justify our taking in hand so intricate and delicate an undertaking. If it be thought advisable to retain this portion of the Bill, then I consider that the record of right should contain only the particulars contained in clauses (a), (b), (c), and (d), of section 111, any enquiry into and record of the rent payable contemplated in the other clauses being left to be undertaken when a settlement of rates may seem to be called for. As matters stand now, I do not see how otherwise a record of rights can be effected.

67. *Settlement of rates.*—As regards the rest of the chapter, I approve generally of the provisions of the Bill, and consider that the authority thereby given to interfere in case of need between a landlord and his tenants is a most necessary and useful measure. I would, however, suggest an amendment to section 118, sub-section 3. I do not understand why the revenue officers should be restricted in altering rents to the case of tenure-holders and occupancy ryots; he has to deal with non-occupancy and under-ryots, so far as regards the entry of their names and extent of their holdings; and there is no reason why he should not, if necessary, fix a fair and equitable rent for them also. Subject to the provisions of the Act, I would empower him to fix the rent of any tenant. There are distinct rules laid down for the ascertainment of the rent payable by both under and non-occupancy ryots, and when it becomes needful in the interest of the public or the State to order a settlement of rates, there seems no reason why non-occupancy and under-ryots should be exempted from the operation of this most important provision of the law.

68. It will be necessary to invest the revenue officers with full powers to enforce the attendance of parties and witnesses, to punish non-compliance with orders, to deal with, recusancy in the non-production of papers, accounts or other evidence by infliction of a daily fine or otherwise: in fact he must be invested with all the powers which may be exercised

under Regulation VII of 1822, and other Acts and Regulations relating to settlement of land. These powers should be specially specified in the Bill, as it will not, I imagine, be sufficient to leave this question to be dealt with in the rules to be hereafter issued by the Local Government.

69. *Special Appellate Court.*—I approve of the proposals regarding an appeal to a special Judge; it is most necessary that any orders passed in such cases should be heard at once and dealt with promptly, and that the power of appeal from court to court should be curtailed. There is no proceeding which the native of these parts certainly so delights in as to postpone a settlement by taking his case from court to court. This we have learnt to our cost during the late settlement operations. A ryot will hold aloof from the settlement officer altogether during the proceedings on the spot; he can then ask the Collector for local enquiry, take his case on appeal to the Commissioner and then to the Board; he can then start afresh with a suit before the Munsif, which he can take on appeal to the Judge, and perhaps to the High Court. The shortening of this chain of litigation is a most judicious measure.

70. *Publication of record.*—The final publication of the record should end the proceedings; they should not be open to any further question, except under very exceptional circumstances and on satisfactory evidence that a grave error has been committed. The local enquiry, and local publication of the results of that enquiry, afford ample opportunity to all to ascertain the nature of the entries regarding themselves, and to object if they wish to do so; when the proceedings have been finally closed, therefore, they ought not to be lightly reopened. It is not enough to say that the entries shall be presumed to be correct until the contrary is proved; a tenant will often, if the opportunity be given him, remain quiet to the very last, until after final publication, before he will attempt to prove the contrary.

71. *Settlement of Government estates.*—Further, I am very strongly of opinion that the provisions of this chapter should be made applicable to all settlements and re-settlements of Government estates, and that, when any estate becomes for any reason open to settlement, it must be dealt with in strict accordance with the provisions here laid down, the Collector or Revenue Officer appointed for the purpose making in fact a settlement of rates for the area in question in accordance with the provisions of this Act, and being guided by them in dealing with such questions as enhancement of rates, the imposition of a fair rent, &c. In this matter of settlements, it has been before now objected to me that it is not fair to bind the landlord with rules which the Government are not bound by in making settlement of their own lands, and that the objection is not one that I feel disposed to gainsay. If the rules herein laid down are fair in the case of the landlord, other than Governmen, they cannot be consinered inapplicable in the cases where Government happens to be landlord. Speaking for myself, I can say that I am confident that a Collector duly armed with authority to enforce attendance of witness, &c., could make a most satisfactory settlement or re-settlement by following the procedure laid down in Chapter X, and being bound by the general provisions of the Act. Had this law been in force some years ago, when the settlements in Chittagong and Noakholly were first started and had its provisions and the principles enunciated therein been followed, the confusion would not have arisen which has resulted from attempting to enforce the provisions of Act VIII of 1879, an Act which I am glad to see is to be repealed. There is to my mind no excuse for allowing it to be thrown in our teeth thatt here is one law for the Government and another for the subjects of Government.

CHAPTER XI.

72. *Table of rates.*—I do not consider the retention of this chapter necessary: rates are governed by various causes which are of purely local application, and it would be extremely difficult to fix rates applicable over anything but very limited areas: the work also would not only be difficult, but of very little practical value when done. These provisions would only be useful in determining a question of enhancement on the ground of prevailing rates; but that ground of enhancement I see good reason for suspecting. The provisions of the present chapter therefore appear to be unnecessary.

CHAPTER XII.

73. The provisions regarding the record of proprietors' lands appear to be reasonable. There are, however, no such lands in the district. I need not therefore offer any remarks under this head.

CHAPTER XIII.

74. *Distraint.*—On this subject I need offer no remarks, as I have had no practical experience of the working of this method of realising arrears of rent. The proprietors in this division, certainly in Chittagong and Noakholly, are too much afraid of their ryots to resort to this means of realizing their demands; and if passed, I believe the provisions of the law will continue to be as inoperative as they have ever been. The only suggestion I have to offer is that, as in a suit for rent, so in an application under section 140, the applicant must certify that he has been duly registered, otherwise the application will be rejected as informal.

CHAPTER XIV.

75. *Section 163, clause (b). Judicial procedure.*—The plaint should also contain a statement to the effect that the plaintiff has been duly registered.

Clause (c).—The summons should be ordinarily for final disposal; if it is found, after examination of defendant, that the dispute is one which requires the fixing of issues, the court may subsequently, by written order, postpone the hearing; but as a rule the first hearing should, if possible, be for final disposal.

Clause (e).—The court should be directed to examine the defendant orally, and record briefly what his objections to payment are, and how he can support such objections. It is useless to leave the filing of a written answer to the discretion of the court: such permission will result in the admission of a written answer in nine cases out of ten. An oral examination of the defendant should tend to the speedy despatch of rent cases and simplification of procedure: with the plaint before him, the presiding officer can ascertain in a few words what the ryot's objection is, and how he intends to support it, and can thus confine the real question at issue within reasonable limits. A written answer should be barred except in exceptional circumstances, and the oral examination of the parties face to face insisted on.

76. I do not consider that it would be advisable to allow landlords to bring suits against their ryots collectively; it often does happen now that the court finds that several suits are of the same nature, and in such cases it is customary to try analogous suits together, to be governed by one decision. This may be now made lawful at the discretion of the court, and in such cases a refund of part of the value of stamp, or some similar indulgence, may be allowed.

77. I approve of the provisions of sections 164 and 165. It is right and proper that, when the defendant admits his liability, he should be compelled to deposit the amount admitted to be due. I approve also of the restriction on appeal provided by section 168, and the rules in case of ejectment, section 171.

CHAPTER XV.

78. *Sales for arrears under decree.*—I do not entirely approve of the provisions of this chapter. The proposal is to exempt registered and notified incumbrances from annulment in the event of sale, except in cases where the bid at a sale does not cover the amount of decree and costs, when even a registered and notified incumbrance may be annulled by the auction purchaser. I object to the necessity for notifying registration of incumbrances, and I would make certain registered incumbrances liable to annulment under no circumstances whatever. Registration under the law should be held to be sufficient protection in the case of sub-tenancies. I see little necessity for notice to the landlord in such cases. Service of notice in this country is really no protection whatever, for with witnesses and serving officers alike venal and corrupt, it is seldom possible to know with any certainty that notice has really been served. Registration is a public act, and in the case of sub-tenants I see no object whatever to be gained by notice to the landlord. It is necessary to guard against the creation of *benami* sub-tenancies at fraudulent rates of rent, but otherwise a duly registered sub-tenancy should be protected, and liable to annulment in no case whatever; otherwise there will always be a temptation to suppress notice of a sale by the decree-holder in order that the bid may be so low as to enable him to re-sell and buy in with power to annul. Take the case of a talukdar who has let his land to two or three itmamdars on registered permanent leases at fixed rates of rent. These are sub-tenancies, but do not fall under any of these heads noted in section 176 as protected interests; if the decree-holder, the landlord, can only manage to suppress notice of the sale, he may secure a re-sale, which will enable him to buy in the taluk free of all incumbrances and to sweep away the itmamdars altogether. If my suggestion, made in a previous paragraph, be followed, the law will make registration of tenures of all descriptions compulsory, and also public; and I consider that all such registered tenures ought to be exempt from annulment like protected interests. This is necessary, otherwise the existence of a very large class of sub-tenancies in Chittagong would be endangered.

79. As to other incumbrances, I consider that registration without notification is sufficient, with a proviso as to fraud. Section 175, clause (a), would run thus—"A registered incumbrance within the meaning of this chapter shall not be so annulled except in the case hereinafter mentioned in that behalf, except on proof of fraudulent creation of such incumbrance. The creation of a sub-tenancy, at a rent which was not fair or reasonable at the time of its creation, is a fraud within the meaning of this clause." Again, section 177, clause (f), will have to be altered by the omission of the latter half of the clause.

CHAPTER XVI.

80. *Summary sale.*—As regards section 209, I need only say that I consider the provisions as to summary sale of patni taluks ought to be in some shape extended to all tenures, the registration of which is compulsory under the Act.

CHAPTER XVII.

81. *Section 212* is hardly precise enough, and, as it now stands, may be held to extend the exemption to all leases for the reclamation of waste. It is fair enough to exempt from the

provisions of this Act all lands which are under reclamation, and which for the time being may be held under peculiar conditions; but as soon as land has been reclaimed, there is no reason why the provisions of this law should not apply. Our noabad taluks in Chittagong are in a sense contracts for reclamation of waste, but there is no necessity for excluding them from the operation of the Rent Law.

82. *Section 212, sub-section 1.*—The provisions as regards 12 years' occupancy in chur lands are fair. The word "same" will, however, have to be inserted; it must be occupation of "the same land" which confers the right. As I have noted elsewhere, the same rule may be extended to lands let year by year to fluctuating ryots? if a cultivator continues on the same land for 12 years, it may be assumed that he intends to settle. It is of consequence to encourage the settlement of ryots, and to discourage nomadic and fluctuating cultivators.

83. *Section 214.*—I leave it to others to discuss the conditions of the *uthandi* and *hal hasila* system, both of them mere remains of the old system which still prevails in Chittagong of leasing to unsettled ryots just as the large jotes of Dinagepore and Rungpore are traces of the old system of letting blocks of waste to ryots who undertook to maintain cultivation. Both Dinagepore and Rungpore are districts that have only lately been rescued from jungle, and it is not surprising that traces of the old convenient method of dealing with waste should still survive in them. There is a tendency on the part of the korsha ryots and jotedars, as these fugitive cultivators are called in Chittagong and on the Noakholly churs, to settle, and the custom is growing up in the more settled parts to claim on the one hand, and to allow on the other, an occupancy right after 12 years' occupation. This disposition should be encouraged.

84. *Section 216.*—The question of bastu is not one that has forced itself into notice in this division. In Chittagong ryots mostly hold their bastu on a separate lease, which is generally permanent. In Noakholly and Tipperah bastu is held as part of the holding, and at recognised rates. There has been no attempt on the part of the landlords to unduly enhance the rate of bastu as alluded to in Government letter. In Chittagong and Noakholly ryots are too much in demand for a landlord to be able to afford to frighten them away by excessive demand on account of bastu, and even in Tipperah ryots are not yet so numerous that a proprietor can afford to part with his tenants. As regards this division, therefore, no particular restrictions as regards bastu appear to be required.

85. As a matter of general principle, I think the old rule was the right one, *viz.*, that homestead lands should be free of assessment. That certainly was the old rule under the Mahomedans, for we find in the settlement papers of 1763 an allowance for khanabari made to every talukdar, *i.e.*, to every ryot, to every person who undertook to maintain a certain area in cultivation. The settlement in which we find this allowance granted was a settlement of the whole district of Chittagong, and it was made in 1863, only three years after the district was ceded to the British, when our officers were mere agents of the Mahomedan power, and must have carried out their operations in accordance with a native notion. Even in deeds of sale for arrears and such like, it was long ago customary to exclude the defaulter's khanabari. I have also seen kabulyats given to a purchaser of a permanently settled estate by an in-coming tenant, wherein the khanabari of the former talukdar is excluded from the operation of the lease. In olden days it was of importance to get ryots to settle: it was politic therefore to allow the homestead lands free of assessment: but the spread of cultivation speedily obliterated the custom, to discover traces of which we must refer to the settlement papers of 1760 and 1800, and to the views expressed by the revenue officials a century ago, and once abandoned the custom cannot now be revived. If the power which has gradually accrued to the landlords of assessing bastu is abused, no doubt it may become necessary to devise some restriction on the assessment of this particular rate; but, as I have said, I do not know of any case where the power has been abused.

CHAPTER XIX.

SUPPLEMENTAL.

86. *Section 222.*—The provisions of this section will fall very hard on joint proprietors of small estates, of which there are hundreds in Chittagong. It is right enough to direct that they shall jointly sue in a case of enhancement, but I would relax the rule as far as suits for arrears are concerned: to insist on the enforcement of the rule as it stands would practically be to bar these small proprietors from obtaining access to the courts for recovery of rents It is true that the existence of co-sharers does often result in the ryots having to pay more than is actually due, but any flagrant case of the sort can always be met by the provisions of Chapter IX, sections 1 and 2; while, generally speaking, the relief that will be afforded to the ryots, by being sued by all the sharers jointly, will not be in any way commensurate with the trouble and harassment that will be caused to small proprietors.

87. As regards the question raised in the initial paragraph of the letter from Government of India, the points to which my attention has been particularly directed are 2, 3, 5, and 6.

Point (2).—There are, so far as I can discover, no such taluks in the districts of Tipperah and Noakholly. In Chittagong, of course, they are numerous; in fact the permanently settled

estates in that district are a mere aggregate of taluks that were separately assessed in 1783, and up to the time of the Permanent Settlement held direct from Government. I do not consider that it would be in any way improper to subject them to summary sale for arrears of revenue; they are all really tenure-holders, and, as I have already reported, I am of opinion that all registered tenures should be subject to some form of summary sale. All the old taluks bear very small jummas, and have no excuse whatever for default in payment of rent: the extension of the provisions of the Patni Sale Law to them therefore is just and proper.

Point (3).—I see no necessity for making such summary procedure applicable to the recovery of Road cess and Public Works cess; the present procedure works satisfactorily, and I see no reason for introducing any change.

Point (5).—As I have said, I consider that the principle of the Bill as interpreted by me, and the provisions thereof as altered by me, may be made applicable to all the special tenures to be found in Chattigong and Noakholly, or I may add elsewhere. I have reported on this matter in the body of my report, and need not go over the ground again.

Point (6).—I have recommended the excision of the chapter regarding pre-emption. If it is still considered necessary to retain those provisions, I hope they will not be extended to this division: occupancy rights have there been transferable without hindrance or objection for many years, while howlahs, nim-howlahs, and such like holdings have been transferable from time immemorial. To introduce the chapter regarding pre-emption therefore into this division would be to introduce confusion, and to invite litigation and strife.

88. In conclusion, I may be allowed to express a hope that after this thorough sifting and consideration of the provisions of the proposed law, some definite conclusion will speedily be arrived at, for delay in the disposal of this question is leading to serious difficulties. Everywhere the country is being filled with vague rumours; and distorted accounts of the intention of Government, which exercise the very worst effect on a credulous and ignorant population, are rife. The disposition to resist even just demands is spreading; and I have been credibly informed of a case in which the tenants of an estate, whose rents have not been raised for 15 years, and who have been allowed to enjoy all the profits which the introduction of jute cultivation, and the rise in price of rice have caused to accrue during that period, have lately begun to withhold payment of rent, in obedience to vague rumours that Government has exempted the ryots from all obligation.

No. 271GC, dated Chittagong, the 10th July 1884.

From—H. J. S. Cotton, Esq., Offg. Commissioner of the Chittagong Division,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to your circular No. 3T—R, dated 24th May 1884, I have the honour to submit, for the consideration of Government, a copy of a memorandum I have recorded on the subject of the Tenancy Bill.

2. I have not been able to confer with the Collectors of Noakhally and Tipperah, though I have received reports from them on minor points. Mr. Lowis, who, is about to resume charge of this division at Commillah, will have an opportunity of consulting Mr. Cooke, who is now Collector of Tipperah, and was lately Collector of the Noakhally district. He will then add such further remarks as may seem necessary.

3. Under the circumstances, I have thought it right to submit the present memorandum on my own account, and of that of the Collector of Chittagong, to whom I am indebted for suggestions, and who agrees with me substantially on all points.

Memorandum on the Bengal Tenancy Bill, by Mr. H. J. S. Cotton, Officiating Commissioner of Chittagong.

During my short incumbency of the Commissionership of this Division, I have been busily engaged with the Annual Reports in addition to the ordinary current work, and I have had no time either to consider or report adequately on so large a subject as the Bengal Tenancy Bill. But I do not think I ought to make over charge without recording some remarks on the subject, and I therefore leave the following expression of my opinion on certain points for the consideration of Government. I have had the advantage of conferring with Mr. Samuells, the present Collector of the Chittagong district, and am authorised to say that he concurs generally with my remarks.

PART I.

Remarks relating more particularly to the Chittagong District only.

2. I observe that the Select Committee desire to be informed whether there should be any special saving in the Bill in regard to the special tenures under which land is held in the Chittagong Division, and I find that Mr. Lowis has already reported to Government on this subject in his letter No. 335GC, dated 30th June 1883. I may be permitted to say that I entirely agree with the historical review which Mr. Lowis has there furnished, and with the conclusion at which he arrives.

3. The Talukdars of Chittagong enjoy a title based on original reclamation of the soil. The taluk is the unit of the Chittagong revenue administration: it is still a valuable holding, and its possession still implies a proprietary interest. A taluk is transferable and heritable. A taluk carries with it the right of fixity of tenure, fair rent and free sale. The entire cultivated area of Chittagong is, roughly speaking, divided among the holders of these taluks, most of whom cultivate personally. The account given of this district by the Collector, Mr. Fryer, on the 25th August 1794, the year after the Permanent Settlement, is equally applicable at the present day. He writes:

The talukdari system.

"The minute sub-division of the landed property of this province has given existence to a body of landholders unknown elsewhere. Though nominally mere tenants of a larger estate, they in fact feel themselves confirmed, by custom and series of precedents of the adawlat, as the actual proprietors of the soil of even the smallest portion into which land can be divided. Secure in their possessions, independent of and unconnected with each other, each individual family forms an independent household in the neighbourhood of its little hereditary estate, and supports itself on the surplus produce of its cultivation."

The average size of a taluk is not more than five or six acres; but where the holding is of any size, or where a person owns more than one, a portion only is reserved as *nij-jote*, and the rest is leased to itmamdars or cultivators.

4. An itmam is like the taluk *kaimi*, and carries with it fixity of tenure and of rent. The itmamdar is also generally a cultivator, but he enjoys the same power as the talukdar of granting permanent leases to under-tenants; hence the creation of dar-itmams and kaimi ryoti leases. According to the practice of the district, these permanent holdings are brought by the terms of their leases under the putni procedure, and are saleable for arrears of rent under Regulation VIII of 1819.

5. In the chain of subinfeudation from the original reclaimer downwards there is always a lease which is generally permanent. In Chittagong parlance the lease is granted "*istimarari daimi kaimi purtro putradi.*" The total number of perpetual leases registered in the offices of the Registration Department in the Chittagong district during the past sixteen years is 248,048. The number of leases for a term of one year and upwards (the registration of which is also compulsory) is only 8,095.

Permanent leases.

6. It has repeatedly been pointed out that this wide dissemination of a permanent interest in landed property has evinced itself in the gradual accession of wealth and influence among these small proprietors, and in the marked development of material prosperity throughout the district. There are no large zemindars: in most cases the talukdars cultivate with their own hands: in many cases the zemindars (or turrufdars as they are called) do the same: the agricultural wealth of the district is distributed among the peasantry.

7. In this respect the economic conditions of Chittagong may well be envied by the impoverished populations of Behar and Upper India: they are as unlike those of Behar as the *petite culture* of France is unlike the system of large proprietary holdings and farms in England. The oppression of the tenantry, which appears to be common in Tirhoot, is unknown in Chittagong. The necessity of a law of tenant-right arising from the necessity of dealing with such oppression does not, therefore, exist in Chittagong. The aim of the present Bill, as stated by Government, is "to remedy abuses which unquestionably exist very widely, and whose continued existence is incompatible with the peace and prosperity of these provinces." Such abuses do not exist in Chittagong: in their place peace and prosperity already prevail. There are no complaints* and there is no demand for legislation. The present Bill is believed to be drafted with more immediate reference to the requirements of Behar. But I do not hesitate to say that no Tenancy law can be comprehensive enough to deal with two such entirely different systems as those of Behar and Chittagong, and it is, I fear, inevitable that the introduction of an inapplicable law into a district like Chittagong will result in the disturbance of order, in the misconstruction of local custom, and in the deplorable increase of litigation.

* I exclude from these remarks the Noabad mehal, the property of Government. The recent settlement proceedings have created widespread dissatisfaction and require revision.

8. The occupancy right regarding which the framers of the proposed law are so solicitous—a right based on mere occupation of the land or residence in the village—counts for very little in the Chittagong district. The pivot on which all hinges is the talukdar, and on those who hold from him partaking of his privilege of fixity of tenure and of rent.

9. The jotedars or tenants-at-will, who hold on a fluctuating and unsettled tenure under the talukdar, itmamdar or kaimi ryot, as the case may be, usually cultivate on mere verbal agreements and are not responsible for more than the year's rent, and may cultivate more or less land at pleasure. The amount of rent payable will vary year by year: it is a mere matter of arrangement: they will pay heavily on a good crop, and lightly in a year when they have reaped less, or got lower prices, or have left a larger area uncultivated. This system could not possibly exist in a country where the margin of cultivation had been nearly reached. It is a system which might be open to abuse where estates are large and cover a continuous tract of

The jotedars or tenants-at-will.

territory. But these are not the conditions of Chittagong. Here the zemindars compete for ryots, and the latter are almost masters of the situation. "Here," as Mr. Lowis writes,—

"If a cultivator cannot come to terms for a patch of land under one proprietor, he is certain to find another field within a stone's throw with the owners of which he can settle, and failing that, half a dozen others, equally near, anxious to secure him. Another check on rack-renting, too, is to be found in the vast number of small kaimi permanent properties that exist in the district. There are a vast number of lakhiraj and resumed holdings, minute taluks, small permanent ryoti tenures, the holders of which take up land as jotedars in addition to their own holdings; but these men are not driven to take up further land; they could obtain a subsistence by cultivating their own small patches, and so only engage for the further portions, if they can get them at a rate which they calculate will leave them some profit. If the talukdar is obdurate, land even in a good situation will not to be taken up.

Commissioner to Board, No. 73Ct., dated 8th December 1882, paragraphs 42, &c.

"To quote an instance which came under my own observation. The land under the hill on which my house is situated in the station is owned by a couple of separate talukdars, who hold some seven or eight bighas respectively: we will call them A and B. The land belonging to A was cultivated jotedari last year by a neighbouring kaimi ryot, who took it at Rs. 4 per kanee; this season the cultivator told the talukdar that the rice market was low, and that he could not afford to give more than Rs. 2-8 per kanee. After some discussion and threats of giving up the land, the cultivator finally took it at Rs. 3 per kanee. The cultivator on B's land pleaded in the same way for a reduction on last year's rent, but as the talukdar would not reduce enough, he did not engage. The season began to pass, and finding that no one else would take his land, B offered it to the old cultivator at a reduction on the latter's original offer; but he would not take it even then, saying that the season was far advanced, and the rains did not promise to be favourable. The consequence is that B's holding is lying waste, and he will derive no profit therefrom wherewith to meet the demand from his turrufdar. Under a system which thus checks all disposition to rack-rent, and enables a ryot to take up as much or as little land as suits him, and at rates which are likely to be remunerative, it may well be believed that the ryot does not attach much importance to the right of occupancy as set forth in our laws; or that, unless he can get a permanent lease, which will render him quite independent, he should be indisposed to bind himself definitely to a particular field, for which he will have to pay rent whether he cultivates it or not."

The practice of the cultivators contracting or extending their cultivation, according to convenience, is general in the Chittagong Division, and it will be found to exist everywhere where land is plentiful, and the demand is for ryots to bring the arable waste under cultivation. It is rendered possible by the elasticity of the arrangements with the rent receivers, who are able to recoup themselves by heavy assessments on the richer lands and in the more prosperous years for the remissions which are necessary at other times and places.

11. From the nature of the case, it is unnecessary to make any provision for the protection of such ryots. The status of these jotedars or Noabad chashas is similar to that of the paikast ryots in Bengal at the time of the Permanent Settlement. There are no provisions for the protection of such ryots in the Permanent Settlement Regulations. There was at that time no necessity for such provision. The country was then three parts waste, still slowly recovering from the effects of famine; the demand was on all sides for ryots to bring the land under cultivation; the rates of rent were necessarily low; as soon as the demand of rent was raised above what a ryot was willing to pay, he would migrate to the lands of a neighbouring zemindar, where he would be welcome. But the Government reserved* to itself the power to interfere for the protection of the tenantry, if at any time it became necessary to do so. In due course, with the spread of cultivation and simultaneous increase of population, this time arrived: it was the ryots now who clamoured for land, not the zemindar who sought for ryots, and the zemindars seizing their opportunity, raised the rents and in some cases oppressed their tenantry. The Government then exercised its power and passed the Rent Enactment of 1859, and now further legislation is contemplated in the same direction.

* Clause 1, section 8, Regulation I of 1793.

12. But in Chittagong, and I will add in other parts of this division throughout the new alluvial formations of Noakhally and Tipperah, population is still sparse, land still plentiful, and the demand is still for ryots to bring land under cultivation. Even if land on the spot were not available, the neighbouring district of Arracan is sufficient to supply the people with agricultural employment, and with land also, for the trouble of asking for it. There is no rack-renting in Chittagong, for there is always the probability that if the rent is fixed too high the land may not be taken up; and if not engaged for, the loss would of course fall on the talukdar or howaladar, as the case may be. Mr. Lowis furnishes a remarkable illustration of this state of things in regard to lands in the very station of Chittagong itself.

13. The Chittagong ryots are in short entirely independent of the influence and interference of their zemindars, and cultivate as they please on a yearly tenure. It is not surprising that under such circumstances they do not attach much importance to the right of occupancy as our law defines it. They are naturally indisposed to bind themselves definitely to a particular plot of land for which they will have to pay rent, whether they cultivate it or not. Their real ambition is to get a permanent lease, and then to sub-let this to other ryots for

cultivation; but if they cannot get this, they prefer to make their own terms with their landlord for such lands as they may themselves cultivate.

14. It is impossible, as Mr. Lowis observes, for one who has not had practical experience of this district to understand the way in which land is mixed up in it—a *kaimi* ryot in addition to his own patch cultivating as chasha lands belonging to a neighbouring talukdar; an itmamdar letting his lands which are at a distance from his house, while he cultivates as chasha land belonging to some one else nearer home. Every village comprises as a rule several estates. Many estates consist of lands in thirty or forty villages, a few fields only in each; without changing his residence, therefore, a cultivator could cultivate fresh land every year, and at the end of twelve years acquire occupancy rights in them all. He would therefore incur liabilities which he by no means desires, and which would prove very embarrassing to him in an unfavourable season. At present he is a free agent: he can come and go when he likes: he cultivates such lands as suit him, and it is not to his advantage to surrender the privilege of this independence for the acquisition of an occupancy right.

15. This, however, represents by no means the only complication which is likely to ensue under the proposed Bill. It has already been decided by the authorities that a talukdar who cultivates his own land for twelve years is saddled with occupancy rights in his own taluk. The cases in which these orders were passed relate to talukdars holding directly under Government as zemindar; but the principle laid down will apply equally to all cases, whether the talukdars hold under Government, or under a private proprietor. The facts of a typical case are given below.

16. There is a taluk called Idris Hari in the island of Kutubdia, in which there are 15 joint undivided talukdars, all jointly paying their rent to Government, and within that taluk each of the joint talukdars has possession of certain lands of which he is recorded in the old settlement papers as *dakhalkar*. He either cultivates these specific lands himself, or sub-lets them to under-ryots on his own account; but the profits from these lands are entirely his own, subject only to his joint liability for the rent of the whole taluk to Government. Unfortunately, under these circumstances, the word "occupancy ryot" was introduced into the correspondence. This word and the word "tenure-holder" have lain like the trail of a serpent over all the recent settlement proceedings of this division. These legislative fictions are the source of all our difficulties. They are the result of applying provisions of the law which are applicable to other parts of Bengal to portions of the province where they are wholly inapplicable. A blind adhesion to theoretic symmetry will always lead to practical confusion and disorder: and so it came to pass that in the taluk of which I am speaking, and in all others similarly situated, the talukdars in direct possession of their own lands are now treated as occupancy ryots, subordinate to themselves as holders of the taluk. A fictitious and artificial arrangement has thus been already introduced into the district; but the provisions of the present Bill not only recognize and sanction such an arrangement, but do more than this. If the present Bill is extended to Chittagong, these men, who are junglebooree talukdars, will still be recognized in their taluki capacity as holding a valid title to land in respect of which they are jointly and severally liable to the payment to Government of revenue or rent, in default of which the whole taluk will be liable to be sold; in another capacity, in regard to the specific lands which each man may cultivate, he will be regarded as an occupancy ryot paying rent both to himself and his co-sharers, and subject for that land to all the provisions of the Bill relating to occupancy ryots; in a third capacity he will, in case he sub-lets more than half of these specific lands, become a tenure-holder, holding under himself and his co-sharers, and while still liable to enhancement at the hands of his co-sharers as an occupancy ryot for all of these specific lands, he will in other respects be treated as a tenure-holder even to the liability of summary sale for arrears of rent from his occupancy holding or tenure. It is hard to imagine a more bewildering combination. The provisions of the Bill relating to the "convertible tenure-holder" are too labyrinthine to work successfully in any district; but in Chittagong they would simply not work at all. The definitions of tenure-holder and of ryot in the Tenancy Bill, and in the existing Settlement Act VIII (B.C.) of 1879 which this Bill proposes to repeal, are altogether beside the mark. The truth is that a talukdar is a ryot in so far as he is a cultivator himself; but he is much more than a ryot: he sub-lets land also, and there is no reason why a cultivator or jotedar who holds under a talukdar without a lease should not acquire occupancy rights if it is to his interest to do so. On the other hand, a talukdar is a tenure-holder; but he is much more than a tenure-holder, he collects rents of course if he sub-lets, but he cultivates himself also. He is neither a tenure-holder nor a ryot, but both, and he is more than both, for his status is inherently higher than that of a ryot. It is easy therefore to see that the provisions of a law must be inappropriate which recognise his existence in only one or other of these capacities, or in both of these capacities only in a manner which is too intricate to admit of the separation of the attributes of either.

Bastu lands.

17. The following remarks which it occurs to me to make on the subject of *bastu* lands relate to the Chittagong district only. The old practice was to hold these lands rent-free and according to the old rates of rent paid by the talukdars—one and a half kanees per droon (a proportion of a little more than 10 per cent.) was always allowed rent-free as *khanabari* or homestead. The talukdars, itmamdars, and kaimi ryots of this district still hold their homestead as part of their holding, and pay no special rent on its account.

18. The Noabad talukdars under Government are assisted at an all-round rate on their cultivated lands, and in the settlement of 1848 all homestead lands were included in and assessed at the same rate as the cultivated area. This was the result of the arrangement under which the cultivated area was declared assessable at an all-round maximum rate of Rs. 16 a droon in place of the old rate, which, after allowing for khanabari and other deductions, gave a maximum net assessment on the droon of Rs. 15-5-19-3 sicca rupees.

19. The custom of the jotedar is to obtain a mukurrari lease for their homestead land. It is necessary to raise the homestead above flood level, and to expend some labour on it, and this the jotedars will not undertake without some security. A perpetual lease for such land is freely given. If the jotedar flits to another village, as he frequently does, the landlord is no worse off, and is not worried by claims for compensation and improvement. When homestead is taken on lease with land adjoining, no distinction of rates is made in the lease; but when *bastu* is held separately in perpetuity, it is usual to demand a higher rate of rent.

20. The tenure of *bastu* lands in this district gives rise to no misunderstanding. If, as is generally the case, bastu is included with other agricultural lands, there can be no difficulty; the rent for all the land together is agricultural rent. If homestead lands are held separately, they are separately liable for rent according to the terms of the lease.

PART II.

Remarks on some of the more important provisions of the Bill in regard to their general application.

Restrictions on sale and sub-letting. The convertible tenure-holder.

21. I have already alluded to the provisions in the Bill regarding the "convertible tenure-holder," and said that they appear to me too intricate to work successfully in practice. They afford every outlet for misunderstanding and litigation. The Select Committee admit that the complicated conditions connected by the conversion of a ryot would be intolerable even for a civil court to deal with. They are therefore to be defined by registration. But this question of registration is also one of enormous difficulty, and I cannot conceive of any process by which a ryot, who has sublet half his holding, can be compelled to register. I understand that if he does not register he will still remain a ryot and not be a tenure-holder, and that it is this act of registration which will affect his status like a magic wand. How this is to be done I cannot say; but I am quite sure that, whether registered or unregistered, the convertible holder will be as hard to define in his real capacity as Proteus in the fable.

22. The proposal to create this indefinable combination was put forward in order to achieve the impossible task of checking sub-letting; but it is better to recognise at once that the task is impossible. In any case, I venture to think that the remedy proposed is worse than the disease it would profess to cure.

23. The proposal is also, in my opinion, based on a wrong appreciation of facts. The principal object of the Bengal Government was to discourage the purchase of occupancy holdings by money-lenders or speculators: its avowed intention was to depreciate the value of an occupancy holding in the eyes of these men, and thus deter them from seeking such an investment for their money. It seems to have escaped notice that it is not by purchase (except in the case of a sale by the civil court, that a money-lender acquires the ryot's rights. He lends money or makes advances of grain on the security of the holding, and it is thus gradually and insensibly, and not by an out-and-out purchase, that he gets possession. The ryot must borrow: he depends on advances: he has no other security than his holding to offer, and if he cannot repay his debt, his holding, in a certain number of cases at least, must pass into the hands of the mahajan. And what will be the effect of depreciating the value of the holding in the eyes of the mahajan? Simply, this, that the value of the security being diminished, higher interest will be demanded. The proposal of Government involves the old fallacy by which the usury laws were defended before the time of Bentham. There will be no real gain, *plectentur achivi*, whether the proposal of the Bengal Government passed into law or not.

24. After all, I question whether the evil it is proposed to remedy is so very great. What, I ask, is meant by a mahajan? Is it not the case that in many, if not most, cases the mahajan is also a person directly interested in agriculture? In the prosperous districts of Eastern Bengal, the money-lender is fortunately a rare individual: in Central Bengal and Behar, where he is more common and the peasantry are more indebted, the agricultural population may be divided into two classes—those who borrow money, and those who lend. As soon as a ryot gets free from debt, and his head is above water, does he not immediately set up as a money-lender on his own account? And who is more likely than such a man to buy occupancy rights in his own village as they may fall in for sale? No other ryot indeed would have money for the purchase. But is such a purchaser to be called a ryot or a money-lender? How is he to be shown in the statistics? What value is to be attached to the figures furnished by Government, which showed that, during the year 1881-82, 5,351 occupancy holdings were purchased by mahajans and 21,203 by ryots? How is it that in the two adjoining districts of Nuddea and Jessore the mahajan purchasers are put down at 170 and 121 respectively, and the ryot purchasers at 198 and 808? I answer that the

figures are worthless for any comparison of this kind, and that it is a mere accident whether a purchaser is shown in the returns as a mahajan or as a ryot.

25. I therefore recommend the excision of sections 27 and 38 of the Bill. They will create confusion, they will fail to effect the object for which they were intended, and they are unnecessary.

Enhancement of rent. Grounds of enhancement. The prevailing rate.

26. The question of enhancement is another point on which I desire to make a few remarks: and, first, in regard to the grounds of enhancement. I do not find that the principle which allows rent to be enhanced because the "rate of rent paid by the ryot is below the prevailing rate payable by occupancy ryots for land of a similar description, and with similar advantages in the vicinity," has been adequately discussed. It appears to me, however, that this ground of enhancement probably leads to more injustice and oppression than any other.

27. I have a horror of proposals to level up rates of rent until they assimilate to rents payable for similar lands adjacent. Whenever I find variations of rates of rent in adjoining localities, and even in adjoining holdings, I assume that there is some reason for the difference; and therefore I am glad to see the provision of the present Bill (section 39) which enacts that the rent for the time being payable by an occupancy ryot shall be presumed to be fair and equitable until the contrary is proved. But I do not think that this provision will afford sufficient protection if the prevailing rate in the vicinity is to be taken as the standard up to which rates may be enhanced. Putting all risk of fraud on one side (although I see that Government does not fail to draw attention to the opportunity afforded of furnishing fictitious or collusive rates), I condemn the principle of a prevailing rate on the following grounds:—

28. The system of zemindari accounts in this country is such that, while one set of rates is "payable," another rate is actually paid. The full rate which is entered in the zemindari books may be paid in occasional years, but, as a rule, a zemindar is willing to receive and be satisfied with a rental considerably below the maximum rate. The difference is debited to a *bajat* account, or it is merely shewn as a balance against the ryot, or in some cases it is kept alive by instalment bonds executed by the ryot. But it is well understood by both parties that it is an unreasonable balance, and it is only in those rare cases in which the relation between landlord and tenant are unsatisfactory that any claim based on the unrealised demand is brought into court. The revenue authorities have a very good knowledge of this fact from their experience of wards' estates. Almost every estate is taken charge of with large unreasonable balances, and it is found that even the current demand is not realisable in spite of all the exertions of the managing establishment. Year after year the percentage of collections from wards' estates is less than the current demand. This result is always censured as unsatisfactory, but no other result can be obtained without oppressing and harassing the tenantry. It is no exaggeration to say that a fair and liberal zemindar—and I am thankful to say there are many such—does not collect more than 75 per cent. of his nominal rent-roll on an average of years. I have before me a settlement report from Tipperah, in which the Deputy Collector declares that the average cannot be more than 60 per cent. But the zemindar keeps the prevailing rate on his books in order that he may be able to realise it in times of plenty.

29. Although the prevailing rate in this case may be said to be fictitious, it is not so in reality. It is still legally realizable and is realized when possible. The rent-roll shown in the case returns is based on this rate. In all appreciations of the value of the propertys, whether for mortgage or sale, this rate is taken as the basis. The ryot also knows and admits his liability. I cannot too often repeat that misunderstanding between landlord and tenant in these Provinces is the exception and not the rule. There is no agrarian crisis imminent; there is no such thing as land league organization forcing itself on our notice. The ryot pays the full and established rate without objection when he can afford to do so. There is an elasticity in all these arrangements eminently congenial to the mind of both landlord and tenant. But this is why the standard of a prevailing rate is an especially unfair one for Government to adopt in assessing its own estates. The Government demand is unbending: the method of accounts kept by Government is incapable of elasticity, and the full amount is realised by the most rigorous procedure. This is the principal cause of the failure of settlements in which enhancement is based on this ground, and it is the principal cause also of the unpopularity* of the Government management in Government and wards' estates. But if it is objectionable to allow the standard of a prevailing rate to remain as a measure of enhancement for Government, it is not less so in the case of private individuals; for it will always be open to a harsh and grasping landlord, while obtaining a decree for the prevailing rates, to realise these rates to the uttermost farthing. We may thus find two estates side by side in which the same rates prevail, but in the one the tenantry may be prosperous and contented, and paying their rent to their landlord by mutual agreement, and in the other discontented, bound together to resist all payment of rent whatsoever, and in consequence harassed by perpetual suits in the civil court.

* Notwithstanding the many and valuable immunities which the Government ryots enjoy in other respects.

30. Mr. Reynolds, I see, is also of opinion that the retention of the prevailing rate

as a ground of enhancement is fraught with serious danger and ought to be eliminated. His reasons are different from mine, and I do not discuss them; but I entirely agree with his conclusion.

The ground of rise in prices. Price-lists of staple crops.

31. Coming now to the provision of the Bill which allows enhancement on the ground that there has been a rise in the average prices of staple food-crops in the locality, or at the usual markets, I admit that this is a fair ground for enhancement. But it is a ground likely to be abused, and I cannot agree with the Select Committee in thinking that the ryot is sufficiently protected by "the other restrictions on enhancement, and especially by section 48, which provides that the court shall not in any case decree an enhancement which appears under the circumstances of the case to be unfair or inequitable." This is too important a matter to leave to the discretion of the court.

32. The principle of the Bill appears to be that the standard of rent, as expressed in grain, shall not vary, and that the landlord shall be protected from the loss arising from the diminished purchasing power of silver in relation to grain. For instance, if the rate of rent 30 years ago was one rupee per acre, and the purchasing power of a rupee at that time represented two maunds of paddy, it is held that the landlord should be entitled to receive as much money rent now as will purchase the same amount, *i.e.*, two maunds of paddy. Quinquennial periods are to be taken for stating the average of prices in each case. It is proposed that authoritative price-lists of staple food-crops should be prepared by the Local Government, and that, in deciding an enhancement suit on the ground of an increase in prices, the court should have regard to these lists as indicating a general rise or fall in prices in any local area without any reference to the particular crop grown on the land the rent of which is in dispute. When a general rise has thus been ascertained, it will rest with the tenant to prove any particular causes which may have prevented him from enjoying the full benefit of the rise.

33. The Select Committee restrict standard staples to food-crops on the ground that other staples are grown for export, and are subject to such great fluctuations in prices as to afford no reasonably stable standard of comparison. But this objection applies with as much force to rice and wheat as to any other staple. There is no reason why in the eastern districts jute should not be declared a staple as well as rice. There is no doubt that, as the Government of Bengal surmise, jute and rice are often interchangeable crops, being sown in the same sort of soil. When rice stocks are large, more land is shown with jute; when rice stocks are short, the cultivation of jute is contracted in favour of rice. When rice is cheap, jute is dear, and *vice versâ*. The agricultural records of the years 1882 and 1883 prove this.

34. It seems to me that there is no objection to the determination of rents in accordance with the prices of staples only, and without reference to minor crops. If other crops give higher profits, it will be found, if accurately analysed, that those higher profits are either of a temporary nature, or interest on outlay or wages of extra labour.

35. In regard to price-lists, the Government of Bengal point out that lists showing the prices prevailing at the district head-quarters alone, or the averages of local prices, do not furnish the information as to prices prevailing at harvest time which the Bill contemplates. The price-lists for local markets are required, and it is asked whether such price-lists can be furnished for the last 15 years. In reply to this, I should be disposed to say that from no district in Bengal could a correct list of prices prevailing at local markets at harvest time be furnished. For the districts of this division, I have received reports stating that such lists cannot be supplied. The oldest accounts of the grain-dealers extend over a period of three years only. There is no occasion to preserve accounts, as business is not transacted on credit. The grain merchants, moreover, have no dealings with the ryots, but procure their supplies from itinerant dealers or beparis, whose homes are their boats or some temporary sheds occupied only during the season, and who purchase from the ryots under a system of advances. If the merchants' accounts therefore could be procured, they would not show the value of the crop to the cultivators; and I presume also that even statistics of purchases from ryots under advances, could they be got, would not give results of a satisfactory character.

36. It seems to me, however, that the precise requirements of section 52 of the Bill go considerably beyond what is necessary, and that the principle of the Bill in regard to enhancement on the ground of increase in prices can be complied with, without attempting to accumulate impossible information regarding prices in local markets, or the prices obtained by the cultivator in his village. From the time of the Orissa famine, at all events,* district price-lists have been recorded and regularly submitted to Government. These go back for more than seventeen years and form a very valuable record of the fluctuation of prices during that period. From the time of Sir George Campbell, now more than 12 years ago, sub-divisional price-lists have also been furnished. If these give, as I maintain they do, a sound, stable standard of comparison, they give all that is really wanted. It is unnecessary to fix with minute accuracy the comparative prices in particular localities or seasons, or

* In the volume of "Prices of food-grains throughout India," published by the Financial Department of the Government of India in 1878, price-lists are given for the head-quarters of the principal districts for every week or fortnight from January 1866, and average monthly prices are given for every district of Bengal from 1866 in the volume of "Prices of food-grains, fire-wood, and salt in Bengal" which was published by the Statistical Department of the Government of Bengal in 1879.

to ascertain the exact value paid to a cultivator for a maund of his paddy. All that is required is a general average price-list for a convenient area of country, such as is covered by a sub-division for instance, and having fixed this to institute it as a standard of comparison for all time for all cases within that area. The Government of India appears to entertain a doubt whether the fluctuation of prices recorded at the head-quarters of a district or a sub-division is a true index to the fluctuations which attend prices obtained by the cultivator in his village. There is, however, no reason for doubt. The prices themselves are of course not the same, but it may be accepted as indisputable that the same ratio of proportion always prevails between them. Any minute difference which might be detected on particular enquiry to exist in this ratio is a matter of far too small consequence to enter into the consideration of any court which might be called on to decide a question of enhancement of rent on a comparison of prices at different periods. For this purpose the Government price-lists are sufficient. A general average of the prices prevailing at all seasons of the year in the sub-division is as useful for purposes of comparison with another general average on the same area prepared in the same way for any subsequent year, as the most elaborate and carefully prepared statistics of market prices at harvest time only.

37. The detailed provisions of section 52 of the Bill are therefore, in my opinion, uncessary, and should be modified accordingly.

38. The framers of the Bill appear to assume that the ryot's rent should be liable to enhancement in exact proportion to the rise in prices. The Government of India and the Government of Bengal both suggest that some allowance should be made for the increased cost of production which usually attends a rise in prices. I would go further than this and consider that an allowance should be made not only for the increased cost of production, but also for the increased cost of living itself. It is not only the prices of produce which have increased. The increased cost of production which, in other words, means the increased cost of cattle, of fodder for cattle, and of wages, is the resultant of the increased cost of living which the ryot as well as his landlord experiences in every direction. In some measure this is due to the depreciation in the value of silver, and it is necessary in any legislation for the protection of the landlord from loss on this account to protect also the interest of the tenant. It is impossible to say to what extent the rise of prices in things generally affects the ryot's profits; but it is certain that it does affect them largely, and it would therefore be unjust not to allow the ryots some deduction on this account in calculating their liability to enhancement of rent in consequence of the rise in prices of staple produce. The ryots are entitled to a distinct set-off on this account; and an arbitrary rule on a point of this nature is absolutely necessary for the guidance of the courts. You cannot leave it to the caprice of individuals to decide on what is "fair and equitable" in a matter of this kind. The rate of proportion which should be allowed is certainly open to discussion. For my part I would suggest that in place of allowing enhanced rent to be claimed in the same proportion as the prices of staple produce are shown to have increased, a rule should be laid down that the enhancement of rent should in no case exceed two-thirds of such proportionate increase. But although I make a suggestion of two-thirds, I am not at all sure that it would not be fairer to reduce the maximum proportion to one-half only. At all events, the two-thirds proposal allows a large margin to the landlord, and yet does not ignore the ryots' claims. If the principle of this proposal is accepted, clause (c), section 45 of the present Bill would be modified as follows :—

" (c) Subject as aforesaid, and subject also to section 48, the enhanced rent shall not exceed the previous rent by more than two-thirds of the proportion by which the average prices during the last quinquennial period exceed the average prices during the previous quinquennial period taken for purposes of comparison."

Checks on rack-renting.

39. I entirely agree with the Government of India and the Select Committee that the gross produce test of enhancement has been rightly abandoned. I agree also that, failing this test, the most feasible check on rack-renting is to limit the percentage of increase obtainable at any one time on existing rents, when rent is enhanced either by private agreement or by suit. But the varying limits proposed under this head in the Bill seem to me open to objection. The Bill allows a higher enhancement by a decree in court, than by agreement under a registered contract out of court. I would make both limits the same: there is no doubt that a law which allows a higher increase to be obtained by going into court directly encourages litigation. I see no reason, however, why more than 25 per cent. should be allowed in any case: and when the rent has once been enhanced, I think it ought not to be again raised during a term of 15 years, except on the ground of a landlord's improvement, or of an alteration in the area of the holding.

40. I consider also that all classes of agricultural holdings should be assimilated, so as to provide one and the same period of immunity of enhancement of rent, and that the maximum extent of such enhancements should be established on an uniform basis. For tenures as well as ryots' holdings there should be one law alike. For both I would allow 25 per cent. only as a maximum enhancement, and for both I would fix the term of assessment for at least 15 years. It is desirable to simplify the Bill as much as possible in this and other respects.

The registration of tenures.

41. I come now to the question of registration of tenures and to the provisions of the Bill for the sale of patni tenures and of other tenures which it is proposed to make saleable by the patni

procedure. I have already remarked that the difficulties in the way of compulsory registration of tenures are enormous, and I do not think that they have been fully considered by Government. The proposal is to follow with the due modifications the procedure of Act VII (B.C.) of 1876, which the Government observe* has worked so successfully in regard to proprietary titles. But with all deference, I can by no means agree that the operations under Act VII (B.C.) of 1876 have been altogether successful. Initial registration has been effected. Initial registration will, however, be but a worthless labour and expense if the subsequent devolutions and transfers of property are not registered as they occur. It is admitted that the present law is insufficient to secure this, and additional legislation is contemplated. But it is a question whether any legislation will ae effective which will not be open to even greater objections than those which it is the object of legislation to meet. It has been proposed† to enact "a section providing that no landlord shall be capable of suing for arrears of rent in conrt, or of instituting any other suit under the rent law, unless his own name (if he be the proprietor), or the name of the proprietor from whom he holds the land (if he be the lessee), be registered under the Act." It is obvious, however, that this provision would be inefficacious in a district like Chittagong, where the proprietors are themselves usually cultivators of their own land. And the proposal is open to this palpable objection, that it would preclude a tenure-holder from suing for arrears of rent from his under-tenant if the name of his superior landlord was not recorded in the Collector's register. The imposition of a vicarious penalty of this kind is indefensible by any argument. It has been proposed by one of the Collectors of my division that the penalty to be inflicted on a zemindar for non-registration should be the confiscation of his estate. I mention this only as illustrating the difficulties of the case and the impossibility of finding a suitable remedy. In the present existing form of our revenue administration in Bengal, I can suggest no means of ensuring the efficient registration of the changes of proprietorship in estates. It may be that at some future day there will be a patwari cess in Bengal, and an elaborate organization of paid Government patwaries in every village throughout these provinces, and that by this means the registration of estates, and even of tenures, may be successfully accomplished. But that day is probably remote, and in the meantime no local agency is available, such as exists elsewhere, for giving information to the Collector.

* Paragraph 14 of Government letter No. 972T—R, dated 27th September 1883.

† Government order No. 151T—R, dated 30th April 1884.

42. It is hardly necessary for me to point out that, if such insuperable difficulties exist in giving effect to the registration of transfers in regard to estates, the difficulties are likely to be immeasurably greater when we attempt to enforce registration among the innumerable tenures situated within estates. Statistics on this subject are sadly needed, and, as usual, they are almost impossible to procure. The only approximate information as to the number of tenures in Bengal, of which I am aware, is that which was submitted as an annexture to the Board's last Cess Report,* and this only attempts to give the number of tenures assessed with cess. The total number given is 1,161,764† against 251,336 estates. But this number is enormously under the mark, as will be evident when I point out that the number of tenures in Chittagong is given as only 69,449, while in Backergunge the number is 261,893 and in Noakhally 103,890. In Jessore the number given is only 13,198, although the number of permanent leases which have been granted in that district during the previous 15 years is 273,892. The total number of perpetual leases registered in the office of the Registration Department during the past 15 years is 1,221,417: the total number of leases for one year and upwards during the same period is 1,416,819. The grand total is therefore 2,638,236. I cannot say whether it would be reasonable to assume that this number of tenures, or anything approaching to this number, is still in existence. The figures stand, however, and probably afford a basis of deduction at least as sound as that at present furnished by the Road Cess office. I am justified, at any rate, in calling attention to them, as giving some indication of the immense number of tenures with which any system of registration will have to deal; and it must be remembered that the number of tenure-holders will greatly exceed the number of tenures assessed with cess. A system of registration deals not with tenures only, but with all the shares and interests comprised in every tenure.

* Board to Government, No. 211A, dated 8th March 1884.

† The number of tenure-holders given by Mr. Justice Cunningham in his minute, which was quoted by Mr. Ilbert in Council on the 2nd March 1883, is only 750,000. I do know where these figures were obtained from, probably from some old cess returns; but they are very inaccurate. The statistics of ryots quoted from Mr. Justice Cunningham's minute are also inaccurate. In the first place the figures represent ryots' holdings, not ryots as stated, and in the second place they exclude the figures from all estates (a very large proportion in some districts) which were valued summarily for cess purposes. I point this out, as the figures were referred to as authoritative, which they certainly are not.

43. I have no doubt therefore that any procedure based on Act VII (B.C.) of 1876 for the registration of tenures will prove entirely inadequate for the purpose. I do not believe that it would succeed even in affecting initial registration. It would certainly fail in effecting subsequent registrations of succession and transfer. The expense and labour involved, and the harassment such a procedure occasions to all concerned, would in any case outweigh the value of any registration when completed. For the registration of occupancy holdings, I see* that the "creation of a competent village agency" is con-

* Paragraph 14 of Government of Bengal letter No. 972T—R, dated 27th September 1883.

templated, and "a survey and record of rights which will relieve zemindars of the duty of registration and transfer it to responsible public officers." The elaborate organization which this vista of the future holds out to us is at least as necessary for the efficient registration of tenures as it is of the occupancy holdings of ryots.

44. I reject therefore the registration of tenures as being at present an impracticable scheme. I have already condemned the proposal of the "convertible tenure-holder" which is founded on such registration. The other proposal of the Bill, which is also founded on such registration, is that contained in section 209, which extends the provisions of the patni sale procedure to registered tenures. This will of course be inoperative if registration cannot be effected.

Extension of the patni procedure.

45. But this proposal goes a great deal further than I think it is desirable to go in the extension of the patni procedure. It was proposed in Sir Ashley Eden's Bill to limit the summary sale procedure to patnis, to tenures at the creation of which the right to sell was reserved, and to permanent tenures with a rental of Rs. 50 per annum. The principle of this appears to me to be sound; only I would allow all permanent tenures and ryotti holdings held at a fixed rent to be saleable. The limitation of fifty rupees rental is unnecessary. It would be a great and reasonable boon to extend to landlords the privilege of bringing to summary sale for arrears of rent all tenures and holdings which were acknowledged by the landlord to be permanent and held at a fixed rent. The number of these may be assumed to be a million at the least: for, apart from those recently created by leases, there exist all those which have been held at fixed rates from the time of the permanent settlement and those which rest on the 20 years' statutory presumption. To allow all these to be saleable is to extend a clear principle. The amount of revenue payable by the zemindar to Government is fixed, and his zemindari is liable to sale for the recovery of arrears: it is fair and equitable that a corresponding privilege should be accorded to the zemindar to bring to sale for arrears all his tenures and holdings which are permanent and fixed. But I do not admit his claim to more than this, nor do I see any reason why a tenure, merely because it is registered, should be liable to summary sale.

46. If this proposal is carried into effect, it would tend to encourage the grant of permanent leases and to the increase in the number of holdings with fixity of tenure and rent. There might be a prospect of the peasantry of other districts attaining the prosperity of Jessore, where the number of perpetual leases granted in fifteen years has been 273,892; of Chittagong, where it has been 230,795; and of Backergunge, where it has been 192,514. It would also lead—and this is no small consideration, for it is a want now urgently felt in all districts—to the greater punctuality in the payment of rent on the part of under-tenants.

47. It would, however, involve minor modifications in the present patni sale procedure. It will be impossible for the Collector himself to be auctioneer in all these cases. This duty the Collector ought to be able to delegate to any Deputy Collector or Sub-Divisional Officer subordinate to him. Under the present procedure, it is provided (as in clause 3, section 193 of the Bill) that the notice of sale must be stuck up at the sudder cutchery of the proprietor, and a copy sent to be similarly published at the mofussil cutchery of the proprietor, or at the principal town or village on the land of the defaulter's tenure. This provision would be quite inapplicable to the altered state of things, under which it is evident that there would be many saleable tenures and holdings without any town or village upon them. Nothing short of personal service should be allowed; this might be done either through a peon, or, if more convenient, by registered letter.* Indeed, I think that in any case the law would do well to provide for personal service on the defaulter.

* Regarding the procedure for the service of notices (which might well be made general), see section 96 of the Bengal Cess Act IX of 1880.

Record of rights and settlement of rents.

48. I will conclude this memorandum with a few remarks on the arrangements contemplated by the Bill for the record of rights and the settlement of rents. The provisions of the Bill appear to be carefully considered and sufficient for the purpose, and it does not occur to me to offer any suggestions to make them more complete. They might, it seems to me, be enforced with very great advantage both in the settlement of Government and Wards' estates, and in all cases in which an application is made to enforce them by either landlord or tenant. I think also that they may be applied with excellent effect to all cases "where the preparation of such a record of rights is calculated to settle or avert a serious dispute existing, or likely to arise, between the tenants and the landlords severally." But I am constrained to say that I look with anxiety on the provision of the Bill which allows the Local Government to enforce them "in any case with the previous sanction of the Governor General in Council." The Lieutenant-Governor, I am aware, attaches the highest importance to this provision, because it affords an opportunity "to carry out what has often been contemplated, but never attempted, *viz.*, to record, by authoritative enquiry, the rights in their holdings of the entire agricultural community in Bengal." I write therefore with deference, but I retain my own opinion that this proposal to introduce a survey and record of rights over the whole of Bengal is by no means the panacea which some seem to consider it. I do

Section 117 (3) of the Bill.

Paragraph 28 of Government order No. 3T—R, dated 24th May 1884.

not so much dwell on the difficulties of the measure. This point has been alluded to by the Secretary of State, when he observes * in addressing the Government of India :—"I cannot avoid the apprehension that the difficulties of carrying out these measures in those parts of Bengal in which village accounts and accountants, if they ever existed, have long ago disappeared, even from tradition and remembrance, may prove greater than you anticipated." But I object to the proposal on the very grounds on which it is generally supported. It is well, no doubt, that "an independent agricultural record should exist with which neither zemindar nor zemindari *amla* could tamper." Such a record is very desirable on many grounds, but I see no reason for supposing that it will bring with it a general agricultural settlement, or any material increase of rural prosperity. Such a result has not ensued in those provinces in India in which a survey and record of rights has been accomplished. It is not fair to compare the North-West Provinces with Bengal, as other causes have led to the accumulation of wealth in our more favoured province; but I certainly do not find any evidence to show that the recordal of rights has led to the enrichment of the peasantry of Upper India. And I am sure of this, that in Bengal where, owing partly to the accident of the permanent settlement, it has hitherto been the policy of Government to interfere as little as possible with the people, the attempt to make a survey and record of rights will give rise to great local opposition, and to excessive litigation, by which many persons who are now well off will be impoverished. A survey and record of rights is necessary where disputes exist, where oppression prevails, and where the peasantry are poor and need protection. For this reason the provisions of the Bill in this respect are likely to prove beneficial if they are judiciously enforced. But over most parts of Bengal it cannot be alleged that there are disputes, oppression, or poverty. To introduce a settlement of rents and record of rights in Bengal generally will merely excite disputes and kindle litigation. The normal relation of landlord and tenant in these provinces is one of compromise; it is true that rights are unadjusted, the balance of rent is undetermined, the current demand of rent is not fixed, the area of cultivation is often unknown; it is for the convenience of both parties that the claims of either are not put to the test; and yet it is not the case that the ordinary relations between landlord and tenant are unfriendly. The narrow induction drawn by local officials from occasional disturbances which come to their notice misleads them, and has misled Government into the delusions that general disaffection exists. The one or two cases of disturbance come prominently to notice: the thousands and thousands of instances in which order and contentment prevail pass by unobserved. But the existing state of things which is satisfactory, because it is in accordance with the custom of the country and not objected to by any, will certainly not continue after the appearance of the "revenue officer" in the district. All that was elastic and unsettled will, under the new procedure, be stereotyped and fixed, and both parties will struggle with one another to the utmost in the Civil Courts in order that disputes may be decided which would never have arisen if the Surveyor's rod and Settlement Officer's registers had not galvanised them into life. It is difficult to over-estimate the bitterness of feeling which a survey and record of rights will thus provoke. The evil I think will outweigh any administrative advantages derived from it. I venture also to think that most persons who are competent from their experience and knowledge of these provinces to form an opinion on the subject, will be found to agree with me in this deliberate conclusion that a survey and record of rights, if it is calculated to settle disputes where they already exist, is equally calculated, where they do not, to call them into existence.

* Paragraph 19 of Despatch No. 54, dated 17th August 1882.

Paragraph 108 of Government of India's Despatch No. 6, dated 21st March 1882.

CHITTAGONG, H. J. S. COTTON,
The 10th July 1884. *Officiating Commissioner.*

No. 377G, dated Dacca, the 6th August 1884.

From—N. S. ALEXANDER, Esq., Officiating Commissioner of the Dacca Division,
To—The Secretary to the Government of Bengal, Revenue Department.

In accordance with the instructions given in Government circular No. 3T—R, dated the 24th May last, I called a conference of the Collectors of this division, which was held on 28th and 29th July. There were present—

Mr. Glazier of Mymensingh,
" Wyer of Dacca, and
" Dutt of Backergunge.

Mr. Sharp of Farreedpore did not attend.

CHAPTER I.

2. There does not appear to be any important matter calling for notice in this chapter.

CHAPTER II.

3. It appears clear that the definition of ryot in section 5 (3) does not cover those holding under unregistered lakhirajdars and similar classes of ryots. Similarly in 5 (1) tenureholders under unregistered lakhirajdars are not provided for.

4. Instead of section 5, 4 (5), and section 37, we would suggest that the following be substituted :—

"If the occupancy ryot should sublet any of his holding, the sublessee shall acquire a right of occupancy against the sublessor, his successors in the land so sublet to him, and the superior landlord, in the event of his exercising his right of pre-emption or otherwise becoming possessor of the occupancy ryot's holding." It is expected that such or a similar proviso of the law would act as a deterrent to subletting on an extensive scale, and would also be likely to prevent speculators from purchasing holdings as a speculation with the purpose in fact of raising the rents of the actual cultivators to the highest maximum. The enactment of section 37 as it now stands in the Bill would not then be required. We are of opinion that the provisions of that section (37) are unworkable and would be practically inoperative. It would be extremely difficult in the first place to ascertain what holdings had come within the purview of that section, and it would be extremely difficult to enforce registration without the expenditure of much money and labour. The protection of the actual cultivator, or practically the underryot seems to be by far the most important point to be secured. That this class specially needs protection no party denies. In paragraph 4 of the Government of Bengal's letter it is stated, "from the earliest discussions of the question it has been accepted that if by any definition or legal provision the limitation of the occupancy right to actual cultivators could be secured," most, if not all, of the objections to the proposal (*i.e.* of free sale) would be removed. It is for this reason that the plan set forth in section 37 has been devised, mainly with a view to be a check on money-lenders; but it is not against money-lenders only or even chiefly that the actual cultivator needs protection. The jotedar or occupancy holder in the natural course of things sublets his land and gets ryots under him; and it is an acknowledged fact that small landlords are harder on their ryots than the larger landholders, and any system which aims at rendering more secure the position of the class of ryots who grow up into small landlords, while the lower tenantry are left at the mercy of the law of supply and demand, must tend in the nature of things to foster a class of serfs of the soil.

For section 5 (5) as at present we would suggest the following :—"When the area of a holding exceeds 100 bighas, and the whole or part of it is sublet, the tenant shall be a tenureholder."

CHAPTER III.

5. In section 8 we would suggest that the enhanced rent to be fixed should not exceed 25 per cent. of the rent formerly payable.

6. *Section 10.*—The period should be 15 years instead of 10.

7. Under this chapter we would propose to make the following alterations as regards sections 15, 18, 19, 21, and 22 :—That the registration to be effected should not be through the landlord, but through a public office, such as that of a rural or special sub-registrar, notice of the registration being served on the landlord at the expense of the party registering.

8. In a case which occurred lately in the district of Mymensingh there was an enhancement of the rent of the tenureholder from Rs. 1,326 to Rs. 5,062, merely on the ground that this sum was the aggregate amount paid by the ryots minus 10 per cent. collection charges and 10 per cent. profit. There have on the whole, however, been very few cases of enhancement of rent of tenures in this division of late years.

CHAPTER IV.

8(*a*). We are unanimously of opinion that the present provisions of the law should be maintained. There have, comparatively speaking, been very few enhancement suits in this division. It is not, however, believed that the landlords in this part of the country have experienced any practical difficulty in rebutting the presumption if unjustly pleaded.

CHAPTER V.

9. *Paragraph 7 of the Government letter.*—The definition of village or estate should hold good. We are not aware of any other unit that could be substituted. Neither district, pergunnah, sub-division, nor police-station would do. The estate should be of the same extent that it was 30 years ago. During the past 32 years there have been only 518 partitions out of 24,027 estates in this division.

10. There does not appear to be any reason why the law as laid down in section 29(1) should not stand.

11. *Paragraph 8 of Government letter.*—If the provisions recommended by us in paragraph 3 be accepted, there appears to be no reason to fear any harm resulting from the provisions contained in (*b*), (*f*), and (*g*) of section 31. Similarly in section 32 as regards the right of pre-emption by landlords.

11 (*a*). Allowing that the provisions as to subletting, *vide supra*, are agreed to, there should be no restriction as to the transferability of the holdings.

12. *Section 43. Paragraph 9 of the Government letter.*—There does not appear to be any such thing as a prevailing rate—such as would be practically available for deciding on an enhancement. Sections 43(*a*) and 44 might therefore be struck out of the Bill. There might

perhaps be found to be an average rate such as is spoken of in section 60(*g*), but it is doubtful whether this could be taken as a basis for enhancement.

13. *Paragraph 10 (2) of the Government letter.*—There *does* appear to us to be a well-grounded belief that ryots will not be free agents in making these private contracts. We do not think therefore that enhancements obtained by such private contracts should be allowed to the same extent as the enhancements made by order of a court; in fact that the enhancement should not in any case exceed one-fifth of the gross produce or any lesser proportion to be fixed for any special area by the Local Government.

14. *Dissent to chapter V by Mr. Dutt.*—It has been agreed at the conference that when rents payable by occupancy ryots are enhanced by private contract, they shall not in any case exceed one-fifth of the gross produce of the land or any other smaller proportion that may be fixed by the Local Government for local areas. I would extend this maximum limit of enhancement in all cases, *i.e.*, in cases of enhancement in court as well as out of court.

CHAPTER V.

15. *Paragraphs 10—13 of the Government letter.*—We are unanimously of opinion that the cost of production should be taken into consideration before enhancement be allowed on the ground of a general rise in prices, and that the gross produce at both periods should be taken into consideration in order to determine whether the enhancement be fair and equitable. We do not think there should be any limits to enhancement on the grounds of landlords' improvements, except those provided for in sections 46 and 48 of the Act. With reference to Government letter No. 888T—R of the 22nd ultimo, to the Secretary of the Board of Revenue, we are of opinion that the Court of Wards should be allowed to contract with their tenants as to the payment of increased rent before undertaking improvements. In case of other landlords the same agreement may be allowed if made before the Collector.

16. *Paragraph 11 of the Government letter.*—We think that there should be no difference in the rates of occupancy and non-occupancy ryots as far as regards this division. Those rates are now the same, and section 42 (1) will not lead to special litigation.

17. *Paragraph 12 of the Government letter.*—In all the districts of this division the custom is that when a ryot holds his homestead as a part of his holding, if he is ejected from one he is ejected from the other, but when his homestead is held otherwise than as part of his holding, then as a rule he is allowed to retain possession of his homestead lands on the same conditions as he previously held them.

18. To prevent ryots from being summarily ejected from their homestead we propose to substitute for section 216 the following:—

"When a ryot holds his homestead otherwise than as a part of his holding as a ryot, the homestead being without the limits of any municipality, he shall acquire the right of occupancy in three years, and in case he be ejected before the expiry of that time, he shall be entitled to fair compensation."

19. *Paragraph 13 of the Government letter.*—As far as regards this division, we see no reason for thinking that section 51 (*a*) will not work, and that it will cover all cases. As the custom of paying in kind does not exist in this part of the country, we do not pass any opinion on section 64 (3).

20. *Paragraph 14 of the Government letter.*—As regards prices, the sub-divisional prices current are not the average of the prices current for local markets, but only the prices at the sub-divisional head-quarters, and the district prices current lists are not the average of the sub-divisional prices current; therefore none of the information as to prices required by the Bill can be furnished. From local enquiries made and from our general knowledge we are of opinion that no correct list of the prices of food-grains from the districts of this division for the last 15 years can be constructed. A tolerably correct list for the last five years, and possibly for the last 10, might be prepared for sub-divisional head-quarters only. The following corrections should be made in the statement of staple crops:—

Mymensingh	Rice	80
	Other crops	20
Backergunge	Rice	90
	Other crops	10
Dacca	Rice	75
	Other crops	25
Furreedpore	Rice	75
	Other crops	25

21. *Paragraph 15 of the Government letter.*—It is a fact that jute and rice are sown on the same soil and are interchangeable crops; but jute cannot be taken as a standard since its price is so fluctuating that it is impossible to appeal to it as a standard.

CHAPTER VI.

22. *Paragraph 16 of the Government letter.*—As we have given our opinion that occupancy and non-occupancy ryots should pay the same rates and enhancements by private contract, and should be limited in both cases to one-fifth the gross produce, we need not discuss this further.

23. With regard to the circumstances of this division the provisions of the Bill are calculated to intensify the difficulties in acquiring the rights of occupancy. The only way to overcome the difficulty is to omit section 58 (*c*).

24. We think that in no case should the rent paid by the actual cultivator exceed by 25 per cent. the rent paid by the occupancy ryot.

CHAPTER VIII.

25. *Paragraph 18 of the Government letter.*—In addition to section 86 add that the tenant aforesaid "may bring a complaint before a Magistrate," who, on conviction, may fine the offender Rs. 500, or sentence him in default to six months' simple imprisonment.

CHAPTER IX.

26. *Paragraph 19 of the Government letter.*—We have no suggestion except that in clause 90 (2) for "deliver or cause to be delivered to his landlord a request in writing" should be subtitued "give notice to his landlord." This change is necessary, because in this division the majority of ryots do not know how to read and write, and in Backergunge the majority of tenureholders are equally ignorant.

27. *Paragraph 20 of the Government letter.*—Since we have proposed to allow no difference of rates between occupancy and non-occupancy ryots, section 96 should be left as it stands, as we do not think that its provisions will be calculated to promote the exercise of arbitrary power on the part of the landlords.

28. *Paragraph 21 of the Government letter.*—It will be quite sufficient to allow the measurement of the external boundaries of lakhirajes. At present there is no officially determined local pole. If one is determined the measurement should be made according to the local standard, and then the result converted into standard bighas.

29. *Paragraph 22 of the Government letter.*—We approve of the provisions as to the appointment of managers, provided that when the application is made 102 (*b*) by a co-owner or co-owners the applicant or applicants must possess at least an 8-anna share of the estate.

CHAPTER X.

30. *Paragraph 23 of the Government letter.*—After section 110, clause (2) (*b*), the following clause should be added:—

"Provided that the Collector shall be empowered to attach and manage the estate for such time as may be necessary to settle the dispute."

Such a provision is likely to obviate criminal cases and will also facilitate the proceedings of the revenue officer employed under this chapter.

31. *Section 116, clause (2).*—After the word "shall" should be entered "except in the case of those who have appeared and taken a part in the proceedings," (*e.g.*, as under section 14); the rest of the provisions of chapter X have our entire approval.

CHAPTERS XI AND XII.

32. *Paragraph 24 of the Government letter.*—Having regard to the districts of the division the list given in section 138 (1) seems to be complete.

CHAPTER XIII.

33. *Paragraph 25 of the Government letter.*—As the present Bill provides only for distraint through courts, we think that the provisions of distraint, as prescribed in the Bill, should be retained. A new section should, however, be added after section 158 to the effect that where it is shewn that the application for distraint was made on false grounds, the applicant shall, on conviction before a Magistrate, be liable to fine, which may extend to Rs. 500, or to imprisonment of either description, which may extend to six months, or both. Some such provision as this appears needed to prevent false petitions for distraint made with the object of harassing the tenant.

CHAPTERS XIV AND XV.

34. *Paragraph 26 of the Government letter.*—We have no remarks to offer under these chapters.

CHAPTER XVI.

35. *Paragraph 27 of the Government letter. Section 198 (1).*—Instead of "at any time before the day" should be inserted "at any time at least seven days before the day." Unless some such provision as this is made, it is impossible to dispose of petitions which are often made on the day previous to the sale with the purpose of trying to stay a sale.

CHAPTER XVII.

36. *Paragraph 29 of the Government letter.*—We have no remarks to make on the provisions of section 213 concerning chur and dearah lands.

37. *Section 210.*—We think there ought to be some provision of law limiting the power of contract for the rate of interest on arrears of rent to 12 per cent. per annum (simple interest).

38. *Paragraph 30 of the Government letter.*—Section 227 sufficiently meets the requirements of all the districts in the division.

39. *Paragraph 31 of the Government letter.*—The summary sale procedure cannot be applied to these dependent taluks, the revenue of which was settled direct with Government, though the holders pay it through the zemindar. These taluks are not, strictly speaking, tenures. The talukdars originally had equal rights with the zemindar, and Government has tacitly consented to their agreeing among themselves to pay their revenue through one of their fellow landholders. If the zemindar who formerly paid the revenue objected to do so any longer, the Government would, we are of opinion, be bound to receive the revenue direct.

40. *Paragraph 32 of the Government letter.*—The summary sale procedure should not be applied for the recovery of arrears of road cess and public works cess from rent-free tenure-holders for the reasons stated in paragraph 32 of the Bengal Government letter.

41. *Paragraph 33 of the Government letter.*—There are no utbandi or halhasli tenures in this division.

42. *Paragraph 34 of the Government letter.*—Haolas of all grades are tenures as much as taluks, and no special exemption from the pre-emption clause will be necessary with regard to haolas.

43. The same remark applies to miras, karsha, and kaem karshas.

44. By a custom which is prevalent in all districts in this division, there are ryots' holdings like the jotes of Dakhin Shahabazpore and Mymensingh which are legally recognized as transferable; and these holdings are legally recognized as saleable. We recommend that the holdings which are saleable by custom should certainly be exempted from the pre-emption clauses.

No. 458L.R., dated Barisal, the 18th July 1884.

From—R. C. Dutt, Esq., Officiating Collector of Backergunge,

To—The Commissioner of the Dacca Division.

N. B.—The marginal notes in this report have been added subsequent to its submission to the Commissioner of Dacca. The Divisional Conference at Dacca to which frequent reference has been made in these notes was held on the 28th and 29th July 1884, and Mr. Alexander, Commissioner of Dacca, Mr. Glazier, Collector of Mymensing, Mr. Wyer, Collector of Dacca, and Mr. Dutt, Collector of Backergunge, were present.

With reference to the Government circular letter No. 3T.R., dated 24th May last, forwarded by your No. 169G., dated 29th idem, I have the honour to submit the following report on the subject of the revised Rent Bill published in the *Gazette of India* of the 12th April last. I have consulted my subdivisional officers on the provisions of the Bill, and have also received valuable reports on the subject from Mr. Reily, Superintendent of Nawab Ahsanullah's estates in this district, and Baboo Dina Bandhu Sen, Pleader of Barisal. Mr. Reily discusses the Bill with great ability from the zemindar's point of view, and Baboo Dina Bandhu's notes on the working of the present law and the probable result of the provisions of the Bill are suggestive and valuable. I have also had the principal provisions of the Bill discussed at a meeting of some of the leading resident zemindars, pleaders, and revenue officers of this district, and I have derived much valuable assistance from the gentlemen who were present at the meeting. My own experience in this district also, and the enquiries which I specially made on the subject of this Bill during my frequent visits to the interior, have enabled me to collect many facts which I will embody in this report.

CHAPTER I.

Preliminary.

2. I have no remarks to make on this chapter.

CHAPTER II.

Classes of Tenants.

3. *Section* 5.—It has been wisely decided not to frame any rigid definition of "tenure-holders" as distinguished from "ryots," but only to indicate some general principles on which courts of law will proceed in deciding, when such questions come before them, whether a person is a tenure-holder or a ryot. The principle, too, that a tenure-holder means primarily a person who collects rent, and a ryot is primarily a person who cultivates land, is a sound and equitable one, and will be found to be in consonance with the interpretation which is ordinarily put to these terms in most districts in Bengal. I will, in connection with this section, briefly describe the tenures and ryoti holdings of this district, and examine how the principle involved in the section affects the existing state of things in Backergunge.

4. There are very few districts in Bengal in which there are so many different kinds of tenures as in this district. Most parts of the district were brought under cultivation in a comparatively recent period, and those who undertook the work of reclamation generally secured for themselves a permanent interest in the land which they brought under cultivation. Zemindars were glad to create such tenures, as they thereby succeeded in bringing extensive tracts of waste lands in their zemindaris under cultivation, and the newly created tenure-holders were also gainers by the arrangement, as they secured to themselves a large share of the profits from the land which they reclaimed. Large tracts of land in the south of this district, in Patuakhali, Perozepur, and Bhola subdivisions, have been thus reclaimed within the memory of living men, and the process was in full operation when it received a check by the cyclone of 1876, from which it has not yet completely recovered. It is in this way that the tenure-holders who brought lands under cultivation succeeded in keeping a large portion of the profits from land in their own hands. As cultivation extended, these men began to sub let and the sub-lessees again induced other cultivators to settle under them, and themselves passed into the status of tenure-holders. For these as well as for various other reasons a number of tenure-holders are often found to intervene between the actual cultivator and the zemindar in Backergunge. The simple fact is that there is a considerable margin of profit between what the zemindars get as the income from their estates and what the actual cultivators can afford to pay after supporting themselves and paying the expenses of cultivation. Theoretically speaking, this margin should have gone to the improvement of the status and circumstances of the actual cultivators of the soil; but practically in Backergunge it has led to the creation of a swarm of tenures intervening between the ryots and zemindars.

5. It must not be supposed, however, that the creation of these tenures means necessarily the impoverishment of the people of this district. On the contrary, the tenures are only different names under which the people of Backergunge have succeeded in keeping to themselves a good proportion out of the profits of the land which they have brought under cultivation. When it is considered that there are almost as many tenures as there are families in Backergunge district, that the tenure-holders belong to the people and form a considerable portion of the people, it will be understood that the existence of these tenures means to some extent the well-being of the people generally. There can be no doubt that the numerous tenures which exist in this district form a bar to excessive enhancement on the part of the zemindar. Much of the profits from the land remains in the village under one name or another, and this is a result which is not observable in districts where none intervenes between the zemindar and the actual cultivators. It is notable also that the number of tenures (hakiyats as they are called in this district) is smaller in the Patuakhali subdivision than in other parts of the district; and it is exactly in this subdivision that the rents levied by zemindars are excessively high and the ryots are badly off. In other parts of the district some zemindars try to smash up the tenures by expensive litigation or by other means, as they fully expect an enhancement to the income from their estates when there are none to intervene between themselves and the actual cultivators. Considering all these facts, I am inclined to think that the existence of the numerous tenures of Backergunge is a kind of protection to the agricultural community of the district against the excessive demands of rich and powerful zemindars.

6. From the completion report of the first road-cess valuation of this district, No. 103, dated 23rd June 1887, it appears that there were 278,715 tenures. But this figure does not represent the exact number, as most of the tenures which pay rent under Rs. 100 were valued summarily. It is therefore not unreasonable to assume that only one half the number of tenures come under valuation, and the total number of tenures in this district is about five hundred thousand. There is nothing surprising in this large number of tenures, because every landlord and every tenure-holder has by custom an *unrestricted* power of creating a tenure between himself and his subordinate ryots or tenure-holders. He does not often act in this manner, for the creation of a subordinate tenure always means a loss in his permanent income, the subordinate tenure-holder requiring a margin of profit for himself. Nevertheless, whenever the superior landlord or tenure-holder is in want of money or is unable to manage his own property, he always creates a subordinate tenure for a consideration, and the power to do so is unrestricted both by law and custom.

7. The tenures in this district go by the name of *taluk* or *howla* or transferable *karsha*. But there are different grades of taluks and howlas, and the following are the most usual gradations of tenures in this district, *viz.* :—

(1) Taluk.	(5) Osat howla.
(2) Osat taluk.	(6) Nim howla.
(3) Nim osat taluk.	(7) Osat nim howla.
(4) Howla.	(8) Kaem karsha or miras karsha.

I have enumerated only the commonest tenures in the above list which is not by any means an exhaustive list. A tenure called tin howla is sometimes held under an osat howla, while tenures called miras howla and dar miras howla are sometimes held under other kinds of howla. There are also other tenures which are less common: "kaem karsha" means permanent cultivating right, and "miras karsha" means heritable cultivating right; but both these rights are transferable and heritable by custom, and are reckoned as tenures and not as ryoti holdings.

8. According to the custom explained, before any talukdar may for a consideration create an osat taluk or a howla under him, any howladar may create a nim howla or osat howla under him, and the howladar of the last grade can create a miras karsha or kaem karsha under him. It is the constant ambition of the actual cultivator to rise to the status of a howladar, and he will pay any *salami* (consideration) to his superior tenure-holder to be made a howladar. Often when a howladar is a weak man and is unable to cope with his ryots, say 30 or 40 in number, he will receive a *salami* from one of them and make him a nim howladar. The new nim howladar will then be entitled to rent from the other 39 ryots, and the howladar will only receive rent from the nim howladar. As I have said before, such an under-tenure is never created unless the superior tenure-holder is under some necessity for doing it, but there is no restriction to his power to do so as long as the margin of profit is capable of further subdivision.

9. Under all these different classes of tenure-holders come the ryots, who are divisible into two classes, *viz.*, karsha ryots and kole karsha ryots, the latter being under-ryots. In the subdivision of Dakhin Shahabazpur the karsha ryots are called jotedars and the kole karsha ryots are called kole jotedars. The karshadars and kole karshadars, jotedars, and kole jotedars all sublet, but this is the exception rather than the rule. As a rule the actual cultivation is done either by the karshadar or by the kole karshadar, and there are no sub-lessees.

10. By a custom which is legally recognized only in Dakhin Shahabazpur the ryots' holdings are transferable. In other parts of the district the sale of ryoti holdings is not legally recognized, but practically the ryot very seldom fails to effect a sale when he wishes it. He receives the money and sells his holding, and the zemindar's gomasta accepts rent from the new purchaser, although he does not enter the new name in his books perhaps until he receives a consideration. Even in khas mehals we have been obliged to recognize such sales, although we do not admit the legal right to do so. I will speak of this universal practice again when I speak of the right of sale of occupancy rights.

11. Such are the different tenures and ryoti holdings in this district, and the application of section 5 of the bill will be attended with no difficulty in this district. Clause (*a*) sub-section (4) of section (5), provides that the court shall determine whether a tenant is a tenure-holder or a ryot by local custom, and local custom at once points to the talukdar, the howladar, and the kaem karshadar as tenure holders, and the karshadar and the kole karshadar as ryots. There may be exceptions to this rule, as each case will be decided on its individual merits; but there can be no doubt that the application of this section in this district will as a rule be easy.

12. In sub-section (1) of section (5) I would after the words "or from another tenure-holder" insert the words "or from a lakhirajdar"; and in sub-section (3) of the same section I would insert the words "or immediately under a lakhirajdar" at the end. The reason of this is obvious. The definitions of the words "proprietor" and "estate" have been so framed that a lakhirajdar whose name is not entered in the revenue registers is not as "proprietor." Hence the insertions recommended are necessary.

13. I would recommend another important alteration in section (5), and that is the excision of clause (*b*), sub-section (4). That clause taken with section (37) will have the effect of converting ryots who sub-let more that one-half of their holdings into tenure-holders. These provisions are intended by Government as a check on sub-letting, but in this district the provisions will operate as a strong incentive to sub letting. I have already explained in paragraph 8 the keen desire of the ryots of this district to acquire the position of tenure-holders, and they will rapidly sub-let portions of their holdings to others, if they can thereby acquire the status of a tenure-holder. Karshadars holding 20 bighas or 30 bighas will rapidly convert themselves into tenure-holders by sub-letting portions of their holdings. Proprietors and superior tenure-holders, who alone have the power of creating sub-tenures under the present custom and law, and who seldom do so except when in difficulty, will be sufferers under the arrangement, as the sub-tenures will spring up under them in hundreds against their consent. And such sub-tenures will be saleable under the present Bill, whereas the original ryoti holding could not under this Bill be sold to an outsider so long as the proprietor or superior tenure-holder was will to buy it. For all these reasons it was the strong and unanimous opinion of the meeting that I convened to discuss this Bill that clause (*b*), sub-section (4), section (5), as well as section (37) of the Bill should be omitted, and I entirely agree in this opinion.

The officers present at the Divisional Conference at Dacca agreed to omit this clause (*b*), sub-section 4 of section 5. And in order to protect the under-ryots, *i.e.*, actual cultivators under sub-letting ryots, they proposed that the former would acquire rights of occupancy as against the latter.

14. There is no separate class of money-lenders in this district. Zemindars and superior tenure-holders lend money to their ryots. There is no ground of apprehension therefore that money-lenders will buy up occupancy tenures in this district.

15. If clause (*b*), sub-section (4), section (5), be omitted, as has been recommended in paragraph 13, then it will be necessary to provide in some other form against ryots sub-letting in an extensive scale and still continuing to be considered as ryots. The Bill as it originally

stood provided that tenants holding over a hundred bighas of land should be classed as tenure-holders and not as ryots. The present Bill however only provides that such persons will be presumed to be ryots until the contrary is shewn. The object in both cases is to protect the actual cultivator and to bestow on him occupancy rights. If a person holding five or six hundred bighas and sub-letting most part of his holding can claim to be a ryot, then the fifty or sixty men who actually cultivate the land under him will be classed as "under-ryots," and will, therefore, fail to acquire occupancy rights. In other words, the actual cultivators will not be protected.

16. From this point of view I am clearly of opinion that the provision of the previous Bill was more efficacious than the provision in the present Bill. The present Bill only presumes that a tenant holding 500 bighas is a tenure-holder, but the presumption will always be capable of being rebutted, and in this way the object of the law will be evaded. A zemindar wishing to prevent his ryots from acquiring occupancy rights will be able to parcel out the village to two or three of his own creatures, who will be described as ryots in the registered leases granted to them. And the entire population of the village will then be "under-ryots," and therefore incapable of acquiring occupancy rights. Even when a zemindar does not effect this intentionally, circumstances will often throw large tracts of the country into the hands of individual ryots, and entire classes of cultivators holding under them will be unjustly debarred from acquiring occupancy rights. For all these reasons I consider it would be wiser to declare that all tenants holding over 100 bighas of land and sub-letting portions of such land will be reckoned as tenure-holders and admit no exception to this rule. Companies of men who conjointly till large tracts of land under the *gonti* or any other system will still be reckoned as cultivators under this rule; but single individuals who hold more lands than they can possibly cultivate themselves, and who, therefore, lease portions of it to others, will be classed and will deserve to be classed as tenure-holders. For the same reasons ryots holding more than one piece of land aggregating in all to over 100 bighas in the same village or estate should be reckoned as tenure-holders and not as ryots. I may add that these precautions would be unnecessary if clause (*b*), sub-section (3) of section (5), was retained; but for reasons stated in paragraph 13 that clause cannot, I think, be retained.

In the case of Baboo Dhanpat Sing *versus* Baboo Guman Sing, deceased, 5th May 1864, the High Court held that "the amount of land included in the tenure is, we think, sufficient evidence that the tenants are not ryots" Revenue Judicial, and Police Journal, Vol. II, page 267. In road-cess valuations, ryots paying Rs. 100 or above are classed as tenure-holders. Ryots owning 100 bighas certainly pay more than Rs. 100, and the limit now proposed is safer than the one recognized in the road-cess operations.

17. I can only conceive of one case in which such a rule as is suggested in the last paragraph will operate unfairly towards any person. There are districts like Backergunge where ryots aspire to become tenure-holders and where they cannot become so without the sanction of the proprietors or superior tenure-holders. The number of ryots in this district who hold over 100 bighas of land is comparatively very small; but still there are such ryots, and they will under the operation of the rule proposed become tenure-holders. Under such circumstances their superior tenure-holders or proprietors ought to get some compensation for the right which is thus created in their property by the operation of the proposed rule. I would therefore have section (5), sub-section (5), run thus:—

"Where the area of a holding exceeds 100 standard bighas, or where the aggregate area of more than one holding held by the same ryot in the same estate or village exceeds 100 standard bighas, and the whole or part of such holding or holdings is sub-let, the tenant shall be considered a tenure-holder and not a ryot.

"Provided when a ryot is converted into a tenure-holder under the operation of this section, his superior tenure-holder or proprietor shall be entitled to recover from him such fee as he would have been entitled to by the custom of the country if he had created the tenure or sub-tenure."

The conversion of holdings which in their original inception were mere ryotti holdings into tenures through sub-letting or through other means is in active operation, not only in Backergunge as explained in paragraphs 4 to 8 of this report, but also in many other parts of Bengal. The jotedars, chukandars, and mulundars of Julpigori, for instance, are ryots who have risen to be tenure-holders under the operation of this custom. The land law of Bengal cannot be complete if it fails to recognize or legalise this existing custom, under such checks as may be deemed necessary.

The officers present at the Divisional Conference at Dacca agreed to modify sub-section 5, section 5, so as to convert all ryots holding over 100 bighas and sub-letting portions of their holdings into tenure-holders.

CHAPTER III.

TENURE-HOLDERS.

18. *Section* 8.—This chapter deals with tenures. Baboo Dina Bandhu Sen objects to section 8. He says—"In this district there are plenty of tenures created when the lands are jungle and *bheel* at a nominal rent. The rents payable for such under-tenures are called *suranijumma*. When the jungle is cleared and *bheel* lands become cultivable, rent is enhanced. Generally 100 or 200 bighas or more of such lands are let at a nominal rent of Rs. 5 or Rs. 10. Under section 8 of the Bill the rent can be enhanced to double the previous rent. I believe this provision will go very hard against the zemindars." Section 212 of the Bill specially provides for such cases, and allows the zemindar to make any terms he chooses with tenants for bringing waste land under cultivation. Baboo Dina Bandhu Sen, however, says such contracts are not always given. It certainly seems to me that the court should be allowed

to use its discretion in allowing enhancements in such special cases. On the other hand, in the absence of any such special reasons, the limitation fixed by section 45 (*b*) in the case of occupancy rights should apply to tenures also. I would therefore have section 8 run thus:—

"Where the rent of a tenure-holder is liable to enhancement, the enhanced rent fixed under the last foregoing section shall not exceed the previous rent by more than four annas in the rupee.

The officers present at the Dacca Divisional Conference agreed to allow only an enhancement of four annas in the case of tenure-holders.

"Provided that when waste land has been let at a specially low rate for the purpose of reclamation, the limit of enhancement fixed by this section shall not apply, and the court may order such enhancement as it may think proper after taking into consideration the cost of reclamation and all other facts connected with such case."

19. *Section 10.*—I would alter this section and enact that, as in the case of occupancy tenures, rent once enhanced may not be altered for 15 years. Tenure-holders often effect much improvement by raising embankments, &c., in this district, and a security against enhancement for a long term will encourage them in such beneficial acts. Besides, it would be anomalous to enhance the rent payable by a tenure-holder of every tenure when such tenure-holder cannot obtain any enhancement from his ryots more than once in every 15 years.

The officers present at the Dacca Divisional Conference agreed to this proposition.

20. *Sections 15 to 22.*—The provisions made in sections 16 and 17 for the registration of transfer by sale in execution of decree are simple and workable, but the provisions made in sections 15, 18, 19, 21, and 22 for the registration of voluntary sales are exceedingly complex and impracticable. These provisions are that the vendor and the vendee shall apply to the landlord; that the landlord may grant the request or refuse to register; that in the latter case he shall give a written statement of his reason to do so; and that failing this he may be fined. Further, that the vendor and vendee may in case of refusal apply to a court for orders to register the transfer; that the court will issue notice to the landlord to show reason why he will not register, and will pass orders after hearing both sides. Further, that the vendor and vendee may ask for copies from the landlord's register on payment of fees, and that the landlords shall be liable to fine if they do not keep such registers in the prescribed form. When it is remembered that the "landlord" in this district means very often an illiterate howladar or miras karshadar, or is represented by a gomasta on Rs. 3 the month, and that forgery is one of the commonest crimes in the district and is of frequent occurrence, the utter impracticability of the complicated provisions stated above will be abundantly manifest.

21. I had this matter thoroughly discussed in the meeting which was convened in Barisal for considering the Bill, and the meeting agreed with me in thinking that a simpler and more practicable procedure should be laid down for the registration of private sale of tenures. The simplest possible procedure is this. Parties transferring tenures generally register such deeds, and this may be made compulsory under the provisions of this Bill. Sub-Registrars will in such cases take an additional fee of two per cent. on the annual rent of the land, and also the sum of Re. 1 per issuing notice on the landlord. These sums he will remit to the Collector with an intimation of the contents of the document. The Collector will send the fee to the landlord and also serve notice on him to show cause within a month why the sale will not be declared valid. In case there is no objection raised, the sale will be declared valid. In case objection is raised by the landlord, the Collector will refer the matter to the Civil Court, who will then proceed under section 19 of the Bill. This procedure will require only an additional register being opened in the Collector's office, and will avoid much litigation, fraud, and forgery. The opening of a register in a prescribed form by each howladar and kaem karshadar will not be then required, and they will not be fined for not doing what it is impossible for them to do.

The officers present at the Divisional Conference at Dacca agreed to registration being thus made through a public office.

CHAPTER IV.

Ryots holding at fixed Rates.

22. This chapter relates to ryots holding at fixed rates. Mr. Reily, Superintendent of Nawab Ahsanullah's estates in this district, takes the zemindar's view of the 20 years' presumption rule, and objects to its continuance. But I entirely agree in the remarks made in the letter of the Bengal Government on this subject. The rule is one of the most valued provisions in the interests of the ryots and has been in force for a quarter of a century, and there is absolutely no reason for its withdrawal. There are very few enhancement suits in this district, but I am unable to state how far this is owing to the presumption alluded to above.

The first Munsif of Barisal alludes to a practice frequent in this district of zemindars and tenure-holders allowing their tenancies to be sold for arrears with a view to buy them again (*benami* free of incumbrances. In the absence of this statutory provision, ryots with fixed rents will find it impossible to prove their status against such benamidars suing for enhancement. The withdrawal of the statutory provision therefore would practically result in the loss of the rights of ryots of this class.

The officers present at the Dacca Divisional Conference agreed to retain the presumption.

CHAPTER V.

Occupancy Ryots.

23. *Sections 24 to 27.*—This chapter relates to occupancy ryots. It is intended to bestow the occupancy right on all settled cultivators in Bengal, and sections 24 to 27 have been framed to carry out this object. There can be no doubt these sections will completely fulfil the object in view. Nearly all the karsha ryots of this district holding immediately under tenure-holders or proprietors will under the operation of these sections acquire the right of occupancy.

The attempts that are constantly made to prevent the growth of occupancy right, both in Bengal and in Behar, show the necessity of this section. In Behar this is done by shifting ryots from one field to another. In Bengal landlords frequently compel ryots of old standing to execute kabuliyats by the terms of which they are mere tenants-at-will. The first Munsif of Barisal has frequently come across such instances in course of his judicial work, and states that during the present Rent Bill agitation zemindars in Backergunge and Mymensing are busily engaged in taking kabuliyats from ryots by which the latter bind themselves to occupy the land only for a limited number of years.

24. Mr. Reily objects in common with all zemindars to the extension of the occupancy right. He argues that in this district specially lands were brought under cultivation by zemindars since the permanent settlement, much the same way as lands are now being brought under cultivation in the Sunderbuns, and that Government has therefore no right to interfere between zemindars and their tenants in respect of such lands. He says—"It is clear Government reserved to itself the right to legislate for the benefit of the ryots who held lands which were under cultivation at the period of the permanent settlement, but not lands which were then in jungle, as dacoits and wild beasts of the forest were then only inhabitants. Lands which have been brought under cultivation since the permanent settlement appertain to the zemindars, and the Government cannot under the conditions of that settlement interfere with the rights of the zemindar in such lands. * * The whole of the district of Backergunge has been cultivated in the manner described above. The tenures which exist at the present time have been created much in the same manner. The Government at the period of the permanent settlement were anxious to have the jungle cleared, and for this reason granted permanent rights to the zemindars to induce them to have the jungle lands brought under cultivation. The zemindars have fulfilled their contract, and it is unjust to come in between them and their tenants, and bestow upon them rights and privileges which they never expect."

25. In the above extracts, I have fully stated Mr. Reily's arguments, but I wholly dissent from them. Government made no reservation in its right to legislate on behalf of the ryots in lands which were then covered with jungle, and made no contract which debars it from extending occupancy rights to the cultivators in such places. When the occupancy right was created in 1859, recently cleared tracts were brought under its operation as well as places which had long been under cultivation, and this was perfectly legal. If the argument quoted above was valid, legislation on behalf of the ryots would be stopped over one-half of Bengal, because one-half of Bengal was covered with jungle in 1793. I see no reason therefore why the provisions of this Bill should not be extended to Backergunge as the provisions of the Act X of 1859 were extended.

26. A question has been raised in the Government letter whether the ryots should be capable of holding land on an occupancy title over an entire estate when it extends over a large tract of the country, and over more than one district. A prominent example of this is the estate of Idilpur, which is owned by Babu Kali Kissen Tagore and lies partly in this district and partly in Furreedpore. I do not see any harm in considering the estate as the proper unit of area even under these circumstances. Both the ryots and the zemindars habitually consider the estate as the unit, and they will therefore easily comprehend the rule that a settled ryot in one part of the estate is a settled ryot in every part of the estate. The most ignorant ryot, who sometimes cannot say in what thana his village is situated, knows under what zemindar he lives, and the provision of the law therefore which make the village and the estate the units of area for the operation of the sections relating to occupancy rights should be allowed to stand.

This was the opinion of the officers present at the Divisional Conference at Dacca.

27. The other question which has been raised in the letter of the Bengal Government is whether the estate according to the meaning of these sections should be what it was 30 years ago. There has not been much alteration within the last 30 years in respect of boundaries of estates, and I do not think many butwaras have been completed within this period. At the same time there is no reason why the word estate according to the meaning of this section should not be what it is now rather than what it was 30 years ago. It is now declared for the first time that a settled ryot within one part of an estate is a settled ryot all through the estate, and in the absence of any reasons to the contrary, the estate should be considered as it exists now rather than as it existed 30 years ago.

At the Dacca Divisional Conference, however, it was agreed to let the section stand as it is.

28. *Section 31.*—I approve of the incidents of occupancy right enumerated in section 31. The most important right secured to the occupancy ryot is the right to transfer his holding by clause (*f*) of section 31. As Government has finally accepted this principle, it is not necessary to discuss the question at length; but I will only mention two important reasons for which I entirely approve of the principle. In the first place the provision simply legalizes a fact which exists nearly all over Bengal. In many districts the sale of occupancy right is

legally recognized; in others the right, though not legally recognized, is freely exercised by the ryots all the same. In this district the sale of ryots' holdings is legally recognised in the sub-division of Dakhin Shahabazpore, and in other parts of the district the right, though not legally recognized, is freely exercised by the ryots. Even in the Government estate of Tushkhali in Perozepore sub-division, where things are managed with greater care and supervision than in most estates of private zemindars, ryots often sell their holdings to others; and though we do not admit the right, we accept the rent from the purchaser and thus recognize the sale in practice. It is exactly the same in private zemindaris: ryots' holdings are being sold openly every day, and such sale-deeds are registered in Sub-Registry offices, and zemindars and their agents have little hesitation in recognising the new purchasers as their ryots.

29. The following extracts from the sub-divisional reports on the subject received last year show that the sale of ryots' holdings is by custom universal in this district. The Perozepore officer writes: "The mass of cultivators—I mean the *karshadars*—enjoy the right of occupancy and they have the power of selling their lands whenever they wish. They do not frequently sell their *jotes*, but when they do they do it without obtaining previous permission from the zemindar."

The Patuakhali officer denies that the ryots have any right to sell their holdings, but adds that they do so, and says that even in Government khas mehals directly managed by the Collector "the occupancy ryots are in the habit of selling their jotes to others according to custom, even without the permission of the Collector, and these transfers were not held to be nvalid in the Civil Courts."

The Bhola officer writes: "It is customary to sell the jotes by ryots enjoying a right of occupancy. They always sell the jotes without even the knowledge of zemindars or superior tenure-holders." The same practice obtains in the sudder sub-division. The figures that I have compiled from the different Sub-Registry offices in this district show that within the six months from January to June of the present year 291 sale-deeds of ryots' holdings were registered in this district, excluding Bhola subdivision, where such sales are legally recognized.

30. In this manner the right of sale of occupancy holdings is legally recognized in many parts of Bengal and is freely exercised in others. Occupancy right has a market value legally or practically, and is a property in the strictest sense of the word, and it is a property on which the cultivator always falls back in difficulty or distress. To withdraw the right of sale will be virtually to confiscate the property now held by millions of occupancy ryots, and to declare that their sole possession on earth, which had so long a real value in the market, is now valueless. The consequences of such legislation are too apparent to need any mention.

31. This is my first reason for approving of the clause which legalizes the right of sale in the case of occupancy holdings. My second reason is that the recognition of such a right will, without doing any injury to the interests of the landlords, give much encouragement to the ryots in their work of improving their holdings. It is a well-known fact that in this district, as in most other districts, the improvement of the land proceeds from the ryots and the ryots alone. When the landlord raises a *bund* against inundation or excavates a tank, he realizes the cost of it, and often much more than the cost, from the cultivators. On the other hand, cultivators constantly improve their holdings by planting fruit trees, deepening tanks, and making irrigation channels, and it would be encouraging them in their beneficial works to legally declare their right of sale to the holdings which they thus try to improve.

32. The recognition of a free right of sale of occupancy holdings cannot injure the interests of the landlord in the smallest degree. It will not hinder but rather facilitate the collection of the rent due to him. The landlord will no doubt be injured if the ryot sells his holding in a fraudulent manner or to a party hostile to him. Against such proceedings only the landlord should be protected, and I will speak of this further on.

33. *Section 32.*—I object to the landlord's right of pre-emption in the case of voluntary sales. I will state my reasons as briefly as I can.

34. In the first place no such right now legally exists in the many parts of Bengal, where the sale of occupancy holdings is legally recognized, and no such right is practically exercised in those parts of Bengal in which the sale of occupancy holdings is not legally recognized. In the one case as well as in the other, but pre-eminently in the former case, an unjust restriction is now being placed for the first time on a right which the cultivators have enjoyed for many years past. The market value of occupancy holdings will suffer on account of the restrictions (unknown before) which are now imposed on the sale of such holdings.

35. In the second place there is no valid reason why landlords should be allowed this right of pre-emption when the sale is a *bonâ fide* one and when a cultivator sells a holding to his brother or some other relative or friend in order to meet some unforeseen and pressing expenditure. A ryot seldom sells his land except under sudden and pressing necessity, and to give the landlord the right of pre-emption under such circumstances, and to compel the vendor to comply with the dilatory procedure laid down in section 32 would be virtually to

stop the sale when the necessity is pressing and so to withdraw his right of sale. In cases of fraud, or when the landlord's interests are in any way injuriously affected, he should have redress, but in cases of *bonâ fide* sale by one ryot to another the landlord should not be allowed to intervene.

36. I was anxious to get the fullest discussion on this subject in the meeting of zemindars and others which I convened in Barisal to discuss this Bill, and the only argument which was urged for reserving for the landlord the right of pre-emption was one of a social nature Mr. Reily, in the notes with which he has favoured me, has also alluded to this argument, and I will state it in his words: "This class of men (middle class of talookdars) have their *Napits*, *Dhopas*, and *Bhuimalis*, &c., settled in habitations round their *barees*. These men perform certain domestic services and pay a nominal rent or no rent at all. To declare arbitrarily that such holders shall have a right of occupancy independent of the talookdar will dislocate the domestic arrangements which have existed from time immemorial." I fully admit that this objection may apply in some isolated cases, but the objection will be entirely removed by adding one line to section 30 of the Bill that there will be no right of occupancy to lands held under conditions of service. I may add that practically the inconvenience predicted has not been felt in the numerous districts and parts of districts in Bengal, where free sale of ryots' holdings is legally recognized and domestic arrangements have not been dislocated.

37. In the third place it is pretty certain that this right of pre-emption will be abused. In districts where the cultivators are resourceless they will be unable to comply with the dilatory and expensive procedure laid down in sub-sections (2), (3), and (4) of section 32, and one of the principal objects of the present Bill therefore will be entirely frustrated. In places where zemindars have no objections to ryots making *bonâ fide* sales of their occupancy holdings, the underlings of the landlord, the tahsildar or gomasta on 2 or 3 rupees a month, will extort a large bonus under colour of his master's right of pre-emption. And in instances in which ryots are deceitful they will evade the provisions of this section. The vendor and the vendee will agree nominally on a disproportionate price for the holding. The landlord will of course refuse to buy the holding at such price, and the holding will then be sold at the real and proper price which have been scarcely agreed upon by the parties.

38. Lastly, the purchase of such holding will be of no use to the landlord, as under the operation of section 28 of the Bill it will immediately cease to exist. The landlord therefore is empowered by section 32 to spend money for a right which is of no value to him, and which will cease to exist immediately he buys it. It is perfectly plain therefore that he will refuse to do so except in cases where the ryot is trying to practise a fraud or is selling the holding to a hostile party. Would it not then be simpler to omit the complicated provisions about the right of pre-emption, and to give the landlord a simple and efficacious redress in such cases in which he really requires redress? I would only add here that the zemindars themselves, on whom it is proposed to bestow the right of pre-emption, do not appreciate it. Rai Kristo Das Pal Bahadur calls it "more a shadow than a substance," and the Maharajah of Durbhunga calls it "the phantom right of pre-emption." The creation of this right will be a real loss and a source of harassment to the ryots, and will be a gain to nobody except to dishonest and grasping underlings of zemindars.

The officers present at the Dacca Divisional Conference agreed to abolish, or rather not to create, this right of pre-emption.

39. I would therefore omit section 32, and in its place give the landlord the clear right to cancel a sale when it is proved to be fraudulent and made to a hostile party. This is a real right which landlords require very much in this district. Under the well-known *simlea* system so prevalent in this district, a ryot, whenever dissatisfied with his landlord, goes and sells his holding to a hostile party, and takes a sub-lease from him, and this procedure causes endless annoyance and trouble to landlords. What the landlords want is a clear right to cancel such sales detrimental to their interests. The procedure I would lay down is the simple procedure which I have indicated in paragraph (21) in the case of sale of tenures. The registration of occupancy holdings should be made compulsory under the provisions of this Bill. Sub-Registrars, who register the sale of occupancy holdings, will require the payment of an additional rupee for service of notice on the landlord, and he will remit this sum to the Collector with an intimation of the contents of the document. The Collector will then serve the notice to the landlord and ask him to show cause within a month why the sale should not be confirmed. If no cause is shown, the sale will be confirmed; but if any objection is raised by the landlord, the Collector will refer the matter to the Civil Court, and the Civil Court will order the sale to be cancelled if it is satisfied that the transaction is fraudulent or that the sale has been made to a person hostile to the landlord or to a professional money-lender. This last clause may be found useful in Behar.

40. I would ask for the adoption of the procedure indicated in the preceding paragraph, even if the right of pre-emption is created in favour of the landlord, for the procedure is simpler, safer, and less liable to abuse than the procedure laid down in section 32. I beg to call particular attention to sub-section (5) of section 32, which fixes no limit of time. It would be monstrous to allow a landlord the power to declare a sale void a year after the sale has taken place, and after he has continued during this period to accept rent from the new purchaser and so practically recognised the sale.

41. *Section 37.*—I have already stated in paragraph (13) my reasons for thinking that section 37 should be omitted altogether. To those reasons I have nothing to add here.

This was agreed to at the Dacca Conference.

42. *Sections 39 to 50.*—These sections relate to enhancement of rents payable by occupancy ryots. Mr. Reily, the Superintendent of Nawab Ahsanullah's estates in this district, objects to all restrictions of enhancement, and asks why should the courts be restricted to four annas on the rupee over the previous rent? Why should the courts be restricted not to enhance rent more than double the previous rent? Why should the courts be restricted to seven years and fifteen years, or to any restrictions whatever? I have quoted the above as representing the zemindars' view of the question, but I do not think it necessary to answer the queries.

43. The "prevailing rate" has been retained as one of the grounds of enhancement. I do not think there is any such thing in this district as a prevailing rate. Of course an average may always be struck off the rents paid by different ryots in a village, but this cannot in any sense of the word be called a "prevailing rate." As I will state hereafter, rents have been raised all round in the district on account of the increase of prices since the famine of 1874, and this has gone on to such an extent, that in any year in which the price of crops goes down, the actual cultivators find a difficulty in paying rents. No "prevailing rate" exists in the district or is recognized, and the inclusion of this ground for enhancement will simply be abused by the production in evidence of collusive and fictitious rates for forcing up rents.

The first Munsiff of Barisal mentions in his report a remarkable attempt which was made in April last to enhance rents in 12 analogous suits by fabricating evidence of fictitious "prevailing rates," and he states that one principal reason of the combinations among ryots is the frequent and incessant attempts made by zemindars to raise the "prevailing rate."

The officers present at the Dacca Conference agreed to abolish this ground of enhancement altogether.

44. With regard to the limits set to enhancement, I greatly regret the exclusion from the Bill of the maximum limit of one-fifth the gross produce which found a place in the previous Bill. The Select Committee believe that it would be impossible to ascertain in each instance the average annual gross produce. I may be permitted to mention that in my enquiries in the villages both in this district and in the districts of Western Bengal, I have never found any difficulty in ascertaining what the gross produce was. In lands on which paddy alone is grown the villagers have always told me approximately what the produce per bigha was, and this amount reduced to Rs. would represent the annual gross produce of such lands. In lands which are capable of growing a cold weather crop also, the value of such crop per bigha can very easily be added to the value of rice. In lands which require to be let fallow for one or two years, a proportionate deduction has to be made. On the whole the calculation is simple and always approximately correct, and it is a much safer ground to go upon in enhancement suits than all such fictitious grounds as "prevailing rates."

45. I regret the exclusion of this maximum limit because with that limit we have lost the only one protection against rack-renting which would be found efficacious in practice. All the other complex safeguards provided in the present Bill will be completely ignored and evaded in practice. The present Bill provides safeguards against excessive enhancements (*a*) by suits in court, and (*b*) by private contracts which will be registered. But landlords will go neither to the Civil Court nor to the registering officer in order to secure enhancements. Where landlords are strong they can always force up rents without suing for enhancements. I am aware of remarkable instances of such proceedings in Nuddea and Burdwan and other western districts. Even in Backergunge rents have been forced up since the date of the famine of 1874 without a single landlord stepping into the Civil Court. And when rents have once been forced up, the landlords will always be able to prove in court, should the question ever arise, that the rate of rent then paid is and has been the prevailing rate, and cultivators will be unable to rebut this statement.

46. Judging then from the ways in which rents are forced up by landlords in practice, I have no hesitation in stating that the limits now prescribed against excessive enhancements will be wholly inoperative against rack-renting. On the other hand, the rule of maximum rent in proportion to produce was a simple and effective rule which would have saved ryots from rack-renting. It would prevent much litigation; it would prevent the fabrication of much false evidence about the rates of rent and the rise in prices; and its operation would have been wholesome and effective. A simple enquiry by a revenue officer would at once disclose what the average produce in the fields of a village was, and if the Civil Courts declined to allow over 20 per cent. of this as rent, all indirect attempts at rack-renting by putting pressure on ryots or by adducing false evidence would be stopped at once. In eastern districts such a simple rule would also have done incalculable good by preventing that tension of feeling between the landlords and ryots which is daily on the increase. I do not altogether blame the landlords for this, because in the absence of any fixed rule they believe themselves entitled to all that the ryots can spare; nor can I blame the ryots, as in the absence of any fixed rule they try to keep as much as they can. The good old rule—the simple plan—that they should take who have the power, and they should keep who can, seems to be in active operation in Eastern Bengal. The law does not afford any solution; the revenue officers are powerless to mediate

in the absence of any rule; and the tension of feeling in Backergunge, in Mymensingh, and in other places is becoming so intense that peace is only preserved by constant watchfulness, and by the application of those coercive measures of the law which were intended only for rare and emergent cases.

47. As the only practically efficacious bar against excessive enhancement,—as the only measure which can prevent rack-renting in Behar and incessant and widespread disputes and ill-felling in Eastern Bengal,—the maximum limit rule should be enacted into law, and should not be abandoned. The uncertainty as to how much of the produce of land the zemindar is entitled to and how far he could force his enhancement is the very reason which has made fresh legislation on this subject necessary. It was strongly felt on the one hand that landlords should be helped in obtaining reasonable enhancements, and it was strongly felt on the other hand that rack-renting should be stopped, and that settled ryots should be protected against excessive enhancements. The simple question therefore is what is reasonable enhancement, and it is necessary that this question should be answered once for all in a concrete form. I am aware that such a fixed rule will be difficult in its application in some places, but such difficulties can be overcome by patient enquiry, while in most parts of Bengal, no difficulty whatever will be experienced. The gain on the other hand from such a rule, from an administrative point of view, will be immense. The rack-renting which has been going on in Behar and in some parts of Bengal will be stopped by the operation of this simple rule, and the growing tension of feeling in Eastern Bengal between landlords and ryots, which is caused by each party feeling that it has been kept out of its just dues, can only subside when it is authoritatively declared what those just dues are. It would be better, in my opinion, to postpone legislation altogether than to pass this Bill without the one positive check it contained on rack-renting in Behar and rent disputes in Eastern Bengal.

48. I will illustrate the above remarks by the state of things in this district. As I have stated before, landlords have taken advantage of the rise in prices of paddy which took place after the famine of 1874, and have forced up enhancements to such a high limit that cultivators are unable to pay rents when the price of paddy goes down. Babu Dina Bandhu Sen, who speaks from accurate and considerable knowledge on the subject, states that "the rate of rent of the occupancy tenants have risen to the maximum, so much so that whenever there is a little fall of price in the rice market, the tenants find great difficulty in paying their rents. It is a well-known fact that for five or six years, previous to the last three or four years, rice sold very dear, and the tenants competed with each other for land and have increased their rents; and now whenever there is a fall in price a huge outcry is raised." The information which I have received from every other source corroborates what Babu Dina Bandhu says, but the above statement does not apply to the subdivision of Bhola, where the ryots are well off, and rents have not been forced to a maximum. In nearly all other parts of the district rents payable by ryots have been forced to a maximum. That the condition of the villages is still one of comparative affluence as compared to that in Western Bengal is largely owing, as I have said before, to the existence of numerous tenures intervening between zemindars and ryots. Many ryots hold tenures also, while the existence of so many tenures and tenure-holders among the mass of the people leavens the condition and the status of them all.

49. While the above is a fairly accurate account of the district generally, matters have assumed a worse aspect in some particular tracts. In some villages near Ulania, in thana Mendigunge, the zemindar, Baboo Kali Kissen Tagore of Calcutta, has leased land to the izaradars at a high sum, and the izaradars, in order to recoup themselves and make a good profit out of it, tried to enhance rents beyond all bounds by coercive measures. The result was that the ryots resisted and combined, and the combination still exists. All the principal izaradars and ryots are bound down to keep the peace, and the utmost watchfulness is necessary to preserve order. Much the same state of things prevails in Bamna, where the talukdars got largely into debt from improvidence and other causes, and are now trying to pay off the whole debt by levying large contributions from the ryots. Breaches of the peace have frequently occurred there in previous years, and a special police force is now quartered there to keep the peace In other places the state of things is not so bad; but in Patuakhali subdivision the rich and powerful zemindars of Kalaskati and Bawfal have forced up rents beyond all reasonable bounds, and the ryots are badly off, and have to borrow from their zemindars for the most part of the year. On the other hand the Gaspers of Dakhin Shahbazpore are unable to realize even a proper rent from their ryots. To sue in court would be useless, as the zemindars cannot prove what the rate of rent is, and they are more or less at the mercy of their ryots.

50. It will then appear that the one fruitful cause of all this disturbance is the uncertainty of the rate of rent which is properly demandable. All the provisions laid down in the present Bill will not remove this uncertainty. A simple rule of maximum rent based on the average produce is all that is required. It will prevent zemindars from making unreasonable demands; it will prevent ryots from unjustly withholding fair rents; and it will enable administrative officers to mediate in cases of dispute with some reliable rule as his guidance.

The recommendation here made was partially accepted at the Dacca Conference, and it was agreed to adopt the rule of maximum rent in proportion to produce in the cases of enhancement by private agreement. I adhered to my opinion that the rule should apply in all cases, *i.e.*, in enhancements in court as well as out of court.

51. When a rule of maximum limit, in proportion of the produce of land, has been enacted,

I would not object to enhancement by private contract duly registered. Such enhancements by private arrangements cannot be stopped without causing much injury to landlords, as it is the universal practice now to obtain enhancements in this way. I would not object to an increase of four annas in the rupee in case of such enhancements out of court, provided that such enhancements held good for the next fifteen years in every case, whether the full four annas or a smaller increase was obtained. Frequent enhancements are a cause of much irritation and ill-feeling, and it should be definitely enacted therefore that in no case should an enhancement be allowed within fifteen years after an enhancement has been obtained.

52. I would lay down the same rule for enhancements in courts, as I attach much importance to the argument that "the equalization of the limits of enhancements in and out of courts tends to discourage litigation," and "any arrangement which would bring the parties together to settle such questions between themselves without the intervention of the courts would be a great gain." I would enact therefore that enhancements may be allowed up to 25 per cent. by courts whatever the ground of enhancement may be, and that rents once enhanced shall not be enhanced again within the next fifteen years. Section 212 of the Bill provides for an exception to this rule in the case of reclamation of chur lands, and that is the only case in which any exemption from the rule is needed.

53. I fully share the apprehension expressed in paragraph 11 of the Bengal Government's letter that to allow some occupancy ryots to hold at a higher rate than others will have an injurious effect, and will tend to the forcing up of all rents to the maximum rate of rent. A worse result than this will be that such differences, first between occupancy rates and non-occupancy rates, and then between occupancy rates and non-occupancy rates under the operation of section 42, will leave open a wide door to mischievous and harassing litigation, which will always end in the submission of the ryots to any terms which their landlords may dictate. I am strongly convinced that it is necessary to avoid all distinction between occupancy rents and non-occupancy rents, a distinction which is not now recognized in the land law of Bengal. As a matter of fact there is no such distinction now in this district, and I believe there is none such in most parts of Bengal. To introduce such a distinction would open a wide door to litigation, and would strengthen the desire and the endeavour on the part of landlords to prevent the growth of occupancy rights altogether. It is enough if we give the settled ryots more fixity of tenure than we allow to the mere squatter: we cannot safely recognize any distinction in the rates of rent payable by them.

This was the opinion accepted at the Divisional Conference at Dacca.

54. The subject of bastu land is one of special importance in this district, as in no part of Bengal probably do the ryots take such pains to improve their homesteads as in Backergunge. The whole district is one level plain, very little higher than the high water level in spring tide. That bastu lands are more elevated than the surrounding fields is almost entirely owing to the labour and expense of the cultivators, who make these homesteads. The cultivator generally selects a site in the middle or in one side of their fields and digs a deep square trench all round, and perhaps, if he is a man of some means, excavates a small tank in front. With the earth thus obtained he raises the entire place selected for the homestead to a height of about a foot or two feet above the surrounding fields, and also erects a bund alongside of the ditch and plants it as well as the homestead with fruit-trees. Plantains are selected at first as they take root as soon as they are planted, and *mandar* trees are also planted. In the shade of the *mandar* trees young betelnut and cocoanut trees are carefully planted and looked after, and in the course of five or six years the whole *baree* begins to look decent and shady, and in a few years more the trees yield fruit. During the whole of this time the entire expense and labour is the ryot's own, and it is by such patent labour and expense that the homesteads of the Backergunge ryots look like one long succession of gardens rich with fruit-trees.

55. In this work of improvement of the country the Backergunge ryot is not sufficiently protected. In many cases he takes a permanent lease of the land which he wishes to convert into his homestead, but even then the rent which he has to pay is higher than that of the surrounding land, for no other reason than that he wishes to improve it at his own expense and to live in it. In most cases he cannot get any permanent lease, and then his case is worse. Cases of ejectment from homesteads are not frequent, but the injustice of such cases when they arise is keenly felt, and on no subject have I received such constant complaint, even from the most respectable villagers, as on the subject of ejectment from homesteads. In the land which the cultivator tills, he acquires a right of occupancy; but in the homestead which he improves with so much labour and expense, and in which he lives with his wife and children, the present law gives him no security of tenure. No part of the Rent Law requires modification so urgently as the provisions relating to homestead land.

56. I quote with much pleasure the views of Baboo Dina Bundhu Sen, who agrees with me in considering the present law on the subject unsatisfactory:—"We have no legislative enactments on the subject. There is no local custom upon which the Civil Courts can depend. When a case of ejectment of *bastu* land comes before the Civil Courts, they are guided by judge-made law. The tenancy is determined by a notice, and a suit for ejectment is brought at the expiration of the period prescribed by Act IV of 1882, section 106. Where there is no permanent improvement done by the tenant, he is ejected. Since there is no settled rule of law on the subject, the questions which often come before the Civil Courts become very vexatious. When the *bastu* forms a portion of the occupancy holding, the tenant

is ejected from his *baree* under the same rule of law by which he is ejected from the land he cultivates. The homestead land of the ryot is indeed valuable property. The tenant plants *shupari* and cocoanut and other fruit-trees which yield him profit; sometimes he digs tanks for which he pays a *salami* or bonus to the zemindar. In some parts of the district the homestead lands are very valuable, where the tenants make regular gardens at their own expense and labour. The rents of *bastu* lands are scarcely enhanced, and, as a matter of fact, all the improvements are made by the ryots. There will be no injustice done in the interests of the landlords if no enhancement be allowed on *bastu* lands. The rate of *bastu* lands is much higher than other lands. There are some places in the district in which the rate of *bastu* and *sal* is the same, but those are churs and newly reclaimed jungle lands. It is very desirable that the Legislature should make some law for our guidance, especially so when there is no special custom by which courts can be guided."

57. There is no custom in this district by which a tenant, who is ejected from his holding, is entitled to retain possession of his homestead lands. When the homestead is a part of the occupancy holding, the ryot is simultaneously ejected from the one and the other. When the homestead is a separate tenancy altogether, a separate suit is brought, and the result of such suits is very uncertain, and, as Baboo Dina Bandhu puts it, such suits are very vexatious in the absence of any clear rule of law. It is quite certain some special provision of law is necessary on the subject.

58. When the tenant makes his homestead within his holding (occupancy or non-occupancy), the homestead must be considered a part of his holding, and he must be held to be liable to ejectment from his *baree* under the same rules under which he is ejected from his holding. Nor in my opinion can he be protected altogether from enhancement for the portion of the holding converted into his homestead. For he makes his homestead according to the power reserved to him by section (31), clause (*b*), and section 87, clause (*f*) of the Bill, and there is no reason therefore why his action, which under the Bill is independent of the landlord's permission, will deprive the landlord of the enhancement to which he would have been entitled if no homestead had been built. It would be fair to both parties if, under these circumstances, the rent for the homestead continues to be the same as the rent of the surrounding paddy-fields, and no special enhancement is allowed to the landlord because it has been converted into a homestead. The ryot will be glad to be able to construct a *baree* without paying a heavy *salami* or bonus, and he will be content to hold the *baree* with the same fixity of tenure and at the same rate of rent as the paddy-fields included in the same occupancy holding.

59. It is when a homestead is held as a separate tenancy that some special provision is required. The provisions of section 216 of the Bill are not enough; local custom fails to give the Bengal ryot the protection which he requires. The rate of rent in such cases must, I think, be allowed to be settled by special contract, as the value of sites varies in every village in Bengal through various reasons, and no general rule can be laid down. The rent being thus settled by contract, I would bestow on the dweller the right of occupancy after three years' continuous residence in the house, and I would enact that the rent fixed would be liable to no subsequent enhancement. I think these provisions are necessary and equitable, and they will give the Bengal villager the protection he requires from being turned out of his homestead at the mercy of the landlord.

It was resolved at the Dacca Conference that a ryot should acquire occupancy right in *bastu* land not forming part of a holding after three years' occupation, and that he should get compensation if disturbed before that period.

60. *Section 51.*—I think the provisions of this section are fair, and I do not suggest its alteration having regard to the facts of this district.

61. *Section 53.*—With regard to this section and section 64, clause (3), I think a fixed proportion of the crop cannot be fairly considered as the natural and equivalent antecedent of money rent invariable over a number of years.

62. *Section 52.*—With reference to the enquiries made in the Government letter, paragraph 14, I beg to state that the price-lists submitted only show the prices prevailing in the district head-quarters and in the head-quarters of the sub-divisions. They do not represent the prices prevailing in the interior, and are therefore perfectly valueless for the purposes of this Bill. These price-lists cannot now be verified by the books of grain dealers, because such dealers have not kept the prices at which they made purchases in past years, and as each dealer buys in different places, the prices which they paid will necessarily vary. A regular enquiry, such as has been ordered in the latter portion of this paragraph, has not yet been made for want of time necessary for such an enquiry; but from what I have learnt, it will be perfectly useless to make any such enquiry, and it will be impossible to construct from the records of grain merchants any reliable list of the staple food-crops in this district for the last fifteen years. The statement showing rice, *kalai* or *khesari* and *mushuri* as the staple crops of this district seems to be correct.

Betelnut and cocoanut are extensively grown in Backergunge, but in homesteads and not in cultivated lands.

63. I think that, in ordering enhancement on the ground of a rise in prices, it would be fair to make some deduction to cover the effect of these increased prices on the cost of cultivation. The court will use its discretion in fixing the amount.

64. I have only one more remark to make under this section. Clause 4 of this section enacts that the Collector's price-list will be conclusive evidence of the prices prevailing. The price of rice varies in this district almost in every thana, and often in different parts of the same thana, according as the places are nearer or further from exporting markets. The Collector's list then, in order to be of any use, must show the price of the staple crops from week to week in every thana, and sometimes in different markets in the same thana. As the measures and weights are different in different places, the utmost care in calculation is necessary. It will be difficult for the Collector to find men in so many different parts of the district who will do this work with the degree of accuracy, attention, and care such as will make the price-list fit to be used as conclusive evidence in cases between ryots and zemindars.

CHAPTER VI.

Non-occupancy Ryots.

65. The protection afforded to non-occupancy ryots by this Bill is wholly inadequate. There is no limitation whatever fixed to the amount of rent which the landlord may demand from a non-occupancy ryot when he is first admitted to the occupation of land. As Mr. Reynolds points out in his note, agricultural holdings must from time to time fall into the hands of the landlords, and if the landlords are left free to demand any rent they like for these holdings, they will steadily force up the rents in the first instance of the non-occupancy ryots, and gradually of the entire body of the tenantry. I apprehend a worse consequence also from this broad distinction made in regard to rent between occupancy ryots and non-occupancy ryots. As I have pointed out in paragraph 53, it will lead landlords to exert themselves to prevent the growth of occupancy rights altogether, and to frustrate the very object of the present legislation as far as possible. That such attempts are even now made in Behar and in Eastern Bengal is well known, and is stated in the Bengal Government's circular letter, and Rai Kristo Das Pal Bahadoor defends this conduct because he argues the landlord "has acted within the law, and it would be unreasonable to suppose that he has acted wrongly, as to suppose that a tradesman is wrong in suing his debtor before the time which would, under the Law of Limitation, bar his claim." I have no doubt this view commends itself to the class which Rai Kristo Das Pal Bahadoor represents, and that, if they see a clear benefit to themselves by preventing the growth of occupancy rights, they will feel no hesitation in trying to do so. Much litigation will necessarily ensue, and I seriously apprehend the cultivators will, in the majority of instances, have to yield from sheer inability to fight. I have known such instances in more than one district in Bengal, and I would not like to see it repeated in others. It is undesirable, on the broad ground of expediency, to make a marked distinction in the rates of rent payable by occupancy ryots and non-occupancy ryots, and thereby to give the strongest possible motive to the entire body of landholders to prevent the growth of that occupancy right which it is the first object of the present Bill to bestow on the great mass of cultivators in Bengal.

It was resolved not to allow any such distinction at the Dacca Conference.

66. I would therefore fix for non-occupancy ryots the same maximum limit of rent as I have recommended for the occupancy ryots, *viz.*, one-fifth the gross produce of land. The rule is simple, clear and workable; it will prevent rack-renting, and it will do away with the strong motive under which landlords will otherwise strive hard to interpose difficulties in the way of ryots acquiring occupancy rights.

CHAPTER VII.

Under-Ryots.

67. The limits fixed to enhancement under this section are not sufficient, and in many instances will not be workable. A ryot holding a large area often sublets portions of the same, and though the rent of the entire holding of the ryot is well known, it will sometimes be difficult to find out at what rate of rent he holds. Any fictitious figures may thus be given to force up the rent paid by the under-ryot. Twenty-five per cent. above the rent which the ryot pays should be the maximum of rent from an under-ryot under all circumstances whether any agreement has been registered or not. This will bring up the rent of the under-ryot to a maximum 25 per cent. of the gross produce (*i.e.*, if one-fifth the produce is the limit fixed for ryots), and this is the highest proportion which any actual cultivator should be required to pay as rent.

It was resolved at the Dacca Conference that the under-ryot of the lowest grade, that is the actual cultivator, should not pay more than 25 per cent. over and above what the occupancy ryot pays for the land, whatever the number of the intermediate under-ryots.

CHAPTER VIII.

General Provision as to rent.

68. The receipt form given in Schedule III does not give the name of the estate. This should be entered after the name of the thana. There should be a provision in the Bill empowering Government to supply printed receipt forms at a trifling cost. Most of the better class of zemindars have now introduced printed forms, and in many instances where such forms have not been introduced the omission is, I am informed by respectable zemindars, often due to

dishonest motives on the part of zemindars' underlings. Section 70, clause (2), now directs that a counterfoil should be kept by landlords, and section 72, clause (3), prescribes a penalty if such counterfoil be not kept. If in addition to these provisions Government undertakes to supply printed receipt forms at a trifling cost, the use of such forms will be also universal in the country, and much fraud and forgery on the part of ryots, as well as of zemindars' servants, will be rendered impossible. I have no doubt the work of Civil Courts would be rendered easier under such circumstances.

69. Mr. Reily, in arguing against the extension of occupancy rights, makes the following remarks on the subject of improvements:—"Will any body of ryots, with occupancy rights, club together to cut irrigation channels, and go to the expense of pucca sluice-gates and dredgers to improve the land? It is a favourite argument to blame the zemindar for not taking the lead in the improvement of agriculture, and unfavourable comparisons are drawn between him and his English compeer. But the land in England is the property of the landholder; he has no Sale law constantly dangling over his head like Damocles's sword by a single hair which may deprive him of his possessions at any moment, and which acts as a bar to any improvements owing to the uncertainty of his title. In addition to this, the Government, by bestowing the right of occupancy on every holder of land, seem determined that the zemindar shall have no chance of ever having any desire or inducement to improve agriculture. For what landholder will lay out a single farthing on improvements, when his tenants alone will reap the benefit of such improvements?"

70. The above argument undoubtedly represents the zemindar's view of the question, but I do not think it contains a fair statement of facts. In the first place, the requirement to pay up Government revenue does not make the title of zemindars (and of big zemindars especially) so precarious and uncertain as to debar them from attempting to improve their property: some other explanation must be sought for their general backwardness in the improvement of agriculture. In the second place, it is not correct to say that this Bill, by extending occupancy rights, prevents zemindars from attempting any future improvements because the tenants alone will reap the benefit. The law distinctly provides that tenants alone shall *not* reap the benefit; landlords are allowed to enhance rents on the ground of their improvements, and landlords therefore, who are disposed to act in this way, will have ample scope for making future improvements to their own profit.

71. As a simple matter of fact, ryots make most of the agricultural improvements all over Bengal, and it is only for that this should be recognized, and they should be protected and encouraged in such works, and this is what this chapter contemplates doing.

CHAPTER IX.

MISCELLANEOUS PROVISIONS.

72. *Section 90* (1)—Will operate with much harshness against the ryots in this district. There is very little practical distinction between occupancy ryots and non-occupancy ryots, and ryots and under-ryots all make improvements. In the first place, they make their valuable homesteads at considerable expense; in the second place, they dig tanks which are necessary for drinking purposes in most parts of the district, as the river water is brackish in some parts of the year; and lastly, they put up in some places embankments on the sides of khals, and sometimes right across khals, in order to prevent their crops from damage by high floods. Section 90 (1) gives non-occupancy ryots the right to make homesteads, but does not speak of the excavation of tanks, which is often necessary in this district; and it does not give the non-occupancy ryots the right to make any other improvements, like the construction of embankments. Under-ryots are not even mentioned in this chapter, and this, I think, is a simple omission.

73. *Section 90*—Should therefore be altered in the interests of agricultural improvements. Landlords seldom make such improvements in any part of Bengal: ryots universally make these improvements: and it is necessary therefore, in the interests of agriculture, to empower ryots of all classes to make such works.

74. I would make no alteration in section 88 and section 89, which give to fixed ryots and occupancy ryots the legal right they require for making improvements in their lands. Non-occupancy ryots and under-ryots cannot be allowed the same privileges, because their holdings are not transferable, and may revert to the zemindar if they are ejected. But I would give to these classes of ryots the right to make suitable dwelling-houses and homesteads, including the right to excavate tanks and plant fruit-trees within such homesteads. They should also be empowered to make all other improvements enumerated in section 87, subject to a right of objection on the part of the landlord. If the landlord objects when the improvement is under construction, or within one month after it has been commenced, by a written application to the Collector, the Collector will take the objection into consideration, and will, after such enquiry as he thinks necessary, either order it to be stopped or to be completed. In the latter case, the non-occupancy ryot, or the under-ryot who makes the improvement,

This proposal was not agreed to at the Dacca Conference. "Suitable dwelling-house" was held to include such fruit-trees as are planted in homesteads according to the custom of the district, and was also held to include such tanks as are necessary to raise the homestead land. Section 90 (2) was held to empower the non-occupancy ryot to make the other improvements enumerated in section 87, after giving the landlord notice. It may perhaps be desirable to vest these rights in the non-occupancy ryot more clearly than has been done in the Bill. In section 90 (2) a simple notice was substituted for a request in writing at the Dacca Conference.

will have no right to compensation for such improvement if he is ejected afterwards from the holding. I think such a provision will sufficiently protect the interests of the landlord, and at the same time give the ryot of all classes the right which he requires for making agricultural improvements. It will save the landlord from compensation when an improvement is made against his recorded objection, but it will still allow the non-occupancy ryot, or the under-ryot, if he chooses, to make the improvement at his own risk and cost.

75. There is little chance in Backergunge district of landlords succeeding in suppressing existing rights of ryots; but I have no doubt section 96 of the Bill will be abused in many parts of Bengal, so long as a wide difference in rates of rent is maintained between occupancy and non-occupancy ryots. Section 96, as well as other sections of the law, will be strained to the utmost, as I have stated in paragraph 60, to prevent the growth of occupancy rights. The one remedy, therefore, which is likely to prevent these abuses is to abolish all distinction between occupancy and non-occupancy rents, and to fix a maximum limit to which such rent may be enhanced.

This was the opinion of the officers present at the Dacca Conference.

76. I wish to quote in this connection a remark which Baboo Dina Bandhu Sen has made with regard to relinquishment of under-tenures. He says—"The present law provides no rule of abandonment of an under-tenure. The High Court has also held that under-tenures cannot be relinquished. In certain cases which have come to my knowledge, the want of such a rule has affected with great harshness upon the under-tenants. I therefore believe, if the Bill would provide for the relinquishment of under-tenures, under special circumstances, that would be doing a great good to the people of Backergunge."

77. In measurements it will be enough if landlords are empowered to measure the external boundaries of only lakhiraj lands. The use of the officially determined local pole, in the first instance, and subsequent conversion into English measure would be preferable, I think. Baboo Dina Bandhu Sen informs me that he has often heard tenants in civil suits complain that they could not check the amins, because they could not understand what the amin did on the field. Mr. Reily, however, states that in this district the ryots find no difficulty to follow the amin, and recommends that measurement according to the English measure should be continued.

This was the opinion of the officers at the Conference at Dacca.

78. The provisions of sections 102 to 109 will be extremely beneficial to this district. There is no more fruitful source of disputes and of breaches of the peace than disputes among co-sharers. One of the co-sharers then begins to take the ryots under his zimba, or himself goes under the zimba of some powerful zemindar, and endless complications then arise, which frequently threaten breach of the peace. I am quite sure these sections will not only prove very beneficial for the peace of the district, but will also be appreciated by the zemindars of the district themselves. Many families will be saved from dissensions and ruin.

The provisions were approved at the Conference at Dacca, but it was resolved that in case of applications from private owners, co-sharers owning at least half the estate must apply before the provisions of this chapter can be applied to any estate.

CHAPTER X.

RECORD OF RIGHTS AND SETTLEMENT OF RENTS.

79. This chapter is one of very great importance, and is likely to prove extremely beneficial in many parts of Eastern Bengal, where ill-feeling exists and disputes occur between landlords and tenants on the question of rent. At the present moment there are portions of this district where such disputes are frequent, and where a record of rights and a settlement of rents would be highly beneficial in allaying ill-feeling and restoring peace. Parties to the dispute do not always go to the civil suit, as each party tries to avoid the burden of proof, and in many instances the dispute concerns such a large area, and concerns so many ryots, that nothing but a detailed local enquiry, such as is contemplated in this chapter, can afford a satisfactory solution. As a means of settling disputes and restoring good feeling in many disturbed parts of Bengal; as a simple method of giving redress to landlords who, either on account of having purchased new estates, or on account of the dishonesty of their servants, are unable to prove their claim to fair and equitable rents from their ryots; and, lastly, as an equally simple and efficacious means of affording relief to ryots in places where they are rack-rented and impoverished, this chapter of the revised Rent Bill is likely to prove extremely beneficial to the country.

80. I would make a slight alteration in section 110, sub-section (2), clause (a). I would add the following words in the end of that clause—"or where there are special circumstances relating to the condition of the tenants such as make it desirable, in the opinion of the Local Government, to pass an order under this section."

This was not agreed to at the Conference at Dacca. Under section 110 (1) the Local Government is empowered to take action *in any case* with the sanction of the Governor General, and this was held sufficient.

81. My reason for making this addition is obvious. There may be places where the tenants are too ignorant to apply, or too poor to pay the expenses required under the section as it now stands, and it is of the utmost importance that Government should reserve the right to interfere of its own motion in such cases.

82. The first portion of this chapter relates only to a record of rights. The second portion includes, in addition, "the settlement of all such rents of occupancy tenants and tenure-holders holding otherwise than at fixed rates, as either the landlord or the tenant may apply to have settled." (Select Committee's report). This being so, it would be simpler if all questions of rent were excluded altogether when the procedure for a record of rights only was adopted. Clauses (*e*), (*f*), and (*g*) of section 111 should therefore be omitted.

This was not agreed to at the Conference at Dacca, and it was resolved that the clauses should stand. They empower the officer simply to record existing rents when he is making a record of rights, while he can alter and settle rents when he is making a settlement of rents.

83. It has been provided that the decisions of the officer making a record of rights will be appealable, and that the undisputed entries will only be presumed to be correct until the contrary is proved. I entirely approve of these provisions. Mistakes are frequently made by revenue officers employed in making settlements of Government estates, and the officer making a record of rights is equally liable to make such mistakes. It is desirable that the parties affected by his proceeding should in every case have a right of appeal. On this point I entirely agree with the concluding remark in paragraph 73 of the Select Committee's report.

It was resolved, however, at the Dacca Conference that when a ryot was present when the entry regarding him was made, and did not dispute it, he shall not be allowed to prove the contrary afterwards under section 116 (2).

84. I do not quite understand the reasons for which it has been provided that an officer making a "settlement of rents" will settle only the rents paid by tenure-holders and occupancy ryots. It seems to me that it would be better to empower him to record or settle all rents paid by tenants of all classes in the estate, and thus to make a complete rent-roll of the estate.

85. I have recommended the fixing of maximum limits of rent in paragraphs 44 to 50, and in paragraph 57 of this report. If these recommendations find acceptance, I would insert a clause after clause 5, section 118, that the officer will in no case fix the rent higher than one-fifth the gross produce in the case of ryots, and of one-fourth the gross produce in the case of under-ryots.

86. It would be desirable, as has been suggested in the letter of the Government of India, that officers acting under this chapter should be expressly invested with the power of a Civil Court for the purpose of summoning, affirming, and examining witnesses and passing necessary orders.

CHAPTER XI.

TABLE OF RATES.

87. I think it will be ultimately decided to omit this chapter altogether. The help which a landlord really requires when he is unable to get any reasonable rent from his ryots will be given to him under the provisions of the previous chapter; and as far as I can judge, zemindars will invariably apply for help under that chapter to have a rent-roll prepared than to have a table of rates prepared. The distinctions between the different qualities of lands are by no means marked, and the rent varies even of lands of the same quality. Under such circumstances, the preparation of a table of rates would be extremely difficult; and when it is prepared, it will be next to useless for the landlord. The chapter, therefore, if enacted into law, will be a dead letter, and it would be better therefore to abandon it altogether.

CHAPTER XII.

RECORD OF PROPRIETORS' PRIVATE LANDS.

88. I have no remarks to make under this chapter. I am not aware of any class of proprietors' private land not included in the list given in section 133 (1) of the Bill.

CHAPTER XIII.

DISTRAINT.

89. I am very strongly of opinion that "if distraint is to be maintained at all, the process can no longer be left to the unsupervised action of the zemindars' servants." Private distraint is so constantly and almost invariably abused, and in this district has so frequently been the occasion of breach of the peace, that it cannot be allowed to continue in the statute book. When the right is exercised, the chances are, nine to one, that it is exercised not with the legitimate object of realizing rent, but with the object of harassing the ryot to compel him to comply with some other demand with which he is not bound legally to comply.

90. I am not singular in my opinion in this respect. Babu Dina Bandhu Sen, who as pleader has acted oftener for zemindars than for ryots, and who has gained a thorough and practical experience of the working of the law from many years' observation, states :—" In nearly all the cases of distraint which have come to my notice as a pleader in this district, I have observed that the law has been abused." This is the opinion of most persons that I have consulted, but Mr. Reily is of a different opinion, and maintains that the right of private distraint helps zemindars in getting their rents expeditiously, and should be retained.

91. Private distraint should, in my opinion, be abolished altogether. The remarks made above apply with only somewhat less force to distraints under order of Courts. Distraints are not applied for to realize rents, but to harass ryots and make them comply with other demands with which the ryot is not bound to comply. This was the opinion of most of the gentlemen who attended a meeting which I convened in Burrisal to discuss the Rent Bill; and all the gentlemen, except a few zemindars, agreed that there should be a special provision in the law that an application for distraint should not be complied with by Courts unless satisfied *primâ facie* that there is no other means of realizing rent. My opinion is the same. Private distraint should be abolished altogether; and if the remedy of distraint under orders of the Court be retained, there should be a special proviso that no order to distrain shall be passed unless the Court is satisfied *primâ facie* that there is no other measure for realizing rent.

I have received abundant and almost unanimous testimony on this point. The First Munsif of Burrisal says that 95 per cent. of the applications for distraint made to him within the last 11 years of his service were made solely to compel ryots to submit to unreasonable demands. He says, "Two of the biggest zemindars in the district, Babu Kali Kissen Tagore and Raja Satyananda Ghosal, who are known to be very good landlords, have scarcely any occasion to avail themselves of the law of distraint." It is the oppressive zemindars only who avail themselves of the law to harass ryots. The Munsif, therefore, recommends the entire abolition of the law of distraint, which, he says, will not create any real difficulty in the realization of rent. He believes that in Bengal much greater oppression is committed by distraint through Court than by private distraint, because landlords. when bent on oppression, try to give their proceedings a semblance of legality.

It was resolved at the divisional Conference at Dacca to let the provisions of the present Bill stand as they are.

CHAPTERS XIV and XV.

JUDICIAL PROCEDURE AND SALE FOR ARREARS.

92. I regret that my absolute want of all experience in rent-suits prevents me from giving any opinion of any value on the question of procedure as laid down in these two chapters. Ryots in this district do not generally withhold rents unless there is a dispute about the rate of rent, or some similar matter. Respectable zemindars have informed me that they have generally and without difficulty realized 12 to 14 annas of the rent due within the year, and that the arrears are mostly paid up in the following year. The sub-division of Dakhin Shahbazpore, however, is an exception. Ryots there will often withhold rents, when they can pay, in order to utilise the money in other ways, and to get a profit or interest on it, and the zemindars of that sub-division find much difficulty in realizing rents. An efficacious procedure ought to be provided for realizing rents from such ryots, and I believe section 168 of the revised Bill, and the provisions of Chapter XV, provide a very prompt and efficacious remedy.

93. The provisions of sections 163, 164, 168, 171, 175, 177, 185, and 186 seem to be fair and equitable.

94. Mr. Reily makes some remarks about the inconvenience and difficulty of co-sharers in realizing rent which deserve consideration. I therefore quote them in full :—

"The Rent Law, Act VIII of 1869, has imposed great inconvenience as regards estates in which there are co-sharers. I would especially refer to section 64 of that Act. On a decree for arrears of rent having been obtained, the execution in favour of a sharer in an undivided estate 'shall not issue against the defaulting tenure until after the sale of the defaulter's moveable property.' This special exception in favour of this class of defaulters is the cause of much delay, and is practically useless, since the defaulter removes all moveable properties, and taken advantage of the law to harass the landholder by setting up relatives to claim any articles he may succeed in attaching.

"Further, when the tenure is brought to sale, the law enjoins that such sale shall have the same effect 'as the sale of any immoveable property sold in execution of a decree *not being for arrears of rent.*' That is, the landholder, if he buys it in for the arrears which are due to him, cannot eject the tenure-holder, and is liable for all claims and mortgages for *debt* of the defaulter; also claims by minors or other parties. Further, the sale proceeds are divided between the landholder (who probably has been to the cost of obtaining the decree and executing the same) and all other claimants. Thus affording opportunity for the defaulter to set up fraudulent claimants, who generally obtain decrees by the intentional default of the tenure-holder. Also defaulters of rent in co-sharer estates take advantage of this provision of the law and purposely incur debts.

Several instances can be adduced of landholders in co-sharer estates being deprived of rents justly due to them by the provisions of this law, which in fact acts as a bar against the realization of rent. This great hardship should be remedied. A decree for rent should take precedence over every other claim. No exception should be made for the accidental or fortuitous circumstance that the tenure is situated in a joint estate, held by several co-sharers, especially when the tenure itself is put up to sale, not the portion falling within the share of the decree-holder, who (should he purchase the tenures) is liable for the rent of the tenure to his co-sharers in the proportion of their respective shares. This matter is deserving of the serious consideration of the Legislature, as the provision of the law referred to has done more to depreciate the value of the landed property than any other procedure of the Courts. There are comparatively very few 16-anna or sole proprietors in the district. With the lapse of time the number of families increase, and estates are divided and sub-divided into shares between the heirs. In the course of time still fewer estates will be held *sole seul* or by a single proprietor. The subject therefore demands the immediate and serious consideration of the Government. I would here remark that the registering separate accounts of shares in the Collector's office, and selling portions of estates under Acts XI of 1859 and VII of 1876, foster and encourage the system of sub-dividing estates. On glancing over the sale notices published in the *Calcutta Gazette* it will be observed that nearly every estate advertised for sale on account of arrears of revenue is a share of an estate for which separate accounts have been opened. The tenants in such co-sharer's estates labour under the great hardship of having to pay their rent in fractional shares to the agents of each share-holder. To them it will be a boon if the tenure is sold in execution of a rent decree, and passes into the hands of a *single* share-holder, to whom alone they will have to pay their rents."

95. Mr. Reily also represents the inconvenience to which the landlord is put in realizing his rent under the rules framed by the High Court. I have heard complaints from other zemindars also on this subject, and I think the remarks of Mr. Reily deserve careful consideration, and I therefore quote them :—

"Rule 2 enjoins that when immoveable property is under attachment in execution of a decree, the party applying for the order of sale, or if more than one, then one of them shall, before he makes his application, cause search to be made in the office or offices of the Registrar or Sub-Registrars of Deeds, within whose circle or circles the property is situate, with a view to ascertain whether such property is subject to any and, if so, what encumbrances. Every application for an order for the sale of property in execution, whether moveable or immoveable, shall be supported by an affidavit to be made by the application, or by some other person acquainted with the facts of the case; and to be verified in the manner prescribed by the Code for the verification of plaints, which affidavit shall state everything known or believed by the deponent to exist, which relates to the nature or affects the value of the property to be sold.

"I beg to point out, under section 18 of the Registration Act, the registration of immoveable property valued at less than Rs. 100 is declared optional: many persons evade such registration. The registration of wills is also optional.

"Under section 57 of the Registration Act, books Nos. I and II, and the indexes relating to book No. I, are opened to inspection by any person applying to inspect the same; but not book No. III without payment of a fee.

"Again, the indexes from the Rural Sub-Registrars are not submitted to the Registrar at the sub-divisional head-quarters for *weeks*—sometimes after the lapse of *months*. That officer includes these indexes in his general index at the end of the year. When a new book is required during the year, the first index book is sent, and the second is retained until it is finished.

"In cases in which a document relates to several proprietors, each lying within the jurisdiction of a different registry office, it may be registered at any one of the said offices (*vide* section 28), and a memorandum shall be sent of such Registrar by the officer registering the document to all the offices within the jurisdiction in which the property or properties or any portion of them is situated. Often a month or more elapses before such memorandum is received by all the officers concerned.

"It will thus be seen that before a decree-holder can discover if the property in which he is interested is subject to any and, if so, to what 'encumbrances' he must proceed first to the Rural Sub-Registrar's office; then to the divisional office; then to the sudder office. Generally judgment-debtors begin to create encumbrances within the year in which the decree is obtained, and the decree-holder, before he can make affidavit that there are no encumbrances, must visit all three offices. Consider for a moment the expense, waste of time, the harassment attending these visits, and the searches of the several registers, not to mention the well-known " insolence

of office." The cost will absolutely debar execution of decrees for sum not exceeding Rs. 20. The majority of decrees for arrears of rent seldom exceed that sum."

CHAPTER XVI.

Summary Sale for Arrears.

96. I have no remarks to make under this chapter. Baboo Chundra Nath Mahalanavis and some other zemindars would like to see this patni sale procedure applied for the realization of rents by zemindars. I also quote the opinion on this subject of Mr. Reily as representing another suggestion made on behalf of zemindars for creating facilities for realizing rent:—

"To expedite the trial of rent-suits, the most effectual measure will be—*first*, to increase the number of Munsifs empowered to try rent suits according to the wants of a district.

"*Second*—In cases where there are decrees for rents of *previous* years, to bring the tenure for sale on the affidavit of the tehsildar or collecting agent, that the rent or instalment (as the case may be) has not been paid for the current year.

"Also the court-fees in rent suits should be reduced to half the amount in civil suits, so as to reduce the costs for defaulting tenants."

My opinion is that the facilities given in Chapters XIV and XV of the Bill will be found practically sufficient, and that it would be risky to go further in this direction.

CHAPTER XVII.

Contract and Custom.

97. *Section* 210—Enumerates the matters in which the provisions of the Act shall take effect, notwithstanding any contract to the contrary. If the recommendations I have made for fixing maximum limits of rents from ryots and under-ryots find acceptance, that rule should be added to this list as a matter which should take effect, notwithstanding any contract to the contrary.

Interest at the rate of 75 per cent., and sometimes 150 per cent. per annum, on arrears of rent is sometimes contracted for. It may be thought necessary to legislate against such monstrous contracts. It was resolved at the Dacca Conference to provide against the power of contracting for interest on arrears of rent at a rate over 12 per cent. simple interest.

CHAPTER XVIII.

Limitation.

98. I have no remarks to make under this chapter.

CHAPTER XIX.

Supplemental.

99. With regard to section 227, the only kind of pasturage which is peculiar to this district is the grazing of buffaloes in the churs in the great rivers, which are submerged in high floods, and where no crops can grow. Large herds of buffaloes are sent there in seasons when they are not required for cultivation. The provisions of section 227 sufficiently meets the requirement of this case.

100. These are all the remarks that I have to make on the revised Rent Bill. It only remains now to reply to the questions raised in the initial paragraphs of the Government of India's letter No. 784, dated 5th May 1884, and forwarded to me with your No. 154G, dated 23rd May 1884. These questions have been noticed and commented upon in the Government of Bengal's letter No. 3T.—R., dated 24th May 1884. I will shortly reply to these questions in a separate communication.

With regard to the last of these questions, it was resolved at the Dacca Conference that not only semi-tenures, but ryoti holdings, like the jotes of Mymensingh and Backergunge, which are now legally recognised as saleable, should be exempted from the presumption clauses, if those clauses are retained in the Bill.

(*N. B.*—Mr. Dutt's separate communication has not been submitted to the Government of Bengal. His views are doubtless duly represented in the report of the Dacca Conference.

A. P. M.

No. 3105T-R., dated Darjeeling, the 3rd October 1884.

From—A. P. MACDONNELL, Esq., Secy. to the Govt. of Bengal, Revenue Department,

To—The Secretary to the Government of India, LEGISLATIVE DEPARTMENT.

I have already, at His Honour the Lieutenant-Governor's desire, brought unofficially to the notice of the Government of India, the fact that the Commissioner of the Rajshahye Division, when convening the Conference of Collectors of his Division on the Tenancy Bill, took occasion to issue to them a circular letter, dated 7th June, commenting upon the proposed measure. I have also stated that although some of Lord Ulick Browne's comments, especially those in his 6th paragraph, were likely in Mr. Rivers Thompson's opinion to convey a wrong impression of the motives and policy of Government, besides being calculated to prejudge the issues which the Collectors were called on to consider, still the Lieutenant-Governor, in order to avoid all appearance of interfering with full freedom of discussion, took no notice at the time of the circular in question. When, however, the Report of the Rajshahye Conference had been submitted to Government, Mr. Rivers Thompson thought it desirable to bring the circular to the notice of the Government of India in order that it might be taken into consideration in connection with the Rajshahye Conference Report. The Government of India now uggest that the circular should be published with the other papers submitted with my letter of the 15th September last; and the Lieutenant-Governor accepting that suggestion requests that this explanatory letter with Lord Ulick Browne's circular of the 7th June may be prefixed to the Report of the Rajshahye Conference.

No. 1900T-R., dated Darjeeling, the 13th September, 1884.

From—A. P. MACDONNELL, Esq., Secy. to the Govt. of Bengal, Revenue Department,

To—The Commissioner of the Rajshahye Division.

The Lieutenant-Governor understands that in convening the Conference of Collectors on the Tenancy Bill, you took occasion to issue to them a circular letter of instructions and comments upon the Bill. It is desirable that the Government should be acquainted with the terms of the circular letter referred to, and I am therefore, by order of the Lieutenant-Governor, to request that you will submit a copy of the letter for the information of Government. As time is an object, I am to suggest to you that you will facilitate matters by forwarding the file copy of the letter in question to be returned to you after perusal by His Honour.

No. 519RCt., dated Darjeeling, the 13th September 1884.

From—LORD H. ULICK BROWNE, Commissioner of the Rajshahye Division,

To—The Secretary to the Government of Bengal, Revenue Department.

I have the honour to acknowledge the receipt of Government letter No. 1900T—R, dated 13th September 1884, and in reply to enclose in original the circular* I issued when convening the Conference on the Bengal Tenancy Bill.

* No. 221Rct., dated 7th June 1884.

2. The return of the circular is requested.

Circular No. 221RCt., dated Darjeeling, the 7th June 1884.

From—LORD H. ULICK BROWNE, Commissioner of the Rajshahye Division,

To—The Collector / Deputy Commissioner of

[ADDRESSED to the district officers of this Division with reference to the following papers relating to the Bengal Tenancy Bill:—

Bengal Government's circular No. 2T—R, dated 16th May 1884 }
Ditto ditto „ 3T—R, dated 24th „ „ } Copies of these three have been sent to district officers direct.
Government of India's letter No. 784, dated 5th May 1884. }

Revised Bengal Tenancy Bill as published in the *Gazette of India* of 29th March 1884.

Report of the Select Committee of the Legislative Council of India on the revised Bill published in the *Gazette of India* of 29th March 1884.
Dissents of members of the Select Committee.]

GOVERNMENT have called on Commissioners and district officers to consider the revised Bill and the other papers, and to have certain enquiries made, if any, when necessary. After this, Commissioners are to hold a conference with district officers and to embody the views, opinions, and information collected in a single report, in order to diminish correspondence as much as possible. The Commissioners' reports are to reach Government not later than 12th August, and thus the Conference (which will take place at Darjeeling) must be held towards the end of July.

2. It occurs to me that the work of the Conference may be considerably reduced by my ascertaining beforehand how the facts stand as regards local peculiarities, &c., and also ascertaining the opinions of the district officers on some points. For instance, if there are, as I believe will be found to be the case, no special local circumstances in this Division affecting some of the proposals, it will be unnecessary for us to discuss the proposals on that particular score, though we may have to do so when other objections offer themselves.

Again, as regards some of the simpler points to be considered, if we all agree, they need not be discussed. Taking this view, I issue the present circular in the hope that in regard to most points I may receive information or opinions from the district officers by the 30th* instant, if not sooner On receiving them, I propose, so to speak, to strain off matters in which there is either unanimity or a great preponderance of opinion without any special and unforeseen reasons for dissent, and where there are differences of a decided nature, and whenever opinions are held on any new or unusual or special grounds, to let other district officers know those grounds in order that such points may be considered by the light of them before the Conference.

* In fixing this date, allowance has been made for action having been taken on receipt of the Government circulars of 16th and 24th May.

In the same first set of reports I should like to have any special suggestions or remarks of the district officers on any points not dealt with in the circulars of Governments, or in the report and dissents of the Select Committee, if any such occur to the district officers.

3. I am in hopes that with one special exception, in regard to which Government wish particular enquiries to be made to whatever extent may be possible in the limited period available, district officers will be able to let me have information and opinions on remaining points by 10th July, so that more ground may be cleared before we meet; but, if possible, I should of course prefer that (omitting the special exception) all may be included in the first reports to be submitted by the last day of this month.

4. The time allowed us being so short, I hope no district officer will think of sending the papers to any Sub-divisional Officer, or other officer, or other person, for a general report on them; and as regards public bodies the Rajshahye Association is obviously the only one in this Division that should be consulted on this occasion. It would be a waste of time to consult Road Cess Committees and Municipal Commissioners *as such*, though individual members may be in a position to give useful information on a particular point. I must request that no enclosures be sent to me with the district officers' reports, *i.e.*, that any suggestions from others be embodied in these reports. I also hope that brevity will be earnestly studied, as each officer can, besides bringing to the Conference the draft of his report to me, also bring notes of any lengthy arguments, &c., with which he may wish to support more fully anything of importance at the Conference, if such support seems necessary.

5. In regard to several provisions of the Bill, or suggestions of the Bengal Government for altering it, enquiries are made by the Government whether any local peculiarities exist in any district which would interfere with the application of the provision or the adoption of the suggestion. It is obvious that there is no time to make detailed and prolonged enquiries and the best course to adopt in cases where the district officer has insufficient personal knowledge of the subject already will be to select a few individuals, whether munsifs, zemindars, zemindari agents, sub-divisional officers, Deputy Collectors, or others, who, from what has come before them in the discharge of their duties or business, or their means of enquiring easily and quickly from neighbours, &c., are the most likely to be able to supply at once, or obtain with the least possible delay, the required information. Then, without sending the papers generally to such persons, district officers might send them questions embodying the points in regard to which Government enquire. Speaking generally, I am inclined to think that the only local peculiarity in the Regulation parts of this Division that is of real importance as regards our present purpose is the long-established custom under which the jotes of Rungpore and of the Regulation part of Julpigoree, which formerly

belonged to Rungpore, are transferable at the will of the jotedar. If, however, there are others of a character to interfere with present proposals, the district officers will either know of them, or can now ascertain their existence by applying in the right direction to a few individuals.

6. District officers will doubtless remember that there is no use in repeating at length general arguments such as that the great main principles of the Bill are contrary to the solemn pledge made in the Permanent Settlement Regulations; that such important changes are impolitic, unnecessary, or unjustifiable in Bengal Proper at any rate; that they will create mischief and bad feeling, and so forth. The present Government have turned a deaf ear to all such representations and arguments, and, in order to shew beyond all doubt the determination not to be influenced by them, went so far as to give in the Legislative Council a meaning to the word "proprietor" that was previously unknown in connection with the English language. But though it is desirable to avoid repeating such arguments at length, it is equally desirable that officers, who think the passing of such a Bill would be a stain on the British administration of India, and that it is unfair, unjust, impolitic, or uncalled for, should not mislead Government into thinking that such officers have abandoned those views, as the history of the expression of opinions on the different Bills that have been supported or proposed by Government shows that some modifications have been effected by the representation of such views, while there are, at the present moment, grounds for thinking further modifications may yet be effected. When the first two Bills, the predecessors of the one now under consideration, were framed, the zemindars shewed astonishing supineness, and failed to set forth their arguments against the Bills. It was doubtless owing to this that a great majority of Commissioners and Collectors considered those Bills just as if the Government had *tabula rasa* to work upon, as if no one in the country had any right whatever in the land, and as if it rested entirely and beyond a doubt with Government to do what they happened to think best. But by the time the present Bill was drafted in its original form, the zemindars had set forth and published their side of the question in considerable detail and with much force, the consequence being that the last reports of Commissioners and district officers differed in many instances from their first reports, which were written without an opportunity of knowing what there was to be said against the Bills by one of the two parties who were materially interested in them. The result of the modified opinions expressed by Government officers in support of the pleas of the zemindars has been modifications on some points that appear in the Bill as now revised, and a decided opening of the door for further modifications in the present letter of the Government of India and the last published despatch of the Secretary of State. Lastly, it will be observed that the letter of the Bengal Government, while expressing decided views, invites a free expression of the opinions of Commissioners and district officers, and in one instance goes so far as to call particular attention to the dissents of members of the Select Committee.

Thus, officers who have the true interests and the good name of the Government at heart, who think them likely to be affected by the present Bill, and who at the same time have the courage of their opinions, may be able to give really useful assistance by freely expressing those opinions now, though they do so with brevity, by saying that such a section or proposal is unjust, unfair, unnecessary, an infringement of rights, &c., while at the same time prepared to loyally carry out whatever measure may be finally determined on by the Government they serve.

7. In the remaining paragraphs of this circular, the following abbreviations should be noted:—

The red figures* refer to items or points mentioned in the Bengal Government circular and the letter of the Government of India, and the corresponding figures will be found in the enclosed copies of those papers.

S, means section of the revised Bill.

B. 8, or 9, &c., means paragraph 8 or 9 of the Bengal Government circular.

I. 8, &c., means paragraph 8 of the Government of India letter.

C. 8, &c., means the paragraph of the Select Committee's Report.

K., with a figure, means the dissent of Baboo Kristo Das Pal, and the page of Part V of the *Gazette of India* of 29th March 1884, where the passage referred to will be found.

I need scarcely say that information, &c., is required in the case of Julpigoree in regard to the Regulation portion of that district only, and in the case of Darjeeling what is sought is information as to special peculiarities in any part of the country, and the Deputy Commissioner's general opinion on the points raised, or any others not raised. District officers are requested to cite the numbers of my paragraphs, and also to give (in red ink) the red figures when replying or reporting on each point.

[* Denoted with an asterisk in print.]

8. (1) 1* *and* 2,* *B.* 4 (*a*) *and* (*b*).—Probably the addition of the words "or a lakhirajdar" would suffice as regards (*a*), and it does not seem necessary to make local enquiries.

As regards (*b*), brief enquiries should be made from one or two munsifs whether they have observed in rent-suits that in holdings of more than 100 bigahs there are generally under-tenants, or whether in many holdings of that size the whole is cultivated by a ryot, his family, relations, hired labourers, &c. Similar enquiries might be made verbally from zemindari managers by Sub-divisional Officers and head-quarters ditto. There is of course a fundamental objection that the clause (5) would throw on the zemindar unfairly the onus of proving a negative, instead of the Legislature adopting the ordinary principle of law everywhere else, that a man claiming a special right, &c., is bound to prove it.

9. (2) 3,* *B.* 4 (*c*)—*I.* 6—*C. Chapter V of their Report.*—This section 37 is a point that requires a good deal of consideration. There is first the question whether the danger of occupancy holdings falling into the hand of money-lenders is a serious one or not. However that may be, I am inclined to think that if occupancy holdings are made transferable, it will be impossible, whether by section 37 or by any other provision that is not open to objection, to prevent a money-lender from getting such holdings. A money-lender may be, and often is, a cultivating ryot. It would be possible to provide simply that no money-lender may acquire an occupancy holding, but it is objectionable to bar by express legal provision any class from acquiring an interest which all other classes may acquire; and the class which would be excluded would be men with capital, who, if so minded, could spend money in improving the holding. It would further reduce the value of the occupancy right, as a very likely class of purchasers would be unable to purchase. Again, the section would involve a local enquiry to ascertain if more than half the holding was sublet, and, as the Government of India observe, (1) it would not be easy to find that out, while (2) it might not be to the interest of the holder to have such subletting known and registered; though, as regards the latter point, I think that, as a general rule, it will be to the interest of the holder to sublet and to register, as by the change to a tenure-holder he gains advantages as regards the points of pre-emption and distraint. This last consideration suggests another objection to section 37, *viz.*, that it will encourage what all are anxious to prevent, *viz.*, subletting.

In addition to all these objections to section 37, there is, what seems to me, another very important one. Though it would attain one of the objects of the Bengal Government, *viz.*, facilitate the acquisition of occupancy rights, is it fair to give that facility in addition to all the other provisions of the Bill to some effect?

Two more remarks occur to me here. One is that the assumption of the Bengal Government in the last three lines of page 2, paragraph 4, is with all respect erroneous, as the zemindars, one and all, object *in toto* to making the occupancy right transferable at all. The other is that by the (in my opinion satisfactory because just) rejection of the principle of limiting non-occupancy rates of rent to the same extent as occupancy rates, the efficiency of section 37 to limit rents will be much affected, apart from the question whether it is just or right that it should limit them.

10. (3) 4,* *B* 5, *Section* 8, *&c.*—The first point of all to be considered is whether it is necessary, or is fair to the zemindar, to impose any specific limit of 10 per cent., or 25 per cent., or any other limit whatever, to the enhancement of the rent in excess of and beyond the existing limitations provided by contract or by established custom, and by the 10 per cent. profit proviso in section 7 in the case of tenures, and in excess of the limitation of prevailing rates, and of the principle of proportion when applied to rise in value of produce in the case of occupancy tenures. Considering what a real limitation prevailing rates have now got to be—and the same as regards the proportion principle—is any *further* limitation really required; and considering how much of the land in the country was jungle at the time of the Permanent Settlement, and the exhortation addressed by the Governor-General in Council in the Permanent Settlement Regulation to the zemindars to "exert themselves in the cultivation of their lands under the *certainty* that *they will enjoy exclusively* the fruits of their own good management," &c., is it right to go any further in imposing limits and in granting to ryots a larger portion of those fruits than Act X of 1859 has already gone? The above consideration also applies to the question of fixing a period within which no second enhancement is to be made. If a railway is made two years after an enhancement, and increases the value of the produce of the land, is it fair to exclude the zemindar from all share in the increased value for eight or for five years?

If Government, however, decide on imposing further limitations, and if it is thought right and advisable to establish uniformity between tenures and occupancy holdings in these matters, then a question arises whether the occupancy holding limitations, or the tenures ditto, should be adopted for both. Cases are well known where the value of land is increased much more than double without the ryot doing anything to increase it.

With reference to the second clause of B. 5, local enquiries will be necessary to ascertain the basis on which the rent of what is called a tenure in the Bill (which is a holding above

that of an occupancy holding in status, and with, I believe, an universal right to sublet) is enhanced when it is liable to enhancement at all.

There are probably in this Division two main classes of tenures, *viz.*, the Rungpore jotes, and others. As regards the "procedure" of Chapter III of the Bill, so far as I can see, it provides for very little of that, but implies that an application must be made to a court to enhance the rent.

11. (4) 5,* *Chapter IV of the Bill, B.* 6—*I.* 7 *and Chapter VIII, Section* 64 (2).—The three dissents of Baboo Kristo Das Pal, the Maharajah of Durbhunga, and Mr. Gibbon, referred to at the end of B. 6.—In this case two or three intelligent and leading zemindars and two munsifs should be asked if they know of any, few, or many cases of the presumption being pleaded, and in how many of such cases the zemindar has been able to rebut it, or even to attempt to bring evidence showing what rent has been paid ever since the Permanent Settlement. I am somewhat surprised at the opinion expressed in B. 6 that it is a "reasonable presumption," because "it throws on the landlord no greater burden of proof than in ordinary cases he should be easily able to discharge." I had experience as a Collector of enhancement suits under Act X of 1859, and I once acted as an Additional Judge for seven months, during which period I did little else but hear appeals from decisions in such suits. In all the cases that came before me in either capacity, I do not remember a single instance in which a zemindar was able to rebut the presumption so often made, nor is this to be wondered at. Between 1793 and 1859 (or 1858) no zemindar had the least idea that Government would ever think of passing such a provision of law; and, consequently, even in cases where estates have remained in the same hands for two or three generations, no zemindar thought of keeping his rent-books for periods long after claims to rent were barred by limitation. It is well known that before 1859 kabuliyats were scarcely ever taken, not perhaps one for every five thousand ryots in Bengal, and thus it is impossible for a zemindar to disprove the presumption. On the other hand, as Mr. Gibbon observes (in the centre paragraph, page 105, *India Gazette*, Supplement, Part V, 29th March 1884), the old Regulations made it compulsory on zemindars to give pottahs, and pottahs are frequently produced by ryots when it serves their purpose; so it is far easier for the ryots to prove than for a zemindar to disprove. In cases where an estate changes hands, it is often impossible to get any zemindari papers whatever; in fact, it is always so when an estate is not sold by the free will of the proprietor. How, then, can the succeeding zemindar rebut the presumption? That it has conferred rights intended for holdings of the time of the Permanent Settlement on holdings constituted long after it, no one doubts. For these reasons it has always seemed to me that the presumption is a very unreasonable and unjust one, and I am not without a hope that the provision may be abandoned. Even Mr. Reynolds used to be in favour of rescinding this section of the present law, though he has changed his opinion, and what he said on the subject, quoted by K. 87, is worthy of attention. "The Collector of Purneah," Mr. Reynolds says, thought "there is hardly an estate in the whole of Bengal in which the value of the proprietary right has not suffered from the presumption." If, however, it is decided to retain the presumption, then I trust that all Government officers will agree with the Government of India in thinking that some restriction, whether one of those numbered as (1) or (2) in I. 7, or any other, should be imposed on the section as it stands.

12. (5) 6,* *B.* 7.—If Government determine to create the settled ryot in Bengal as well as Behar (the fairness of doing which seems to me the first point for consideration), then, as butwaras are not frequent in this Division, I doubt if there is any special reason why 1st January 1853 [see section 27 (*b*)] should not be taken as the date which will form the basis of the definition of the word "estate." A report is requested on that point. But it occurs to me that if the entire proposal is adopted, the ryot's occupancy right derived from his being a settled ryot should be restricted to the land he occupies at the time he claims that right, and that he should forfeit it if he does dot claim and register it within one year of the passing of the Bill, or of the accrual of the right subsequent to the passing of the Bill. Take the case of a parent estate in 1854 partitioned in 1855 into four estates—W, X, Y and Z. When the Bill passes a ryot has land in Z, having held it for one year, and having held other land for eleven years in Y, which he left of his own accord. Supposing that Government decide on giving him an occupancy right in the land in Z that he holds at the time of the passing of the Bill, is it fair to provide that if the proprietor of W lets land therein to that ryot fifty years hence, the ryot will, immediatly on entering, have a right of occupancy in that land merely because it was, in 1854, part of the parent estate? Opinion is requested as to whether this is just to the proprietor of W.

13. (6) *Nil.**—*Section* 28.—It should be considered whether it is just and fair to prevent by special legal provision one person in the whole world, *viz.*, the zemindar, from acquiring a right of occupancy, that one person being, moreover, he whose prior claim to that land is acknowledged elsewhere in the same Bill by giving him a right of pre-emption in case the land is sold.

14. (7) 7,* *B.* 7.—As regards the conflict of section 29 (1) with section 28, that seems a point for a lawyer to give an opinion on. I gather that 29 (1) is meant to qualify section 28.

As regards the latter part of this portion of B. 7, it should be considered whether it is just and fair to give a man who begins life as a ryot, and becomes a zemindar afterwards, a right which is denied to another man who has always been a zemindar.

15. (8) 8,* *B.* 8.—Probably (*b*) and (*c*) of section 31 will be thought to call for no remarks. Then comes (*c*). Is this provision necessary in addition to those restricting enhancement of rent in occupancy holdings. As regards (*d*), ought not payment of rent to be the first condition of occupancy, and ought not the ryot to be liable to ejectment if he withholds it for more than three months after it is due, unless a special cause, such as a failure of crops, is established? Then comes (*f*), which involves the entire question of transferability of the occupancy holding already referred to. The first main question is whether it is just to make it transferable without the zemindar's consent, unless he is given a *quid pro quo* by making registration of the occupancy right compulsory, and the holdings saleable like putnis. Here the questions already treated of, whether it is possible to keep out the money-lender if the holdings are transferable, and whether it is advisable to do so in the face of the objections to any provisions framed with that object, again come up. The concluding sentence of B. 8 again suggests that it would be unfair to both zemindar and occupancy ryot to diminish the sale price by excluding the money-lender class of bidders. As regards preventing that class from rack-renting under-tenants, it seems to me that section 62 will effectually prevent this, whether the rent-receiver be a money-lender or not.

16. (9) *Nil.*—*Enhancement.*—Section 39 seems to be directed *against* enhancement, which heading might well be put below it. But is there any necessity for the section in addition to the other restrictions on enhancement, *i.e.,* the grounds (section 43) on which alone the rent may be enhanced?

Section 41.—Is it admissible to so restrict the right of private contract?

17. (10) *Section* 42. 9,* *B.* 11, *I.* 12.—I am surprised at learning from the part of B. 11, in page 6 of that letter, that the idea of the liability of a non-occupancy ryot to have his rent raised to a higher amount than that of an occupancy ryot can be raised is new to the Lieutenant-Governor. Nor do I understand how it is considered that the provision in the Bill will introduce that liability for the first time into the land law of Bengal. Under Act X of 1859, and Act VIII (B.C.) of 1869, the rent of the occupancy ryot can only be raised to prevailing rates, or in proportion to increased value of produce, or to productive powers of the land; whereas no limit is declared in the case of enhancement of a non-occupancy ryot's rent. The liability of the non-occupancy ryot to pay a higher rent than the occupancy ryot therefore seems to have existed ever since the occupancy ryot was invented. As regards the main question of section 42, there are probably no local circumstances in this Division likely to produce intricate and costly legislation more than elsewhere; but still, considering all the objections to it mentioned in the two Government letters, and the further objection that occurs to me, *viz.*, that, as worded, it seems doubtful whether, on a settled ryot entering a holding previously held at a money-rent, that rent could ever be enhanced again except by contract, it is to be considered whether the section had not better be altogether omitted.

18. (11) 10,* *B.* 9(*a*).—*Grounds of enhancement.*—Have any, and if any, then have few or many instances of fictitious or collusive rates being advanced in order to establish prevailing rates come under the district officer's notice, or of those of any two munsiffs? Would it, in fact, be possible to establish prevailing rates by collusion? Does not a munsif take the rates of two or three neighbouring estates or pergunnahs as the prevailing rates, and would it be possible for a zemindar of one estate to get all the ryots of three neighbouring estates to collude in the way of declaring their rents to be higher than they in fact are, and in this way to virtually agree to pay those higher rents themselves in future, merely for the sake of enabling that zemindar to enhance the rates on his estate? I cannot imagine the establishment of collusive and fictitious rates being possible with the classes of officers we now have as munsifs and appellate civil judicial officers; for though they have, like other men, their own ideas and views in matters in which there is much room for difference of opinion, there is but little room for it on such a point of fact as what are prevailing rates in the neighbourhood.

Again, would not the abolition of the prevailing rate as a ground of enhancement tell most unfairly against the zemindars? It is, it will be remembered, the only easy one to prove.

19. (12) 11,* *B.* 10, *and the first clause of* 15—*Extent or limit of enhancement.*—The first point is whether any percentage limitations should be imposed at all in addition to those prevailing rates and the principle of proportion. It seems to me that the percentage limitations are quite uncalled for. If any are to be imposed, then the difficulties of fixing any particular percentage have to be met. As for bringing into calculations of increased cost of cultivation, it is unexpected that the Bengal Government should (indirectly) suggest it, as the difficulty of calculating the cost, the arguments as to each item, the worthlessness of the evidence, &c., would make each case last for weeks, and cost much more than the amount at issue. It would

practically debar the zemindar from enhancing on any ground that would include it. This was the conclusion arrived at by the Calcutta High Court long ago.

20. (13) 12,* *B.* 12.—Enquiries should be made as to whether there are any local peculiarities that bring bastu lands outside of both (*a*) and (*b*) of B. 12. It should be considered whether it would be just to exclude bastu lands from enhancement because some homesteads in low tracts are raised above flood-level. What has been brought to the Lieutenant-Governor's notice about the screw being applied to bastu lands in districts where there is still waste, and about an inherent affection for his bari on the part of the ryot, certainly does not apply to the two districts of this Division in which there are most waste lands, *i.e.*, Dinagepore and Bogra, for different Collectors of those districts have repeatedly reported with reference to the general question of enhancement of rent, &c., that no zemindar attempts to enhance beyond what the ryots are willing to pay, because, if it were attempted, the latter would leave the estate to settle on waste lands elsewhere. Reports are requested as to existence or not of the custom in regard to bastu mentioned at the bottom of page 7, B. 12.

21. (14) *Nil.** *Section* 47.—In this, besides the point of percentage limitation, a question arises whether clause (*a*) might not be worked by a fanciful munsif so as to prevent enhancement at all in a district like Pubna. He might, for instance, say that all improvement in land by fluvial deposit is temporary.

22. (15) *Nil.** *Section* 48.—It is to be considered whether this again, like 31 (*c*), might not be worked so as to prevent enhancement without just cause. It is left to each individual to decide what is fair and equitable. This applies to 51 (2).

23. (16) 13,* *B.* 13.—Is any nearly imperceptible cause for deterioration of land known in this Division; and if there is, would not a departure from the preciseness of the section lead to many suits with conflicting evidence and hard swearing to establish and disprove the nearly imperceptible deterioration? As regards the latter part of the same B. 13, I think the question at the end may be answered in the affirmative.

24. (17) 14, *B.* 14, *and the second clause of B* 15, *I.* 13.—*Price lists.*—This is the special exception to which I referred in an earlier paragraph of this circular. Government directs full enquiries to be made in order to ascertain if it would be possible to obtain from dealers materials for a correct list of prices of staple food-crops for the last 15 years. If it cannot be done sooner, district officers must bring the reports on this paragraph, and suggest any necessary correction in the statements, when they come to the Conference. It should be stated who prepare the Gazette prices now. There may be difficulty about getting prices for 15 years; but I see no reason why, in the course of a cold-season, a district officer and his subordinates should not obtain them at certain fixed marts in his district for five or six years past, and they could thereafter be obtained annually in future. They would be a great help in enhancement and reduction cases, and the Government of India observes that "the zemindars are entitled to some substantial improvement in the procedure for obtaining enhancements of rent in such cases."

25. (18) 15,* *B.* 16, *I.* 16.—*Non-occupancy ryots.*—The Government of India approve of Chapter VI of the Bill. The Government of Bengal think it open to question whether it does not go too far in favour of the zemindars. It seems to me fairly open to question whether it does not go a great deal too far *against* the zemindars. It will be observed that it deprives the zemindar of the right he now enjoys of fixing rent even in the case of this class of ryots; also that he is subject to the fancy of a court officer as to what is fair and equitable, and if the ryot accepts that officer's decision he can retain the land for five years (see K. 93 and 94). A man can ask what he likes as the price of a horse or a cow, or the rent of a house in a town, but he is not to be allowed to fix the rent of his land, though the person who rents it has assuredly no more right in or claim to it than the tenant of a house or the purchaser of a cow before the purchase. I think the Bengal Government are mistaken in supposing, in the second clause of paragraph 16, that it is admitted on all hands that the status of the non-occupancy ryot needs improvement. The zemindars among others do not, I think, admit it. Referring to the remarks at the end of this paragraph, I understand that, speaking generally, the result of enquiries in Central, Western, and Northern Bengal was that the zemindars did not prevent ryots acquiring occupancy rights; and in so far as I can remember it is only of late years that the zemindars in Eastern Bengal have done so, owing to combinations among the ryots to avoid paying rent at all if they could help it.

26. (19) 16,* *B.* 17.—Opinions are requested.

27. (20) 17,* *B.* 18.—Opinions are requested on the forms of receipt and account.

28. (21) *Nil.** *Section* 80.—Should it not be made compulsory on munsifs to award 25 per cent. damages in cases where there is no dispute as to the rent, where it is claimed at the same rate as has been paid or decreed in previous years, and where there is no cause for withholding it, such as loss of crops, &c.?

29. (22) 18,* *Chapter IX.—Improvements.* *B.* 19.—Opinions are requested generally and in regard to the well question.

It should be considered whether, in view of the right to compensation for improvements, an occupancy ryot should not be required to register an application to make an improvement, in order that the zemindar may be heard beforehand on the point of whether the alleged improvement will really be one or not. In Ireland small tenants frequently ask for compensation for what the landlord has to spend money in undoing or removing before he can relet the land.

30. (23) 19,* *B. 20, I. 18.*—I doubt if there are any local circumstances that affect the question asked in B. 20. As the case is one of a ryot voluntarily abandoning a holding, I do not see how the section can expose to the danger contemplated. No law could prevent an occasional illegal act, such as a zemindar turning out a raiyat by force; but there is a legal remedy for that, and I do not see how the section would help the zemindar to commit such an act. The first part of the section only authorizes the zemindar to do what he now does every day without the section, *i.e.*, take possession of abandoned holdings. The Government of India, it will be seen, accept the section. As regards 96 (3), as a matter of justice, ought not this clause to provide that all rent due by the raiyat to the date on which he abandoned the holding must be deposited in court when he institutes the suit?

Touching the question asked at the end of B. 20, should it not be left to the zemindar to choose whether he will sell the occupancy right to realise his rent or enter on the holding?

31 (24) 20,* *B. 21.*—It is most necessary that the zemindar should be allowed to measure lakhiraj lands to see if the lakhirajdar holds any mâl lands also; but I see no reason why the zemindar should be allowed to measure in more detail than is necessary to ascertain the total area of each separate bit of land. It is very desirable to get rid by degrees of all local standards, and I think section 101 should stand, particularly as the equivalent in local bigahs can be calculated without difficulty. The raiyats would be able to count the number of *haths*, poles, &c., measured by the amin, whether he wished it or not.

32. (25) 21* *B. 22.*—Opinions about a joint manager are requested. There is much to be said on both sides. I was in favour of it, and should be now in cases of serious disputes, were it not for the provisions of section 73 which are perhaps enough.

33. (26) 22,* *Chapter X, Sections* 110 *to* 116, *B.* 23, *I.* 19 *and* 20, *K.* 95 *and* 96—*Record of rights.*—It is proposed to attempt to make for the whole of the Lieutenant-Governorship, and in permanently-settled estates, what is now done in a modified degree in estates coming under temporary settlement, and what is done very fully indeed in some such settlements, as, for instance, all that was settled and recorded at my instance in the last settlement of the Western Dooars of Julpigoree. Where an estate is under temporary settlement, Government can make such conditions as they think fit, and can do much what they please; while there can scarcely be a question as to the immense advantages of first settling and then recording the rights, the lands held, the rents, &c., of all classes of tenants for the period of settlement. The saving of expense, time, and trouble, the avoidance of ill-feeling all involved in litigation, for which there is no room when all this is settled, is an enormous advantage, and if it could be done now in permanently-settled estates, so as to secure such a result, there would probably be but one opinion about it. But without the powers available when making a temporary settlement, it is certain that very much less can be done and settled. Classes of tenants with fixed rights and rents for the period of settlement cannot be established. (A) A record made in 1885 that A is an occupancy holder of holding B., may be quite useless in 1888, owing to A leaving it, and to its being split into three holdings, given to three non-occupancy ryots, or split into four bits, two of which are given to non-occupancy ryots and two to adjacent occupancy holdings, thus also affecting the record of their holdings made in 1885. Such changes can be prevented to a very great extent in the case of temporary settlements; and where any are allowed or take place, a knowledge of them can be secured in a great majority of cases and a record made at the time; while any that have not come to light are detected at the expiration of the temporary settlement. (B) But there is still more to be said. The Government of India (paragraph 20) and the Select Committee (latter part of their paragraph 73) agree in thinking that no higher value can be given to an undisputed entry than [section 116 (2)] that it shall be presumed to be correct till the contrary is proved; and though in the latter part of B 23 we are asked if we think a higher value can be given as regards some matters recorded, I feel sure that all officers with mofussil experience will reply in the negative, as it is difficult to conceive a greater danger to the rights of a ryot than a record of what the zemindar's naib chooses to describe them in that ryot's absence; while it would be impossible to secure the presence of all the ryots, and often difficult to make a ryot understand the point at issue even when present. Assuming that no higher value will be given in undisputed cases, which will, owing to absence of ryots, form a large majority of those recorded, it is a question for consideration whether it is worth while to undertake an expensive operation of such magnitude in order to secure the advantage that would result from it, which would be limited to cases in which a holding will never vary in any respect in a country where variations are always going on, and to the comparatively few cases which would be disputed before the revenue officer. Next, the objection taken by K 96, as to the perjury and forgery that will be promoted in disputed cases, should not be

forgotten. I am inclined to think that the operation should be limited to three classes of cases—(A) *first*, those in which both the zemindar and the ryots apply for it, and are willing to pay for the limited advantages it will secure; *second*, those in which interference on the part of Government is advisable on public grounds to prevent riots, &c.; and, *third*, cases in which auction purchasers are unable to obtain zemindari papers and apply on that ground. (B) Opinions are requested on this general question, and on the other points raised in the sections and paragraphs cited.

34. (27) 23,* *I.* 21.—Opinions are requested as to whether 15 years is not too long a term. As has been already observed, the opening of a railway two years after a settlement or enhancement may increase the value of the produce considerably, and is it fair to exclude the zemindar from all share in the increase?

35. (28) 24,* *Chapter XI. I.* 22, *K.* 96.—I thought that the result of the enquiries made by three officers in different parts of the country had shown to Government the utter uselessness of attempting to frame a table of rates. They vary in every possible manner for the same classes of lands, even when held by the same class and caste of raiyats in two contiguous estates, and even in one and the same estate. I think the idea should be abandoned.

36. (29) 25,* *B.* 24, *I.* 23, *K.* 96 *and* 97.—Reports are requested as to the existence of other lands known as khamar, &c. Is not all waste land considered the private land of the zemindar until he lets it, and ought it not to be included in the khamar land with reference not only to custom, but to the declaration in the Permanent Settlement that the zemindars were to have a certainty that they would enjoy exclusively the fruits of the lands they might bring into cultivation?

37. (30) 26,* *Chapter XIII, Distraint.* *B.* 25, *I.* 24, *K.* 97.—The Government of India say they are ready to consider any suggestions for further improving and cheapening the procedure adopted by the Select Committee. It should be considered whether, if it be made compulsory on the court to make an order under section 141 (3) *in all cases immediately an application is presented*, and in cases of ripe crops to have them cut and stored at the eventual cost of the loser, the procedure of the Bill thus amended may not replace the present practice. But I think the two amendments are absolutely necessary, as the delays of hearing, &c., will otherwise make the remedy by distraint practically nil.

37½*. (31) 27,* *B.* 26, *I.* 25 *and* 96, *K.* 97 *and* 98.—Opinions and suggestions (if any) are invited, especially on the sections mentioned in B 26. The provisions seem fairly good as far as they go; but the arguments in K 97 and 98 should be considered, as also whether the compulsory registration of occupancy holdings and making them saleable like putnis is not the best and simplest remedy of all, and whether it should not be given in justice to the zemindars as a set-off to making the holdings transferable. Either that, or the Bill of 1877 proposed by the late Lieutenant-Governor, and the introduction of which was sanctioned by the Government of India (but which was never introduced), would, I think, be preferable to the procedure of the present Bill.

38. (32) 28,* *Chapter XVI.* B. 27 *and* 28, *I.* 27.—Referring to section 209 and B 28, any views entertained about registration should be stated.

39. (33) 29,* *Chapter XVII. B.* 29, *I.* 28, *K.* 98 *and* 99.—The first thing to be considered seems to me to be whether, in Bengal Proper at any rate, complete freedom of contract is not the only sound principle, and whether the entire chapter, save section 217, had not better be omitted. If contracts are to be barred at all, then opinions are requested as asked in B. 29. It will be observed that I. 28 refers to suggested modifications on two points.

40. (34) 30,* *B.* 30.—Reports as to custom and the sufficiency of section 227 are requested.

41. (*Nil.*) *B.* 31.—In the foregoing paragraphs I have drawn attention to several matters in the Bill, or that I think ought to be in it, which are not noticed in the Government letters. If any other points occur to district officers they should be mentioned.

42. (35) 31,* *B.* 31 *to* 34, *I.* 2.—Points 2, 3, 5, and 6 of I. 2—

Point 2.—If there are such talooks, the questions asked in B. 31 should be answered. It seems advisable to subject any such talooks to the putni sale procedure, and not to increase the number of direct payments to Government.

Point 3.—This suggestion of the Government of India seems an excellent one. Almost every district officer knows something of the trouble of realizing cesses of lakhiraj lands, and I think the putni sale procedure might well be applied. If it is, lakhirajdars will pay cesses most regularly.

Point 5.—If *utbundi* or *kalhasili* tenures, or others like them, exist, the report asked for in B. 33 should be submitted.

Point 6.—The report required by B. 34 as to the existence of such tenures, and, if they exist, as to their treatment, should be submitted.

No. 424RCt., dated Darjeeling, the 16th August 1884.

From—LORD H. ULICK BROWNE, Commissioner of the Rajshahye Division,

To—The Secretary to the Government of Bengal, Revenue Department.

I have the honour to reply to Government circular No. 3T—R, dated 24th May 1884, on the subject of the Bengal Tenancy Bill.

2. In order to clear the ground, as it were, for the prescribed Conference, and to facilitate and reduce its labours, I addressed the district officers, requesting them to consult and make enquiries from persons of all classes and occupations, and from public bodies whom they might think likely to respond with advantage, and to let me have preliminary reports, giving the results in the form of their (the district officers') opinions and findings of fact in regard to such points as could be sufficiently dealt with earlier than others, leaving such as required the most extended enquiries and the fullest consideration for the Conference. This plan has answered very well, for in regard to a few points, either owing to their own nature or to the nature of the replies, discussion at the Conference became unnecessary, and in regard to several others I was able before the Conference to draw out an abstract of the replies on the point, shewing the principal directions which discussion should take in consequence of different circumstances found in the districts, or different opinions formed on different considerations, which saved much time at the Conference.

3. With one exception I consulted no one direct in addition to the district officers. The exception was Mr. E. V. Westmacott, C.S., who, for a combination of ability and experience, has few equals among Government officers who have been in charge of Bengal districts of late years. I learnt from him incidentally that he had not been consulted direct by Government on this occasion, and in consideration of his long experience in, and intimate knowledge of, the Dinagepore district, and of his recent experience in Eastern Bengal, I asked him to let me have his views on the Bill and the connected papers, which he was good enough to do.

He was unable to be present at the Conference, which was attended by the district officers and myself, and this letter is the result of it and of the preliminary reports.

4. *General.*—I think the provisions of the Bill may be roughly classified as follows:—

A.—Provisions that abolish or affect seriously the existing rights of the zemindars, and confer new rights on other classes.

B.—Provisions which, entirely apart from the question of interference with existing rights, are much in favour of the ryots and against the zemindars, and which, abandoning the main principle on which our legal system is founded of requiring all who claim a right to prove it, assume almost everything in favour of the ryot, and impose on the zemindar the onus of proving or disproving everything when questions of a right arise.

C.—Provisions also framed in favour of ryots and against zemindars, of a theoretica and fanciful nature, that are opposed to all recognised laws of supply and demand, and of market prices regulating the value of all commodities, and that are opposed to the principles of English Government under which sane adults are considered the best judges of their own affairs, and are free to enter into such agreements and bargains as they choose.

D.—Provisions of a more practical nature, framed with the objects of improving procedure in legal business between all classes interested in land, of registering and recording the rights and interests of all such classes, and of obtaining good bases on which the important question of enhancement and abatement of rent can be decided more easily and quickly.

The Bill seems to me to have serious defects in the way of three important omissions. The origin of all these Bills was the want of speed and easy means to enable zemindars to recover their rents, especially in cases where no dispute as to the amount in arrear existed. The necessity of granting such means was admitted on all sides in 1877 and 1878, and at the instance of the late Lieutenant-Governor a Bill to grant them was submitted to, and was approved by, the Government of India. Nevertheless, there is no provision in the present Bill giving substantial relief to the zemindars in this matter. Again, no sufficient penalty is provided for the persistent withholding of rents by ryots when there is no dispute whatever about it, and when it is claimed at the rate paid or decreed for years. Lastly, no penalty is provided for what Mr. Oldham terms wanton or collusive denial of the landlord's title.

5. As regards the provisions under class D, it is scarcely necessary to say that the seven district officers, Mr. Westmacott, and I, are all in favour of enacting such provisions, and that the only question in regard to them is how far they are calculated to secure the ends in view.

6. The following general preliminary opinions on the Bill as a whole have been expressed by the district officers and Mr. Westmacott. It will be observed that, with a few exceptions, Messrs. Oldham and Bolton approve of the provisions which I have classed A, B, and C, there being more exceptions in the case of Mr. Oldham than in that of Mr. Bolton, and that, with a few exceptions again, Messrs. Livesay, Newbery, Ruddock, Dalton, and Tute are opposed to those provisions.

As regards the omissions, the only district officers who refer to them in their general opinions are Mr. Ruddock, who refers to the first of the three only, and Mr. Oldham, who

brings all three to notice, and whose remark about it drew my attention to the third omission. It will, however, be observed from the opinions given under section 31 (*d*), at the commencement of my remarks on chapter XIV and on section 80, that Mr. Bolton is the only member of the Conference who is not in favour of supplying the three omissions, and that he would agree to making occupancy tenures liable to the putnee summary sale procedure, if he thought their registration practicable.

Mr. Bolton, Collector of Pubna, says—

"That the relations between landlords and tenants throughout Bengal and Behar are on so unsatisfactory a basis as to call urgently for legislation appears to me unquestionable; and I entirely sympathise with the objects and approve of most of the leading principles of the Bill. The measure endeavours to do justice to both zemindars and ryots, and, if the former find in some of its sections provisions which they think themselves justified in stigmatising as revolutionary, confiscatory, and unconstitutional, it is because their conduct, as a class, both in the present and in the past, has afforded ample cause for the proposed introduction of those provisions into the law. They have, I think, reason to complain of the inadequacy of the provisions of the Bill, which aim at effecting an improvement in the procedure for the recovery of arrears of rent, and I trust that it may yet be possible to strengthen their position in this respect (although the subject is unquestionably one of very great difficulty); but as regards generally the provisions which enunciate, confirm, and seek to protect the rights of the tenantry, their objections should not be allowed to prevail. While thus approving of the general scope of the Bill, however, I am of opinion that the measure needs amendment on several important points. I would not, for instance, formally recognize the rights of transfer and subletting, and I would abolish the presumption with reference to the payment of rents at fixed rates for 20 years after two years from the passing of the Act, allowing tenants who claim to hold at fixed rates, and have not already secured a decree, to file a suit within that period to establish their right, unless they can effect a private arrangement with their landlord."

Mr. Tute, Collector of Dinagepore, writes—

"I am one of those who think that a Rent Bill is necessary—in Bengal for the purpose of realizing rents, and in Behar for the purpose of preventing the rights of occupancy being broken by arbitrary shifting of ryots from one piece of land to another. On this latter point, I am guided by the literature which has sprung up since the rent question was started. My Behar experience was that of a junior officer, and the question never came before me in such a manner as to enable me to study it.

"The present Bill I must emphatically condemn.

"I do so for the following reasons:—

"1. It is perfectly uncalled for in its present form. There has been no demand for legislation on the part of the ryots, and the Bill has arisen out of a representation on the part of the zemindars for additional facilities for the collection of their just rents.

"2. It will tend to alienate and embitter the one class of the community who have always been staunch and loyal to Government. The fact that these people will not rebel or do any act absolutely hostile to Government, in consequence of the manner in which they have been treated, renders the passing of this Bill to my mind an act unworthy of a great and powerful Government.

"3. It will fix people, by the creation of new and fanciful rights, on the soil, which is admittedly unable to bear the pressure of population already on it, and will discourage the one remedy for the evils under which the ryots of Behar are suffering—the natural remedy of emigration.

"4. It will be absolutely unworkable unless Government is prepared to create an army of officers to cope with the legislation which might necessarily follow in its train.

"5. It is a distinct breach of the solemn promise given by the Government at the time of the permanent settlement, the wisdom of which it is not now in our power equitably to call in question."

Mr. Tute adds that the Bill has raised apprehensions in the minds of the ryots in a part of Dinagepore, which may be thus expressed: "If the Government takes so much away from the zemindars, what will they leave to us?"

Mr. Oldham, Deputy Commissioner of Darjeeling, says—

"I think the Bill fails to provide sufficiently speedy and easy means for zemindars to realise their dues.

"Also that it does not penalize with sufficient peremptoriness wanton default by ryots, and wanton or collusive denial by ryots, of the landlord's title.

"I disapprove altogether of those new measures in the Bill which tend to losen existing bonds between zemindars and ryots, to lessen the former's powers for self-government, and to increase the burden of public work; and still more strongly of those provisions which, while helping to effect the foregoing, are purely experimental in themselves, and, moreover, are quite uncalled for by any state of things that has yet arisen.

"As an instance of the former, I quote the creation of transferability, and of the latter the improvement sections.

"I disapprove strongly of those sections which will encourage subletting and the creation of a class of middlemen.

"Finally, I disapprove of all measures which are experimental *and* which experience has not shewn in some part or other of the province to be demanded.

"I warmly advocate those portions of the Bill which, taking what is recognized as good in existing agrarian conditions, will preserve it where it exists, and will restore it where it has been destroyed. As an instance, I take the provisions for the settled ryot, and those provisions which tend to minimize the differences between occupancy and non-occupancy ryots, to control the initial rent, and to bear competition rents. I regard these provisions as likely to fix in Bengal what Rai Kristo Das Pal has declared to be its actual conditions, *viz.*, that 90 per cent. of the ryots are occupancy ryots; and to restore this state of things in Behar. I support all the provisions which tend to prevent frequent or violent changes.

"As regards enhancement, I admit that existing legal means have failed, and that experimental means of the probable success of which I cannot judge, must be tried.

"I dissent from the opinion that there should be a different Bill for Behar and for Bengal. The sections levelled against existing abuses in Behar can do no harm in Bengal, if the abuses do not exist, but will prevent their extending to Bengal.

"In this connection I would give the utmost prominence to the section saving custom, and would make it the first or second in the Bill. In my experience a custom is worth 20 laws. Civil courts are largely guided by custom. Regard to custom would regulate the differences between Behar and Bengal.

"I entirely dissent from those opponents of the Bill who base their objections on what they call natural laws, such as demand and supply, competition and freedom of contract. I urge that the Bill should only be considered with regard to the actual state of things found by experience to exist in the province. So-called natural laws will be found to be conditions existing in small and civilised homogeneous communities like the population of England, and impossible among the heterogeneous millions of Bengal. Other so-called natural laws, like subletting and competition, can be checked. Subletting has been condemned by us all. Competition will plainly do more to disintegrate what there is of good in existing agrarian conditions than anything else. Freedom of contract, as enforced under English nations, has been the most mischievous factor since the British accession in peaceful times in India. Under its operation our system is called a *Bania Raj*. We have all seen under it old proprietors ousted for and by rack-renting traders and absentees. I have seen under it the oldest Raj in Bengal transferred from the resident descendant of its proprietors for centuries to a Bengali tradesman living in a back lane in Calcutta. Under it I have had, here in Darjeeling, to give a Marwaree money-lender a decree for interest at 485 per cent. against a hill cultivator. I would protect the zemindars against it, and would protect the ryots from it, against the zemindars by this law, and against the trading public by not creating transferability. A prominent instance of the application of "natural laws" to Bengal was the management of the famine in 1866 by the law of demand and supply.

"I would in fine have no experimental innovations, but would ascertain whatever is good, either in actual law or practice, enact it, and make it general; and then bind zemindar and ryot, in mutual dependence, as hard and fast as they could be bound, retaining the old relations by which the former were the protectors, and in a large degree the governors, of the latter."

Mr. Dalton—

"Granting that in certain parts of Bengal there is need of exceptional legislation to protect ryots from being moved from one plot of land to another by landlords with a view to prevent the occupancy right from accruing, the necessity for local rather than general legislation would seem to be indicated.

"The rights conferred by the Bill on non-occupancy ryots are tantamount to confiscation of the landlord's rights.

"Finally, to attempt to override the freedom of contract by a series of bye-laws which aim at meeting every contingency, but which cannot by any possibility do so, appear both mischievous and objectionable.

"The Bill will undoubtedly create unnecessary litigation, and will embitter the relations between landlord and tenant.

"As a general measure it is uncalled for, though a few of its provisions might be advantageously introduced as amendments to the existing law."

Mr. Ruddock—

"I desire to briefly place on record my reasons generally for objecting to the Bill.

"*1st.*—Though I admit from my own experience considerable legislation in this direction may be required for Behar, this is not true for Bengal; and it seems to me it would have been better to have made a special Bill for the former province, and not have included Bengal in the sweeping measure now under consideration. Take one point of difference only: it seems generally admitted there has been scarcely any tampering with the right of occupancy on the part of the zemindar in Bengal.

"2nd.—When there has been no demand or agitation on the part of the ryot for these changes I think it impolitic to do anything to alienate the zemindars, who have been distinguished for their loyalty to the British rule, or to raise a doubt as to the good faith of the Government.

"Not only has the zemindar this feeling of distrust, but from an instance mentioned to me by Mr. Tute, it appears that the ryot, who is usually looked upon as so stupid and ignorant, has reasoned the matter out in his own way with the same result to himself; for he asks, if Government can treat in such a way powerful zemindars, what will be its treatment of poor men like himself when it comes to their turn.

"4. Another effect of the Bill will be the setting of class against class, and an enormous increase of litigation and of *apropos* that I may mention another instance of the misinterpretation of the motives of Government given me by a very intelligent small zemindar, *viz.*, that Government wanted to raise a big stamp revenue by this increased litigation, and by the consequently increased sale of court-fee stamps; and he added that 'it was not the duty of the ruling power to make a profit by encouraging litigation between two classes of its subjects.'

"5. This feeling of distrust will also tend to discourage enterprise, and so cause injury to the labouring classes.

"6. The interference in the Bill with freedom of contract I consider impolitic and practically impossible.

"7. As to the zemindar the Bill does not give him sufficient protection and assistance for the realization of his rents, the original object of the Bill.

"8. And as regards the occupancy ryot there is a great danger that the unlimited power of transfer will lead to the ruin of the very people intended to be benefited, and to the creation of a class with regard to whom the Legal Member of Council has himself admitted further legislation will probably subsequently be necessary.

"9. I have also heard it argued that the extensive litigation will lead to the ruin of small zemindars, and to the probable absorption of their estates in the large zemindaris. I do not lay much stress on this point, but merely mention it as the opinion of small landlords.

"10. As to Government and its servants. The work and responsibilities of the latter and the expenses of the former, will be enormously increased.

"11. As regards my own district—Rajshahye—the relations of landlord and tenant are generally satisfactory, and where blame does attach, it attaches as frequently to one class as to the other.

"12. Lastly, I would remark that India, so honeycombed with customs, seems to me the last country in the world where such sweeping experimental legislation should be attempted."

Mr. Newbery, Collector of Rungpore—

"I would desire to put on record my condemnation of the Bill as grossly unfair to the zemindars, as being calculated to stir up strife all over the country, and as being a most impracticable, fanciful, and unworkable piece of legislation."

Mr. Livesay, Collector of Bogra—

"I approve generally of the provisions of the Bill with the alterations recommended by the majority of this Conference. It is most desirable that this all-important and difficult question should be satisfactorily (and therefore amicably) settled once for all, and I think that the Bill, with the suggested alterations, ought, and probably would, be accepted by most of the zemindars and the ryots of Bengal proper, Behar, and Orissa as a practical, just and final settlement of the whole question."

Mr. Westmacott—

"I regret to be obliged to express my opinion that the proposed Bill as a whole appears to me objectionable. In place of defining existing rights, or restoring rights which have been lost, it appears to me to create new rights and abolish existing rights in a manner which is revolutionary and inconsistent with the existing relations between landlord and tenant, which have grown up partly upon ancient and traditional land law, partly in obedience to natural laws which it is impossible for legislation to counteract, and partly upon legal enactments which, whether originally objectionable or not, have gradually come to be accepted and recognised by both landlord and tenant. It appears to me that the proposed Bill tends to disturb existing relations, to open new questions, to lead to litigation which will be disastrous to the agricultural community, and, where it attempts to deal with acknowledged grievances, that it will fail to attain the object proposed."

In his covering note forwarding his report, Mr. Westmacott expresses satisfaction at being able to record his "protest" against a Bill which he terms "theoretical," "impractical," and "revolutionary," and he adds—

"In many matters I am not at all inclined to concede what the landlords ask, but on the whole my experience in dealing with ryots throw my sympathies on the side of the landlords, and I think the general tendency of the proposed Bill grossly unjust to them."

I entirely concur in disapproving generally of almost all the provisions that come under classes A, B, and C, and on the omissions which I have mentioned. I consider A to be uncalled for and unjustifiable by the facts, *i. e.*, the circumstances and state of the country under which they are proposed. Not a single provision of the kind was thought necessary in 1877 and in 1878 by the Lieutenant-Governor or the Governor-General in Council when the Bill to facilitate the recovery of rents was proposed and approved, and the zemindars can fairly challenge the Government to shew that an important change in the relations of zemindars and ryots, and in the conduct of the former to the latter, such as calls for a revolutionary measure of this kind, has since occurred. That there should be some bad men among zemindars as among all other classes is inevitable, but the existing laws, civil and criminal, provide penalties for incidental acts of oppression and extortion, and neither this Bill, nor any other that could be passed on the same subject, would prevent the occurrence of such acts now and then. I think it would be a moderate request if the zemindars asked the Government if they have heard of five thousand well-proved instances, or about one to every ten thousand of the population affected by the permanent settlement during the last five years of acts of real oppression which call for such a Bill as this, and yet I think Government would easily find as many instances.

I think B most unfair to the zemindars, irrespective of their rights as declared proprietors under the permanent settlement, and that C are most objectionable in addition to their unfairness to the zemindars, because unsound in principle, opposed to natural laws, and to a great extent impracticable and unworkable.

I further think that the general effect of A, B, and C would be to stir up ill-feeling, strife, and discord between zemindars and ryots, and to place them in a position of permanent antagonism towards each other, as also that it would increase litigation to an extent that would be thought objectionable by all, and would necessitate a large addition to the judicial staff, involving considerable expenditure.

As regards the omissions, especially the first two I have mentioned, it seems to me most unjust to the zemindars that no real remedies are provided. Bread was asked for in 1877, the reasonableness of the demand was omitted by the Governments of Bengal and India, and now the zemindars are offered a stone instead. Again, as regards combinations to withhold rents where there is no dispute, the obvious remedy of making it compulsory on Munsifs to award the 25 per cent. damages in such cases is not granted.

7. There is an important general question which the promoters and supporters of the main principles of the Bill may perhaps consider more worthy of attention than the extent to which it affects the zemindars, and the consequences which many expect from it in the matter of stirring up strife and ill-feeling between zemindars and ryots. It is whether the Bill is likely to secure the main general object of its promoters.

It is understood that the main object of it is to improve the position of the ryots, the word "ryots" meaning in the main the cultivators of the soil, though the Bill allows some ryots to sublet. The question is whether the general effect of the Bill will not in all probability be the conversion of by far the largest and most important class of ryots into a class of very objectionable middlemen, who will be virtually in the position of petty zemindars, will give up cultivation as much as possible, and will sublet their lands to under-ryots, from whom they will screw out the highest possible rents, thus producing a class of miserable paupers in the place of the existing ryots of Bengal, about whose satisfactory circumstances as a class there is so much on record in the shape of the opinions of Government officers of widely divergent views ever since the time of Sir William Grey's Lieutenant-Governorship. In my opinion the above will be one of the most important results of the Bill if it passes with many of its main provisions as they now stand.

I placed the above view before the Conference with the following result:—

Mr. Bolton says—

"I am strongly of opinion that the Bill as it stands will materially improve the position of the actual cultivators of the soil, but I think that it would prove still more beneficial to them, if transferability and subletting were not formally recognized as incidents of the occupancy tenure. I agree with those who deprecate the admission of those rights into the substantive law on the ground that it would encourage the growth of a large class of middlemen, and I would allow them to be exercised under the sanction of custom alone."

Mr. Livesay does not think the condition of the actual cultivators of the land would be changed by the Bill, but that it is open to the other objections of encouraging middlemen and subletting, though the professed object of it is to discourage them. Messrs. Newbery, Ruddock, Dalton, Oldham, and Tute concur with me in thinking that as the Bill stands it will have the effects stated; but Mr. Oldham thinks that if subletting in occupancy tenures is restricted by not allowing the occupancy ryot to recover a higher rent for the land he sublets than he himself pays for it, these effects may be prevented. Messrs. Newbery and Dalton think this restriction would improve the Bill much, but that it would not altogether prevent rack-renting, as the law might be avoided in case of a real demand for land. Mr. Dalton, however, thinks the Bill should not go lower down in the agricultural system than the occu-

pancy ryot, that it should ignore the under-ryot, and make no provision for him. Messrs. Ruddock and Tute and I go further than Messrs. Newbery and Dalton. While we hold that the restriction suggested by Mr. Oldham is decidedly preferable to the Bill without it, we think that where a real demand for land arises, the restriction would be inoperative against the natural law of demand and supply, which will inevitably raise the rent to its market or competition value. In this view Mr. Westmacott concurs, as will be seen from the following passage from his letter:—

"In parts of the province in which there is a redundant population dependent solely on agriculture for its support, the actual cultivator is driven by competition to offer such a rent as he is often unable to pay, or the payment of which keeps him in a condition of hopeless pauperism. Theoretically, it appears benevolent to prescribe a maximum of rent which shall not be exceeded, and to protect the ryot who has certain occupancy rights from disturbance or excessive demand. In practice we may protect such a ryot, but by doing so we shall only encourage him to sublet and to become a petty landlord or middleman; and so far as I can see no legislation will prevent the actual cultivator from engaging to pay a rack-rent, if competition compels him to do so. We may prevent the present landlord from deriving any benefit from this competition, but we cannot prevent the cultivator from paying a rack-rent, or the man who holds the land from subletting it. In the districts in which I have served, the abundance of cultivable waste and the sparsity of population precludes all such competition. The cultivator is there protected by a natural law, and artificial devices for his protection are not required; while I believe that where they may be required, they will be inoperative to counteract the tendency of natural laws."

8. In the following paragraphs of this letter the use of the words "a majority of the Conference" or "the majority think," &c., without mention of names, means all who are not mentioned as holding a different opinion. And such words as "it is recommended" or "it is thought desirable" without mention of names, mean that the Conference are unanimous on the point.

In some instances members of the Conference have desired to state their views at greater length or in their own words, and in such cases separate notes are appended to this report.

9. When submitting his preliminary report in reply to my circular, Mr. Oldham wrote as follows:—

"My views have been almost altogether derived from my experience as District Judge and Manager of the Government and Wards' Estates in the Sonthal Pergunnahs, in which many of the provisions of the draft Bill have for some years been in force." And in his report he cited several occurrences in the Sonthal Pergunnahs in support of his views. On the opening of the Conference he explained as follows in reply to my enquiry:—Out of a population of 1,500,000, only half a million are Sonthals and a million are Hindus and Mahomedans; so he thinks the working of the provisions there indicates how they would work in the rest of Bengal Proper. Some of the main provisions in this Bill increased litigation in the Sonthal Pergunnahs considerably, for while formerly there were fewer disputes, and almost all of them were settled by the zemindars, a number of peasant proprietors were created who instituted title suits against each other for land or about boundaries. As regards the numerous civil suits, the Bill as it now stands would similarly create litigation; but Mr. Oldham holds strongly that if the transfer of occupancy holdings is not allowed, it will make all the difference, as that provision created the great mass of litigation in the Sonthal Pergunnahs by giving a value to occupancy holdings. The ryot borrowed money, and numerous civil suits were instituted by the lenders to recover such debts. If the holdings had not been made transferable, the money would not have been lent, and the suits would not have been instituted. Mr. Oldham admits that the Bill is likely to create title suits elsewhere, as similar provisions created them in the Sonthal Pergunnahs, and the following table shows the litigation of this kind in 1883 in the Sonthal Pergunnahs and two districts of this divison, the population of which are nearest to that of the Sonthal Pergunnahs:—

District.	Population.	Number of title suits instituted.	Number of executions of decree instituted.
Sonthal Pergunnahs	1,568,093	1,443	508
Dinagepore	1,514,346	190	113
Rajshahye	1,338,638	207	67

A majority of the Conference think that this result can only be expected, while Mr. Bolton doubts, how far the Sonthal Pergunnahs can be safely taken as a guide. Any increase of expenditure in establishments caused by this litigation might or might not be met by the stamp revenue, as it may have been met in the Sonthal Pergunnahs, where the Stamp Law was introduced, not with that object, but in order to check litigation. Still some additional office accommodation will, in the opinion of the majority, be required, as it is already so insufficient that additional buildings have to be constructed for the Police and Registration Departments in many districts, and there remains the undesirable increase of litigation itself and consequent bad feelings. The majority considered the objections to the Bill to be important; but if, as is contemplated in the Bill, occupancy tenures are made transferable, then

taking the results obtained in the Sonthal Pergunnahs as a basis, the consequences of the Bill as a whole in the directions mentioned will, the majority think, be far worse and will be very serious indeed. Mr. Oldham estimates that about 80 per cent. of the civil suits in Sonthal Pergunnahs are instituted by money-lenders to recover advances made to ryots, a large majority of whom have occupancy rights, and the following figures for the year 1883 compare litigation in the three districts just mentioned :—

District.	Population.	Number of civil suits instituted.	Number of civil executions of decree instituted.
Sonthal Pergunnahs	1,568,093	7,351	4,253
Dinagepore	1,514,346	5,188	2,518
Rajshahye	1,338,638	2,674	1,930

This indicates a still greater increase of litigation and ill-feeling, and a necessity for a large increase in judicial establishments, and of office accommodation in Bengal and Behar. The difference in litigation to be expected from the experience gained in the Sonthal Pergunnahs is not, it will be remembered, to be measured by the difference in the foregoing figures. The present percentage of civil suits in Dinagepore, Rajshahye, and other districts in Bengal and Behar that are instituted by money-lenders against ryots is owing to the want of security; probably an unimportant percentage; and it appears that it might rise to about 80 per cent., as in the Sonthal Pergunnahs, if occupancy tenures are made transferable. I have no figures shewing the number of civil suits in the Sonthal Purgunnahs before such provisions as those in the Bill were introduced, but Mr. Oldham's statement that they greatly increased litigation seems sufficient.

Lastly, Messrs. Livesay, Newbery, Ruddock, Dalton, and Tute, and I would point to the following figures for 1883, as shewing that litigation for the recovery of rent has not been decreased by the provisions of the Bill, though Mr. Oldham here again thinks that without transferability there would not be nearly so many rent-suits, as fewer money-lenders, who quarrel with the zemindars, would become occupancy ryots :—

District.	Number of rent suits instituted.	Number of rent executions instituted.
Sonthal Pergunnahs	3,893	2,805
Dinagepore	3,902	1,620
Rajshahye	1,978	658

CHAPTER I.

Preliminary.

10. *Section 1 (3).*—To prevent possible ambiguity, it is recommended that the Bill shal in such manner as may be thought most suitable make it clear that by the word "divisions" in the third part of the first schedule of Act XIV of 1874, the Julpigoree and Darjeeling districts are referred to and are intended to be read in the Bill.

Section 3 (7). Definition of Holding.—A majority of the Conference support a suggestion of Mr. Newbery's that some such words as "granted at one time" should be added to this clause to prevent ambiguity. Messrs. Oldham and Bolton do not think the words necessary.

Paragraph 4 of the Bengal Government Circular.

11. *Point (a), section 5 (3).*—The addition to the clause of the words "or a revenue-free holder" is thought desirable, to which again Mr. Westmacott, Mr. Livesay, and I would add "or a farmer." Mr. Oldham, however, would prefer that section 5 should be drawn so as to describe, and not define, in which case he thinks neither addition would be necessary.

Paragraph 4 of the Bengal Government Circular.

Point (b), section 5 (5).—Mr. Oldham says there are always, and Mr. Bolton* says there are generally, sub-tenants in holdings of 100 bighas and upwards, and both officers think the presumption a fair one. Mr. Livesay does not object to it. Mr. Newbery says the Rungpore zemindars are in favour of the presumption, *if* the owners of such tenures are registered as tenure-holders, and he would act on this view. Messrs. Ruddock, Dalton, and Tute think the presumption not a fair one, as the size of a holding does not necessarily indicate its nature. Mr. Westmacott says—

* See his separate note.

"The true distinction between a tenure-holder and a ryot is correctly stated, as the difference between a right to collect rents and a right to cultivate land. I think it a mistake to presume that a holding exceeding 100 bighas, even if sub-let, is not a ryot's holding. Such a presumption loses sight of the principle already enunciated, and is contrary to it. The question to ask is whether the land, when the holder or his predecessor in title entered upon it, was occupied by ryots or not. If it was, the holder obtained only a right to collect rents and cannot be a ryot; if it was not, the holder is, as regards the landlord, a ryot, even if the holding contains ten thousand bighas. No such presumption as that proposed in section 5 (5) would be fair."

I think the presumption would not be a fair one, and that no presumption of the sort would be fair. All such presumptions should, in my opinion, be avoided as much as possible, as they give an unfair advantage to one party at the expense of the other, and it is in

accordance with the most ordinary principles of English legislation that a man who asserts a special right should be bound to prove it.

Paragraph 4 of the Government Circular.

12. *Point (c)*.—The concluding portion of section 5 (1) and section 37.

The two main points to which attention is directed are the objects of section 37, *viz.*, to prevent, as much as possible, money-lenders from purchasing occupancy holdings and to restrict sub-letting. The Conference and Mr. Westmacott are unanimous in recommending the omission of section 37. As regards the first point, it is considered that, if transfers of occupancy holdings are allowed, it will be impossible to prevent their getting into the hands of money-lenders either by section 37 or by any other legal provision which Government would consent to enact. The following are the views that present themselves to the Conference, though some are not concurred in by all the members, and to some of the considerations little weight is attached by some members. The section is thought unlikely to deter a money-lender from purchasing, because the disadvantages of conversion from an occupancy holder to a tenure-holder would be more than compensated for by the advantages of being no longer liable to distraint, or to the presumption clause, or to ejectment for using land in a manner that renders it unfit for the purposes of tenancy. Then, though all agree that it is desirable to exclude non-agricultural money-lenders, it is a known fact that in many districts the wealthier agriculturists are money-lenders, and in some districts this class of money-lenders greatly preponderate. It is of course most undesirable to prevent wealthy agriculturists from acquiring occupancy holdings, and the exclusion of any class of purchasers would probably diminish the value of the holdings. The force of this last objection will depend to a certain extent whether the unanimous opinion of members of the Conference that the Bill should not create rights of transfer finds favour; but at any rate there will be sales of occupancy holdings in exeution of decree for their own arrears, and both zemindar and ryot might lose by the exclusion of a class of purchasers. As regards the restrictions on sub-letting expected from the section 1 of the foregoing remarks applies. If the holder thinks there are compensatory advantages in conversion to a tenure, he will not refrain from sub-letting, because that might result in the conversion, and some members of the Conference think the section on the whole more likely to encourage it. Again, as the Government of India observe, it might be to the interest of no person to register the fact of half the holding being sub-let, and the difficulty of ascertaining if half a holding is sub-let or not is so great that it would operate to prevent most people whose interest it might be to register from ascertaining the fact.

The efficacy of the section is also diminished by the rejection of the proposal to equalise the rates of rent for occupancy and non-occupancy ryots. Altogether, the Conference unanimously consider the section to be unworkable, especially in view of the difficulty of ascertaining if half the holding is sub-let. The Conference will recommend what they think would be a really useful restriction on sub-letting when considering section 38.

Before leaving this paragraph of the Government circular, I would mention that as regards one of the objects of the section, *viz.*, affording facilities for the acquisition of occupancy rights, some members of the Conference, for reasons that will appear further on, do not consider such acquisition to be an unqualified advantage.

CHAPTER III.

13. Here enhancement is touched on for the first time in the Bill. This chapter applies to tenures only, but a majority of the Conference, consisting of Messrs. Tute, Dalton, Ruddock, Newbery, Livesay and myself, are strongly opposed to all arbitrary limits and percentages on the enhancement of the rents of either tenures or occupancy holdings, whether the limit be double or 25 per cent., or any other arbitrary limit, in excess of the existing legal limitations which are founded on some principle, *i.e.*, in excess of prevailing rates, increase in value of produce, increase in productive powers under certain circumstances, and an increase in area. The only addition to the existing limitations that Messrs. Livesay, Newbery, Ruddock, Dalton and Tute would make are the sections in the Bill providing that all rents fixed in suits must be fair and equitable, which Mr. Dalton considers to mean the prevailing rates as fixed by competition. I am opposed to this addition, because I find it difficult to conceive a case in which enhancement under the existing law (and the application of the High Court's principle of proportion where applicable) would not be in itself fair and equitable, while I think the addition would open the door for fanciful decisions of Munsiffs whether in favour of the zemindar or the ryot. The officers just mentioned, however, think that, as Mr. Livesay suggested, the Appellate Court is sufficient to correct such fanciful decisions.

Mr. Westmacott also disapproves of all arbitrary limitations. The majority think the existing limitations are sufficient; that any additions to them would be unfair to the zemindar; and that the arbitrary limits proposed in the Bill would do much harm by fostering a class of middlemen who, on their profits being increased by the arbitrary limitations, would be disposed to give up cultivation when possible, in order to become petty zemindars and to live on the rent profits of their holdings; which profits they would increase as much as possible by rack-renting under-ryots. It follows that the majority think that these arbitrary limitations would encourage sub-letting, which all are agreed should be checked and restricted, and on this

particular point Mr. Oldham concurs with the majority, while Mr. Bolton gives no opinion about it.

Taking the enhancement provisions of the Bill as they would affect the three classes of zemindar, tenure-holder, and occupancy ryot, Mr. Dalton observes as follows:—

"As regards enhancement between the three classes of landlord, tenure-holder, and occupancy ryot, the effects of the provisions of the Bill are apparently aimed at putting a stop to enhancement proceedings altogether. The limit up to which a tenure-holder may be enhanced is 100 per cent., that for an occupancy ryot is 50 per cent. The general effect of these provisions would be to deter either party—the landlord or the tenure-holder—from taking the initiative, the landlord waiting for the tenure-holder to enhance the occupancy ryot, and the tenure-holder for the landlord to bring a suit for an enhancement against himself.

"To take an illustrative case: A is a landlord, B a tenure-holder, C an occupancy ryot. A gets Rs. 50 rent from B; B gets Rs. 75 rent from C. A sues for enhancement. He can only get what will leave B 10 per cent., after defraying costs of collection, say in all 20 per cent., profit on Rs. 75 rent from C; 20 per cent. on Rs. 75=Rs. 15. A can therefore enhance up to Rs. 60, obtaining an increase of Rs. 10, and having done so, cannot enhance again for ten years. B now proceeds to enhance C's rent under section 44 (a), and gets a decree for the full limit of 50 per cent., making C's rent Rs. 112-8. Thus, while only paying C an increase of Rs. 10, B obtains increase of Rs. 52-8.

"Reverse the case. Say B sues C before he is sued by A and gets enhancement up to Rs. 112-8, now A sues B and obtains decree for enhanced rent up to the full limit (100 per cent.) less whatever must be deducted to leave B 10 per cent. profit and 10 per cent. collection charges) 20 per cent. on Rs. 112-8=Rs. 22-8, which would allow of the landlord enhancing up to Rs. 90 exactly, while the tenure-holder would be worse off than before he enhanced the rent of his occupancy ryot. Thus A would get an increase of Rs. 40, and B would suffer a decrease of Rs. 52-8."

The foregoing illustration is of course based on the supposition that the rent is so low that the full enhancement allowable by the percentage limitations would be quite suitable.

Mr. Bolton thinks such inequalities may be found even now, but that they might be prevented in the future by the civil court officer not giving the full percentages of the enhancement under the "fair and equitable" provision. He and Mr. Oldham further do not think the way the illustration works out, important or objectionable.

In this view the other members of the conference cannot concur. They hold that, if a Munsif did not give the full enhancements in the cases stated, he would do what would be very wrong indeed. They think that some inequalities do exist at present owing to the special terms of old leases, which fix the rent to be paid by one class of tenant, and not that to be paid by another; but such agreements between parties are a very different thing to enacting legal provisions that establish such inequalities in the event of one party or the other suing to obtain what he is admittedly entitled to. The interests of the zemindar and tenure-holder would be so affected by the mere fact of which sued first that each would refrain from it, though admittedly entitled to enhancement. The majority think these results decidedly important and objectionable, and illustrate the weakness of any such arbitrary limitations as those provided by the Bill, and how badly they are likely to work.

Mr. Ruddock again, taking the limits of enhancement in the case of tenure-holders only, *i.e.*, confining himself to Chapter III, puts the case of a lenient and rich landlord having for years contented himself with a rent of Rs. 100 when the prevailing rates would have given him Rs. 300. He comes forward to enhance, as he might admittedly have done justly years ago, and under section 8 could only get Rs. 200 instead of Rs. 300. The majority think this another useful illustration, as showing the inherent unfairness and unpractical character of such limitations, how badly the lenient zemindar would fare under them, and how they might induce zemindars, who would be otherwise disinclined to do so, to get as high rents as they can, lest they should suffer for their leniency in a time of pressure, while exacting zemindars would not.

None of these results would occur if the existing law is left as it is without the arbitrary limitations. Messrs. Bolton and Oldham think the limitations referred to wise, desirable, and necessary, and that it is necessary to impose limits on the zemindar's powers of enhancing rents. As regards the provisions of this chapter, which are approved by both officers, Mr. Oldham says—

"I concur in all the provisions of this chapter. I think the limitations necessary. I think the villages of the Sonthal Pergunnahs, which are all tenures, and the jotes of the Darjeeling Terai, which are nearly all tenures, good cases* in point. The rents of either have been and would be enhanced on the general considerations of clause 2, section 7."

* See also his note of dissent.

I know nothing of the jotes in the Sonthal Pergunnahs. As regards the Terai jotes, they are in a Government estate settled for terms of years. They were overassessed chiefly because Government, on the information available, thought proper to fix certain rates when a general settlement took place. Had the jotes been subject to the provisions of the existing

law as to enhancement, which I contend are sufficient, then the Terai jotes would not have been overassessed.

Mr. Bolton has recorded a separate note on this chapter.

14. *Section* 9.—Messrs. Oldham* and Bolton approve of this section. The majority of the conference think that, if the percentage or arbitrary limitations to enhancement in section 7 are retained in the Bill, this section 9 should be cut out, as it imposes another unfair restriction on the zemindar. If those limitations are cut out, then the majority would let section 9 stand.

* See his separate note.

Section 10.—The conference are generally in favour of this section, but I would add a proviso that in case of any sudden and unusual rise in value of land, such as might be caused by the construction and opening of a railway, an enhancement is allowable within the ten years.

15. *Section* 12.—I think that the payment of rent should be the first condition of tenancy, be the class of tenant what it may, and that the zemindar should have power to eject in case of non-payment of rent. This should be effected by a suit for ejectment in which a decree would be given by the court unless the tenure-holder could prove payment. On a decree being given, the six months' time allowed in Ireland under what is called "the equity of redemption" should be granted, and if during that period the tenure-holder paid the rent that originally fell in arrear, and that due for the six months or portion thereof, he should be reinstated. In this view, Messrs. Ruddock and Tute concur, while Messrs. Livesay, Newbery, and Dalton think a power of selling the tenure on default sufficient. Messrs. Oldham and Bolton are opposed to the proposal, as by ejectment the status of the tenure would be gone, and they think it desirable to preserve the different existing tenures.

16. *Sections* 11, 12, *and* 15 *to* 19.—A majority of the conference think "permanent tenure" had better be defined in the Bill, as questions might arise as to what kinds of tenures are to be considered permanent. For instance, one member thought that only tenures paying rents at fixed rates are referred to, and another that the Rungpore jotes which, though liable to enhancement, are heritable and transferable, and are held without limit of time, may also be called permanent tenures. Mr. Oldham dissents, thinking it unnecessary to define them.

17. As regards the call made in the second clause of paragraph 5 of the Government letter, enhancements in this division are almost always made by private arrangement between the zemindar and the ryot, whether the latter is a tenure-holder or another class of ryot. In addition to this, there are scarcely any tenures in Dinagepore, and the jotes of Rungpore and Julpigoree are a special class. No information of the least value as to the workable character of the provisions referred to can be obtained on experience of enhancements made out of court in this division.

CHAPTER IV.

18. *Section* 64 (2). *The 20 years' presumption.*—The reply to the question whether landlords in this division really experience any practical or reasonable difficulty in rebutting the presumption when it is unjustly pleaded is as follows; but taking the division as a whole, enhancement suits are rare, rents being more frequently raised by mutual agreement when they are enhanced at all. In the Dinagepore district the presumption is invariably pleaded in one munsifee, but the plea is never followed up; in two other munsifees it is frequently pleaded and never rebutted. In Rajshahye it is pleaded, and zemindars find a difficulty in rebutting it. In Pubna the ryots frequently plead it, but seldom succeed in establishing the fact of having held at an unchanged rent for 20 years, and thus the zemindars have seldom to rebut the presumption. In Bogra zemindars experience practical difficulty in rebutting the presumption. In Rungpore the Collector could not hear of an instance of its being pleaded for some years past, enhancements being effected out of court. Mr. Dalton has had short experience in Julpigoree, but thinks the presumption difficult to rebut in the case of an honest zemindar, or those with small estates and establishments, and easy to rebut when the zemindar is dishonest. Mr. Oldham knows of no instance in which the presumption was pleaded to a great extent in an estate which had changed hands, and in which the owner had a difficulty in getting the papers. In the year 1867, I held an additional Judgeship for about seven months in Nuddea and Jessore, and for the first six months my time was wholly devoted to hearing appeals from decisions in enhancement suits. The presumption was frequently pleaded, and generally speaking established. Writing from memory at this distance of time, I will only say that a strong impression of the difficulty of rebutting the presumption, owing to estates changing hands, and to records not being preserved, whether estates changed or not, was left on my mind.

Paragraph 6 of the Bengal Government Circular.

Mr. Westmacott writes—

"I consider that the statutory presumption of 20 years' holding has borne most unjustly upon zemindars, and protest strongly against its being allowed to have any force in the future. This presumption was first created by Act X of 1859, and has done mischief enough already, having been allowed to create rights against the zemindar which have in many cases been

undoubtedly unjust. In this year, 1884, it would be most unjust that a ryot who can show that he has held at a fixed rate since 1864 should be presumed to have held at that rate ever since the Permanent Settlement. Unless he has obtained a registered lease or a judicial declaration, or some other formal recognition of title, during the 25 years which have elapsed since the enactment of the presumption, I think the burden of proving any right to hold at fixed rates should be thrown on him. I do not think the presumption should be retained at all. If the rights of which it was intended to facilitate the proof have not been proven ere this, I do not believe in their existence."

On a consideration of the published papers stating the objections to, and advantages of, the presumption, of information obtained, and of personal experience, the conference unanimously recommend the abolition of the presumption on the following conditions suggested by Mr. Bolton, that the ryots be allowed to establish the presumption within two years from the passing of the Bill, either by the admission of the zemindar in a registered document, or by the ryot instituting a suit in a civil court to establish it.

It is claimed for Mr. Bolton's proposal that it will have the advantage of preventing in the future an ordinary occupancy ryot from unfairly claming the privileges of a ryot holding at fixed rates, while it will give an opportunity once for all to ryots who actually have the right to hold at those rates to establish that right either under a private agreement with their landlords or under a decree (Chapter IV). Mr. Bolton has recorded a separate note on this question.

If it should be determined to retain the presumption, then Messrs. Livesay, Newbery, Dalton, Tute and I would require the ryot to show the 20 years' unchanged rent from 1839, *i. e.*, for 20 years before the passing of Act X of 1859. If the presumption is retained, Messrs. Oldham and Bolton would make the presumption run from the passing of the Bill.

CHAPTER V.

19. *Occupancy ryots. General.*—Though the Government circular says the definition of the settled ryot is no longer open to discussion the conference hope that the Legislative Council will not take this view, but will in justice be ready to consider opinions on this as on the other points in the Bill, which may be considered of importance by those consulted. It is never too late to remedy what is an error, and the conference hope that Government will send up their views on this as well as on all other questions. In this instance, though the conference includes two of the staunchest supporters of the main provisions of the Bill which Government favour, there is, with one slight modification, complete unanimity in thinking that the words "or estate" should be cut out whenever it occurs in section 26. This opinion was expressed by every district officer in this division in his preliminary report without my suggesting or referring to it in any way, and certainly occurred to each and all separately. The village should, in the opinion of the conference, be held to be the survey village, which is in some instances a very large area indeed, and the limitation of the village as the area within which rights should accrue is considered to be in accordance with long-established custom and tradition all over the country. The only modification suggested is that Mr. Bolton* would allow the right of occupancy or settled ryot's privilege to accrue in land situated within two miles of the village, as well as in the village itself. His wish that all ryots should become settled ryots leads him to this opinion. The unfairness of allowing the right to extend to an entire estate under the provision whereby an original divided under the partition law into several separate estates, will be seen from the following illustration which I placed before the conference:—

Paragraph 7 of the Government Circular. The settled ryot.

* See his separate note.

"Take the case of a parent estate in 1854 partitioned in 1855 into four estates W, X, Y and Z; when the Bill passes, a ryot has land in Z, having held it for one year, and having held other land for eleven years in Y, which he left of his own accord. Supposing that Government decide on giving him an occupancy right in the land in Z that he holds at the time of the passing of the Bill, is it fair to provide that, if the proprietor of W lets land therein to that ryot fifty years hence, the ryot will immediately on entering have a right of occupancy in that land, merely because it was in 1854 part of the parent estate? Would this be fair to W?"

20. It will be convenient to deal with other points in Section 26 before considering section 25.

Clause (2).—Messrs. Livesay, Oldham,* and Bolton think that, as a representative of the zemindars' said 90 per cent of ryots have occupancy rights, it is fair to presume that the land has been held for 12 years. The majority think the presumption unfair to the zemindar, and that on general principles the asserter of the right should be required to prove it, if it is denied.

* See his separate note.

Section 26 (3).—Reading together this clause and section 25, the following case was suggested by Mr. Tute:—

A ryot held three bighas for three years, three other bighas for three other years, two other bighas for three other years, and three other bighas for the three last years, making a total of 12 years, in the course of which four different plots were held at different times, three plots were relinquished in the course of the 12 years, and one plot of three bighas only held at the end of the three years. Messrs. Oldham and Bolton think the Bill only gives the ryot a right of occupancy in the three bighas held at the end of the 12 years, but the majority think this should be made clearer if 26 (3) is retained at all. As regards this question, Mr. Westmacott says—

"I consider it unjust that rights accuring in one plot of land should extend to another plot. I believe this expedient has been decried to checkmate zemindars who have endeavoured to prevent the accrual of rights of occupancy by moving ryots from one plot to another. I am of opinion that, where the hold of ryots on the land is so slight as to have rendered this manœuvre possible on the part of the landlord, there is no such right of occupancy as could be recognised by any traditional feeling on the part of the people. In the eastern districts the landlords are too glad to obtain and keep solvent ryots to worry them by moving them about, and where, as is apparently the case in Behar, the pressure of population on the land has prevented the accrual of rights of occupancy, I do not consider it feasible to counteract such a natural law by artificial legislation. Moreover, to attempt to meet a petty trick and counteract it by means of another seems to me beneath the dignity of the Legislature."

Mr. Newbery and I are disposed to concur in this view, but on the wholet hink that if on full consideration of the opinions of Government officers with Behar experience, and of the representations of the zemindars, it is considered necessary to enact any such provision, it should be done in a separate chapter for Behar, and should not apply to Bengal, and that in the latter Province the existing law should stand, a right of occupancy only accruing in the particular plots of land held continuously for ten years. Messrs. Livesay, Dalton, Oldham, Tute, and Bolton would give the right in the particular land held at the end of the 12 years, *i.e.*, in the case stated in the three bighas held in the twelfth year, and Mr. Ruddock would give it in the minimum area held at any one time during the 12 years, *i.e.*, in two bighas only. Mr. Tute suggests that the provision be thus worded, the final proviso being of course a saving of his opinion in favour of perfect freedom of contract:—

"Every settled ryot who has paid rent in any mouzah for twelve years shall have rights of occupancy in any land which he may hold at the end of that twelve years, provided that no registered contract to the contrary exists."

Messrs. Livesay and Dalton concur, and if a separate chapter for Behar is not enacted, Mr. Newbery accepts the amended proviso, while I agree with Mr. Ruddock.

Section 26 (6).—Subject to what has been said above, if this clause means that the ryot does *not* retain a right to return to the identical land he left, it is thought there is no objection to his retaining the status of a settled ryot in the village for a year after he leaves it.

Section 26 (7).—This clause is accepted subject to the amendments in section 96, of which the principle is that the period allowed for re-entering shall not exceed one year.

21. *Section* 25.—Mr. Westmacott says—

"I think it unjust that a ryot should have a right of occupancy in all land he holds, and I do not think the words "or a ryot" sufficiently clear to exclude such temporary holding as those of the *jotedars* in Noakhally, who have certainly no right whatever to the lands beyond the one season for which they agree to cultivate it."

In this case Messrs. Oldham and Bolton think the section on custom would prevent the occupancy right accruing in the land so held for one year only. If it would not, Mr. Bolton would give the occupancy right in it, and Mr. Oldham has not considered the case. The majority would distinctly prevent its accruing in such cases.

Section 25 (2).—The following case suggested itself to me. A ryot is lawfully ejected by the civil court during the period mentioned. Will not the clause give him a fresh right in the land? Mr. Bolton proposed to consider the point. Mr. Oldham thinks the clause would not give a fresh right; the majority having doubts recommend that a proviso be added to prevent it. Again during the period mentioned, a ryot holds 5 bighas and surrenders them, holds 5 other bighas and surrenders them, and has a third lot of 5 bighas when the Bill passes into law. Will not this clause give him a right of occupancy in the 15 bighas and not in the five? The views of the conference in the other case hold good in this one; *i.e.*, Mr. Bolton proposed to consider the case, Mr. Oldham thinks the right will not accrue in the 15 bighas, and the majority (always subject to what has been previously said on the general question) would make the Bill distinctly provide that in such a case the right will accrue in the 5 bighas only.

22. *Section* 27.—The views of the conference on the definition of "settled ryot" hold good here, and all mention of the estate should be cut out.

In reply to the question asked by Government in paragraph 7 point (*b*), butwarahs so seldom occur in this division that no opinion based on them can be given.

23. *Section* 28.—This provides that one person in the whole world, and he the person who, it seems to some members of the conference, has *primâ facie* a preferential claim to it, shall not be allowed to acquire a right of occupancy in a holding. Messrs. Ruddock, Tute and I think this very unjust, and would allow the zemindar to acquire the right like all other people in the world, as such barring of one person is almost suggestive of unfairness on principle. Mr. Dalton would allow the zemindar to acquire it, on the understanding that a ryot to whom the holding is afterwards let may acquire the right also on occupation for 12 years. Mr. Newbery thinks it unnecessary to allow it, and that the section may stand, *because* when the zemindar gets the holding into his hands, he can do exactly what he likes with it, and so the right of occupancy would really be of little or no use to him. Mr. Livesay would allow the section to stand *if* section 29 is cut out but not otherwise. Mr. Oldham* approves of the section, because on his experience in the Sonthal Pergunnahs a zemindar might let the holding to a ryot at a higher rate and in this way raise the prevailing rate. The majority observe that this would have to be done by collusion with the ryots in order to raise the rates fictitiously, and while they doubt if, taking these provinces generally, any such number of holdings could get into the hands of a zemindar as to enable him to raise the rates in this manner, if he did get them into his hands he could not persuade a sufficient number of ryots to pay excessive rates at their own loss to affect the prevailing rates, and that, if in fact a zemindar did get such a sufficient number of holdings, and did let them to a sufficient number of ryots, to affect the question of prevailing rates, it could only be taken as a positive proof that the rates paid by other ryots were too low, and ought to be raised to those agreed to by such a number of ryots. Mr. Bolton would retain the section. He thinks that, "if zemindars were permitted to acquire a right of occupancy in lands of their own estates, defaulting zemindars would frequently retain a connection with their estates as occupancy ryots, after sales for arrears of revenue, and might sometimes prove a thorn in the side of the new landlord. The knowledge that the old landlord is likely to remain on the estate would also frequently deter purchasers from coming forward, and estates would thus be sold at an insufficient price."

* See his separate note.

The majority which includes Mr. Oldham, on this point do not concur in this view, as they do not see how a zemindar, who becomes an occupancy ryot, could do more against the new zemindar than any other occupancy ryot.

Mr. Westmacott, like Mr. Newbery, sees no objection to the section, and says:—

"It is quite enough that all rights as against himself should be extinguished, but I would allow him to let the land so bought upon temporary leases, and prevent the accrual of rights of occupancy as against himself. For instance, a far-seeing landlord, who is aware of a project for making a railway through his estates, foreseeing a rise in the value of land, may very justly let land, of which he has bought up the occupancy rights, on five-year leases, with a view to re-letting on advantageous terms on the expiry of the lease."

24. Some members think sections 28 and 29 are either conflicting or obscure, and that clauses 1 and 2 of section 29 are in conflict. Mr. Ruddock puts the following case, which seems to be to the point:—A has a proprietor's share in an estate, and acquires a right of occupancy in land. The estate is subsequently divided under the butwarah law. Ought he to retain his occupancy right? A majority think it would be very unfair to give a man who begins life as a ryot, and becomes a zemindar afterwards, a right which is denied to another man who has always been a zemindar; and Mr. Oldham thinks this also, but his reason for rejecting clause 1 of section 29 is that it is superfluous. If a man wishes to transmute himself from ryot to zemindar, still remaining partly a ryot, he thinks the law should not concern itself in the matter. Mr. Bolton also rejects clause 1, and the Conference are unanimous in recommending its omission. Clause 2 is approved.

The concluding portion of paragraph 7 of the Government circular.

25. *Section* 30.—With this section the Conference considered Chapter XII, about making a record of proprietor's private lands. A majority concur with Mr. Tute in recommending the omission of the concluding words of the section after the word "kamat," their opinion being that what is to be recorded under the limited view of what are private lands taken in the Bill should be guarded from the accrual of a right of occupancy, whether held under a lease of any kind or not. Mr. Bolton† dissents, and would leave the section as it stands.

Paragraph 24 of the Government circular.

† See his separate note.

A majority think the presumption at the end of clause 2 of section 138 unfair, and would omit *it*. Messrs. Oldham‡ and Bolton would retain it.

‡ See his separate note.

26. *Section* 31, *clause* (*a*).—All except Mr. Bolton§ would omit the first-half of this, as it might injure the zemindar and be against custom. For instance, the treatment of land for mulberry cultivation cannot be said to render it unfit for that particular purpose of tenancy, but still it injures the land for all, or almost all, other crops, and is never so treated without the consent of the zemindar, who demands a high rent in consequence.

Paragraph 8 of the Government circular.

§ See his separate note.

Clause (*b*).—Here the sections about improvements and paragraph 19 of the Government circular were considered. All but Mr. Bolton* would omit sections 87 to 94, as being of no practical utility and over-loading the Bill. In this Mr. Westmacott concurs, and says that the question of improvements is regulated by well-known local customs. The only case in which Mr. Oldham has known an improvement objected to was a so-called measure in which he stood in the zemindar's place and objected. He considers all the sections distinctly mischievous, and likely to create a strife between zemindars and ryots. If the sections are retained, a majority agree with me that nothing should be carried out as being an improvement to carry a claim to compensation unless the zemindar has had an opportunity of objecting, as in Ireland many so-called improvements actually decrease the value of the holding or land, and such might be proposed in this country. A majority agree with Mr. Newbery in thinking this view should be carried out by providing that no compensation shall be payable unless the improvement is registered by the Collector before the work is done, or unless the zemindar's consent is obtained in writing. Mr. Bolton thinks this unnecessary, and Mr. Oldham gives no opinion. Opinions differ as to whether what is called a cutcha well should be considered as an improvement. When properly made with good pottery rings, and when new, such a well is of use, but it will fall in soon, unless properly constructed and constantly attended to and kept in order.

* *See this separate note.*

Mr. Newbery observes that "with the characteristic one-sidedness" of this Bill there is no corresponding provision for a penalty or damages in case of a ryot over-cropping and letting half the holding run to jungle. In this remark all but Messrs. Oldham and Bolton concur.

Section 31 (*c*).—As in other places in the Bill, I should prefer the omission of clause (*c*), lest the fancies of Munsifs should lead to injustice to either side, and because I think the existing law provides sufficiently for the settlement of the rent of occupancy ryots, though it requires some aid from the executive in the way of facilitating the application of that law. The majority are in favour of the clause.

Section 31 (*d*).—I hold that the payment of rent should be the first condition of tenancy, and that the occupancy ryot should be liable to ejectment for non-payment with a six months' equity of redemption, as in the case of default of a tenure-holder. The majority think that the tenure being made saleable for its own arrears the zemindar has a sufficient remedy. I cannot agree in this, as a sale of the holding might bring in a tenant who would be very obnoxious to the zemindar. Section 33 is insufficient to prevent this practically, as by collusion a bid might be made in the knowledge that the zemindar would buy in possession in order to keep out the obnoxious man) that would be much above the real value of the holding, and thus the zemindar would have the choice of paying the out-going tenant much more than the rent he owed to the zemindar, or of letting in an obnoxious tenant. For this reason I think the remedy of sale insufficient, and that the zemindar should have the choice between ejecting and selling.

The majority support Mr. Oldham's suggestion that an additional ground for ejectment !!! should be added under (*d*), *viz.*, when a ryot fraudulently denies the zemindar's title. He knows a case in which a third party promised a reduction of rents to ryots generally if they supported his claim and denied the title of the zemindar in possession, which they did. The provision was in that case applied in the Sonthal Pergunnahs with excellent effect. Mr. Bolton dissents, as he thinks the addition might be used by two artful and collusive zemindars to eject occupancy ryots.

Section 31 (*e*).—Mr. Westmacott writes :—

"The presumptions in 95 (3) (*a*) and (*b*) are unfair. Many ryots hold more than one holding, and taking a new holding by no means implies giving up another. Ceasing to reside in the mouzah, also by no means indicates abandonment of a holding. I consider these provisions most unjust to the landlord."

I overlooked these remarks until the sittings of the Conference were over, and the members had no opportunity of considering them, as nothing in regard to the section occurred to any member at the time. On consideration, I agree with Mr. Westmacott.

27. *Section* 31 (*f*).—Here comes in the important question of transferability of occupancy holdings. The Conference are unanimous in thinking that, not merely in this division (in which there is nothing to specially affect the question), but all over the country, no means can be devised whereby holdings can be made transferable to the cultivating classes only. It is considered certain that if a ryot is allowed by the Bill to sell his holding, or if it is declared saleable in execution of decree for debts other than its own arrears, it will be absolutely impossible to keep out money-lenders. It is, as has been already stated, to this transferability that Mr. Oldham attributes the mass of litigation, the strife and ill-feeling in the Sonthal Pergunnahs; and he thinks that if the clause stands, the Bill will assuredly encourage sub-letting and create a most undesirable class of rack-renting middlemen. The Conference are unanimous in recommending very strongly that no such right of transfer be created by the Bill. Where it exists already, as in the case of the Rungpore jotes, it should not be interfered with, and should be recognized by the Courts as a custom under section 217, and in order to make it clear that

Paragraph 8 of the Government circular continued.

where the right now exists it is not barred, Mr. Bolton proposes to add an illustration to that section, which will be stated in due course. The Conference are unanimous in recommending that an occupancy tenure be only saleable for its own arrears, and that it be heritable under the ordinary Hindu and Mahomedan laws of inheritance. As regards power of transfer by gift and a right to bequeath, the following opinions are held:—Messrs. Ruddock and Bolton would allow both in the case of blood relations. The majority would allow neither. Mr. Westmacott expressed no opinion on this clause, but his remarks on the subsequent sections show that he is against restrictions on transfer. He had not, however, the advantage of hearing the results obtained in the Sonthal Pergunnahs, which, for instance, finally settled my own opinion on the point, though it had inclined the other way, provided the zemindar was secured against objectionable tenants. If this and the exclusion of the money-lender could be secured, I should have no objection to occupancy holdings being made transferable. Mr. Bolton suggests that the substitution of the word "or" for the word "and" between the words "transferred" and "bequeathed" would be a verbal improvement.

28. *Section* 31 (*g*).—The Conference are unanimous* in recommending that this clause be omitted. They would do nothing to create or to encourage sub-letting.

* *See* Mr. Bolton's separate note.

29. *Section* 32 *to* 36.—Restrictions on transfer. Under the views expressed in regard to 31 (*f*), section 32 would be omitted, and section 34 also, as a mortgage is covered by the definition of transfer.

Section 35†—Would stand or fall according as the power of gift stands or falls.

† *See* Mr. Bolton's separate note.

Section 36—Would only apply to the section left in, *viz.*, 33.

Mr. Westmacott is generally opposed to restrictions on transfer, as he thinks they diminish the value of the holding and decrease the security for the rent; but as landlords value the right of pre-emption, he would allow it, though he thinks ryots may by collusion with ostensible purchasers or mortgagees nullify the clause by making it appear they have been offered a price much beyond the real value of the holding. He looks on the sections as almost useless.

I concur in his remark about section 33, and it is for this reason that I have recommended that the zemindar shall have the choice between ejecting a defaulting ryot or of selling the holding in execution of decree.

30. *Section* 37—Has been already dealt with, and it is hoped it will be omitted. If it is retained, it is suggested that the word "other" be substituted for the word "domestic" in clause (*a*), so as to be more comprehensive in the case of real disability to cultivate.

31. *Section* 38.—All are agreed that this should be omitted, as they would do nothing to create or encourage sub-letting, though the custom should not be interfered with where it exists. In order to carry out this view and to check sub-letting, Mr. Oldham suggests, on the ground of his experience of its actual working in the Sonthal Pergunnahs, that a section be substituted for 38, providing that "when an occupancy ryot sub-lets his holding, or any part thereof, he shall not be entitled to recover rent at a higher rate for such holding or part than that at which he himself holds; and if in consequence of such sub-letting he remains out of possession of his holding or any part thereof for 12 consecutive years, his rights in such holding or part shall cease." Mr. Oldham would, however, retain the proviso to the section with the amendment of "other" instead of "domestic," just suggested in the case of section 37, if that section is retained. This proposal is strongly recommended by the majority as a check on sub-letting, though some members think the natural laws of competition likely to prevail against it where there is a real demand for land, and they also support it because, as Mr. Newbery observes, if 12 years' possession gives a right of occupancy, it is only fair that 12 years' voluntary dispossession should cancel it. Mr. Bolton dissents, and records a separate note.

32. *Enhancement of rent of occupancy tenures.*—Here the objections already advanced on the part of six out of eight members of the conference, and on the part of Mr. Westmacott, against all arbitrary limitations of enhancement by precentages apply at least as strongly as in the case of enhancing the rent of tenures. The majority consider the limitations of enhancement in the existing law sufficient, except that some think there is no harm in adding that the rent shall be fair and equitable, which Dalton understands to be the prevailing rate as ascertained by competition.

Paragraphs 9 and 10 of the Government circular.

33. *Section* 41.—Messrs. Oldham‡ and Bolton are strongly in favour of this section, thinking that ryots require such protection, and the majority of six are as strongly opposed to it, would omit it altogether, and would leave the right of private contract unfettered. Mr. Livesay thinks that contracts for enhancement should be registered.

‡ *See* his separate note.

Paragraph 11 of the Government letter.

† *See* his separate note.

34. *Section 42.*—Mr. Oldham† would omit the exception at the end of clause 1. He approves of the section so altered as being in accordance with the principle of not giving a zemindar opportunities of raising rent and thereby creating a fictitious prevailing rate. In this Mr. Bolton concurs, but he would substitute for the exception, which Mr. Oldham would omit, the words "until such rent has been enhanced by a decree under this chapter." The other six members consider the section most unjust to the zemindar, and are opposed to all such restrictions. As the section stands, and unless it is altered as suggested by Mr. Bolton, it would give the settled ryot a right to hold at fixed rates, as he has only to refuse to execute any contract at all to be free from all liability to enhancement. The zemindar could gain nothing by turning out the ryot and putting in another, though the section might *prima facie* tempt him to do so, and I do not see how the result of the land being hereafter held for ever at fixed rates could be averted. Special attention is requested to this point. But if the section is amended as suggested by the minority, even then it will, in the opinion of the majority, be grossly unjust to the zemindar, as it will give the settled ryot a right of occupancy in the land immediately he enters on it, and the majority think this extension of the settled ryots' right to the loss of the zemindars quite unjustified by the reasons advanced in support of the sections

Mr. Westmacott writes:—

"I cannot see any objection to making an occupancy ryot pay the rent which a non-occupancy ryot has found that he can afford to pay for the same land. Indeed, the idea of a ryot being an 'occupancy' ryot, with special privileges, as regards land which he has not been occupying, is to me absurd. Let a man have privileges as to the holding which he and perhaps his father and grandfather have been cultivating for many years; but if he takes other land, let him pay the rent the land can afford to pay. I think the Bill appears to introduce on theoretical grounds entirely new conditions of tenancy, opposed to all the traditional feelings of the people, injurious to the landlord, and not beneficial to the actual cultivator. If rents are artificially kept below a certain point, they will introduce a non-cultivating class of tenure-holders, who will sub-let to actual cultivators who agree to pay the market value of the use of the land.

A ryot cultivating land for one season only will always pay a much higher rent than he would agree to pay annually for a term of years, taking all the risks of bad seasons. If his one season turns out a bad one, he loses nothing, and the landlord gets no rent from him. The permanent ryot will only agree to pay such rent as he can afford to pay on an average of seasons, but the landlord's income from such ryots is far safer, and in the long run far larger, than from annual tenants, and no landlord is fool enough to get rid of solvent settled ryots in order to let his land by the year."

34½. Before leaving section 42, I have to reply to the question raised in paragraph 11 of the Government circular.

When Government raised the question whether there is "danger" of section 42 raising the prevailing rate for occupancy ryots, the majority understand Government to mean raising the rate in an objectionable manner, as opposed to the raising of it by the action of natural laws, such a rise in the value of land, as the majority are sure that Government would not interfere with the raising of the rate in the last-mentioned manner, which is simply the effect of general progress and improvement in the country, and especially in the condition of the agricultural classes. Thinking there is some danger of the prevailing rate being raised in an objectionable manner by the section as it stands, and which limits the rent that the zemindar may demand, Government wish us to consider whether some further restriction in excess of that limitation should not be enacted against the zemindar. There are thus three phases to be considered: *first*, the existing law or conditions under which there is no limitation whatever on the amount of rent a zemindar may demand when he lets his land; *second*, the section in the Bill limiting the demand; *third*, the idea that occurs to Government of enacting something still more detrimental to the zemindar. While Messrs. Oldham and Bolton are in favour of the section with the amendments already proposed by them, and consequently do not see the danger apprehended by Government from it, the majority, for the following reasons, think there is no danger whatever of an objectionable raising of the prevailing rate under the first phase, *i.e.*, under existing conditions, under which no restriction whatever is imposed on the zemindar, and it follows that much less do they think there is danger under the section, and that there is any need for any further restrictions. It seems to them that, if there was any such danger, it would not be a matter of apprehension only, but a matter of fact, whereas Government do not mention any instance of the power which the zemindar now exercises of demanding what he likes when he lets land, having, as a matter of fact, had the effect of raising the prevailing rate in an objectionable manner, and if instances of this had occurred, the supporters of the Bill would assuredly have reported it to Government, and the instances would doubtless have been mentioned or referred to in the Government Circular in support of the proposal to impose a restriction in excess of the section. It seems to the majority that the absence of known instances of what Government apprehend is strong evidence that the apprehension is groundless, and not only that, but that it also strongly supports the view of the majority that the section should be altogether omitted, and the present conditions allowed to go on working as satisfactorily as they now do

without imposing any new restrictions on any one. Next, the majority are confident, and in this they think Government will agree with them, that the subletting of a small number of holdings could never affect the prevailing rate paid on a large number; and lastly, they think that, if the zemindar does let a large number of holdings to settled ryots at rates in excess of those paid by other settled ryots for lands in which they have right of occupancy, then it is an incontestable proof that the rates paid by the latter set of ryots are too low, and should no longer prevail, for a number of ryots would never pay the higher rate unless the land were worth it. In short, it seems to the majority that if Government will only let well alone by omitting the section altogether and imposing no restriction whatever on the demand of rent, in such cases then not only will there be no such danger as Government apprehend of the prevailing rate being raised in an objectionable and fictitious manner, but, on the contrary, natural laws will work so as to settle the prevailing rates in a most desirable manner as the country progresses, and the general condition of the occupancy ryot improves.

35. *Point* (*a*), *Section 43.—The prevailing rates.*—Messrs. Oldham and Bolton would abolish this ground of enhancement altogether. Mr. Oldham* says that all applications for enhancement on this ground that came before him as Judge in the Sonthal Pergunnahs were practically fictitious and collusive rates. The ryots of a whole pergunnah assented to a high rate on the zemindar consenting to abandon indigo cultivation, and the pergunnah was settled accordingly. Some years afterwards, the zemindar's successor sought to enhance in the next pergunnah, citing as a prevailing rate the one so specially raised. Mr. Bolton† also strongly advocates the abolition of this ground. He cites no specific instances in which fictitious rates were put forward, though he goes so far as to say that landlords have "commonly succeeded in altering the prevailing rate" by coercion and collusion. In the opinion of the other six members, the instance cited by Mr. Oldham is a very insufficient reason for abolishing this ground of enhancement. It was an attempt to establish as correct what was incorrect, it did not succeed, and no more would any other such attempts succeed. The point, in the opinion of the majority, is whether zemindars have established fictitious rates as a prevailing one, and this could practically never be effected, as it is easy to disprove that a rate prevails when it does not really prevail, and as for a zemindar persuading a large by to pay rents in excess of the prevailing rate for land under the same circumstances and conditions, the majority consider that a practical impossibility. Mr. Tute says he has not yet met any set of ryots so devoted to the neighbouring landlord as to agree to pay enhanced rents to enable him to enhance on his own estate. As regards experience of fictitous and collusive rates, Mr. Tute, Dalton and Newbery have never known any to be advanced. Messrs. Livesay and Ruddock and the Bogra Munsif have known fictitious rates to be advanced in the sense that the zemindar advanced rates as prevailing rates which were paid by a few ryots only, and the Munsif says that he has found ryots do exactly the converse of this. No one knows of a case of fictitious or collusive rates being established as prevailing rates. Mr. Newbery observes that zemindars cannot combine to prove falsely high rates, while ryots can and do combine to prove falsely low rates. My experience, gained in trying enhancement suits for six months, was that no collusive rates were ever advanced, and that fictitious rates were only advanced, as they were in some cases, by both zemindars and ryots, in the sense that they were higher and lower than the rates that I found to be the really prevailing ones. Mr. Tute cites the cases in which Government as zemindar raised the rates in Midnapore, Julpigoree, and Darjeeling, and asks why other zemindars should be deprived the advantage of the rates fixed by Government officers.

Paragraph 9 of the Government circular.

* *See* his separate note.

† *See* his separate note.

Six members are unanimous in thinking that the abolition of the ground would tell very hardly and unfairly on zemindars, as it is the only one easy to prove, and that, if it is abolished, then the Bill will materially increase instead of facilitating enhancement in cases where the zemindar is admittedly entitled to it.

Mr. Westmacott sees no objection to the prevailing rate, though he says—

"I think far too much importance has been attached to the prevailing rates as a standard. I have found it difficult and well nigh impossible to do justice by the application of any such standard. If the prevailing rate is one which has prevailed ever since a day when rice was sold at 40 seers the rupee, it is certainly an unfair rate when rice is sold at 25 seers the rupee. I do not think that either landlord or tenant would suffer from the abolition of this ground of enhancement."

As regards clause (*b*), crops other than food-crops must be taken into account, as will be stated when dealing with priced lists.

36. *Section 44.*—From what has just been said, it follows that Messrs. Oldham and Bolton would omit this section, and that the majority would omit clause (*a*).

37. *Section 45.*—All but Messrs. Oldham and Bolton would omit clause (*b*) on the general grounds and principles before stated. In recommending a rise in prices as a ground for enhancement, Mr. Oldham mentioned that five maunds of rice were obtainable for a rupee in Kendraparah about 1864, and only 16 seers in 1884, which Mr. Tute and the others of the majority think a strong argument against the four annas limit of enhancement.

38. In connection with section 45, section 52, and the matter of priced lists have to be considered. Paragraph 14 of the Government circular. The result of the enquiries on the points in regard to which Government desire information is as follows:—Excepting in Pubna, where Mr. Bolton obtained prices in a few instances from wholesale dealers, the District Officers of this division agree that priced lists for fifteen years cannot be got, or that, if available here and there, they would be unreliable. Most dealers do not keep papers on the subject for more than ten and five years, and some not so long as five. Messrs. Livesay, Ruddock, Dalton, Oldham and Bolton, think prices of five years could be obtained that would be useful as a guide. Mr. Dalton thinking they could be obtained to a limited extent only. Messrs. Newbery and Tute think they could be obtained, the former officer with the qualification that they would be of some little use only, and Mr. Tute believing they would be unreliable. I do not think they would be sufficiently reliable, and would not use them. All are agreed that the prices now published, which are drawn up by the police and the Collectorate Nazirs, are not sufficiently accurate for the purposes of the section. A majority agree with me in thinking that, if Government make it an object to collect accurate information as to prices in the future, confine to a limited number of suitable places in each district, and issue full and careful instructions as to the points to be borne in mind when making enquiries, a very useful record can be made. Mr. Newbery thinks it will only be less unreliable than information as to past prices, and Mr. Tute thinks it would be much better.

In this connection Mr. Newbery thinks that prices at markets and bazars should not be taken, but the prices paid to cultivators, which should alone enter into the question of rent. Mr. Tute agrees, and he wrote as follows in his preliminary report:—

"In the first place the crop on the ground is not sold at the market. It is sold to the mahajan, and the rate varies with the power he may happen to have over the cultivator for the time being. The next stage is the visit of the pack-bullock man who buys up the village supply. He then sells it at the hât, whence the goladars bring it to their golas. We have thus four profits to be taken out of the crop after it leaves the ground, the first absolutely impossible to settle or define, and the others nearly equally so. In this and neighbouring districts the harvest time is the worst at which to fix rates. The people here employ foreign labour to reap and the labourers are paid in kind. This at the end of the harvest is thrown upon the market and causes a fluctuation in prices. This fluctuation is perfectly temporary, but would entirely disturb the accuracy of the price-list test."

The Conference think the point raised by Messrs. Newbery and Tute should be considered, but they have no time to do so before the date on which this report must reach Government.

As regards the crops to be entered in the lists if this test is taken, the Conference are unanimous in thinking it would be a great mistake to enter food crops only. The following crops should be also entered as regards six of the districts of this division:

Bogra.	Rungpore.	Rajshahye.	Julpigoree.	Dinagepore.	Pubna.
Jute, sugarcane	Jute, tobacco, sugarcane.	Jute, mulbery, sugarcane, ganja, and in parts indigo.	Jute, tobacco	Jute, sugarcane, ganja.	Jute and possibly sugarcane.

There are no mistakes in the statement attached to the Government circular except the obvious misprint in regard to *kalai* in Dinagepore, which should be 8 per cent.

Generally speaking rice and jute are interchangeable crops in this division, though not so everywhere.

Mr. Dalton thinks nothing should be done in the Bill to bring prices more under consideration in connection with enhancement.

39. Returning to section 45, and referring to paragraph 15 of the Government circular, Mr. Bolton thinks it essential that an increase in cost of production should be taken into consideration, and Mr. Oldham is in favour of it also. Messrs. Livesay, Newbery, Ruddock, and Tute would leave it to the courts to decide what is fair and equitable without inserting any special provision in the Bill, telling them to consider the cost of production. Mr. Dalton does not like prices being considered in connection with the enhancement, and is therefore against any such provision. My own view on the point is that the difficulties of making the calculation of the cost of production would be so great, and that the calculations would take so much time, that no such direction should be inserted in the Bill. Cases would last for weeks, evidence and calculations about the cost of bullocks and of feeding them, the cost of the plough, about the value of the ryot's labour, &c., &c., would, have to be made, and it seems to me it is only necessary to read Sir Barnes Peacock's judgment in the case of Ishwar Ghose to see what a difficult and laborious task would be imposed on the civil courts, and that the idea had better be abandoned. The reply to the question asked at the end of page 8 and beginning of page 9 of the Government circular is in the negative, if the cost is to be taken into consideration.

40. All except Mr. Bolton would omit section 46, as they proposed to omit all the provisions in regard to improvements.

41. All except Mr. Bolton* would omit the section 47. It is new, unnecessary, and might create difficulties.

* See his separate note.

42. *Section 49.*—Mr. Bolton approves of this section. Mr. Oldham would abolish it if the other limitations, such as percentages of enhancement, are retained, but if they are not retained, then he would retain this section. A majority of five would do exactly the converse of this, *viz.*, retain the section if the percentage limitations are omitted, but not otherwise. I would omit it, for though in some cases it would be beneficial, still it is hard on the zemindar to be kept out of the rent to which he is admittedly entitled, merely because the ryot has been heretofore paying rent at a rate that is so very much too low that the rise to a fair and equitable rent would be a considerable one.

43. *Section 50.*—Messrs. Oldham and Bolton are in favour of the section as it stands. The other five district officers are against it, if the arbitrary limitations and contract provisions stand. If they are omitted, the section may stand. I see no objection to a period being specified within which a second enhancement may not take place under ordinary circumstances, as it will, so to speak, give zemindars and ryots a rest; but I observe that there is no corresponding provision in the case of an abatement under section 51, and considering the rate of progress of the country, I think ten years, which, it will be remembered, is a period frequently selected (in the Western Dooars for instance) by Government for the duration of settlements of its own estates is sufficient, and I would certainly add a proviso that if any sudden rise in the value of produce, such as is caused by the construction and opening of a railway for instance, should occur, a second enhancement may take place within the ten years.

44. *Section 51.*—With one incidental exception, no such imperceptible cause for deterioration, as is referred to by Government, is known in addition to the efflorescence mentioned. The exception is that in a Wards' Estate in Dinagepore the construction of a road prevented a river from inundating land which had been formerly enriched by silt.

Paragraph 13 of the Government Circular.

The Conference would omit all the words after the word "deteriorated" in clause (*a*) as an improvement, and if this amendment is not accepted, would omit the word "like" before the word "calamity" as being calculated to create room for much difference of opinion in the civil courts.

In clause (*b*) other crops, such as jute, tobacco, &c., &c., should be included, as mentioned in connection with priced lists. The reply to the question asked at the end of paragraph 3 of the Government circular is an unanimous negative. It might be most unfair to the zemindar to consider a fixed proportion of the crop as an equivalent antecedent of a money-rent invariable over a term of years. Mr. Bolton observes that it would practically have the effect of the 20 years' presumption in every *bhaoli* tenure in Behar, as the proportions of the crop taken by the zemindar and the ryot have been fixed for many years. Mr. Westmacott says—

"I do not see how a fixed proportion of the crop can be fairly considered as the equivalent antecedent of a money rent invariable over a term of years. A rent which has been a fixed proportion of the produce is above all liable to enhancement, and is the very opposite to rent at a fixed rate."

45. *Section 52.*—Has been already dealt with, but, being against the consideration of prices in connection with enhancement, Mr. Dalton would omit the section, while the majority would retain it.

CHAPTER VI.

46. *Non-occupancy Ryots.*—Government think it a question whether this chapter does not tell too severely against the ryots. As will be seen by his separate note, Mr. Bolton concurs with Government and re-casts the chapter. For the reason stated in his separate note, Mr. Oldham would substitute "a fair and equitable rent" for "such rent as may be agreed on," &c., in section 56, and would retain the rest of the chapter, also allowing ejectment for recalcitrancy and denial of title. Mr. Livesay, in view of the chapter being directed against Behar, concurs in it, always saving the point of prevailing rates; but says that, if the Bill were for Bengal alone, he would agree with the majority.

Paragraph 16 of the Government Circular.

Before stating their views, the other members of the Conference request permission to say a few words with reference to a remark in paragraph 11 of the Government circular, which bears on the general question of the difference or the reverse between the rents that occupancy and non-occupancy ryots are respectively liable to pay at present. Government observe that under the Bill the rent of a non-occupancy ryot may be raised to a much higher figure than that of the occupancy ryot, and that, as far as the Lieutenant-Governor knows, this is a novel principle which it is now for the first time proposed to introduce into the Land Law of Bengal. It seems, however, to the majority that the principle was clearly laid down in Acts X

of 1859 and VIII (B.C.) of 1869. Section 18 of Act VIII provides that the rent of the occupancy ryot can only be enhanced if certain conditions exist, and in the application of those conditions by the High Court, the rent is limited. On the other hand, Section 6 of that Act provides that a non-occupancy ryot is only entitled to a pottah at such rates as may be agreed on between him and the zemindar, and the effect of this is that rent of the non-occupancy ryot may be raised to any amount which the zemindar demands and the ryot is willing to pay. This distinction the majority would preserve.

Mr. Westmacott says—

"I consider the omission of all restrictions on the rent which the landlord may demand from the ryot on his first entry to be very just, but I can see no just grounds for allowing the ryot compensation for disturbance. Nor do I see why a ryot should be allowed to obtain rights of occupancy in land which he takes for a terminal period. If there is land in which no ryot has obtained any occupancy right, I can see no reason why the landlord should not be permitted to let that land to the best advantage. To prevent his doing so is not to protect the rights of any person requiring protection, which is a legitimate function of the Legislature, but interferes unjustly with the rights of the landlord where a ryot or any person has rights which are in danger, and which it is necessary to protect against the encroachment of a stronger person, it is quite within the province of Government to interfere, but I think it unwarrantable to interfere with the rights of the landlord, and to create rights which are non-existent, and which are not demanded by any traditional feeling of the people. I am, moreover, of opinion that no such attempt to interfere with arrangements made between the landlords and ryots without rights of occupancy will succeed. If occupancy ryots are to be so protected as to hold at privileged rates of rent, the landlords will certainly prevent the accrual of rights of occupancy. I believe that in view of this, ryots have been far more harassed since Act X of 1859 became law, than they were before, and I think the proposed Bill by no means likely to facilitate the accrual of occupancy rights. If the law allows the landlord to obtain a fair rent for his land, he has no object in disturbing his rights. It is only where they are so protected that he cannot get a fair rent that he becomes hostile to their rights, and, as I have said before, if the rents are artificially restricted to something less than a solvent settled ryot can afford to pay, the rights of the ryot will gradually fall into the hands of non-cultivating middlemen."

As will be seen from what follows, the majority of five members of the Conference (with whom it will be observed Mr. Livesay, practically concurs as far as Bengal Proper is concerned) are not only unable to concur with Government, but agree with Mr. Westmacott in thinking that Chapter VI goes much too far against the zemindars and in favour of the ryots. The majority consider that, if the zemindar is not allowed full proprietary rights over land let to non-occupancy ryots, or in other words, if he is not allowed to make his own terms with them, then he will be nothing better than the ghost of a proprietor, and that Chapter VI would be most unjust and unfair to the zemindars. Experience shows that as a body the zemindars of Bengal Proper have not interfered with the growth of occupancy rights in the case of unobjectionable persons, and hence the belief that 90 per cent. of the ryots have such rights. If in parts of Eastern Bengal the zemindars have tried to prevent the accrual of such rights, then the majority think it is because the zemindars there were driven in self-defence to do something by the persistent combination of ryots not to pay rent, meeting with no remedy on the part of Government, though the need for it was admitted by Government six years ago, and, as Mr. Tute observes, by the action of Government in bringing in these Bills so destructive of the long-established rights of the zemindars. If such provisions are dropped, and only those I have previously classed D enacted, the majority feel sure that only in exceptional cases, and with good reason, would the zemindars as a body prevent the accrual of occupancy rights in Bengal, though entitled to do so if they choose. The question of enacting a separate chapter for Behar on points calling for it, such as the accrual of occupancy rights there, has been dealt with already; but as regards other points in this chapter relating to non-occupancy ryots, the views of the majority apply to Behar as well as to Bengal, and for the reasons stated, Messrs. Newbery, Ruddock, Dalton, and Tute accept the following revised Chapter VI which I laid before the Conference:—

Sections 55 and 56 to stand.

For section 57 substitute—

"The rent of a non-occupancy ryot may be enhanced to whatever amount may be agreed on between him and the landlord.

"When a landlord desires to enhance the rent of a non-occupancy ryot, at least six months' notice must be given to the ryot in writing, the notice to expire at the end of the agricultural year: and if the ryot elects to pay the enhanced rent, the enhancement shall take effect from the beginning of the next agricultural year.

"If the ryot remains in tenancy after the expiration of the year, he shall be held to have elected to pay the enhanced rent for another year and shall be liable for it.

"If the ryot is unwilling to pay the enhanced rent, he must give notice to the zemindar three months before the expiration of the year, failing which he shall be liable for three months' rent for the following year, even if he vacates the land before that year begins."

Section 58. Omit (*d*) and substitute "on the ground that he has refused to pay the enhanced rent demanded by the landlord, and has not vacated the land at the expiration of the year during which he received notice."

Section 59 to stand.

Omit sections 60 and 61.

Some officers are of opinion that the conversion of a non-occupancy ryot is by no means an unmixed good, and that though the advantages preponderate, the disadvantages should not be wholly lost sight of when it is a question of injuring the zemindar materially in order to assist in the accrual of such rights. Mr. Tute observes that the right ties the ryot to the soil when he might emigrate from an over-populated district with public advantage, and that in Dinagepore a ryot would rather not acquire the right and be liable for the rent of a specified holding instead of only paying rent for the land he actually cultivates.

CHAPTER VII.

47. The Conference unanimously recommend the omission of this chapter, as they are opposed to the recognition of under-ryots in any way.

Paragraph 17 of Government Circular.

CHAPTER VIII.

48. The question of the 20 years' presumption in section 64 has been dealt with, and clause (3) of it would be thrown out under the reply given to the question asked at the end of paragraph 13 of the Government circular.

Paragraph 18 of the Government Circular.

Section 69.—As in case of dispute the ryot can deposit rent in court, Mr. Westmacott thinks it unfair to the landlord that the ryot should be allowed to choose what part of his rent debt he will pay first. A majority of six think a proviso should be added to the section, saying that the landlord's claim to rent for a prior period shall be affected by the ryot's action, and that no presumption of payment for a prior year shall arise. If this is added, they think the section may stand. Though Messrs. Oldham and Bolton see no objection to the addition of the proviso, they think it unnecessary.

Section 70.—In reply to the question asked at the end of paragraph 18 of the Government circular, the Conference think the forms of receipt and account in the schedules good as far as they go, but that Government must be empowered to prescribe forms for each district. For instance, *bhaoli* will not apply to Bengal, and in some parts of the country the amount of land of first, second, and third qualities, and the rent paid for each, are always entered, and in other parts other particulars are entered.

It is here suggested that forms of receipts, accounts, &c., be provided by Government for sale at cost price, and that, if necessary, this be provided in the Bill.

Section 71 (3).—All agree with Mr. Dalton in recommending that this clause be altered to the effect that the landlord shall retain a counterfoil of the statement.

Section 73 (*a*)—All agree that the words "or his agent" should be inserted after the word landlord, and concur in Mr. Tute's proposal that clause (*b*) should be omitted as vague, difficult to prove, and liable to abuse. As a consequence, the proviso "In clause (*b*)" to 74 (3) would also be omitted. Mr. Westmacott is disposed to allow a ryot to deposit rent for any reason on payment of a fee in every case, as sometimes the amlah require a *douceur* for themselves, but the Conference think it would put the zemindar to great inconvenience in case of a combination of ryots, for instance, to have to send to court for all his rent.

Section 77 (2).—If the view of the Conference that an occupancy holding shall only be saleable for its own arrears is approved, this clause will only apply to that case.

Section 78 (3).—Messrs. Newbery, Ruddock, and I agree with Mr. Tute that this clause should be omitted. Mr. Bolton would retain it; Mr. Livesay agrees with Mr. Dalton that the extension provided for in the clause should be limited to 15 additional days, and Mr. Oldham gives no opinion.

Section 80.—All except Mr. Bolton, who dissents in his separate note, concur with me in recommending that in such cases the awarding of 25 per cent. damages should be made compulsory. As Mr. Oldham observes, it is a defect in the Bill that the withholding of rent that is due and claimed at the rates regularly paid or decreed for years past is insufficiently penalised.

Section 81 (3).—In view of section 83, Messrs. Livesay, Newbery, Dalton, and Tute concur with me in recommending the substitution of the word "shall" (or must?) for "may" in this clause. Messrs. Ruddock, Oldham, and Bolton* prefer "may;" Mr. Oldham, however, attaching little importance to the point.

* See his separate note.

Mr. Dalton thinks the civil court, and not the officer, should do the work of sections 81 to 83.

Sections 85 *and* 86.—Considering that illegal cesses are often paid by express wish of the ryots in lieu of an enhancement of rent, Mr. Tute proposes that, where cesses exist, the zemindar shall have a right to hand over his estate to the Collector to fix the rents at the zemindar's expense and then return the estate to him. All but Mr. Bolton concur in this, as the measure would be generally beneficial, and extra officers could be appointed at the cost of the zemindar. Mr. Bolton thinks Chapter X sufficiently provides for such a case.

CHAPTER IX.

49. The matter of improvements has been dealt with.

Section 96 (3). *Abandonment.*—The conference are unanimous in recommending that the period of two years be altered to one year, and that the ryot be required to prove that he did not voluntarily abandon the holding, &c., &c., [as in 96 (1)] to entitle him to re-enter. In the case of abandonment that is not voluntary, but owing to circumstances over which the ryot has no control, such as being put into Jail, Messrs. Oldham and Bolton would give the ryot the benefit of clause (3), and Mr. Oldham would extend it a little further, saying for instance, that the court may do it in case of hardship.

The majority would not give the ryot the benefit of the clause in such a case. All are agreed that the ryot must pay the rent for the year of abandonment, and that this should be secured.

50. *Section* 99. *Measurements.*—All are agreed that the zemindar ought to be allowed to measure the external boundaries of each plot of lakhiraj land only, and not any interior details unnecessary to enable him to ascertain the total areas held.

Paragraph 21 of the Government Circular.

Section 101.—All except Mr. Ruddock, who would allow local standard if the ryot wishes it, are in favour of the Government standard of measurement. Mr. Oldham says that a series of our standards were adopted over a large tract of country in the Sonthal Pergunnahs in a very short time without difficulty.

Section 102.—Messrs. Dalton and Bolton are in favour of the power to appoint a joint Manager. The majority think section 73 sufficient to meet the circumstances under which a joint Manager would be beneficial, and zemindars are much opposed to such an appointment.

If a joint Manager is established, then all agree that, as Mr. Bolton suggests, the Manager's authority to reduce rents should be restricted, and that a penalty should be provided for obstructive interference with the Manager on the part of any of the co-sharers.

Mr. Bolton suggests that the civil courts might be empowered, either under the Bill or some other law, to direct a butwarah in an estate to which a joint Manager has been appointed. The majority think this unnecessary.

CHAPTER X.

51. *A Record of rights.*—Great as are the advantages of such a record if made when an estate is from time to time under settlement, I think that, without the powers exercised by a settlement officer on such occasions to make what they settle hold good for the period of settlement, much less can be done and settled. In a permanently settled estate classes of tenants with fixed rents for the period of settlement cannot be established. A record made in 1885 that A is an occupancy holder of holding B may be quite useless in 1888, owing to A leaving it, and to its being split into three holdings given to three non-occupancy ryots, or split into four bits, two of which are given to non-occupancy ryots and two to adjacent occupancy holdings, thus also affecting the record of their holdings made in 1885. Such changes can be prevented to a very great extent in the case of temporary settlements, and where any are allowed or take place, a knowledge of them can be secured in a great majority of cases, and a record made at the time, while any that have not come to light are detected at the expiration of the temporary settlement. I do not think it would be possible by any legal provision to obtain correct information of the numerous changes in permanently-settled estates, and if it were possible, the business of recording changes would be so vast that it does not seem advisable to undertake it. Again, probably most officers will agree that no higher value should be attached to undisputed entries than that provided in section 116, and this class of cases would, owing to the absence of ryots, form a large majority of those recorded. I think therefore that it is not worth while undertaking an operation of such magnitude in order to secure such limited advantages as could be expected from it, while much forgery and perjury would be inevitable. For these reasons, I would confine the operation to three classes of cases—*first*, those in which both the zemindar and the ryots apply for it, and are willing to pay for the limited advantages it will secure; *second*, those in which interference on the part of Government is advisable on public grounds to prevent ryots, &c.; and *third*, cases in which auction purchasers are unable to obtain zemindari papers and apply on that ground.

Paragraph 23 of the Government Circular.

The majority concur with me in this, and at Mr. Bolton's suggestion would add the cases in clauses (*a*) and (*c*) subject of course to parties paying the cost. As regards (*b*), we do it in wards' estates already without any legal provision, but I would not do it in other estates on

application unless *both* the zemindar and the ryots wish it. Mr. Oldham, though he acknowledges the difficulties, and would not attempt to keep up the record by entering mutations in consideration of the vastness of the work, still thinks the operation would be of use in permanently settled estates generally for a certain period, it having proved so for nine years in the Sonthal Pergunnahs.

Section 116 (2).—The conference are unanimous that no higher value should be attached, and that the section should stand.

Section 120.—As in the case of enhancement of rent in the ordinary manner, I would alter the period from 15 to 10 years, and would allow an enhancement within 10 years in case of a sudden rise in the value of land, owing, for instance, to the opening of a railway.

Section 122.—The views of the conference in regard to the 20 years' presumption have been expressed.

CHAPTER XI.

52. *Table of Rates.*—Messrs.* Oldham and Bolton are in favour of this chapter. The majority and Mr. Westmacott think that the reports of the special officers deputed to different parts of Bengal and Behar to try if tables could be framed show conclusively, and it is in accordance with the personal experience of the majority that, excepting in a few special localities under very different circumstances from the greater part of the country, no table of rates could be framed that would be of real use, and that ought to be used. The rates for the same qualities of land held by the same class of ryots vary in contiguous estates, owing to one zemindar being rich and lenient, and the others being poor and exacting, or pressed by family marriages and law-suits. The case mentioned by Mr. Oldham is an exceptional one, but even there he says that the classes of lands went up to 45 in number in some areas. The majority are, as already stated, strongly opposed to such provisions as the one at the end of section 125.

Paragraph 24 of the Government Circular.

* See their separate notes.

CHAPTER XII.

53. About khamar, &c., lands has been dealt with in connection with section 30.

CHAPTER XIII.

54. *Distraint.*—Referring to the first portion of this paragraph, the Government of India (paragraph 24) are, I see, in favour of "still further improving or cheapening the procedure" adopted by the Select Committee. The conference are, with one partial exception, unanimous in thinking the procedure in the Bill quite insufficient, and that, if distraint is so clogged, it will be useless to the zemindar, though in the interests of the ryot it is a better method of realising rent than by suit if precautions are taken to prevent the process being abused. The conference, accepting a suggestion of Mr. Dalton's, recommend that the zemindar be allowed to make the first distraint seizure as at present; but on that being done, he be compelled (under a penalty) to at once obtain the sanction of the civil court to what he has done by reporting the arrear of rent, on which the ryot would be called on to admit or contest the claim. Nothing less than this will, in the opinion of the majority, make distraint of any use, while there will be a safeguard against any abuse of it. Mr. Westmacott had no opportunity of considering Mr. Dalton's suggestion, but agrees that the procedure in the Bill would be quite useless, and he specially cites the case of crops on the Noakhally churs, which can be easily removed by boats. The exception is that Mr. Bolton would retain the present law in the case of churs, but prefers the procedure in the Bill for other lands.

Paragraph 25 of the Government Circular.

Section 139.—If our views about sub-letting are approved, the words or "under-ryot" in the beginning and clause (3) will be cut out.

Section 141 (3).—The majority agree with me that, if our general recommendation in regard to distraint is not approved, the word "shall" ought to be substituted for "may" in this clause, and similarly that the court be bound to cut and store ripe crops at the cost of the eventual loser. Mr. Oldham has no objection to this. Mr. Bolton prefers the word "may."

CHAPTER XIV.

55. *Procedure.*—The conference are unanimous in thinking the absence of any provision to facilitate and expedite the realisation of rent and cesses admittedly due is a grave defect in the Bill, and all but Mr. Bolton concur with me in recommending the application of the summary sale procedure in force, and now prescribed for putni tenures to occupancy holdings also. Mr. Bolton* does not concur in recommending the application for the summary procedure. If he thought registration possible, he would apply that procedure. Here the question of registration

Paragraph 26 of the Government Circular.

* See separate note.

paragraph 28 of the Government circular, may conveniently be brought in. All would be in favour of it if they thought it practicable; but Messrs. Ruddock, Oldham, and Bolton think it impracticable on account of the vastness of the work, and the great cost and the large establishments that would be involved. For this reason Messrs. Oldham and Bolton would go no further in the matter than is provided for in the chapter on the record of rights. Mr. Livesay thinks it would be difficult, but not impossible, and would make it compulsory. Mr. Dalton would leave it optional, but would tempt ryots to register by offering some inducement. Mr. Tute would go with Mr. Dalton or do anything else to effect or promote it. I would make it compulsory, and think that occupancy rights having been established in the case of so many ryots would be admitted in a great majority of cases, and that the addition of some sub-registrars in the thanas would enable registration to be effected, the cost being paid by the ryot, who would benefit generally by the registration.

Section 168.—Mr. Oldham would make the power of revision in the proviso at the end unlimited, going on a case where an officer in the Sonthal Pergunnahs allowed holdings to be divided, which, though not a "decree," is an "order." Messrs. Livesay, Ruddock, and Tute concur; Messrs. Newbery and Bolton* do not. Mr. Dalton thinks that, if one decree governs other analogous cases, the values should count accumulatively, and an appeal should be allowed when the values in the section are thus exceeded. I concur with Mr. Dalton as regards this point, and on the one raised by Mr. Oldham. I think there is much in what Mr. Bolton says in his note of dissent, but that, while it is most desirable to retain the limits in the section, and to allow neither appeal nor revision in the case of simple decrees for arrears not exceeding such amounts [indeed I would increase them in cases decided under clause (*a*)], I think some power to revise such orders as that mentioned by Mr. Oldham should be provided. Probably the addition of some such words as "or has acted without proper authority" to the proviso would suffice.

* See separate note.

Section 171—Mr. Oldham proposes to omit this section as difficult to work, and thinks it better to let a ryot sue for damages or compensation in such a case. A majority agree, and think it might work unfairly when a ryot, on hearing he is to be ejected, runs a plough over the land here and there or scatters some seed on it. Mr. Bolton† would retain the section. If the section is retained, the Conference are unanimous in supporting my recommendation that before the words "his ejectment" in the beginning of clauses (*a*) and (*b*), the words "filing an application for" be inserted so as to meet the case just suggested.

† See separate note.

CHAPTER XV.

56. *Sales for arrears under decree.*—Excepting Mr. Bolton,‡ the members concur in the following general view of this chapter, which I placed before them.

Paragraph 26 of the Government Circular.

‡ See his separate note.

There is no objection to the general sale procedure prescribed. No tenure should be saddled with incumbrances (in excess of the protected interest decided on) without the consent of the zemindar. This stipulation is considered necessary, as otherwise the incumbrances might be such as to diminish the value of the holding to an extent that would prevent its selling for as much as the arrears, and a provision for it should be inserted in the Bill. As regards incumbrances created before 2nd March 1883, none should stand, unless in accordance with custom.

The majority would omit clauses (*c*) and (*e*), the first as relating to matters beyond the scope of what the Bill should cover, and also as wanting in precision, and the latter as diminishing the sale value of the tenure or holding, and going much further than is necessary. The majority would also omit section 185, as, if Government took such action, it would diminish the value of the holding, and the arrears might not be recovered at the sale. It will be observed from his separate note that Mr. Bolton would accept the chapter, omitting clause (*c*) of section 176, and adding a proviso that the zemindar be empowered to object absolutely to the creation of a registered and notified incumbrance, as well as the following amendment suggested by Mr. Dalton out of section 186 (*c*), about which the Conference are unanimous. It should be provided that the minimum sum that must be bid, before a sale with the incumbrances holds good, shall include the rent that has fallen due between the institution of the suit and the date of sale. If the bid is insufficient to cover that rent, a sale without incumbrances should take place, and the decree-holder should recover all rent due up to the second sale before any surplus is paid to the ryot defaulter. These provisos are necessary, as there is sometimes considerable delay in the hearing of a suit.

57. Before dealing with Chapter XVII as a whole, I reply to paragraph 12 of the Government circular about *bastu* or homestead lands. No such custom as that referred to near the bottom of page 7 of the circular, whereby a ryot who is ejected from his cultivation retains his bastu, is known to the Conference to prevail anywhere except in the Sonthal Pergunnahs, nor, except in that district, is any case known of specially screwing up the rate for bastu. On the question whether bastu should be exempted from enhancement, the Conference are unanimous in thinking that, where it is part of the agricultural holding, it should not be exempted; and that where it is not part of it, section 216 is sufficient.

CHAPTER XVII.

58. *Section 210.*—Messrs. Oldham§ and Bolton are in favour of this section, and Mr. Oldham is so on his experience gained in the Sonthal Pergunnahs. The majority would cut out the section altogether and allow complete freedom of contract. The Dacca zemindars justly observe: "The provisions are neither based upon any good policy, nor can they be supported upon any sound principle. The ryot has full liberty to mortgage, sell, and sub-let his holding on any terms he may choose. He can make any terms in case he is granted a permanent mokurraree lease. Yet he cannot be deemed capable of making any contract that may trench upon some particular provisions of the Bill This surely is unwarrantable and indefensible.

Paragraph 29 of the Government Circular.

§ See his separate note.

When he was a member of Council, Lord Macaulay wrote as follows when a proposal of this sort was made:—

"The general rule is this: That grown men, not idiots or insane, should be suffered to make such contracts as are not injurious to others, and as appear to them to be beneficial to themselves. To say that the ryots of this country are mere children and ought to be specially protected is, I conceive, quite incorrect. They are not intellectually inferior to the peasantry of other countries. They are as well acquainted as we are with the difference between an anna and a rupee, or between a month and a year. They are suffered to make the most important contracts, and nobody proposes to deprive them of this power, except when indigo is in question. They marry and govern their families. They are treated by our courts of justice as persons quite capable of comprehending the nature and consequences of their acts. If they are not so, if they are not able to judge for themselves in matters which concern only themselves better than the Government can judge for them, they will require protection, not in this particular case alone, but in ten thousand other cases. I conclude, therefore, that there is nothing in the intellectual state of the ryots which renders proper that contracts freely made by him should be set aside. But it is said these contracts are not freely made. Force and deception are employed. The peasant assents to disadvantageous terms from fear of bludgeon-men, or he is tricked into signing some paper which he does not understand. I answer, that in all such cases there ought to be a remedy. The law, I apprehend, would even now reach these oppressive and fraudulent practices."

This is the opinion held by one of the ablest men who ever had an opportunity of judging of the competency of the ryots of these Provinces to manage their own bu. iness, and since the opinion was recorded the ryots have progressed remarkably in general intelligence, as was only to be expected with the introduction of railways and the spread of education. The majority consider the ryots quite fit to make such contracts as they please, and that it is most unfair to the zemindars to enact this section.

Section 211.—Mr. Oldham thinks this section had better be omitted. Zemindars grant such leases at times, and custom would allow of it here and there, but it is better not to create the right. Mr. Bolton thinks the section superfluous. The other members concur with Mr. Oldham; and, as Mr. Dalton says, it is a question whether it would not give a tenure-holder or sub-tenure-holder a right to grant such a lease.

59. *Section 217.*—Mr. Oldham thinks greater prominence should be given to this most important section, which he would separate from the others on custom and make the second section of the Bill. Messrs. Livesay, Newbery, Dalton, and Tute concur. Messrs. Ruddock and Bolton would leave the section where it is, though they do not think the point of much importance. I agree that greater prominence should be given, but the appropriate position or number of the section in that view will, I think, be 4.

Referring to the point of transferability, Mr. Bolton would add an illustration to this section to the effect that wherever an occupancy holding is transferable by custom it will remain transferable. The others think this unnecessary.

60. *Section 220 (c).*—The Conference concur with me in calling attention to the ambiguity of this clause. It is a question whether, if a friend of a ryot, with his consent, prevents the reaping of crops under distraint proceedings, that friend will not be held to have done a perfectly legal act under this clause.

Section 222.—I think it hard that one rich shareholder should prevent another who is poor from enhancing when it would admittedly be just to enhance. This is admitted by the majority, but they think it an inherent defect in the joint system, and that the reverse would be harder on the ryot, as he might have to defend several suits. On this point I think he would defend that of one shareholder only, and if given against him, need not defend the others at all; while if given in his favour, the other shareholders would not institute suits at all.

Paragraph 30 of the Government Circular.

Section 227.—The section seems sufficient, and no member has any remarks to make about it.

61. *Point (2) in paragraph 2 of the letter of the Government of India.*—A few such talooks are found in Rajshahye and Pubna, and again in the Sonthal Pergunnahs, Monghyr, and

Paragraphs 31 to 34 of the Government Circular.

Bhagulpore. There are none in Bogra, Rungpore, or Julpigoree. No complaints of difficulty in realising have been made, and Mr. Oldham's experience is that there is none. Such talooks being very valuable, the rent is paid regularly and punctually, and so the summary sale process does not seem necessary. The officers who know of no such talooks, however, give no opinion on the point. No action seems necessary in the matter.

Point 3.—The opinion is unanimous that lakhiraj tenures should be subjected to the summary sale procedure for the recovery of legal cesses.

Point 4.—Has been dealt with.

Point 5.—*Hal hasilee* tenures do not exist in this division, and the information about them possessed by one member is insufficient to enable the Conference to give any opinion about them. A kind of *utbundee* tenure exists here and there in Rajshahye. In Pubna there are said to be tenures termed "eotit-pootit," much the same as utbundees. The Conference unanimously think that in utbundee tenures the ordinary law will cover the "*jumma*" of the ryot, and as regards the *utbundee* land that custom is sufficient.

Point 6.—Little is known of any such tenures, except the Rungpore jotes. As regards others, no reason is known for exempting them from the zemindar's right of presumption, except that, wherever they are now freely transferable, Mr. Bolton would not give the zemindar the right. This would apply to the Rungpore jotes, in regard to which Mr. Dalton would not give the right to the zemindar; while Mr. Newbery thinks it should be given, and the remaining members of the Conference agree with him.

Paragraph 84 of the Government Circular.

62. The foregoing paragraphs will show that the holding of the Conference, and the consideration of the debates in Council and the published literature on the Bill, has effected some changes and modifications of opinion on the part of the officers of this division, the general result being, on the whole, decidedly more in favour of the zemindars than of the ryots. The discussions have certainly done good, as many points and views which had not occurred to some members, and which altered the complexion of questions, were brought forward by others.

63. In conclusion, I regret that this report will reach Government a few days after the date fixed. Two days' delay arise from my having counted on being able to send in the report here, while orders to send it to Calcutta reached me when the Conference was sitting. In regard to three days more, I have to plead that the sittings of the Conference took a much longer time than I had expected, the last one having closed on the 14th instant, and the notes of dissent of Messrs. Oldham and Bolton having been delivered in the morning and at midday on the 15th.

NOTE.

My views differ on so many points from those of the majority of the Conference that I am constrained to record a separate note. I shall take the opportunity of explaining at the same time more fully than could be done in the report the reasons which have led me to propose the amendment in regard to the 20 years' presumption, which has been accepted by my colleagues.

CHAPTER II.

Section 5, sub-section (5).—I approve of the proposed presumption because it appears to be justified by the existing practice throughout Bengal. In Pubna ryots holding more than 100 bighas almost invariably sub-let.

CHAPTER III.

I entirely agree in the provisions of this chapter. The principles of enhancement laid down in the first part are fair to both landlords and tenure-holders. The double limit (section 8), the power to order gradual enhancement within a period of five years (section 9), and the 10 years' term (section 10) are essential for the protection of tenure-holders and their ryots. The abandonment of these provisions would expose tenure-holders to excessive enhancement, and compel them in self-defence to seek for compensation by recourse to like proceedings against their tenants. The majority of the Conference have recommended the omission of the provision in section 7 (3), securing to the tenure-holder in every case a minimum profit of 10 per centum of the net collections, and would leave to the Court absolute discretion as to the share of the profits to be awarded to him. To this I am unable to agree. The profit of 10 per centum is the lowest which should in fairness be left to the tenure-holder under any circumstances, and an ample margin for satisfaction of the landlords' just claim remains in the balance of 90 per centum which the Court is, under the Bill, permitted to allot at its discretion.

CHAPTER IV.

The question of the 20 years' presumption arises and may be considered in connection with this chapter. The proposal to retain this presumption appears to me fairly open to an imputation of insincerity. The presumption was introduced in 1859 for the benefit of a

special class of tenants, and full opportunity for asserting and obtaining the confirmation of their title to hold at fixed rates has been enjoyed by those tenants during the 25 years which have since elapsed. Its re-enactment is, therefore, scarcely needed on behalf of this class, and the landlords might urge, with much reason, that the determination to maintain it in the law indicates a desire, not so much to protect the interests of ryots who possess rights to hold at fixed rates as yet unconfirmed by a decree of Court, as to assist indirectly the general mass of tenants to acquire such rights where the zemindar, in consequence of irregular management, or of his succeeding to the possession of an estate without the requisite papers, may find himself unable to rebut the plea of fixity of rates. It is obvious that the further we advance from the date of the Permanent Settlement, the smaller becomes the justification for this provision, and the larger the number of cases in which attempts are likely to be made by the tenants to abuse it. The trouble caused to the zemindars by the existence of the presumption thus tends to increase as the need for its retention on behalf of tenants justly entitled to hold at fixed rates decreases. In Pubna I find that the presumption is very frequently pleaded; and, although the zemindar is seldom called upon to produce evidence to rebut it, the ryot failing in the great majority of cases to prove payment at an uniform rate for 20 years, he is put to considerable trouble in meeting the ryot's attempt to establish the plea. The same thing is, I understand, common in other districts, and the zemindars have, under the circumstances, very good cause for asking that the law should not continue to impose upon them the necessity of meeting this plea. The presumption, moreover, frequently operates unfairly against them in cases in which it is fraudulently pleaded, as it helps the tenant very materially to establish his claim to hold at fixed rates. I agree, then, with those who hold its retention unjust to the landlords and recommend its abolition. With the view, however, of providing against possible hardship, I would not suddenly withdraw it, but enact that it shall cease to be pleaded after two years from the passing of the Bill, except in cases in which suits may have been instituted within that period to obtain a decree confirming a right to hold at fixed rates. Tenants claiming to hold at such rates would, under this provision, be driven into the Courts, unless they make an amicable arrangement with their landlord; but seeing that most of the genuine claims to fixity of rates have probably been judicially disposed of already, and that the costs of litigating would act as a powerful check against the institution of false suits, I venture to think that the number of cases will not be excessively large. The disposal of the cases would also be simplified by the fact that frequently a single decision would rule all the claims in an entire estate. Were the proposal, however, sure to give rise to considerable litigation during the first two or three years after the passing of the Bill, it would still be well to face this result, and clear away from the Statute Book, once for all, a provision for which sufficient justification no longer exists. The proceedings of the Assistant Commissioners under the Irish Land Act may be cited as, in some degree, a precedent for this proposal to call into existence and dispose of a mass of litigation at the very outset of the introduction of the new law. The obligation to appeal to the Courts thus imposed on the tenants might prove a hardship to some individuals, but it must be remembered that, whether the presumption is permanently retained, or abolished after the fixed period proposed, the burden of proving his right to fixity of rates must always rest on the tenant whenever he seeks to establish that right.

It is proposed in section 64 (2) to abolish the presumption in local areas in which registration of tenancies held at fixed rates may hereafter be undertaken, but the practicability of such registration on an extensive scale is open to doubt, while its restriction to limited areas would be of small benefit to the landlords as a body. Registration, moreover, would encourage the advancement of false claims, and thus create an amount of litigation, exceeding, in all probability, that which is likely to arise under the proposal which I have ventured to make. I submit, therefore, that the preferable course is to require the ryots to substantiate their claims by suit within a definite period, and then to abolish the presumption entirely.

CHAPTER V.

Sections 25 and 26.—The majority of the Conference, accepting the landlord's view, would omit the words "or estate" from these sections, limiting the acquisition of the right of occupancy and of the status of a settled ryot to the village itself. I perceive no material objection to the use of these words; but as the landlords appear to attach importance to the point, I would concede it, providing, however, a somewhat larger area than the village itself for the accrual of occupancy rights under these sections. For the words "or estate" I would substitute "or within a distance of two miles from that village," restoring the language of a former draft Bill. The extended area would embrace, in the majority of cases, the whole of the lands cultivated by individual ryots. It may be objected to this proposal that it would confer at once on the occupancy tenant of one landlord a right of occupancy in new land taken by him from another landlord within the two miles' limit, but to this objection it may be replied that the same result must sometimes ensue if the village alone is adopted as the area for the purposes of these sections. I would reck on the distance of two miles from the outer boundary of the village.

Section 30.—The words rejected by the majority of the Conference should, I think, stand. I can conceive no justification for the proposal that the right of occupancy should be absolutely

barred in *khamar*. The landlord could under the section prevent its accrual, and he should similarly be allowed to permit its growth, should he deem it to his advantage to do so.

Section 31.—I see no objection to the words which my colleagues would excise from clause (*a*). They are needed in the interests of the landlord. Clause (*b*) I would retain, my views on the subject of improvements being opposed to those of my colleagues. With regard to clause (*f*), I am fully with the rest of the Conference in deprecating the formal recognition of transfer by private sale as an incident of the occupancy right. The arguments for and against the acknowledgment of transferability have been repeatedly stated, and nowhere more ably and clearly than in Mr. Field's note appended to his Digest of the Rent Law; but the question still remains surrounded with doubt and difficulty, and it is impossible, even for the strongest advocate of transferability, to predict with confidence that the effects of its recognition will be altogether beneficial to the peasantry. Prudence seems, therefore, to dictate that we should not specifically recognize the right of transfer under the Bill. It is, no doubt, impossible to ignore the right where it actually exists by custom, but I would leave its operation in such cases entirely to the force of custom. Its recognition by the Bill would in all probability be attended by a rapid growth in the number of middlemen.

While agreeing with my colleagues, however, as to the advisability of rejecting the right of transfer by private sale, I am of opinion that transfers by gift to blood relations (among whom co-sharers would ordinarily be included) should be legalised. This would tend to encourage improvements by tenants, and is besides a concession to which they are justly entitled. For the same reasons, I would accord to occupancy tenants the right of bequest to blood relations.

I agree with my colleagues, for reasons similar to those which apply to transferability, in recommending that clause (*g*) should be omitted, and the right of sub-letting left, where it exists, to be regulated by custom; but I am not prepared to accept their suggestion that checks on the exercise of the right should be provided in the Bill (*see* sections 37 and 38 below).

My reasons for declining to join the rest of the Conference in proposing that fradulent denial of the landlord's title should be made a ground of ejectment are, briefly, these:—*First*, section 80 provides for the award of damages in such cases. *Secondly*, tenants who fraudulently deny their landlord's title almost always do so at the instigation of another landlord; and the effect of my colleagues' proposal would, therefore, be to enable the landlords, as a body, to profit by the malpractices of members of their own class. *Thirdly*, two landlords wishing to clear their estates of occupancy ryots might succeed in their object by collusively instigating each other's tenants to deny their respective titles, and then insisting on the ejectment of the tenants.

Section 35.—In view of my opinion that transfers by gift to blood relations should be permitted, I would retain this section.

Sections 37 and 38.—The grounds on which we have suggested that these sections should be excised from the Bill have been stated in the report. I object to the provisions which the Conference proposes to substitute for them, for the following reasons:—

(1) The right of sub-letting having been rejected, it seems to me unnecessary and inconsistent to impose checks upon it. I would make no allusion to it in the Bill.

(2) The proposed checks could in practice be evaded—the first by ousting the sub-tenant before the expiration of the period of 12 years, and the second by the exaction of a contribution from him over and above the rent.

(3) They are intended to act against the lessor, whereas a larger measure of success is, in my opinion, likely to be attained by attacking the lessee. I would refuse to take any cognizance whatever of sub-tenancies, and thereby render them of so little value that a landless ryot desiring to take land would be under the strongest incentive to seek a holding as an independent tenant, instead of resting content with the position of an under-ryot. I anticipate that by this means a stimulus would also be given to those migrations from the more to the less densely-populated portions of the country which are so beneficial to all parties.

Section 41.—These limitations on the enhancement of occupancy rents by private contract are indispensable. Without them such enhancement should be altogether barred.

Section 42.—The exception at the end of this section should be omitted. It affords a means of unduly enhancing occupancy rents, which should not be left in the hands of the landlords. The latter's claims to a fair enhancement would be sufficiently secured by substituting for "except in pursuance, &c.," the words "until such rent has been enhanced by a decree under this chapter." The second sub-section should, in that case, be thrown out.

Section 43.—I would strongly advocate the abolition of the prevailing rate as a ground of enhancement. This provision has been unquestionably much abused by the landlords under the existing law for the purpose of forcing up rents, and its retention would tend materially to curtail the benefits which the Bill is calculated to confer on the cultivators of the soil. The landlords have under the present law commonly succeeded in altering the prevailing rate to their own advantage by resorting to the device of either coercing the more ignorant and unresisting tenants into the acceptance of enhancements, or of inducing the less scrupulous tenants to agree collusively to enhancements; and this device they would doubtless continue

to employ with a considerable measure of success after the passing of the Bill if the prevailing rate survives. This ground of enhancement is also open to very serious objection on account of its inherent and inevitable tendency to push up rents throughout the country to the maximum limits prevailing in the worst managed and most heavily-rented estates.

Section 45.—In awarding enhancements under this section it is essential that the Courts should take into account any increase which has taken place in the cost of production. A rise in the value of produce being usually accompanied by an increase in the cost of production, justice to the tenant obviously demands that some allowance should be made to him in consideration of the higher expenditure involved in the production of his crop, when an enhancement on the ground of a rise in prices is granted to the landlord.

Section 47.—These restrictions should be preserved if the ground of enhancement to which they refer is maintained.

CHAPTER VI.

This chapter requires considerable modification, but of a nature entirely opposite to that which has commended itself to the majority of the Conference. The statutory lease provided for in sub-section (7) of section 60 would be fatal to the acquisition of occupancy rights by non-occupancy tenants, and is thus altogether inconsistent with one of the leading objects of the Bill. It is of vital importance to the cultivating classes that every provision which militates against the growth of occupancy rights by the mere operation of the statutory prescription of 12 years, and facilitates the rise of rents by the establishment of competition rates, should be eradicated from the Bill. The more reasonable of the zemindars themselves, I understand, have never expressed a desire to prevent the accrual of occupancy rights to tenants who manifest a disposition to live in harmony with them, or to demand from their tenants more than a fair rent and a fair enhancement after proper intervals. I assume, then, that landlords of this class, whose views alone merit consideration, would be satisfied with any provisions which would be based on this conception of their disposition towards their tenants, and I would therefore suggest that this chapter be re-cast in the following manner.

Section 55, being merely declaratory, should stand.

In *section* 56 for the words "such rent as, &c.," should be substituted "a fair and equitable rent." I would not, however, insist on the alteration if it be necessary to concede the section as it stands to the landlords, provided that the prevailing rate ceases to be a ground of enhancement.

I would reject *section* 57.

I would preserve the first two clauses of *section* 58. Clause (*c*) I would replace by the following:—"Where he has been admitted to occupation of the land under a lease for a term of years, on the ground that the term of the lease has expired, provided—(1) that it is proved to the satisfaction of the Court that he has, in collusion with other tenants or with another landlord, sought to injure the landlord's interest in his own holding, or in the village or estate generally; or (2) that the landlord requires the holding for cultivation by himself, or for the making by himself, of an improvement as defined in this Act." The landlord would under this modification retain the power of ousting an obnoxious tenant, and of recovering possession of the land for the only purposes for which he is likely to require it.

I would retain *section* 60, subject to the insertion of the following in the place of sub-section (7):—"If the ryot agrees to pay the rent so determined, he shall be entitled to remain in occupation of his holding at that rent until a fresh enhancement is granted by the Court under this section, or becomes admissible under the provisions of Chapter V of this Act." The accrual of occupancy rights would be effectually secured by a provision of this nature. I would not allow a fresh enhancement by mutual agreement while the tenant continues to be a non-occupancy ryot, because some landlords might take advantage of this to enhance non-occupancy rents unduly.

Section 61 should be retained.

The chapter thus modified would, I submit, concede to the landlords all that they may reasonably demand, while insuring the non-occupancy tenants against exorbitant rents and attempts to prevent their acquisition in due course of the status of occupancy ryots. Experience clearly teaches us that attempts of this kind will be made, and it is of the utmost importance that some provisions like the above, which would render arbitrary ejectment an impossibility, should be introduced into the Bill. In Pubna several of the zemindars have been taking short-term kabuliyats from their tenants without discrimination between occupancy and non-occupancy ryots, the holdings being usually designated in those documents "*mirjadi*" (held for a term) or "sarasari" (tenancies at will). These terms are generally inserted as a description of the tenant's holding in kabuliyats taken everywhere in the district, the object being manifestly to deny the existence of occupancy rights.

CHAPTER VIII.

Section 80.—I am entirely opposed to my colleagues' proposal that it should be made compulsory on the Court to award in every case the maximum damages here provided for. That

proposal appears to rest on the assumption that the words "without reasonable and probable cause" imply in every case *malâ fides*, but it is sufficient to point out that an ignorant landlord or tenant may sometimes sue or defend a suit without reasonable and probable cause, and be acting, nevertheless, in perfect good faith. In such cases, if the Court's discretion were entirely taken away, it would be compelled, against its will and conviction, to pass an unjust order for damages.

Section 81.—I object to the substitution of "shall" for "must" in sub-section (3), on the ground that the Collector may be trusted to exercise a proper discretion in this matter, and that the amendment must inevitably cause injustice in some cases.

CHAPTER IX.

The provisions of this chapter, though not of immediate practical use, are likely to prove most valuable hereafter in encouraging the execution of improvements by both landlords and tenants. The fact that improvements have hitherto been seldom undertaken by either party is partly attributable to the defective state of the present law. A marked change in the disposition of both landlords and tenants, or at least of the better class of tenants, in this matter may not unreasonably be expected from the introduction of the provisions of this chapter, under which adequate security will be given to the person undertaking an improvement. I have to suggest only that provision be made in section 89 for the service of a notice on the landlord by the occupancy tenant. The section permits the zemindar to appeal to the Collector in cases where he contests the tenant's right to make an improvement, or denies that the particular work is an improvement. It is essential, therefore, to the full exercise of this right that the tenant should be required to notify to him in every case his intention to make an improvement. Cases might otherwise occur in which an improvement which the tenant has no right to execute, or which is detrimental to the zemindar's property, would be commenced or even completed before the landlord has had an opportunity of submitting the matter to the Collector's adjudication.

CHAPTER XI.

I would preserve this chapter, although the preparation of tables of rates will be practicable in only a very few localities. These provisions might be usefully applied in tracts which have come under cultivation in comparatively recent times, and in which a large variety of rates has not become established.

CHAPTER XIV.

I am unable to suggest any improvement in the proposed procedure for the trial of rent suits, although I should be glad to see the realization of arrears of rent further facilitated, and must express my dissent from the following amendments adopted by the majority of the Conference.

(1) The application of the *patni* procedure to occupancy holding without prior registration of such holdings. This appears to me quite impracticable, and fraught with the most serious danger to the occupancy tenants.

(2) In section 168 it has been suggested that the power of revision vested in the District Judge by the proviso should be of a general character, embracing questions of fact as well as questions of law. The effect of this proposal would be to subject every suit tried by a Subordinate Judge or Munsif to what will practically be an appeal to the District Judge, and thus to nullify the provisions of clauses (*a*) and (*b*), giving finality to the decisions of those officers in certain classes of suits. It is further opposed to the general practice of confining the revisional powers of superior Courts to questions of law alone. I am not, therefore, prepared to accept it.

I would, however, suggest for consideration whether the amount *decreed*, instead of the amount *claimed*, should not be adopted for the purpose of fixing the appealable limit in clauses (*a*) and (*b*). These clauses, in their present form, would give a plaintiff the option, by reducing his claim to Rs. 100 or Rs. 50 respectively, to secure a final decree, and cases are conceivable in which hardship would be caused if such an option were exercised. A plaintiff could similarly secure a right of appeal in every case by raising his claim above Rs. 100 or Rs. 50.

(3) The rejection of section 171. These provisions appear to me just to both parties, and their retention would reduce litigation by enabling the tenant to obtain damages at once, if they be fairly due to him, instead of compelling him to file a separate civil suit. In order, however, to provide against cases of dishonest action on the part of the tenant to secure the benefit of the section, I would add the words "in good faith" after "when a ryot has" at the commencement of clauses (*a*) and (*b*).

CHAPTER XV.

I would accept this chapter, with the exception of clause (*c*) of section 176, which is wanting in precision. It seems to me also desirable that the landlord should be permitted to

object absolutely to the creation of a "registered and notified incumbrance," unless the tenant has a legal right, from the nature of his tenancy or otherwise, to create such an incumbrance.

The 15th August 1884. C. W. BOLTON.

DISSENT.

The fundamental difference between the majority and myself has been that, while they claimed absolute rights in the land for the proprietors, I claimed rights in it for cultivators of almost all classes—non-occupancy as well as occupancy. On this point have hinged all our important differences, and with them only this dissent deals.

CHAPTER III.

The limitation to enhancement on tenures.—The instances of abuses quoted by me, which these provisions would have prevented, were the Government settlements of the Daminikati and of the Darjeeling Terai. The rates were quite fair in themselves, but the sudden rise broke many of the tenants' backs. The President himself sited the latter case and that of the Dooars as instances of hardship in which he had advised against the rates imposed, and acknowledged that many such cases were possible, though he considered that the provisions of the Bill would involve unwarrantable interference with proprietor's right.

Section 9.—With these instances in view, I advocated the retention of section 9 (while thinking the parallel provision of section 49 possibly redundant) because of the higher rate of enhancement allowed on tenures.

Clause 2, section 26.—The presumption for settled ryots.—This appeared to me to be merely enacting the recognition of Rai Kristo Das Pal's dictum that 90 per cent. of the ryots of Bengal were already occupancy ryots, while I gave an instance of a proprietor starting the settlement of a pergunnah with the assumption of the absolute converse. Of course this presumption, though not then enacted, was the starting point in the settlement with actual cultivators in the Sonthal Pergunnahs.

Section 28.—A landlord acquiring occupancy ryots' interest.—I defended this section on a number of detailed considerations, as well as on the maxim that, in Bengal, separate rights in the same land might not co-exist in one person, which was an essential one in the ryotwari settlements in the Sonthal Pergunnahs. The majority denied the authority of any such maxim.

Section 41.—Limitations on enhancement by contract.—The difference here was on the general question of restriction of free contract, regarding which the majority took a strong and unanimous position. I did not gather that any of them had had experience of the frequent abuses of contracts purporting to be free between zemindars and ryots, except Mr. Newbery, who refused to give any opinion not based on the circumstances of his present district,—Rungpore.

Section 42.—I objected to the provisos of this section, because they would, if admitted, have subverted, for instance, the Sonthal settlements, by which the initial rent was absolutely fixed on the land throughout their term.

Section 43.—I objected to the prevailing rates provision on my Sonthal experience. The only genuine prevailing rates found there were in the north and south of the district, and were exceedingly and unfairly *low* rates. In the north they were sought to be enhanced by a prevailing rate of an adjoining pergunnah, which rate was practically fictitious; that is, it had been accepted by the ryots on the zemindar's consenting to abandon the cultivation of indigo.

Section 56.—Initial rent of non-occupancy ryot.—Following my Sonthal experience, I would substitute "a fair and equitable rent" for "such rent as may be agreed on, &c." The point of view is that there is really little actual difference at present between the occupancy and non-occupancy ryot in Bengal Proper; that this fact is covered in Rai Kristo Das Pal's dictum about 90 per cent. being occupancy ryots; and that this state of things is one which it is desirable to maintain, while the enactment of this Bill would destroy it, unless the initial rent is guarded.

Section 123.—Table of rates.—Of course I have had the fullest experience of these provisions at actual work, and of their acceptability to zemindars, and the immense help they are in practice. The majority thought the evidence from so non-regulation an area as the Sonthal Pergunnahs insufficient. The recent re-settlement of Tappa Mahamadabad, at the instance of Rajah Ram Ranjan Chakrabarty of Hitampore, was conducted precisely as if the area lay in Regulation Beerbhoom.

Section 210.—Limitation of contract.—If landlords or ryots had been allowed to contract themselves out of the settlement under Regulation III, 1872, it would have been subverted in a very short time. The attempts to do so were frequent; but though we had no enacted provisions on the subject, the Commissioner ruled, in the very first case brought to his notice, that they might not be permitted.

Section 138, clause 2.—Presumption as to khamar.—In the Deoghur settlements in 1877-78 the village holders began by claiming each entire area as their nijjot, and this claim was the source of all the trouble. I do not see how there can be any other starting point than that provided by clause 2, section 138.

No. 590R, dated Chota Nagpore, the 11th August 1884.

From—J. F. K. Hewitt, Esq., Commissioner of the Chota Nagpore Division,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to your letter No. 544T—R, dated the 26th May 1884, I have the honour to submit the following report as to the practical working of section 39 of the Chota Nagpore Landlord and Tenants' Act I (B.C.) of 1879. I beg to add, with reference to your telegram of the 7th instant, that no conference has been held in this division, none being required, as the Bengal Tenancy Bill does not extend to Chota Nagpore.

2. The Act I (B.C.) of 1879 is in force in the districts of Lohardugga, Hazaribagh and Singbhoom. As very few rent-suits are instituted in Singbhoom, I have consulted only the Deputy Commissioners of Hazaribagh and Lohardugga, also Rai Jodunath Mookerjee, Government Pleader at Hazaribagh, as directed by Government.

3. The Deputy Commissioner of Hazaribagh states that he has consulted all the officers in the district vested with the powers of a Deputy Collector to try rent-suits, and that they all agree that no inconvenience has been experienced either by the courts or the parties in consequence of suits being brought by or against ryots collectively; that the provision has proved a great boon to the parties in reducing costs and enabling a single power-of-attorney to be used; that there has rarely been occasion to act under clause 3 of the section, as the plaintiff's pleaders have always taken care to separate, when possible, different causes of action in all such suits, and that the provision also enables combined action on the part of the ryots against unjust demands made by unscrupulous landlords.

4. Rai Jodunath Mookerjee's opinion coincides with that of the officers consulted as stated above. A copy of his letter No. 20, dated the 16th June 1884, containing his views on the subject, is annexed.

5. The opinion of the Officiating Deputy Commissioner of Lohardugga, Lieutenant-Colonel W. L. Samuells, and of the officers consulted by him, is on the whole unfavourable to the practical working of the section. He says it is attended with more disadvantages than advantages, and that the advantages are confined to the saving effected in stamp duty and costs. The disadvantages of the procedure, as described by the Officiating Deputy Commissioner, may be summarised as follows:—

(1) That it affords the landlord an effective means of harassing his ryots. They might be compelled to leave the village in a body, travel long distances to the court and back again perhaps several times, as when the suit has to be adjourned from time to time for non-appearance of some of the co-defendants, which generally happens when their number is large. Again, the decree might be *ex parte* against some defendants, and in these instances the case may have to be re-opened.

(2) That it seldom happens that the collective amount decreed by the Deputy Collector or the Deputy Commissioner is below Rs. 100. In that case an appeal would lie to the Judicial Commissioner and not the Deputy Commissioner, and the expenses would therefore be heavier.

(3) That in executing such decrees, there are difficulties in apportioning the cost which cause delay and inconvenience.

(4) That when there are a large number of defendants, the trial of the case becomes often complicated instead of the reverse, and the officer trying the case finds it difficult to exclude evidence which may not be admissible against one or more of the others. This objection applies equally in the trial of appeal cases.

(5) That though the law permits the Deputy Commissioner or the Deputy Collector to order a separate trial to be held in cases in which a joint trial would appear to be inconvenient, yet the provision could hardly be much availed of, as the inconvenience would not often be apparent until some progress had been made with the case, and then there would naturally be a disinclination to begin all over again.

6. Lieutenant-Colonel Samuells admits that often cases do arise in which it would be advantageous that separate suits be jointly tried, but he would have the law so amended as to leave the power of clubbing several suits together into one to the officer trying them, and not to the parties themselves.

7. I cannot say that I agree with the above opinion of the Deputy Commissioner of Lohardugga as to objection (1). I would remark that, if the landlord wishes to harass his ryots, he could harass them much more effectually by suing each man separately than the whole of them collectively, while on the other hand, as shewn by the Deputy Commissioner of Hazaribagh, the power of combining their defence, given to a number of ryots sued

collectively, is a very effective means of protection against unscrupulous landlords. With regard to number (2), the following comparative statement of the costs incurred in the institution and maintenance of a suit for arrears of rent amounting to Rs. 100 against 25 ryots collectively, and individual suits against 25 ryots separately, shows conclusively that the costs to both parties are much less under the system of suing the ryots collectively, and the difference between Rs. 21-9 costs and Rs. 79-4 proves how much cheaper, and therefore more desirable, the collective procedure is. The statement of costs does not include talabana for witnesses, as both parties usually bring their own witnesses; but if this were added, it would not affect the ultimate result.

Statement of Costs.

Cost of one suit for Rs. 100 against 25 ryots.	Rs.	A.	P.
Stamp for plaint	7	8	0
Talabana for service of summons on defendants, 8 annas for one and 4 annas for the rest	6	8	0
Plain paper	0	1	6
Mooktearnamah	0	8	0
Karpardaznamah when plaintiff does not appear personally. Stamp Re. 1 and attesting fee Re. 1	2	0	0
Mooktear's fees	5	0	0
Total	21	9	6

Cost of each case against 25 ryots if sued separately.	Rs.	A.	P.
Stamp for plaint	0	6	0
Plain paper	0	1	6
Talabana	0	8	0
Mooktearnamah	0	8	0
Karpardaznamah	0	8	0
Attesting fee of karpardaznamah	1	0	0
Mooktear's fees	0	3	3
Total	3	2	9
25×Rs. 3-2-9=	79	4	9

8. As for objections (3) and (4)—objection 3 gives no details, but if some slight administrative inconvenience is felt in executing decrees, that is a small matter compared with the great benefit to suitors given by the procedure, and as for objection (4), I cannot myself see that it is any objection at all.

9. Objection (5). The number of cases in which separate trials have been ordered is not stated, but it is clear, from the wording of the objection, that orders of this kind have been issued in very few cases. If, as is shown by Rai Jodunath Mookerjee, the plaintiff's mooktear gets up his case properly, such orders should hardly even be necessary.

10. I myself have no hesitation in recommending that provisions similar to those set forth in section 39 of Act I (B.C.) of 1879 should be introduced into the Bengal Tenancy Bill.

No. 20, dated Hazaribagh, the 16th June 1884.

From—Rai Jodunath Mookerjee, Government Pleader, Hazaribagh,

To—The Deputy Commissioner of Hazaribagh.

With reference to your letter No. 322R, dated the 13th instant, I have the honour to answer the questions proposed as follows:—

1. In my opinion the rule prescribed by section 39 of our Landlord and Tenants Act is a very wholesome one. During the period over 5 years in which the rule has been generally adopted by the people, we have had no inconvenience whatsoever.

2. On the contrary, it has been a matter of great convenience both to landlords and tenants either as plaintiff or as defendant. The provision reduces the labour and trouble of prosecution and defence, and makes the incidence of costs much less heavy than it would otherwise be if each man were to sue or be sued separately.

3. In the course of my practice, I think there have been but a few occasions for adopting the rule provided by clause 3 of the section. I think the number of such occasions did not exceed one in the year, taking all the revenue courts collectively. The pleaders, before instituting collective suits, generally take care not to join parties having different pleas in defence, and it is where such difference could not be foreseen that occasions for action under clause 3 arise.

THE REPORT AND REVISED BILL OF THE SELECT COMMITTEE ON THE BENGAL TENANCY BILL.

Preliminary and general remarks.

(1) While thinking generally that the provisions of the Bill as now revised would be an improvement in the present law, at the same time, for the reason stated in his memorandum of dissent as well as for other reasons to be presently stated, I agree with Mr. Reynolds in the opinion that the interests of the ryots are not sufficiently protected.

(2) I think it is a serious, and it may in its operation prove a fatal, defect in this Bill that, while greatly facilitating the enhancement of rents, not alone where they are unduly low, but in all cases, it yet not only contains no provision for the reduction of rents where they are excessive, but on the contrary it greatly facilitates the further enhancement of them.

Fatal defect in the Bill that it makes no provision for the reduction of rack-rents.

(3) The fact that the rents now paid by occupancy ryots in many parts of Behar are excessive no impartial person with a competent knowledge of that part of the country will deny. Whatever the test may be by which the fairness and equity of rents may be tried, it will be found that rents in Behar are excessive. If the standard of a fair rent be that adopted in the Irish Land Act, namely, that it is such a rent as a solvent tenant could pay and yet prosper, the rents now paid in Behar are excessive as tried by this standard, for the ryots are admittedly far from prosperous; if the standard be the customary rents paid in former times, plus such proportionate enhancements as are fairly demandable on the score of increase in the value of produce, present rents are also excessive, for the rents paid in former times have in recent years been enhanced out of all proportion to rise in prices.

The fact of existence of rack-renting in Behar.

(4) It is the recognition of the fact that the rents at present paid by occupancy ryots in large tracts of Behar are excessive, and of the necessity of providing some remedy for this evil, which, I believe in a large degree, led some five or six years ago to action on the part of the Bengal Government which has eventuated in the present Bill. It would, however, seem that attention has been somewhat diverted from the fact of the present existence of rack-renting in Behar, in the course of the discussions and enquiries of the past five years, and that the necessity of affording some immediate relief to the present generation of Behar ryots has rather dropped unto the background in the closer attention paid to the question of devising an equitable scheme for enhancing rents in Bengal.

Want of sufficient attention to existence of excessive rents in Behar and of necessity for present relief to tenants there.

(5) As far as I can judge it is doubtful whether the present Bill will afford any relief to the present generation of ryots in Behar. But there is on the contrary grave risk that the provisions for a survey and record of rights, however good in themselves, will aggravate the difficulties under which the ryots are now labouring, for, if unaccompanied by provisions for reducing excessive rents, these provisions will, by clearing up existing confusion as to areas of holdings and amounts of rentals, deprive the ryots of what is at present their greatest safeguard, namely, the power of combining and of opposing artifice to exaction.

Present Bill affords no immediate relief to the present generation of Behar ryots, while there is serious danger of its aggravating their difficulties in future.

(6) Everybody who has had experience of zemindari management knows that the ryots now as well as in the days of Sir John Shore "cultivate lands of which there is no account and hold them in greater quantity than they engage for, by means of which they pay rents and cesses which appear extortionate. They hold lands at reduced rates by collusion and obtain grants of land, (*i.e.*, from zemindar's subordinates) fit for immediate cultivation on the reduced terms of waste land."

All this will be put an end to by a survey and record of rights, and it is of course right that such practices should cease, but it is equally right that the "extortionate rents" should be made to cease at the same time. A survey and record of rights *at existing rates of rent* will have this practical effect that it will bring to light all lands now held by collusion or otherwise in excess of the areas shown in the existing rent-rolls, and these lands being assessed at present rates of rent a large increase in existing rentals will immediately follow on the ground of increased area alone. Further, the survey records will afford a safe and sure basis for future enhancements on the ground of rise in prices, for which the Bill affords greatly increased facilities. I do not think that anybody will hold that Behar ryots as a class can afford to pay enhanced rents *on any ground whatever*, and therefore I think that a Bill which must inevitably lead to enhancement, and which cannot in any circumstances lead to a reduction of rents, is most dangerous to the interests of Behar ryots. It is unnecessary to say that I am not arguing against a survey and record of rights as such, for, on the contrary, I think that without them there can be no satisfactory or final settlement of the rent question in Bengal and Behar, but what I wish to point out is that a survey and record of rights at existing rents, and without provision for fixing fair and equitable rents where they are now excessive seems to me to be a very dangerous experiment.

(7) The Bill does not, I think, make adequate or indeed anything more than mere nominal provision for securing to occupancy or other ryots the advantage of holding their lands at fair and equitable rates of rent, and yet this is the one thing they require before and beyond all other rights and privileges. The extension of occupancy rights, as was pointed out in Mr. Reynolds' note, dated 11th December 1880, on enhancement of rent in Behar, is a question of little practical importance in that province, "the right to hold land being a mockery, and the exemption from eviction a worthless boon," unless the ryots are enabled to hold at a fair rent and not at whatever rent the landlord chooses to demand or has hitherto succeeded in levying.

The Bill does not in reality enable occupancy ryots to hold at fair and equitable rates. It does so only in words.

The Bill it is true in words declares that an occupancy ryot is entitled to hold his land at a fair rent, but then the word "fair" means the rent last fixed plus any enhancement demandable on the ground of rise in prices since the rent was last fixed. If the rents as last fixed were excessive, it follows that the ryots will under the Bill have to go on paying these excessive rents for all time. All the Bill does is to facilitate the enhancement of them. It would therefore appear to me to be an abuse of language to say that this Bill enables occupancy ryots to hold their lands at fair and equitable rents. It does so in words, but not in fact and reality.

The ryot is bound irretrievably by the presumption that the rents when last fixed were fair and equitable and cannot prove the contrary though true; the landlord is not so bound: injustice of this.

The ryot is irretrievably bound by the presumption that the rent when last fixed was fair and equitable. He cannot go behind this presumption and show that as a fact it is not notoriously opposed to the truth, nor can he take advantage of the fact that his neighbours are paying a lower rent for the same class of land; while the landlord, on the other hand, is not at all bound irretrievably by the same presumption, for he has only to show that any particular ryot's neighbours are paying at a higher rate of rent than he for the same class of land, when the ryot in question becomes also liable to pay a higher rate. Surely if an occupancy ryot's rent may be enhanced to the prevailing rate paid by his neighbours for the same class of land, when he is paying at less than that rate, it is equitable that he should be entitled to demand a reduction to the prevailing rate paid by his neighbours for the same class of land, when he is paying at more than that rate. It his equitable that a ryot should be precluded from taking advantage of his neighbour's acts when there is a question of reducing his rents, while he is bound not merely by his own acts, but by those of his neighbours also, when the question is of enhancing his rents? I am aware that the Secretary of State has laid down the principle that there is to be no reduction of rents under the present Bill. While admitting the reasonableness of that decision as regards Bengal I venture to think that it is one which is to be regretted as regards Behar. But assuming that the question of reducing rents is not open to discussion, I would still suggest that it is not inconsistent with the decision of the Secretary of State to abolish altogether, as a ground of enhancement, the "prevailing rate," or at least if it be retained as a ground of enhancement, it should, I think, be also made a ground of reduction of rents.

Suggested that the "prevailing rate" be abolished as a ground of enhancement.

(8) I likewise think that the principle of enhancing rents in proportion to rise in prices of staple produce is a very dangerous one. This is the first time that it has been proposed to introduce this principle of enhancement into India, or as far as I know into any country. It is a principle which I think should not be accepted without some evidence of its successful operation in other parts of India, if it has been [illegible]where tried in practice.

Objections to principle of allowing enhancements on ground of rise in prices alone.

That this principle has no[illegible]ere been tried in practice.

(9) In a report, dated 10th February 1883, printed in page 494, volume II, of the Report of the Bengal Government on the Bengal Tenancy Bill, it is shown that in no part of India save Behar have rents in fact been raised during the past 40 years in proportion to the rise in prices of agricultural produce during that period, or to anything like that proportion.

That rents have as a matter of fact nowhere been raised in proportion to rise in prices in India or elsewhere.

In the country of Ireland in which I am now writing I learn from the Land Sub-Commissioners and from practical farmers that rents are in many cases being now reduced by the Land Courts though prices have increased since the present rents were last fixed, and this though the present rents in these cases had remained unaltered for 40 years. Those who are not satisfied that they have explained all things Irish by merely denouncing them will seek for some explanation of the action of the Irish Land Courts. The explanation given is that though the price of agricultural produce has increased the wages of labour, the price of livestock, and the expenses of the other elements which go to make up the cost of production have increased in very much greater proportion. The increment in the price of produce has, it is said, been swallowed up in the increased cost of production, thus leaving the tenant less able to pay the existing rent than he was 40 years ago.

In Ireland it has been found necessary to reduce rents though prices have increased in many cases since the rents were last fixed.

(10) From a consideration of these facts I am led to the conclusion that it would be very unsafe to allow a rise in rents on the ground of rise in prices *per se*, and if such rise were to be allowed at all there appears to be no other reason than mere symmetry of statement for enacting that the rise in rents shall be *proportionate* to the rise in prices.

(11) It is obvious that what the landlord is entitled to in justice is an increase in rents proportionate to the increase on the tenants' *net profits* and not in proportion to rise in prices. But it may be said it is impossible for the landlord to prove the amount of increase in the tenants' net profits or even on the gross value of the produce. I am unable to see in what the difficulty consists. If landlords in Behar and Bengal have

Landlords entitled to rise in rents proportionate to use in tenants' net profits, not to rise in prices.

Objections to this principle, answer to.

hitherto neglected to provide themselves with the *data* which would enable them to prove increase in the value of the produce, and have therefore found it difficult to obtain enhancements in the courts, the difficulty, though an unfortunate one for them, is not inherent in the circumstances of the case, but it is entirely due to their own want of prudence. If landlords had chosen to enter from time to time into written engagements with their ryots, showing the amounts and rates of present rents, as they were legally bound to do; if they had made surveys and maps of their ryots' holdings, as they might have done under the existing law at a trifling expense; if they had further kept trustworthy records of prices ruling in local markets and of the weighments of produce of the various kinds of land in their own home farms and in bhaoli lands, all of which they might easily have done, they would have experienced little difficulty in obtaining through the courts the enhancements to which they were legally entitled under the existing law on the ground of rise in the value of produce. But not content with the fair enhancements to which they would be entitled under the existing law, they in some cases preferred to seek excessive enhancements without recourse to law or by extra legal means, and in others they neglected to collect trustworthy data on which the courts could act. Because they have on this account failed to obtain the enhancements to which they conceive themselves entitled, have they now a right to ask that Government shall not alone alter the established grounds of enhancement, but actually collect for them the evidence on which future enhancements are to be secured? I do not think they are fairly entitled to ask anything of the kind. If a rise in rents is to be allowed in proportion to rise in prices, and rise in prices is to be proved conclusively by the mere production of the Government Gazette, then enhancement of rents will follow so easily and to such an extent that all the provisions of the Bill which tell in the ryots' favour would be very much more than counterbalanced by the enactment of the sections to which reference has been made.

All the provisions in favour of the ryot are more than counterbalanced by the increased facilities for enhancement afforded by the Bill.

The provisions in the ryots' favour to which so much exception has been taken do not appear to me to confer a single new privilege or right upon the ryots; they merely shift the burden of proof so as to enable the ryot to obtain in practice what he is already declared entitled to in law; or where they make any substantive change at all, they merely bring the law into harmony with existing custom and practice; but the provisions for the enhancement of rents in proportion to rise in prices is a substantial innovation which will entitle one class of the community to a large amount of wealth to which they are not now entitled at the expense of another class of the community. Further, this innovation will not only entitle landlords to a new and large increase in their incomes over and above any increase to which they are now entitled, but it will secure this increase to them in practice without any trouble or expense on their part. To make the price lists published in the Gazette conclusive evidence of rise in prices seems to me to be nothing less than to have Government supply proof for a particular class of cases and for the benefit of a particular class of the community to the disadvantage and injury of another class.

(12) I would therefore earnestly urge that the grounds of enhancement should be left as they now are, or if the principle of allowing a rise in rents proportionate to rise in prices be accepted at all—

Suggestions as to modification of the scheme of enhancement laid down in the Bill.

1. That the price lists given in the Government Gazette be only presumptive evidence of rise in prices.
2. That on such presumptive evidence being given by the landlord, it be at least open to the ryot to show—
   (*a*) That the price lists are incorrect, or
   (*b*) That his net profits have not increased in proportion to the rise in prices.

In the one case the rise in rent should not exceed the proportion of rise in prices as proved by the ryot, and in the other it should not exceed the proved rise in his net profits. Even if this suggestion be adopted I would still think the facilities given for enhancement of rents very dangerous at least in Behar, where I think further facilities for enhancements are not required. Unless the occupancy ryot is enabled to hold his land at a fair rent, it is little better than a mockery to tell him he may transfer his interest at his pleasure, or that his landlord has no power to evict him. Nobody will give him anything for his interest, and the landlord has no desire to evict him.

M. FINUCANE.

Note on Bastu in the Sonthal Pergunnahs.

The diversity of custom, or of mere practice claimed as custom, as regards *bastu*, recorded by the settlement, was very great, and varied from a high and separate assessment on it, even when it happened to be an integral part of the cultivator's holding, to a complete absence of claim on it, no matter how occupied and treated by the zemindar. For these varying conditions the district falls into three divisions:—

I. The north-east, about 500 square miles or one-tenth of the district. This tract belongs to Northern and Central Bengal in character. The old tenures have been extinguished, there is much sub-infeudation, and the changes of proprietors within the last fifty years have been

frequent. The villages are old and full of fine trees, and the houses are good and raised high above the flood-level. The cultivated land is subject to inundation, and some of it to river action. The inhabitants are Hindus and Musalmans, a good number of the former being Brahmins and Kayasths.

Bastu is treated as quite distinct from cultivation It is assessed as high as Rs. 5-9-10 a bigha, and this rate was acknowledged by the settlement. The commonest and the rate is Rs. 5 for *bastu* and Rs. 2-8 for *udbastu* per bigha. The lowest rate for *bastu* is Re. 1 per bigha. It is immaterial what the occupant of *bastu* does with his cultivation. *Bastu* is treated precisely as building sites in a town, except that there is a fixed rate for it.

In this tract *bastu* is transferable by the occupant, subject only to registration at the zemindar's cutchery, and in some villages to a fee.

How this rate was gained I cannot exactly say. That it is comparatively recent is indisputable. In one locality in the tract cultivator's *bastu* is not assessed, but 6 annas per house is taken from non-cultivators. Again, throughout the tract Sonthals, who never build in the old raised and planted village sites, but put their huts on a bare strip close to their fields, are not assessed for *bastu*. Moreover, in the two pergunnahs south of this tract the villages are of exactly the same character, and so is the country which used to belong to Murshidabad; but each pergunnah has remained in the same family since long before the British accession. They are indivisible properties, there has been no sub-infeudation, and the old simple tenures survive. At the settlement their proprietors attempted to have the *bastu* assessed, but the occupants, particularly the Brahmins and Kayasths, strongly resisted and claimed their *bastu* in terms as *lakhiraj*, or the equivalant of *lakhiraj*; and the Settlement Officer who had begun to assess them gave way, and has recorded that *bastu* in their villages is governed by "previous custom," without specifying what that custom is.

Without describing how an assessment on *bastu*, as distinct from cultivation, has been gained, it is noticeable that in the Sonthal Pergunnahs it only exists where there has been a constant change of proprietors, much sub-infeudation, and complete extinction of old tenures (*e.g.*, the village system). Also that *bastu* so assessed has become transferable with or without a fixed customary premium to the zemindar. (This was probably the average by which the high rate was gained). In the Sonthal Pergunnahs the rents of this class of *bastu* are governed by the settlement, but without it there seems sufficiently distinct custom to regulate them. Part of the tract has been excluded from the settlement, and in it *bastu* rents can only be raised on transfer or by contract.

II. The centre and south, including the Government estate (1,366 square miles). The whole tract is some 2,500 square miles. It belongs in character to Western Bengal. The old tenures, and the families of the old proprietors, survive in most parts of it. Most of this country has been cleared by Sonthals who abound in it. The Hindus and Musulmans are mostly of primitive race themselves. The country is not subject to inundation, and, unlike tract No. I, village sites are abundant, and are frequently changed. There are nevertheless many old villages with fine trees, good houses, wells and tanks. This tract has been much more recently cleared and settled, and is still more thinly populated than tract I. Except the two pergunnahs which form the Pakour sub-division, and which, in physical features, are exactly the same as tract I. These are the areas alluded to in which the proprietors tried to assess *bastu* and failed. Its custom as regards *bastu* seems to have been derived from the rules for the Government estate, the settlement of which began in 1837, and the rules for which were arbitrarily framed by the successive officers who had charge. In it the cultivators or farm labourers' *bastu* is never assessed; not even when it lies in a place which form a purely agricultural village has suddenly grown into a trading town (*e.g.*, Sahibganj, East Indian Railway). But all non-cultivators, and all cultivators who have ceased to cultivate, while retaining their cultivation, are assessed. This *bastu* assessment (*basauri*) is on a scale which does not follow the area of the land, but the occupation of the holder.

Outside the Government estate in this tract, No. II, the actual cultivator's *bastu* in a purely agricultural village was never assessed as a holding in itself, though it was often measured with his land and included in the assessment of it. When this was done, it was invariably classed as "two-crop high land" (*do-fasala bari*), the rate for which was four or five annas.

But when the purely agricultural village suddenly became a town (*e.g.*, Dumkah), the actual cultivator's *bastu* therein came under separate assessment as a town holding. But non-cultivator's *bastu* was separately assessed almost everywhere throughout tract II. The principles were different. Potters and village blacksmiths and barbers were nearly always exempted. In one large Tuppeh, Brahmins, Kayasths, Khasatris, Baidas, and *Musulmans* are exempted. All other non-cultivators are assessed. The general rate of assessment is 4 annas per katta (= Rs. 5 per bigha) on all non-cultivators, but in some places the scale, like that of the Government estate, is according to profession.

This was in the Birbhom estates of the Naga family. The Rajas are Pathans.

III. The third tract is the rest of the district, about 2,500 square miles, which is precisely the same in character as South Monghyr and South Bhagulpur; that is, it belongs to Behar. There has been no sub-infeudation. The old tenures and old proprietors all survive. Village sites are plentiful, and are frequently changed. In this tract there is no such thing as

basauri (rent on *bastu*). There is bazar rent and town land rent which is quite distinct. The *bastu* of non-cultivators is sometimes assessed as cultivation, and otherwise is not assessed at all. That is, in most villages the *bastu* has been measured with the cultivation and classed as "two-crop *bari*" and assessed at 4 or 5 annas. *Bari* in the Sonthal Pergunnahs is not used in its primary meaning of *homestead*, but in its secondary sense as high land—and all high land, or what is known in Madras as dry cultivation, however remote from a dwelling, is *bari*.

The three tracts then are—

No. I, in which *bastu* is a distinct tenancy; and property with a distinct assessment on it.

No. II, in which only the *bastu* of non-cultivators is treated as distinct from cultivation.

No. III, in which, in agricultural villages, *bastu* is not distinguished for assessment at all, only sites in towns and bazars are so distinguished.

From tract No. I, no question about *bastu* came up in my time; from Tracts II and III several arose. They were so diverse that each had to be settled on its merits. Few could be decided by custom, because nearly all arose from a complete change of circumstances, with no parallel to the new conditions in the vicinity. The two most important cases were the following: Pergunnah Sultanabad is the southern half of the Pakour sub-division; it borders Murshidabad and Rampur Hát sub-division. The Bengali portion assimilates closely to Murshidabad and Nuddea.

It lies in my Tract No. II, because of the absence of sub-infeudation and of change of proprietors, and because of the existence of the old simple tenures and the actual facts as regards *bastu*. But in all physical features it belongs to my Tract No. I.

The zemindar, Maharaja Gopal Sing, claimed at settlement an assessment on the Bengal, (*i.e.*, non-Sonthali) *bastu*. The Settlement Officer at first conceded the claim, but on the strong opposition and numerous appeals of the Bengali tenants, had to withdraw and compromise. This was because he could find no existing custom or local precedent, and by these he was bound. He evidently thought the *bastu* should be assessed, and he did assess it when the opposition was not strong. Where it was strong he recorded that *bastu* was governed by "former custom." But he did not say what the custom was, and this form of record was framed with the object of letting the zemindar assess when he got the chance.

The opponents claimed their *bastu* irrespective of area and of the use to which they had turned it as *lakhiraj*, or the equivalent of *lakhiraj*, using these terms. Most of these persons were agricultural middlemen sub-lessors.

The decision in this case. The Sultanabad *bastu* appeal is in the Bhagulpur Commissioner's office.

Tuppeh Hendue, 450 square miles, is in my Tract No. III. The Settlement Officer's record for it was that there was no *basauri*. The zemindar has appealed and claims to assess *bastu*, whether of actual cultivators in agricultural villages or not, on both equitable and customary grounds. A detailed enquiry into this subject had been ordered and was not completed when I left. I knew of no custom in the area concerned which would support the claim.

The individual cases which arose from Tracts II and III fell severally into one of the following cases:—

1. *Bastu*, an integral part of the actual cultivator's holding in a place which had been recently an agricultural village, and which had become a bazar (*e.g.*, Dumkah and several railway stations).

2. *Bastu* in an agricultural village, originally of the above character, but the holder of which had alienated or sub-let his cultivation.

3. *Bastu*, originally of the above character, which the holder had converted into a shop-site, warehouse, or storehouse, or banking or manufacturing premises, while he still retained some cultivation.

4. *Bastu* which, or part of which, the holder had sub-let.

5. *Bastu* which, with the buildings on it, he had sold.

6. *Bastu* which the holder had much improved by good dwellings and offices, trees, wells, or even a tank.

I had no case of *bastu* retained by the cultivator after he had ceased to hold cultivation under the landlord of the *bastu*, and had taken cultivation under another landlord.

Cases of claims by landlords in all the above cases came before us, and in none could we find any local custom substantiating the claim. What custom there was indicated apathy or tacit consent, and was all in favour of the *bastu*-holders who, in the east, or North

and Central Bengal part of the district, invariably claimed it as *lakhiraj*, and in the rest or West Bengal and Behar part, as *mokurari*. In the great Dumkah *bastu* case (Grant *versus*, Bisheshwar and others), several zemindars and zemindari agents were examined, and though they refused to say that *bastu*=*mokurari*, they deposed that it was virtually the same, *viz.*, that the landlord could not eject from *bastu* (and therefore had no use for enhancing); and that he could not even eject a squatter, but could only get such rent as the squatter chose to give, or as a court might award; and that he could not interfere with *bastu* in any way, or prevent its being sub-let, transferred, or used for mercantile or manufacturing purposes.

In this suit defendants' predecessors had got some three bighas in the heart of Dumkah for Rs. 3 a year. According to present rates at Re. 1 per katta, its rental would be some Rs. 60. They had made a small street of shops in the holding. The defendants contested Mr. Grant's right to interfere with them in any way, and claimed the holding as virtual *mokurari* They were cast on other grounds, and the High Court in upholding me did not notice the plea of local custom. The land was pure *bastu*, that is, when it was given, Dumkah was a purely agricultural village, and though the renters were amlaha, the holding was homestead and garden.

The foregoing points to a time, and is very recent, when most of the country was waste, and when it was a great object to get settlers. Conditions have changed so fast that there has been no time for a recognized custom in favour of the landlord to grow up in my tracts II and III. As I have said, in the settlements of them there have been only two claimants to *bastu* rent (*basauri*); and in my tract III, except in the cases of well-known bazars, the Settlement Officers have recorded for nearly every village, whether it contained shops or not. "There is no *basauri*." In some cases this record has been made for villages, parts of which are good-sized bazars. As regards case 1, there were several instances in the Government estate (*e.g.*, Sahibganj, East Indian Railway). We did not assess these holders as long as they were only cultivators or farm labourers.

The area of Dumkah town was excluded from settlement. Mr. Grant made a private settlement this year and assessed such holdings, giving them the lowest rate on his scale of town holdings. The settlement has yet to stand the test of the courts. It was, however, accepted by these people, and the fact is an instance of how custom may be made.

Case 2.—The Sultanabad case was the best instance of this. There were other individual cases, and the *lakhiraj* claim was always made.

Case 3.—A very few claims to assess in this case were coming in latterly. My personal knowledge is that most of the persons under it were let alone, except in the Government estate, where we applied the *basauri* scale.

Case 4.—This was the commonest case and was becoming very frequent. Often the sub-lessee's rent was treble or quadruple that of the original holding, and there might be several sub-lessees. As the gross rental of the village had been fixed for a term, the zemindar could not participate. The headman-lessee was invariably the claimant, but there was no provision for his participating, nor did he seem to have any right. In the case of cultivation, no higher rent than at the recorded rate could have been recovered, but often the *bastu* had not been measured or assessed or classed, nor would an application of the rule have satisfied the claimants, or barred the sub-lessor's gains. The sub-lessees in such cases paid in advance. There were several conflicting decisions, but the general feeling was that this feature must be left to be dealt with at the next settlement.

In the Government estate we made the sub-lessee when discovered (if we did not eject him), a new original lessee, and assessed him by scale.

Case 5.—This, too, was one of the commonest of cases as an example of the claim to *lakhiraj* or *mokurari*. Tenants who admitted restrictions on the transfer of this cultivation repudiated them as regards their *bastu*. The new settlers in Dumkah and Modhupur, East Indian Railway (which has also suddenly grown from a purely agricultural village into a large bazar), nearly all acquired their homesteads in this way. Mr. Grant, affirmed by the High Court, has broken down the claim in Dumkah. In Modhupur it has had a 18 years' start, and is fast growing into a recognized custom.

Case 6.—The Sultanabad case is the best instance. There were others, scattered and individual. In the Government estate such holdings are not assessed merely because they are valuable. They do not come under any of the fixed rates except that for "two-crop high land." Then we do not allow sub-letting, and assess them at once, if they are dissevered from the cultivation of which they were originally a part.

There remain the cases of ryots who have been ejected from or lose their cultivation from any cause, or who desert, and of widows, orphans or minors who are unable to carry on their deceased relative's cultivation. The existence of the village headman system prevented many of these from coming to notice. The general practice in my tracts II and III was for the house to follow the land, but a marked exception was when the house was good and the *bastu* had been made valuable. Then an attempt was rarely made to oust the occupant, merely because the land had gone. Ejectments (except of trespassers) have practically ceased. I have seen cases of ruined ryots and of widows and orphans remaining on the *bastu* after the cultivation had gone. I have had cases of attempts to turn out the latter class, but this was

when the headman was weak. Ordinarily the headman disposes of the *bastu* where it is not exceptionally valuable, and then such heirs as they may take it.

The foregoing follows *bastu* from my tract I, in almost the most modern conditions to be found in the province, through tract II, which is fast undergoing changes to tract III, which is probably as primitive as any in Bengal. It will be seen that we have had no difficulties with the modern or developed treatment, and have had no instance of cases in which the zemindar could apply the screw to the ryot by attacking his *bastu*. Our difficulties have been with the cases in which such custom as exists is all in favour of the ryots, and would give altogether to them the benefits arising from changes in the locality. The cases with which we felt it most difficult to deal on any general equitable rule were those in which the ryot, while still retaining at least a portion of his cultivation, converted his *bastu* land into trading premises or sub-let it.

W. OLDHAM.

DARJEELING,
The 18th July 1884.

Rajmehal . .	Akburnagur, bastu at Re. 1. Kankjol, Tarof Basna—bastu Rs. 5, udbastu Rs. 2-8; in tarof Assila Mohobutpur—bastu Rs. 5, udbastu Rs. 2-8. Jamni not due from cultivators. „ Chitowlia, 6 annas per house, Bahadurpur . { Bastu, Rs. 5. Udbastu Rs. 2-8. Chitowlia not due from cultivators. Enayetnagur, sabek dastur.
Pakour . .	Ambar, Kuwarpur . { Bastu . . Rs. 5 A. 9 P. 10; Udbastu . Rs. 2 A. 12 P. 15 and in some villages as sabek dastur. Sultanabad as before.
Jamtara . .	Kundohit. From non-cultivators as before. Pabia as in the case of Kundohit.
Godda . .	Barkop, Nehikai. Passai ditto. Jamni Harnapur, ditto. Manihari, ditto. Patsanda, ditto. Amlomotia, ditto.
Deoghur . .	Bamongawan. No Bassauri. Teor. Ditto. Rohini. Ditto. Pathrol. Ditto. Sarat. Ditto. Sarawan. Ditto.
Dumkah . .	Darunmaureswar. Non-cultivator should pay at 4 annas per katta, or Rs. 5 per bigha. Belpatta. In certain villages no basauri or other due at 4 annas per katta from non-cultivators. Mahammadabad. Brahmins, Kayasths, Khetri, Baidya and Musulman will not pay; other castes will pay as before. In Sonthali villages basauri is due from men other than cultivators. Hendwa. Kendna. No basauri. Kamardiha. Ditto.

No. 2062, dated Calcutta, the 11th August 1884.

From—C. S. BAYLEY, Esq., Offg. Registrar of the High Court of Judicature at Fort William in Bengal,

To—The Secretary to the Government of Bengal, Revenue Department.

In continuation of Mr. Wilkins' letter No. 1835, dated the 27th of June 1883, and in accordance with the request of His Excellency the Governor General in Council, I am directed to forward, for the information of His Honour the Lieutenant-Governor, a copy of a letter* which has been addressed by the Court to the Government of India on the subject of the Bengal Tenancy Bill.

* HIGH COURT.
English Department.
Civil.
PRESENT:
The Hon'ble L. R. TOTTENHAM, one of the Judges.
No. 1966, dated 8th August 1884.

No. 1986, dated Calcutta, the 8th August 1884.

From—C. S. BAYLEY, Esq., Offg. Registrar of the High Court of Judicature at Fort William in Bengal,

To—The Secretary to the Government of India, Legislative Department.

HIGH COURT.

English Department.

Civil.

PRESENT:

The HON'BLE SIR R. GARTH, KT., *Chief Justice.*

The HON'BLE H. S. CUNNINGHAM,
" H. T. PRINSEP,
" A. WILSON,
" L. R. TOTTENHAM,
" C. D. FIELD,
" J. F. NORRIS,
" J. Q. PIGOT,
" W. MACPHERSON,
" H. BEVERLEY,
} *Judges.*

I am directed to acknowledge the receipt of your letter No. 785, dated the 5th May, in which the attention of the Court is invited to the report of the Select Committee on the Bengal Tenancy Bill, and the advice of the Judges is asked on certain matters connected with the proposed measure.

2. The Court has carefully considered the three points indicated in your letter as those upon which their assistance is specially desired. The Select Committee wish in the first place to learn what modifications it may be desirable to make, whether by rules or otherwise, in the Code of Civil Procedure with a view to expedite the trial of rent-suits, and in particular whether it is desirable that landlords should be empowered to institute, by means of a single plaint, suits for arrears against a number of ryots holding independently of each other. It is proposed in section 163 of the draft Bill to exclude rent-suits from the operation of sections 121 to 127, 129, 305, and 320 to 325C of the Code of Civil Procedure. This proposal is free from objection; but the Judges fear that no modifications other than those indicated in this section can be made in the ordinary law applicable to civil suits without opening the door to evils which would outweigh the advantages to be derived from increased expedition. The suggestion made in the report of the Select Committee, that suits for arrears of rent should be allowed to be brought by means of a single plaint against a number of ryots holding independently of each other, would, the Judges believe, be impracticable and lead to delays worse in all probability than those now experienced. The defences set up in a number of suits might be so various that any provision of this nature would very frequently lead only to confusion. The proposal seems to have originated in paragraph 5 of the letter noted in the margin from the Government of the North-Western Provinces and Oudh, to the Government of India. It is there stated that "in the bulk of rent cases there is no dispute as to the correctness of the claim. It is generally certified by the village patwari, and not contested by the tenant, and all that the landowner wishes is assistance to realize his claim, by putting in action the machinery which will compel the tenant to pay the sum due without which the landholder cannot pay the Government demand." To meet this state of things Sir George Couper suggested the remedy now under consideration. How far the proposal would, in the North-Western Provinces, meet the difficulty felt, the Judges are unable to say, but they are convinced that in Bengal, where patwari papers are not available, it would fail in its object. The Judges have carefully considered the question whether, leaving the law unaltered, any changes could be made in the executive orders issued to Subordinate Judicial Officers with a view to expedite the decision of rent-suits. The orders at present in force seem to provide almost all that is necessary to secure the postponement of all other suits to rent-suits, and the prompt decision of all rent-suits which are not contested. The Court proposes, however, to direct that in future undefended rent-suits shall have priority over short suits, though both shall, as far as possible, be taken up on the date fixed. It is probable that for their own sake the majority of Munsifs at present adopt this procedure, but it will now be rendered imperative for them to do so. The rules direct that every summons in any suit for arrears of rent (other than a suit for enhancement) shall command the defendant to appear at the expiration of fourteen clear days after the service thereof. The Judges have considered the possibility of compelling the defendant's appearance within a shorter period; but looking to the difficulties of communication in many parts of the country, they are of opinion that no change in this direction would be expedient.

No. 5A, dated the 30th January 1882.

Vide page 222 of the Court's Civil Rules and Circular Orders.

3. It would, the Judges believe, be extremely dangerous to enact any such provision as that proposed in clause (*b*) of paragraph 2, to restrict the right to claim a re-trial where a decree has been given *ex parte*, and on this point they agree entirely with the Select Committee. It is true, as has been represented to the Committee, that landlords are frequently involved in unnecessary expense and delay by the tactics of their ryots, who deny service of summons; but it seems absolutely essential, in order to prevent fraud by dishonest agents of landlords in collusion with the process-servers, that ryots against whom decrees are passed *ex parte* should have an opportunity of applying for a rehearing.

4. The third suggestion, which, like that discussed in the last paragraph, was made to the Select Committee by the Hon'ble the late Rai Kristodas Pal Bahadur, is that a defendant in a suit for arrears should not be allowed to appeal from a decree passed against him, except on depositing the amount of the decree. This proposal, which might no doubt serve to obviate some of the inconvenience, expense, and delay now caused to zemindars by recalcitrant ryots, would, however, it is believed, in many cases involve the defendants in very serious

hardship, and the Court is not therefore disposed to recommend its adoption. It may be observed, further, that it is always open to a zemindar to execute his decree notwithstanding that it is under appeal, in which case, if execution is stayed, the law provides that security shall be given for the due performance of the order that may ultimately be passed.

5. The Judges are fully sensible of the necessity for affording assistance to the landlords in the speedy and cheap recovery of the rents due to them, and are aware that at present much real cause for complaint exists. It would, therefore, have been a matter for satisfaction to them had they been able to accept any of the suggestions put forward for the simplification of procedure and the removal of the means now too often employed by ryots to harass their zemindars. It is, however, scarcely possible legally to facilitate the recovery of rents without putting into the hands of unscrupulous landlords or their subordinates weapons which may be easily used for the oppression of their tenants.

6. The solution of the difficulty must, the Judges believe, be sought in a direction different from that suggested. The evils of which the landlords chiefly complain are the expense and delay involved in suits against their ryots. The true remedy for these is to be found in executive rather than in legislative action. The main expense to which a landlord seeking to recover his rents by means of the Civil Courts is put, is the necessity for paying the heavy institution fees levied. Before the transfer of rent-suits from the Revenue Officers to the Civil Courts, effected by Act VIII (B.C.) of 1869, the fees levied in these suits were only one-fourth of those payable in ordinary suits in the Civil Courts. When the jurisdiction was altered, it was considered anomalous that relief should be given more cheaply in the same Courts in one class of suits than in another, and the fees in rent-suits were increased fourfold. A reduction in the fees to their original standard would afford a very appreciable relief to landlords; and though some loss would be incurred by the Government, the revenue derived from Court-fees so largely exceeds the expenditure on Civil Courts and establishments that it might be possible to give up some portion of the surplus for the benefit of suitors. Some relief might also be given by holding out to ryots inducement to compromise their suits or not to defend them, similar to those provided in small causes in the Presidency Towns by Act XV of 1882, section 73.

7. One of the principal causes of the delay in the proceedings is to be found in the frequent adjournments which are rendered unavoidable by the heavy pressure of work upon the Subordinate Judicial officers. In many places where more than one Munsif is stationed, an officer has, in accordance with a suggestion made by Sir Ashley Eden, been specially set apart for the hearing of rent-suits, and the evil has thus to some extent been diminished. Where, however, this is the case, the work devolving on the Rent-suit Munsif is not unfrequently more than he can perform with punctuality and despatch, and in many places where there is only one Munsif, the most strenuous exertions on the part of that officer fail to prevent the accumulation of arrears. In view of these facts, it seems to the Judges that an increase in the Judicial Staff and their establishments in these provinces can alone prevent the delay now too often experienced. The sanction of the Local Governments has on several occasions recently been obtained to the appointment of extra Munsifs to deal with accumulations of arrears, and the Court has now under consideration a suggestion which has been made to enable it to meet sudden emergencies with greater promptitude than is at present possible.

8. Regarding the general provisions of the Bill, apart from its purely judicial aspect, the Court does not propose as a body to address the Government. Some of the Judges, however, will probably hereafter submit minutes embodying their individual opinions.

No. 613, dated Calcutta, the 26th July 1884.

From—C. B. Garrett, Esq., Offg. Supdt. and Remembrancer of Legal Affairs,

To—The Secretary to the Government of Bengal, Revenue Department.

Referring to your Circular letter No. 5T—R, dated Darjeeling, 28th May 1884, and its enclosure, I have the honour to submit the following report. I propose to discuss the Bill as much as possible in the order of its own chapters and the paragraphs of your circular letter to Commissioners: I shall therefore reserve all I have to say regarding paragraph 2 of the letter under reply until I have done with paragraph 12 of that circular.

2. Regarding the question asked in paragraph 3 of the letter under reply, I can only say that I never heard of any such custom. A ryot who had held his land for some years, and paid his rent regularly, might think himself hardly dealt with if the zemindar ejected him; but I am not aware of any district in which the zemindar's right to do so, if he pleases, has been questioned.

3. In this connection, I may also discuss certain questions put by the Government of India in their letter No. 784, dated 5th May.

(1) As regards the first question, I have had no experience in irrigation districts since the system was introduced, and am unable to say anything.

(2) I think the zemindars have some ground of complaint in respect of these dependent talooks; the remedy, however, which I should propose, would be rather to bring them on the Government registers and make the rents payable direct to Government. It would certainly be more safe for the dependent talookdars, and would not, I should think, impose any great burden on the State.

(3) I do not see any necessity for introducing this change: the burden, if somewhat anomalous, is not, I think, a very heavy one, and the zemindars can very well sustain it.

(4) I shall discuss this point later on.

(5) I have no practical acquaintance with any other tenures than the one named.

(6) I think in respect of all such tenures there should be a saving of local custom, and when such tenures are at present freely transferable, they should still continue to be so, and should not be hampered by any condition about pre-emption.

(7) I think it probable that the price-lists of the last 12 years might be much improved, and I think they might fairly be made a *basis* of the system of enhancement, but *not* the first term of a sum in proportion. I shall discuss this point more at length hereafter.

4. Coming now to the chapters of the Bill.

CHAPTER II.

5. This chapter deals exclusively with definitions and some preliminary matters, and calls for no remarks.

CHAPTER III.

6. *Section 5* (1).—I do not feel altogether satisfied with the definition of "tenure-holder." It appears to me not strictly correct to say that a tenure-holder is a man who has acquired only primarily the right to collect rents. He has acquired undoubtedly a right to the land itself subject to the right of the cultivator. It is true, no doubt, that his primary object is to enjoy that right by the perception of rent rather than by tillage, yet in many cases the tenure-holder must contemplate the possibility of his having to cultivate the land himself; *e.g.*, if he is forced to eject a ryot and cannot immediately re-let the land, or where much of the area of the tenure is waste or unreclaimed. I would therefore suggest this definition: A tenure-holder means a person who has acquired land by grant or purchase, primarily with the object of sub-letting it to others, and includes, &c.

(2.) *Ryot.*—I am not quite clear that the term ryot sufficiently includes persons holding under lakhrajdars.

7. Lakhraj tenures are of two classes: some large enough to resemble tenures, some merely small pieces of land granted to Brahmans, and so on, which are more akin to jotes. In the former class, the tenants of the lakhrajdar ought, I think, to have the position of ryots. In the latter class, which are usually let in bhag jotes, it would be an extreme hardship to the lakhrajdar to give the cultivator any position higher than that of a korfa. If it were thought necessary, a section might perhaps be introduced making the tenants of lakhrajdars having holding in excess of an arbitrary limit (say 50 bighas) ryots, and below that korfas. I doubt, however whether the question is of sufficient importance to require legislation.

Clause 5.—I very much doubt whether this is quite a fair presumption to make. There must be many cases in which persons who are occupying holdings of more than 100 bighas took them originally as "jotes" (their intention being to cultivate partly by themselves and their relatives, and partly by bhag jotedars) and not as tenures; especially this would be the case when the "jotes" were originally taken of jungle or waste lands. I do not see the necessity of making any presumption in the matter: the real test of whether such tenancies are ryotti holdings or tenures is (*1st*) the object with which they were originally acquired, (*2nd*) local custom. I would not raise any legal presumption at all. I would also re-arrange the section so as to make the nature of the right precede (clause *e*) local custom (clause *a*). The first thing to be looked at is the object with which the holding was taken: the second, whether local custom supervenes and attributes to any particular class of holding a particular character, irrespective of the object with which it was taken.

8. I proceed now to consider the very important question raised by section 37. That section proposes to enact that, if the position of his holding, sub-let by an occupancy ryot, exceeds "more than" half his holding, he shall on certain conditions be deemed to have become a tenure-holder.

9. Now the avowed object of this section is to discourage land-jobbers from buying up occupancy rights "by bringing from above and from below influences to bear on the speculative purchaser, which would depreciate the value of the occupancy holding in his eyes, and thus deter him from seeking such an investment for his money."

10. Now I must remark that in the first place, on the one hand, the ryot's right of occupancy is made freely saleable; on the other, in order to prevent his selling it freely, to prevent

his disposing of it to the class of persons who will give him the best price for it, a section is framed to deter that very class from purchasing. This certainly amounts to confessing no small doubt as to whether the free saleability of occupancy rights is so very good a thing after all.

11. Then again, no doubt, such a restriction will greatly depreciate the value of the occupancy rights. If a purchaser knows that he must either cultivate himself (which may be impossible), or that the occupancy right which he has purchased will in the course of 12 years be swallowed up by an adverse occupancy right which his tenant will have acquired against him, the occupancy right will undoubtedly become much less valuable. Thus, again, the free saleability of the occupancy right will be eaten away by making it less valuable. This, then, is the first objection I have to the scheme. It is giving something with one hand, and taking part of it back again with the other.

12. My next objection is that that section will be extremely difficult to work, and if worked, would be much less effective than is anticipated. To discuss the latter point first.

13. This ground of objection may be sub-divided: (*1st*) the checks themselves are much less effective than they appear to be; (*2nd*) they are largely compensated for.

14. It is hoped (*1st*) that the check will operate by a pressure from below, the ryot will be acquiring rights against the land-jobbers; (*2nd*) by a pressure from above, the landlord being empowered to compel the land-jobber to pay his rent to the day, while the latter can only recover from his ryots by process much less prompt.

15. As regards the first of these pressures, I would beg to point out that it appears to me that by the effect of section 58 any person can prevent a non-occupancy ryot from ever acquiring a right of occupancy. Every non-occupancy ryot can, under section 26, acquire a right of occupancy only by 12 years' continuous occupation.

16. But under section 58 a landlord admitting a ryot may demise the land to him, say for a term of 7 years, with a right of re-entry at the end of the term. Now, supposing the landlord demises to a ryot for a term, to end on the last day of Cheyt, re-enters on that day and re-demises to the ryot from the 1st day of Ashar following, the continuity of the ryot's holding has been effectually broken, but the cultivator of the land has never been hindered, nor has it remained unproductive for an hour; and it seems to me that a ryot, if he held under such leases for 100 years, would never acquire a right of occupancy. Thus the land-jobber may sub-let his land, and yet wholly evade the check. It will, however, be probably argued that conceding this to be possible in theory, yet that the laziness and *laisez aller* of the natives is so great that they will never take the trouble to do this.

17. I doubt this myself: the land-jobbers will be principally small mahajans, baniahs, local shop-keepers, who have made money, and want to invest it in the best way. It may be expected that these people will manage their holdings in a very different way, and with a far keener eye to profits, than the Rajah who has inherited, or the successful merchant who has purchased a large estate.

18. If, however, I am not wrong in my view of the effect of section 58, I think there is no doubt that the land-jobbers will soon find out how easily they may prevent freshly admitted ryots from acquiring rights of occupancy, and that they are not a class of people who, for want of a little care and trouble, are likely to allow them to acquire such valuable rights. It seems to me therefore that the pressure from below will to a great extent fail.

19. Then there is the pressure from above. No doubt the landlord will have it in his power to deal with these land-jobbers, if they are in arrear with their rents, more summarily than they can in turn deal with their under-tenants; but we must recollect, on the other hand, that the class against whom we are legislating are people of a life-long experience in realizing small dues from poverty-stricken debtors, and that they will be also people having some small amount of capital, who will be able to satisfy the zemindar's demand, and who will certainly somehow or other sweat the interests out of their under-tenants. All these things therefore being considered, I am inclined to believe that the pressure from above and from below will be much less in reality than is anticipated. Then we must remember that, if an occupancy ryot loses something by being converted into a tenure-holder, he also gains large compensation. He gets rid of the liability of distraint: he can sell his tenure anywhere without the zemindar being able to claim any right of pre-emption: and if he only avails himself of his power of preventing his ryot from acquiring a right of occupancy, he may, as far as one can see, be in a much better position than if he had not sublet. In the last place, I would point out the great difficulties which then will lie in the way of ascertaining when, and proving clearly that, an occupancy ryot has really sublet. Who is to give the information? not the occupancy ryot (unless, indeed, he wants to become a tenure-holder); not the sub-lessee, who will stand in fear of his immediate lessee; and not the landlord, who will never, I believe, desire to convert the occupancy ryot into a tenure-holder: and, even supposing the information given, the proof of subletting would always lead to trouble, to litigation, and to vexatious enquiries. It would, moreover, I think, not be very difficult for an occupancy ryot so to settle his land, that while it answered for him all the purposes of a lease, yet should be in its legal effect only an agricultural partnership, in which, as in many other partnerships, the senior partner should retain the lion's share of the profits. Taking, therefore, all the points into consideration, I believe it will be found that the

proposed scheme will be found extremely difficult to work; and even if it can be managed to be worked, I believe it would not produce the results anticipated.

20. The question then may fairly be asked, if you believe the check as suggested in section 37 would not work, what remedy would you suggest to prevent occupancy holdings generally passing into the hands of land-jobbers which the experience of the world has shown to be the hardest and the most unjust class of landlords? To which I would answer—Do not make the right of occupancy freely transferable.

21. I am not insensible in any degree to the golden dream of a peasant proprietary, could I see it possible in any way to prevent subletting, or even to restrain it within any reasonable bounds. Could I suggest any measures by which only the cultivating class would buy up occupancy rights, I, for one, should be glad to see that occupancy right made freely transferable. But I do not believe this would be the case. I do not believe that, when an occupancy right was offered for sale, its purchaser would be the thrifty korfa who had saved a little money, and whose desire in life was to hold a few bigahs of land on a stable tenure; nor the petty occupancy holder, seizing the chance of adding the lands of a less fortunate brother to his ancestral holding; but I believe the purchaser would usually be the land-jobber, who would simple re-let his former holding to the old ryot on land-jobber's terms. Holding this view (which in opposition to very high authority I maintain with diffidence), I believe it to be a most unwise and dangerous policy to make occupancy rights freely saleable. I do not believe it will be any real benefit to the ryots it will enable him to discount the future happiness and comfort of his descendants giving to the servants for life power to forestall the rights of all the remainder men. I fully believe that within an appreciable time the greater part of the occupancy rights will have been sold by the improvident ryots, and they will then either be terminable lease-holders, subject to ejectment and enhancement every six or seven years, or non-occupancy ryots slowly regaining an occupancy right, perhaps only to squander it again as soon as gained. The non-transferable, heritable occupancy right is a sort of entailable estate to a ryot. It gives them land to cultivate, a house to dwell in, and (in spite of Mr. Reynolds' high authority) all these, I believe, on more favourable terms than they could be obtained by a new ryot; and I cannot too much deprecate the policy that would make it possible for a single improvident ryot to squander this hoard, and thus materially impoverish his family for many years.

22. There are, however, three cases in which, I think, an occupancy right ought to be transferable—

1st—With the consent of the landlord.

2nd—In execution of a decree for rent by the landlord.

3rd—If an occupancy ryot wishes to leave the village or abandon agriculture altogether.

23. The first of these cases is plain. In the second case, I would make it saleable only in satisfaction of arrears when they amount to a full year's rent, and whatever the occupancy right fetched, I would make it a full satisfaction of the decree, giving the landlord a power to exercise a sort of elegit, if the amount offered for the occupancy right did not exceed the amount of the decree, to take it in lieu of proceeding with the sale. I would also allow a landlord to pre-empt (subject to the above condition) at the best price bid. As regards the third case, if an occupancy ryot wanted wholly to abandon a village, or to give up agriculture, I think the zemindar should be compelled to buy him at a fixed price, or permit him to sell his occupancy right to the best advantage. I think it would be possible to assess an occupancy right at so many years' rental. The rate, however, would of course vary very much in different parts of the country. When a ryot under such circumstances sold his occupancy right, it should extinguish at once and for ever his status as a settled ryot of that village. I believe that these are the only two cases in which an occupancy right ought to be saleable; in both these cases it is very much to the advantage of the ryot that it should be saleable, but to make it saleable in any other case is, I believe, conferring on the ryot not a blessing, but an injury.

CHAPTER III.

24. I find little to comment on in this chapter.

25. I have already expressed my opinion that the presumption in section 5, clause 5, is not a sound one.

26. *Section 6 (b) and its clause 2* as they stand seem to me to make it possible for a tenure-holder to get his rent reduced when a part of his tenure diluviated, and impossible for the landlord to get it restored to its old rent when the land is thrown up again. Suppose a tenure-holder asks for and obtains an abatement of half his jumma, on the ground that one-half of his holding has diluviated. That according to clause 2 is no "reduction," and his land remains "unreduced" from the time of the Permanent Settlement. But suppose this land alluviates again, the landlord ought to be able to enhance the rent again to its old amount. It seems to me, if I read this section aright, that he might in such a case be met by the answer that there had been no reduction of their rents, and therefore there could be no increase.

27. *Section 7.*—In his dissent, the Hon'ble Kristo Das Pal says that the idea of any deduction on account of "risks of collection" is introducing a novelty. I do not think so. Perhaps *eo nomin* it has not been customary to allow anything for risks of collection, but in allowing costs of collection at 10 per cent. a much larger sum was allowed than the bare cost of collection amounted to, and this balance must have been intended to cover the risk of collection. I am not all, however, sure that it would not be convenient to lump the tenure-holder's profits and costs together, enacting that the court should not allow him less than a margin of 25 per cent. of the gross rents to cover all his profits and outgoings. Where a zemindar and a tenure-holder are on bad terms, the ascertainment of the *costs* and *risks* might give an opportunity for considerable litigation.

28. *Sections 8 and 10.*—I do not think that the limit of enhancement in the case of tenure-holders is unfair; nor was I inclined formerly to think that there was any necessity that the same precaution should be taken in the case of enhancements of tenure-holders out of court that obtain in the analogous case of occupancy holders. There are, however, many small holdings in Eastern Bengal which, by the custom of the country, are considered to be tenures, and in respect of the enhancements of which this precaution is probably necessary. I think, therefore, all tenures should be made enhancible out of court only by a registered deed. I think that, after a tenure has been enhanced, no further enhancement should be allowed for 15 years.

29. *Section 11.*—As this section stands at present, it seems to me that a permanent tenure might be bequeathed in divided shares; *e.g.*, suppose a tenure of three villages, the holder might bequeath the village A to X, B to Y, and so on. Is this a correct view of the law; and if so, is it fair on the landlord that he should be compelled to submit to a partition of that which he demised as a single holding? I may make a similar remark as to section 31, clause (*f*).

30. *Section 15.*—Clause 3 seems to me likely to lead to much litigation. Such disputes will arise only where there is a good deal of ill-feeling existing between the landlord and tenant, when in such a case it will be easy for the tenure-holder to deny, and difficult for the landlord to prove, that such a written refusal was given. I would therefore give an option of serving the written refusal through the Collector on payment of a proper fee.

CHAPTER IV.

31. I think the time has come when the 20 years' presumption rule requires some amendment, as I am convinced it is yearly becoming more divergent from the actual state of facts. In 1859 it was perhaps a fair presumption. Zemindari affairs were then very loosely managed. Enhancements were less common, because irregular contributions of all sorts could be more safely levied, and on the whole it was not then unreasonable to presume that if a ryot could prove that he had paid rent at an uniform rate for 20 years, that he had held land at that rate from the date of the Permanent Settlement. It was moreover far more difficult for a ryot to prove an uniform holding of 20 years than it is at the present time. It is, however, a very difficult thing to say that a person who in 1884 can prove that he has held at an uniform rate since 1864, should be entitled to have it presumed that he had held at that rate since the time of the Permanent Settlement. I think myself that it would be no more than strict justice to the zemindars to sweep away the presumption altogether; but I am content to accept the reasons for its partial retention. I would propose that the presumption should cease to run from the 2nd March 1883, or, still better, to allow it to expire as suggested in section 64.

CHAPTER V.

32. The first point I wish to draw attention to in this chapter is what appears to me an ambiguity arising from the collocation of sections 25 and 26.

33. As I understand the words "settled ryot," it is a person coming within the description of section 26, and none other; but section 25 does not, however, refer in any way to section 26. I think therefore it might be possible to argue that by section 25 any one whose status could be brought within the meaning of the word *a settled ryot* would be entitled to all the benefits of that section. It might be argued that section 26 specified only one particular class of such settled ryots. This it is clear was not the intention of the Legislature, and I think therefore that in section 25, after the words "every settled ryot" should be added "as defined in section 26."

34. *Section 27.*—I do not understand why a ryot who has acquired a right of occupancy by holding lands in one village of an *estate* should thereby acquire the status of a settled ryot in every village of that estate. I do not understand the principle on which it is thought right that such a status should be acquired.

If this clause was simply added to meet the difficulty of a ryot being changed from one village to another, I think that might be met by adding at end of section 36, clause 3, "situate, provided the land was situate in the same village or any village in the same estate."

35. Such a rule would press extremely heavily on those zemindars who have estates consisting of many villages bearing a single towji number.

36. Moreover if the word "estate" in the case of estates partitioned since 1855, or indeed since a much later date, were defined to include the whole estate as it stood before partition, the landlord's position would become peculiarly difficult. It cannot be assumed that a zemindar (whose estate has been subject to partition even 10 or 15 years ago) is aware what has become of all the persons who were ryots of the estate at the time of partition, or what are the names of their descendants, or what persons are settled ryots of the estates in which he no longer retains an interest. A landlord therefore admitting a new tenant, possibly a person wholly unknown to him, may find that he had admitted a settled ryot of an estate which originally was united with his own, and therefore a person who, by the force of this section, can claim also the status of a settled ryot of his own estate. It does not appear to me necessary to go beyond the village as the envelope of the ryot's rights; every settled ryot should, however, be a settled ryot of every village in which he holds lands in occupancy right, the word village being defined as in this section.

37. *Section 28.*—I think that this section goes too far. I perfectly agree that it is undesirable that a landlord acquiring an occupancy right should be able to keep it alive, so that, when he re-let the holding, he should be able to let it in the capacity of a *ryot*, and not a *landlord*, making his lessees thereby korfas, incapable of acquiring a right of occupancy. But there might be many cases in which the landlord might wish for other reasons to maintain the right: *e.g.*, he might think it more to his benefit to re-assign the occupancy right which he can no longer grant than to merge it. I think therefore that whether an occupancy right had merged or not should be left to be a matter of evidence, subject to this proviso, that any landlord re-letting such land should do so as a landlord and not as a ryot.

38. *Section 29.*—I think this section is also open to much objection. In coparcenary estates nothing is more frequent than for the stronger co-sharers to seize possession of holdings vacant by the death or disappearance of the ryots, and hold them to the exclusion of the coparceners; by the effect of this section such persons would now be able to acquire a right of occupancy in such land. I entirely, however, agree with the suggestion made in your letter that an occupancy right, acquiring a proprietary interest in an estate, should not thereby forfeit his occupancy right. This is but a correlative of section 28 as I propose to amend it. But in this case, as the *ryoti* was the *original right*, I do not think it would be fair to add the proviso which I have suggested as to the landlord's position on re-letting.

39. Coming now to the incidents of the occupancy rights, and having so fully discussed before the question of transferability, I shall make no remarks on "*f*" beyond this, that I do not think the power of bequeathing an occupancy right ought to go beyond bequeathing it to some persons in the line of succession, and perhaps also to some persons who would have been in the line of succession if she had not been a Hindu female; otherwise the power of bequeathing infringes on the principle of non-transferability. I would also here again ask, does this section mean that a ryot can bequeath his holding in divided shares, and is the landlord bound to recognize such a division of the holding? I do not think, however, there is any reason why a ryot should not grant his occupancy tenure to any person during life to whom he might have devised it by will.

40. I think an occupancy ryot ought to be allowed to make improvements, and, as was said before, I do not see any possibility of preventing his sub-letting.

41. (*g*). Indeed, I am not sure it would be advisable to do so. Sub-letting is not without its advantages. If an occupancy ryot falls into difficulty through bad crops, loss of cattle, sickness, &c., the power of sub-letting enables him temporarily to get rid of part of his land at a profit. The members of his family thus thrown out of work can go to Calcutta or elsewhere and earn some ready money, and after some years of struggle, the family can meet again, resume the old jote, and then form status. It also to some extent compensates the ryot for the non-transferability of his holding, and it enables him by sub-letting to a person who can perhaps work the land at better profit to raise money for some temporary need. The korfa ryots, however, certainly need some protection.

42. *Sections 32-36.*—These sections are occupied with various restrictions in the transfer of occupancy rights. I shall discuss them less, because, if the free transfer of occupancy rights be given up, these sections will be swept away with it.

43. As they stand, I cannot but think that they will lead to much litigation, that they will make the *boná fide* sales of holdings more difficult. They will also press hardly on the zemindar because, after he has succeeded in establishing a fair price, all his trouble and expense may be rendered futile by the ryots refusing to sell.

44. On the whole, if it is determined to concede the free transfer of occupancy rights, it would, I believe, be better for both parties that such transfers should be free from all restrictions rather than to subject it to restrictions which will, I think, prove only fresh inducements to litigation.

45. *Section 37.*—I have already discussed this section sufficiently.

46. *Section 38.*—I do not see any necessity for imposing such a limit. I think, on the whole, it is objectionable as disenabling ryots giving long leases, which are generally considered advantageous.

47. In section 39 we begin the difficult subject of enhancements. On the whole I approve of this part of the Bill.

Sections 39 to 42.—Call for no special notice.

48. In section 43 are enumerated the difficult grounds of enhancements.

49. The first of them is when the rate of rent paid by the ryot is below the prevailing rate payable by occupancy ryots for land of a similar description, and with similar advantages in the vicinity.

50. In the first place, I must point out a difference between the language of this section and the language of the present law, *i.e.*, the substitution of the words "occupancy ryots" for "ryots of the same class." It may be bad law, but I never could see myself the equity in considering an occupancy ryot, who had just submitted to enhancement, a ryot of the same class as one who had steadily resented the zemindar's attempt to enhance.

51. But, however this may be, I believe that this ground of enhancement had done its work, and should be left to expire now in justice to the ryots, as the 20 years' presumption should be in justice to the landlord.

52. When Act X of 1859 was enacted, it was, I believe, the case that lands were let at very varying rates, and that much land was held below the prevailing or customary rate. It was a good intelligible rule to enact that all such lands might be enhanced up to the pergunnah rates, or at the general prevailing rate. But I believe that the process has been effected throughout Bengal, and I believe there is no land that is now held below the customary rates prevailing in 1859. But the rule is now being worked in quite another way, and in a manner in which I am convinced it was never intended to be worked. A zemindar who wishes to enhance under this section—I am stating a case now within my own experience—goes into a village, some of the largest ryots perhaps are bought over, some of the weakest are frightened, and some of the most unthinking persuaded, into consenting to an enhancement, and then by means of these ryots (added very often to some collusive and fictitious ones) a prevailing rate is established, and ultimately it often happens that all the ryots in the village have to submit to enhancement. This is perhaps done again in two or three villages, and these become the means of fixing a prevailing rate for the surrounding villages. Thus the rights of all ryots are by this rule placed at the mercy of the feeblest, the stupidest, and the most venal of the class.

53. I believe therefore that the original object of this section has been fully attained, and that it is now simply used as a leverage to force up rents unfairly, and on no sound and intelligible principle; and I believe that, under the provisions of this law, it is likely to be still more utilized for this purpose.

54. I think therefore that this ground of enhancement should be wholly expunged, and I cannot see that the zemindars should have any right to complain, inasmuch as they are simply deprived of a ground of seeking enhancement which they are patently misusing. Or if it were thought too much to do this, I would continue it for five years longer, so that zemindars might have the opportunity of raising all their ryots' rents once to the present prevailing rate, and this ground of enhancement should then expire by efflux of time.

55. The other grounds of enhancement seem to me plain and quite unobjectionable.

56. *Clause (c).*—I must deprecate the introduction of this section: it is giving a legal consistency to what was, I believe, never more than a custom with some old-fashioned zemindars: it is, as it were, a bowing ourselves in the house of the miserable idol which for the last 100 years we have always denounced.

57. *Section 45.*—I think it quite right that in fixing the amount of enhancement to be demanded on account of a rise in the prices, the court should refer to the published price-lists, and be at liberty to compare the average of prices of one quinquennium with those of another. I do not think, however, that any hard-and-fast rule should be laid down as in rule "*c.*" A Judge having considered these price-lists should be at liberty to guide himself by them, and any good Judge would do so. But I disapprove of a Judge being compelled merely to work out a sum in proportion: he should assess a fair rate on all the evidence before him.

58. *Section 46.*—I think a limit should be imposed on the extent to which rent might be raised for landlord's improvements: it should not be, say, more than three-fourths of the value of the proved increased production caused by the improvement. I feel some doubt about section 4. If there has been an appreciable increase in the productive power of the land, it must surely be able to bear an increase of rent.

59. As regards the measure of the increase, the limit fixed by the Bill is not unfair. I see no reason why the landlord should not be permitted to enhance by private contract to the same extent that he is allowed to enhance by a judicial decree. I think the registration sections, coupled with the limitation, are sufficient protection to the ryots. It seems desirable to favour, as much as possible, adjustments of enhancements made out of court.

60. *Section 48.*—Is I think very objectionable. It gives a great discretionary power to courts, which are by no means all fit to exercise it. It does not point out on what principles

the discretion is to be exercised. It tends to develop in the greatest degree individual idiosyncracies, and considering the number of courts which will have a share in carrying out the provisions of this Bill, I expect this section will lead to much diversity of practice, and possibly to not a little injustice. Having laid down very carefully the method and the extent of enhancement, I think we ought then to stop, and not give the court a wide indefinite discretion, which there is, I fear, much danger of their using indiscreetly.

61. I quite approve the 15 years' limit imposed by section 50. It is hard, I think, that a suit dismissed on the merits should bar enhanced rent for 15 years. I would reduce it to seven. A suit is sometimes dismissed on the merits for other reasons than because it is wrong.

62. *Section 51. Reduction of rent.*—I agree that the courts, in construing this section, would probably feel themselves at liberty to decree reduction only on the ground of some calamity of the same nature as the deposit of sand, though I am not sure they would be right in thus construing the section. I conceive the meaning of "like calamity" to be a calamity permanently affecting the land. The section will be clearer perhaps by omitting the word "like."

63. Passing now to the question of *bastu* lands, I may begin by saying that I am not aware of any custom whereby the tenant, after abandoning his cultivation, could retain his *bastu* lands, and considering how limited the *bastu* lands is in many villages, such a custom would, I think, be a very unreasonable one.

64. Then as to the question of the terms on which *bastu* lands are held, and how far these terms, if different, should be assimilated to the conditions which regulate the tenure of ordinary arable lands, it is extremely difficult to give a general opinion, as the terms on which *bastu* lands are held are so different in different parts of the country; in Behar, for instance, the ryot generally gets his homestead free, while in Bengal, as a rule, *bastu* and *udbastu* lands are the most highly rented lands in the village.

65. In Bengal, too, I can confirm, from my own experience, the statement in your letter that excessive enhancements of *bastu* holdings have been made the leverage to force up the rents of culturable lands.

66. It is, however, extremely difficult to say what should be the conditions for holdings and enhancing *bastu* lands.

67. All I can suggest is that any cultivating ryot should have in his homestead land a title as good as the best title he has in any part of his culturable lands: that the rent payable on his homestead should be enhanceable only when the culturable lands of his holding were enhanced on one or more of the grounds mentioned in section 64 (*a*), (*b*), (*c*); in each case the rent should be in the same proportion. When arable land rises, I think homestead land does so also; but *bastu* lands should be enhanceable on the ground of the landlord's improvements only, when the improvement was shown to be substantially beneficial to the *bastu* as distinct from the arable lands.

3rd.—I would permit the tenant to plant trees, sink wells, and build a permanent dwelling *after* he had acquired a right of occupancy, but not before, save with the written consent of his lanblord. These improvements should not be of course available as a ground of enhancement; and on the tenant quitting the land, he should be allowed to remove anything he could, subject to the condition of replacing his homestead in the same condition in which he got it. In all other points I would let the letting be regulated by custom as provided in section 214. The difficulty in the partition of basgitt lands arises, as far as my experience goes, not so much from the value of the land as from the difficulty (consistently with his rateable share) of assigning to each proprietor his own homestead, including therewith the homesteads of his naffars and ghulams.

2nd.—Not giving him too large a proportion of Brahman, Rajput and Chettry tenants, from whom no services can be exacted, and giving him a due proportion of lower castes, such as Telis, Kumars, Dosadhs, Doms and the like, from whom valuable service may, as occasion requires, be extorted.

68. *Section 52.*—I think that, on the whole, there ought to be no great difficulty in preparing for the future accurate price-lists. Considering the importance which will in future attach to such price-lists, I think the computing of these should be made the special, or at any rate the primary, duty of one officer. There seem to me to be three causes, each of which contributes somewhat at present to render such lists accurate—

(1) The officer charged with the preparation of the lists has not had leisure enough to devote to the obscure, but most important, duty of thoroughly making himself master of sifting and comparing the return sent.

(2) The police collect the returns unintelligently, not taking care, I suspect, to distinguish between the prices at which grain is selling in petty bazars and the prices at which it sells in large marts.

(3) The grain-dealers themselves are often unwilling to give the information required correctly.

69. All these difficulties, however, are, I think, very superable with proper care and due trouble. I think also that it is possible to improve the accuracy of the old lists, though

this will no doubt require a good deal of trouble. They might be checked from unofficial sources and thus rendered tolerably correct. I believe that in many cases the large country dealers could easily supply the rates of grain for the last 15 or 20 years, if they chose to do so.

70. The "dewri" accounts of large zemindars would also help very much.

71. I deprecate, however, very much any conclusive effect being given to price-lists. They would always have very great weight, as they would probably be much more satisfactory than any evidence that would be brought against them, and practically, I believe, most enhancement cases would be decided on the basis of them; but it is always dangerous to make any evidence conclusive, thereby shutting out all possibility of exposing even a palpable mistake.

72. I would equally deprecate any idea that the enhancement of the rent is to bear an exact proportion to increase the prices. In the first place, I deprecate the idea of reducing a Judge to a mere cyphering machine, and leaving him no scope for the display of any intelligence. In the second place, there are always at least two causes which will operate to make the rates as ruling at the grain markets higher than the rates which the ryot obtains at the threshing-floor—

(1). The cost of carriage.

(2). The fact that the ryot must sell some portion of his crop at once, and that the grain-dealers can hold back.

73. Possibly something ought to be allowed for the increased cests of cultivation, though I do not think the cost of cultivation has yet increased very appreciably. The fall in the value of silver, however, has perhaps had some influence in that direction. Subject, however, to this limitation, I think that these price-lists might be safely relied upon, and that, if taken over a sufficiently large area, and for a sufficient number of years, they would with reasonable accuracy show the permanent rise or fall of prices. In order to eliminate, as far as possible, error arising from prices having been abnormally appreciated in any particular tract by strictly local causes, such price-lists should always show the rainfall of each month in each district, whether the year was generally a year of good or bad harvests, with a note of any special circumstances, such as local floods, likely to have affected abnormally the prices in that particular tract. With these facts to guide one, it would be easy to see that an abnormal price prevailing in one district, in which it was noted that some calamity had occurred, must be, as far as might be, eliminated, before the average was struck; and I believe that if such price-lists showed there had been an average rise of prices over a whole tract for a sufficient length of time, you might accept that as proof that there had been really a permanent rise in prices, and that you might fairly enhance the ryot's rents in something about the same proportion.

In practice, however, I doubt whether such local calamities would affect prices much.

74. I think, therefore, if these price-lists were carefully prepared and intelligently used, they would afford the greatest assistance to the courts in dealing with enhancement, though I entirely deprecate their being treated as a conclusive sliding scale for ascertaining the rate of rent.

75. I now come to the section which deals with the commutation of rents (section 53), and on the whole I see nothing to object to in it. I think that the ryot ought to have the power to convert his corn rent into a cash rent. With bad landlords it may be his only method of shielding himself from infinite petty oppressions; and I think the rules for the conversion are fair. Any court having before it (1) the average money rent payable by similar ryots, and (2) the money value of corn rents for the last five or ten years, can with attention fix a fairly equitable rent.

76. The money rent is almost always certain to be lower than the corn rent, and this difference would represent partly an allowance for the risks of cultivation, partly that, year by year, mechanical enhancement which takes place in a corn rent when prices are rising.

77. As regards clause 6 of this section, I can only say that, as I see no reason why such an application should be refused, except on the score of the trouble it would give to the court, I would give no court the power to refuse it arbitrarily.

78. I come now to deal with chapter VI, which deals only with non-occupancy ryots.

79. By this chapter no limit is imposed on the rent which the landlord may demand from his tenant before he lets him into possession: that is to say, there is perfect freedom of contract at competitive rates between the parties. I am perfectly ready to concede that in principle this is the right way of settling rents; and that that is the best system of land-holding, when the landlord exacts from the ryot all he can afford to give, and the ryot is willing to give no more than he can consistently with allowing himself a fair profit. But in how many countries is this possible? Is it possible in India, or has it any chance of becoming so within any period which one can foresee? In India, the landlord still exercises authority over his tenants, and is called a benefactor, and for the commodity he has to offer, he gets a better price than any other provides. One must also recollect how much the weakness of the ryot's moral character exposes him to be worked on by the zemindars. If the day

of reckoning is far off, he trusts that it may never come, and he will take land on terms which he knows cannot yield him a profit, if only it promise a present means of support, and he will trust when the rent falls due to evade or beg it off.

80. Is it possible for the State to allow free contract between persons so unevenly matched? Ought not the State to intervene in the bargain, and compel the stronger to act fairly by the weaker.

81. Moreover, I do not see how it can be said to be fair that a settled ryot, if he takes a new holding, should be liable only to pay an enhancement of 25 per cent., while a non-occupancy ryot might be able to get it only at an advance of 50 or even 100 per cent.

82. *Ex concessis*, an occupancy ryot is not entitled, by reason of having gained that right, to hold his land at more favourable rates than a non-occupancy one; and if it be unfair that an occupancy ryot should pay an enhancement of more than 25 per cent., how can it be logically said that it is just that a non-occupancy ryot should be liable to pay as much more as the landlord can exact.

83. Moreover in thus regulating by law the rent which may be demanded from a non-occupancy ryot, I believe we are not doing anything contrary to the old established customs of landholding in Bengal. I believe custom always regulated rent to a much greater extent than competition, and that the idea that a landlord might exact from a new-comer just as much as he pleased, is an idea foreign to the land system of Bengal.

84. I would therefore entirely deprecate the principle of allowing the landlord to exact from the non-occupancy ryot as much rent as he can get him to agree to, and I would advocate that non-occupancy ryots should in this respect be placed on the same footing as an occupancy one.

85. *Section 58.*—I would again point out (unless I have completely misapprehended the effect of the section) that by the force of it a landlord might, without in any way interfering with the course of cultivation, prevent a ryot acquiring an occupancy right by an occupation of a century. Such a section seems to me contrary to the spirit of the Bill, though for my own part I view the acquisition of occupancy rights with little favour.

CHAPTER VII.

86. This chapter deals with the most miserable class of ryots—the korfas. I think the ryot's power of enhancing the rents of his under-ryots ought to be limited, and the limitation proposed seems fair. I do not see why a ryot, not holding under a lease, should not be able to enhance his ryot's rent to the same extent that one holding under a lease can do unless it is to encourage people to take leases.

CHAPTER VIII.

87. I have already given my opinion fully as to the 20 years' presumption rate, and I have nothing further to add about it. The rule provided in section 64, clause 2, would perhaps be the fairest and best way of getting rid of this objectionable presumption.

88. As regards clause 3, I would only remark that a ryot, who has all along paid a fixed share of his crop, has in fact been submitting to a self-acting enhancement as the price of grain has risen. It is impossible to say that a ryot, who has been paying what was the money equivalent of a moiety of the crop half a century ago, has been paying the same rent as a ryot who has been paying during that period what has yearly been estimated as the equivalent of half the crop at market prices.

89. *Section 66.*—I doubt if it would not have been better not to relax the hard-and-fast rule: it approximates very nearly fair and is calculated to check litigation.

90. *Section 67.*—I am inclined to think that it would be better that Government should in all cases fix the dates on which instalments are to be paid, both in the case of under-tenures and ryots' holdings. It is a very common device for landlords to harass their ryots by demanding kists every month, or at unreasonable times. In fixing such kists, regard should be had to the local custom and the prevailing crop, and existing written contracts should be saved. But after instalment dates had been once fixed, no custom should be pleaded against them, either as regards past or future oral contracts, and these dates of payment should be taken as inserted in every future written contract.

Section 68.—Proviso. I question its being possible in practice even to arrange for this.

91. *Section 70.*—This section will be of immense value to the ryots, considering the importance which it is to the ryot to get proper receipt, and the unwillingness of zemindari amlah, from laziness or worse motives, to give them. I am sorry that the stringency of the original section has been relaxed.

92. *Section 71, clause 2.*—Why should the tenant have to pay a fee for a statement which the zemindar, if he disputes the ryot's calculation of the mutual account, ought in common fairness to give him?

Section 73, clause (b).—This clause is one which I fear may be much abused if left as it stands at present. It will be impossible for any one to say whether a ryot *bonâ fide* believes

that his rent will, or will not, be received. I would limit the privilege to cases where the ryot had in a former case tendered the money, and it had been refused, and he had deposited it in court. This would make it necessary for a ryot at least once to tender rents, and it will be the zemindar's own look out if he refuses it. It will save the ryot the necessity of making repeated tenders in cases in which he is sure the money would not be accepted, and it will bring the case within the ordinary law of tenders.

Clause. (d).—Is another clause which I fear might be abused in cases where disputes were going on as to the right to receive the rents. Ryots would be gained over to one side or the other, and the result would be a number of tentative applications of this sort.

93. In the first place a ryot is always safe in paying to the person to whom he has been all along paying rent, unless he has notice from competent authority that the title of the former has determined, or has been transferred to some one else. In the latter case he is safe in paying to the person to whom it is transferred. It does not seem to me therefore that the tenant can be ever in perplexity as to whom he can safely pay his rent, and I deprecate anything that facilitates persons who are contesting the proprietary title drawing the ryots into the litigation on one side or the other. If, however, these sections are to be retained, I would suggest that the deposit should be in the civil court competent to entertain a claim in respect of the rent deposited. It would sometimes be an extremely difficult question to decide whether the ryot was entitled to refuse to pay his rent any longer to the person to whom he originally paid it; and such questions are more likely to be decided correctly by an officer who has had some judicial experience than by one who has had none.

94. *Section 81, clause 2.*—I somewhat doubt the policy of this clause. Most police officers, many sub-divisional officers, and not a few district officers, have very large notions about the preservation of the peace; and an officer with intermeddling tendencies might in such a case do much mischief, and force into a real quarrel some trivial dispute which the parties if left alone would certainly have settled amicably.

95. *Sections 81-83.*—On the whole, these sections seem pretty well adapted to carry out the ends aimed at. I fear, however, they labour under the disadvantage of being somewhat cumbrous and expensive. Section 83 embodies what I have always understood to be the law relating to the possession of the crop. The zemindar is always trying to assert a joint possessive right to the crop, so that, if the ryot attempts to remove it, he may invoke the sweet influences of the Penal Code; but I do not know that he has ever been allowed to establish such a claim. The definition is not quite exhaustive; it ought to declare the ryot's right to remove the bhoosa at once. The bhoosa is the ryot's own.

96. Both in sections 83 and 93, how are the assessors to be compelled to attend, and are they to be compensated for their loss of time? I cannot but fear that in the case of a small holding, the expenses would swallow up a large portion of the proceeds. However, perhaps the knowledge of this will make persons more inclined to settle such questions amicably.

CHAPTER IX.

97. I do not think that there is much prospect of this chapter being taken advantage of, at least not within the present generation. I see, however, nothing to object to generally in the provisions of this chapter.

98. *Section 90.*—I am disinclined to give a non-occupancy ryot any right of making improvements except with the landlord's consent, save perhaps the right of erecting a house (the materials of which he should have the right of removing if ejected) and digging a kutcha or pipe-well. If you give him the power of making improvements, it is very difficult to refuse him, if ejected, some sort of compensation for their unexhausted value, which would lead to all sorts of difficulties. Until, therefore, a man has attained the position of a settled ryot, I think it not unfair to say that he can make improvements only on such terms as he and his landlord can agree upon.

99. *Section 95.*—Can a ryot holding a permanent lease surrender his holding? I do not think that the question has ever been decided.

100. *Section 95, clause 3, paragraphs a, b, c.*—I do not see the necessity of raising these presumptions. In the first place, I do not think any of them rests on a particularly sound basis, and considering the fact that the ryot can still protect himself by having his notice served through the Collector, I see no advantage in going beyond the existing rule that, if the ryot wishes to make himself secure, he may do so by serving notice through the Collector.

101. *Section 96.*—There can be no doubt that a zemindar is now placed in a difficult position if an occupancy ryot abandons his holding without surrendering it to the zemindar; he must let it be fallow, and submit to the loss of his rent, or, if he lets it to a fresh ryot, it very often happens that the old ryot returns after several years and commences litigation to recover his holding. No doubt landlords sometimes forcibly eject ryots. Indeed I recollect a very notable instance, in which an estate having been partitioned, each and all of the several co-sharers set to work and ejected every ryot who had his house in the share of any other co-sharer.

102. Still I do not see how the present section facilitates such forcible ejectments, while it is fair to the landlord, as relieving him from a difficult position. It does not increase

his power over his ryots in any way. It does not make it more difficult for the ejected ryot to seek redress, and if the ryot is so apathetic, or values his holding so little that he will not avail himself of the very easy means the law gives him of recovering possession, I do not quite see how you are to help him. Indeed I think that clause 3 of the section is somewhat unduly favourable to the ryot. If a ryot abandoned his holding really of his own free will, I would not allow him to recover it without compensating the zemindar for any ascertained loss he had sustained, as well as the new lessees. I may add that the power of selling the occupancy right of the deserter does not appear to me to provide adequate security. The value of an occupancy right is very variable and in some districts is worth little.

103. *Sections 99-101.*—I am not disposed to extend the landlord's power of measurement to lakhraj holdings. It will simply be used for harassing the lakhrajdars. As regards the standard of measurement, I agree with the view expressed in your letter that, for the satisfaction of the ryots, it is advisable that measurement should be by the local bigha, which can always without trouble be converted into the standard bigha.

104. *Section 102.*—I am much in favour of this power being retained. I remember a case which occurred in Furreedpore district when I was Judge of Dacca, in which the ryots were being dreadfully harassed, and the entire business of the zemindari (and it was a large one) brought to a stand-still by the quarrels of the proprietors. The estate at length was placed under a manager under Regulation V of 1812. I think the power ought to be retained in the hands of Government *in terrorem*. I do not suppose that the interests of the estate would suffer nearly so much from Government management, as they would have suffered from the quarrels of the proprietors. The power ought of course to be used only with the greatest caution, and I would allow the application to be made only by the Collector. Anybody of course might inform the Collector, but the district court ought to be set in motion only with the consent of the Collector.

This was before Furreedpore was made a separate judgeship.

105. Chapter X of the Bill has been expressly excluded from consideration. Chapter XI is connected with it. I need only say of these chapters that they will be very valuable if carried out properly; but it seems scarcely possible to overrate the difficulty and labour of carrying them out satisfactorily.

On chapter XII also I have no remarks to offer.

CHAPTER XIII.

106. This chapter brings us to the vexed question of distraint. On this point I am sorry the view I take is wholly opposed to those expressed by the framers of the Bill, and I am afraid also to those expressed in your letter.

107. I am prepared to admit that the power of distraint has sometimes been abused by the zemindars; but, on the other hand, it must be remembered that the ryot is very dishonest about paying his rent, and very ready to avail himself of all the shifts the law allows to put off the payment of the zemindar's dues. Unless the zemindar has the sharp and swift power of distraint continued to him, it will be in many cases extremely difficult for him to realize his rents. Besides which the power of distraint is really, though it may seem a paradox, a more humane mode of realizing rents than suing a man in court. The landlord must get his rents somehow, and by distraining he simply compels the recusant or dishonest ryot, when he has funds in hand, to apply part of them to discharge the first lien on them, *viz.*, the landlord's rent. Surely this is more beneficial to the ryot than the only other course which the zemindar can take—to sue him in court, to sell his land, or to arrest him and send him to jail; and even supposing that the zemindar's servants do some little distraining on their own account, the ryot probably loses less by it than he would by being dragged into court. Again, to take up one of the cases quoted in your letter, namely, of the zemindars having availed themselves of the power of distraint to recover time-barred debts, is it clear that they are wholly to blame? If the arrears were really due, were not the ryots who pleaded limitation dishonestly quite as much to blame.

108. Thinking, therefore, that it is absolutely necessary to allow the zemindars to retain the power of distraint, I agree with the opponents of the Bill that the restrictions which the Bill proposes to place on the power of distraint will deprive it of all its efficacy under the law as it at present stands; when the crop is nearly ripe, the zemindar sends his naib or gomasta to effect the distraint, and he can distrain 50 or 60 ryots, if necessary, as swiftly and inexpensively as he can distrain a single one. It is often the case that, after the zemindar has distrained a few ryots, the rest come forward and pay their rents amicably. The present system is therefore speedy and cheap, and discourages litigation. But under the distraint permitted by the new Bill, the landlord will first have to make an application under section 141, and he will have to make an application in respect of *every ryot* who has not paid his rent, because of course now the fact that some of the recusant ryots are distrained will no longer have any effect on the remainder, who will know that they cannot be treated summarily. Then, again, it will be necessary for him to decide much earlier in the season whether he will exercise his power of distraint, the ryots will thus get wind of his intention, and will of course do their best to thwart him. It will probably be wise for a landlord to apply for an order to distrain at least three months before the crop is ripe.

Then it does not appear that an order for distraint will be granted of course. The landlord must first give *primâ facie* proof of the justice of his claim. Considering the pressure of work in all courts, this must lead to delay, and the Bill introduced seems to contemplate this. Suppose, further, that the ryots getting wind of the application come in and oppose it, the court could scarcely refuse to listen to them, and this would lead to more delay. Then, if it be argued that by prohibiting the removal of the produce you get over this difficulty, I would ask, how long might the proceedings be protracted? How long is the produce to remain in the threshing-floors, and who is to take care of it there? If you leave the produce unwatched, the owners may carry it off. If you leave the zemindar's people to watch it, they will certainly be charged with stealing it. If you send civil court peons to take charge of it, you would let loose a horde of locusts, who will take from the ryots far more than the zemindar's men ever did; and lastly, if the ryots of a border village combine to carry off the grain, and then decamp across the frontier, who is to prevent them. Believing, therefore, that the power of distraint is one which must be conceded to the zemindar, I most earnestly deprecate its being hampered by restrictions which will deprive it of all its efficacy. Then, again, what security is there that the court officer sent to distrain will act impartially? He will ordinarily be, I suppose, a court peon. Is there no risk of his colluding with one side or the other, and either rendering the distraint nugatory, or more probably playing into the zemindar's hands, and assisting in committing oppressions on the ryots if the distraint has been applied for, for improper purposes.

109. I pass on now to chapter XIV, Judicial Procedure, as under section 159 the High Court may hereafter make rules as to what sections of the Code shall apply to suits under this Bill. It does not seem necessary to discuss the point here. I do not see why section 163, sections 121—127, and section 129 of the Code should have been summarily excluded; it would have been more symmetrical to have left them to be dealt with by the High Court. It was proper specifically to exclude sections 305 and 320—325C, because they embody a new principle, and it is desirable that the Legislature should say whether this principle is to be applied to rent-suits or not.

Section 163 D.—I extremely doubt the possibility of serving summons by post. In these provinces post-office peons are not more trustworthy than civil court peons, and the difficulty of procuring proof of service will be very great.

110. I also deprecate the extension of section 189, Civil Procedure, to appealable cases. Many of the cases arising under the Act will be very intricate and will depend generally on the effect of oral evidence. The lower courts are often very careless and perfunctory in taking notes in non-appealable cases. The pleaders themselves seldom take notes, and I fear the time has not yet come when we could everywhere rely on such notes as are taken. When, however, the presiding officer knows English, he might take down the depositions in that language, as is done in the criminal courts, which would save some time.

I disapprove of the last paragraph of section 169. What valid reason can be imagined for postponing a decree till the year next but one, save that of favouring a poor man in his cause. No subordinate court in the mofussil ought to be entrusted with such ill-defined discretionary powers. Indeed I doubt if any court should be entrusted with them. For every time that they would be used to remedy a wrong, they would be used twenty times to commit one.

Section 170.—I propose a slight alteration in this section. As it stands at present, a landlord who sues a tenant for ejectment for breach must first request him, if the breach is capable of being compensated by damages, to pay damages, and allow him a reasonable time within which to pay them; then if they are not paid, and he sues the ryot, the court may still award damages, and the ryot, if he pays them, may protect himself from ejectment.

111. Now the way this section will work will, I think, be the following. No tenant will ever pay any attention to the notice: he will reflect that, even if sued, he will still get a *locus penitentiæ*; that if sued he can plead first non-receipt of the notice; second that the time allowed was not reasonable; third, that the damages claimed were excessive; in the ordinary course of things, he will reflect, it must be a year before the landlord gets a final order for ejectment (for there must be an appeal from such an order,) and he will then be able to save his holding by paying up the decree.

112. The proviso therefore that the landlord must give the tenant notice will only enable the tenant to keep the landlord at arms length some weeks longer. I propose therefore that in lieu of the notice preceding the summons in the suits it should state what sum of damages the landlord would accept, and if these were paid within, say, six weeks, or on the first hearing day, into court, the suit should be dismissed, the stamp fee might in such a case be refunded, as the court would have done really no work upon the case. On a sufficient reason being made out, the court might permit the accepted damages to be paid by instalments, and if the landlord's claim to damages was found on enquiry to be excessive, the court might make him pay full costs, as being responsible for the litigation.

113. *Section 173.*—Seems to me to need a little clearing up. If the plaintiff sues for the alternative relief, does he thereby admit the trespasser to be a tenant, and to have been a tenant all along from the date of the tortious entry? And is the trespasser, if he objects

to the rent assessed upon him, able to surrender the land at once (subject of course to the liability of paying the compensation assessed), or can the landlord insist on notice from him.

114. *Section 174.*—Suits falling under this section will be suits of no ordinary difficulty, and I should be extremely sorry to have to decide one of them in appeal with no memorandum of the evidence except some perfunctory notes taken by the court below.

115. On the question of judicial procedure, there remains only to be noticed the question raised in paragraph 25 of the Government letter.

116. First, as to the proposal to permit the zemindar to institute collective suits. I believe that this would be found quite impossible in ordinary cases consistently with securing the fundamental principle that a decree should not be passed against a man behind his back. In exceptional classes of cases it might possibly work satisfactorily, *e.g.*, when a zemindar is suing the whole of the ryots of a village for enhancement of rent or for measurement. In such case every ryot would know he was sued, and a very stringent rule ought to make it impossible for a zemindar to sue any omitted ryot in respect of the same cause of action.

117. But to allow a zemindar to sue 20 or 30 ryots, not being the whole of a village, in a collective suit, I think, would be very unsafe. It would be very easy to institute a collective suit in such a manner that several of the defendants should know nothing about it until the decree was passed; and even if there was no reason to suppose that any malpractice had obtained, the courts could never make certain but that some of the defendants, by some accident, had not received notice of the suit.

118. But even supposing this difficulty is overcome, such a practice would shorten litigation much less than its authors anticipate. When the parties were brought into court, every suit must, if necessary, be tried separately, and little time would be saved.

119. How the collective suits may have worked in Chota Nagpore I cannot tell; but a system which may work well among a simple and truthful race like the Kols might not be equally successful when applied to the more instructed Bengalees.

120. I think also that it would be very unsafe to enact that no *ex parte* cases should be re-opened unless the amount of the claim was deposited. This might be making it absolutely impossible for the defendant to re-open it, and when it was a fraudulent case, every care would be taken to make the claim so heavy that the defendant could not re-open it. I believe that in the present day summons are usually honestly served. I very much doubt whether it was the case 25 years ago, and I attribute it to the wholesome check on fraudulent services, created by the knowledge that the courts of justice are constitutionally disposed to give a liberal benefit of the doubt to the defendant, though I entirely deny that they have the excessive and unfair bias against the landlords in such cases, which the opponents of the Bill ascribe to them. I think also that it would be dangerous to prevent any ryot appealing unless he deposited beforehand the amount of the decree. In the case of appeal, however, as the appellate courts could always have the judgment of the lower court to guide it, appellants might specially in simple rent suits be compelled to deposit, certainly the costs of appeal, and perhaps, at the discretion of the court, some portion of the decretal money. Such an order should not be open to appeal.

121. The only plan I can suggest for shortening litigation would be to give the courts the power, when many suits are instituted, all involving substantially the same point, to insist on one or two selected cases being tried as test cases, and all the other cases decided accordingly. Setting aside cases of such a class as measurements and enhancements, there are to be found, even in common rent suits, many cases which turn entirely on a single point.

122. For instance, in many cases it is apparent that the real question in dispute is, whether certain jamabundies filed by the landlord, or certain batches of dakhilas filed by the ryots, are correct. Every experienced Judge knows that this is practically the only point about which the parties are at issue; and that, as he decides in one case, so he may decide in all. Other cases are whether the rents of a particular village are cash or corn rents, and there are several other classes of cases which I need not particularize. No doubt even at present the courts try as much as possible to save time by hearing such suits, as the phrase is, "together;" but this is not so effectual as if the matter were thoroughly threshed out on a single test case. Moreover, as a certain amount of evidence has to be gone into in each case, so much economy of time is not effected: and it sometimes also happens that some of the cases in which evidence has been carelessly recorded are taken up on appeal and get remanded. I think that a system by which the real question at issue was fought out in one or two test cases would be more satisfactory, cheaper, and more expeditious than the present system of hearing cases "together."

123. Beyond this suggestion, which does not perhaps go very far, I really cannot suggest any method for shortening litigation in rent suits that would be also consistent with the still more important object of securing to each party a fair trial.

CHAPTER XV.

124. This chapter calls for little comment. I would only suggest that the section 176, clause *c*, should contain a proviso that the purchaser might raise the rent of such holdings to the average of the arable lands of the village if it is let below it, otherwise a tenure-holder

might improperly diminish the value of his tenure by letting lands for such purpose at nominal rates with heavy fines, thus practically selling a portion of the tenure for his own benefit. I presume the court throughout this chapter means the civil court.

CHAPTER XVI.

125. This chapter merely recounts the existing Patni Sale law, with some moderation of language. I think it is almost a pity to abandon the old phraseology, which has received a judicial interpretation, for a new phraseology, which may lead to many doubts.

CHAPTER XVII.

126. The only point I feel some doubt is at clause "*d*." The commutation of rent in a strictly equitable manner will be very difficult, and when the landlord is a fair dealing man, and the ryot strong enough to protect himself against the extortions of the underlings, commuting is not a bad system. Possibly, however, it is not in cases of this sort that pressure would be brought on the ryot to contract himself out of the right.

127. *Clause* "(*g*)."—I have already expressed my opinion that a non-occupancy ryot ought not to be allowed to make improvements except on such terms as are agreed on with the landlord.

128. *Section* 216.—This is perhaps the best solution of the bastu question. I have in my paragraph 67 suggested some rules to define the bastu tenant's position a little.

CHAPTER XVIII.

129. *Section* 222.—In the interests of small co-sharers, I think this section should be struck out, leaving the matter to be governed by the existing Case law on the subject. It will make it impossible for any co-sharer to move unless all his co-sharers agree to join him. This will be a great hardship on the smaller proprietors. One single proprietor will be able to stop the action of all the others.

130. It often happens that in coparcenary estates, where the proprietors are on bad terms, a single proprietor will refuse his consent to any enhancement, measurement, &c. As the law stands at present, it seems clear that one out of many co-sharers may do the following acts :—

(1) If the ryot has agreed to pay rent separately to the co-sharer as single co-sharer, he may sue him for his single share, 21. W. R. 46.

(2) A single co-sharer may serve a notice on any tenant for enhancement of the rent and sue him for rent at an enhanced rate, making his co-sharers defendants in the suit, I. L. R. 7 Cal. 633.

(3) And one of several co-sharers can in a similar manner proceed to a measurement. I. L. R. 10 Cal. 36.

131. If this section is maintained, it will be impossible for any co-sharer in an estate to do this, unless all the other co-sharers unite; and consequently one or two obstinate or indolent co-sharers will be able absolutely to stop all the rest of the coparceners in doing anything to improve their estates, and will force them either to abandon their just rights, or to have recourse to the tedious and expensive alternative of partitioning the estate. I have always looked to the position of co-sharers in this respect as a very hard one. I strongly deprecate their being deprived of the equitable relief which the law, as settled by the decided cases, affords.

132. I have now commented on all the points that occur to me in this important Bill, and I wish only further to say that where I have not expressly noticed any section, I intend generally to assent to it.

No. 330, dated Chupra, the 30th July 1884.

From—H. W. Gordon, Esq., District Judge of Sarun,

To—The Secretary to the Government of Bengal, Revenue Department.

I have the honour to submit herewith my note on the revised Bengal Tenancy Bill, called for in your circular No. 5T—R., dated 28th May last.

CHAPTERS II and III.

2. The definition of ryot in section 5 (3) does not cover all classes of ryots, *e.g.*, those holding under *unregistered lakhirajdars*, who are neither proprietors nor tenure-holders as defined in section 3 (2), read with section 3 (1) or section 5 (1). The definition should be amended so as to include such ryots.

Paragraphs 4 and 5 of Government letter.

3. *Section 5 (5).*—The word "part" is too general. If the tenant let, say, a few cottahs of his land, he could scarcely be designated a tenure-holder within the meaning of section 5 (1), and yet under the above section the legal presumption will be that he is. Some specific portion, say a *fourth* of the holding, should be named in lieu of the word "part." In other respects, I think, the presumtion is a fair one and should be retained.

4. *Section 37.*—I doubt whether the provisions of this section will secure the object for which it is devised, or will be workable in practice. It is hoped that this section will discourage sub-letting. At any rate, it is considered to be a restriction on sub-letting, and at the same time that it will deter speculators from purchasing occupancy rights and improve the condition of the actual cultivators of the soil. But if it does discourage sub-letting by occupancy ryots, then, I presume, occupancy ryots will not sub-let for fear of being converted into tenure-holders, and money-lenders or speculators will therefore not be deterred from purchasing occupancy rights. And if the occupancy ryot does sub-let, as provided in the section, and is thereby converted into a tenure-holder, I do not see why in the long run these occupancy rights, which may be acquired in due course by their sub-lessees, will not eventually pass into the hands of money-lenders. Further, if the occupancy ryot sub-lets, will he come forward of his own accord to be registered as a tenure-holder? Will it not be to his advantage to conceal the fact that he has sub-let more than half his holding; for is not his position under the law better as an occupancy ryot than as a tenure-holder? How then can it be ascertained whether he is a tenure-holder or an occupancy ryot for the purposes of section 37? This is a difficulty which merits serious consideration. It seems to me, therefore, that instead of retaining this section, which will hardly achieve the desired end, and will be very difficult, if not impossible to work, it would be more prudent and politic to impose further restriction on the transferability of the right of occupancy, so as to prevent, as far as possible, occupancy holding from passing into the hands of speculators, and the danger to be apprehended therefrom, that the cultivators of the soil may by such transfer be reduced to the position of day-labourers. I will deal with this point when discussing Chapter V of the Bill.

CHAPTER III.

Paragraph 5 of Government letter.

5. *Tenure-holders.*—If section 37, as I have suggested in the preceding paragraph, be excised from the Bill, the Courts will not, I think, have very great difficulty in deciding what holdings are and what are not tenures. The definition of tenure-holders in section 5 (1), the provisions of section 5 (4) (with clause (*b*) excised), and the legal presumption (with the word *part* altered) in section 5 (5) will afford very material aid to the Court in determining this question. As regards enhancement of tenures, no instance has ever come under my notice during my service in Behar, and such cases, I am of opinion, will, under any circumstances, be very rare. The reason is that the principal tenure-holders in Behar are indigo-planters, who farm large tracts of country on a rental fixed by contract, and therefore incapable of enhancement. Generally speaking, I do not think the grounds of enhancement of tenure-holders and occupancy ryots should be the same. In some parts of Lower Bengal these tenures are of far greater value than the zemindari itself, and they are thus capable of paying enhanced rent in far greater proportion than occupancy ryots. The provisions of sections 6 to 10 on the subject of enhancement of tenures seem to me good and should be retained. The remaining sections of this chapter (III) do not appear to call for any comment.

CHAPTER IV.

Paragraph 6 of Government letter.

6. I think the 20 years' presumption rule should be retained. Tht zemindars, in my opinion, have not shown sufficient grounds for its repeal. No landlord who has a properly organised and supervised *sherishta* ought to find it difficult to rebut the presumption. It may be that there are cases in which auction-purchasers and other transferees of the landlords' interests are placed in an unfavourable position in this respect, especially when the out-going landlord sides with the ryot. But it seems to me that the principle of *caveat emptor* may very well be applied to such transfer. Every purchaser of landed property, whether by public or private sale, should, for the protection of his own interests, see that he is acquiring not only a valid title to the property he purchases, but all necessary documents, *e.g.*, village account books and papers, &c., which will enable him to know in detail what the rental of his newly-purchased estate is. The ryot's interest should not be prejudiced merely because the estate changes hands. He is no party to the taansaction. Generally speaking, I am of opinion that it is much easier for the landlord to prove that the tenants' rent, or rate of rent, has been changed within 20 years than for the tenant *to* prove the opposite. It has been suggested to me that in the case of *bonâ fide* auction-purchasers of an estate, when the Court has reasonable grounds for thinking that the ryot is supported by the out-going zemindar, the presumption should not be made. But I am of opinion that such a discretion should not be vested in the Court. I would, therefore, retain the presumption in its present shape without any modification.

CHAPTER V.

7. When an estate covers a large area (some area should be specified), I am of opinion that the capacity of a settled ryot to hold on an occupancy title all land betoken should not extend over a whole estate, but be limited to some local division, *e.g.*, a mouzah or village, which is a well-defined area. The privileges conferred on a settled ryot by section 25 (1) are curtailments of the rights of the zemindars, as they give him rights of occupancy at once in lands, which, under the existing law, he could not acquire in less than 12 years. Such being the case it is, I think, but fair to the zemindars that this privilege should be confined to land situated in the *village* in which, according to the definition in section 21 (1), the tenant is a settled ryot. I fear the provisions of sections 25 and 26 will embitter the relations between landlord and tenant, and cause considerable increase in litigation.

Paragraph 7 of Government letter.

8. With reference to section 27 (*b*), I think the parent estate should be deemed to be the estate referred to in the preceding sections, otherwise, owing to the frequency of partitions in Behar, settled ryots would be deprived of rights which these sections accord to them. I see no objection to the date fixed in clause (*b*). I would retain sections 28 and 29. The former applies to cases of sole ownership and the latter to cases of joint proprietorship, and they do not therefore apparently conflict. In cases of joint ownership section 29 will, I think, prevent right of occupancy lands from being converted into khamar or nij-jot lands.

9. I doubt whether an absolute power of transferability of his occupancy rights will improve the status of the agriculturist, which is one of the principal objects of the Bill, notwithstanding restrictions on transfer and other safeguards provided in the Bill. There will, I fear, always be the danger of some of the best lands in the country passing into the hands of mahajans and speculators, and of the actual cultivators of the soil being reduced to the condition of day-labourers. It is true that occupancy rights are already transferred in this district and other districts of Behar, but these transfers, as far as my experience goes, are generally brought about by the landlord himself, who sells and in most cases purchases the occupancy rights in execution for arrears of rent of the holding itself. Mahajans and speculators will not often purchase under the present law, because their title may not be recognized by the landlord. But matters will be different when absolute power of transfers is conceded to the occupancy ryot. Ejectment in execution of a decree for arrears causes great hardship in many cases, and an execution-sale is, I think, preferable. While, therefore, retaining transfer by sales of the occupancy holding in execution of a decree for its own arrears, I think it would be wise and prudent to restrict transfers by private sale or gift in other cases to resident ryots or village cultivators, *i.e.*, to the people with whom such lands would be most likely to be settled in case of abandonment or relinquishment. Such a restriction is no doubt opposed to the principle of freedom of contract; but when the improvident character of the people for whom the Government is legislating be considered, any objection on this head loses much of its force. When the people are naturally careless and reckless of their own interests and welfare, their rulers are bound to step in and protect them. The provisions of section 210 of the Bill show that this principle has been recognized and accepted by the Select Committee. I would not allow an occupancy holding to be sold in execution of a decree for debt other than its own arrears, and some provision ought to be made in the law allowing a co-sharer, who obtains a decree for arrears of his share, to sell the entire holding in execution.

Paragraph 8 of Government letter.

Clause (*b*) and clause (*c*) of section 31 are provisions in favour of the ryot, and should, I think, be retained in the Bill. Similarly sections 32 to 34 are in favour of the zemindar, and should also be retained as a counterpoise to the rights and privileges conceded to the ryot. But in section 33, after the word "decree," I would insert "for its own arrears," so as to exclude decrees in respect of other debts. Section 37 has been dealt with in paragraph 4 of this report, and I can only add that I think that if the above-mentioned suggestion as to restriction on transfer of occupancy rights by public and private sale be adopted the safeguard contemplated by section 37 will not be needed.

10. *Enhancement*—(*a*) *Grounds*.—The determination of the "prevailing rate" is no doubt difficult, and enhancement of suits on this ground are consequently rare. But no instances of the abuse of this provision have ever come under my notice in this district or in Mozufferpore; and as it is of long standing, and its abolition may tell unfairly on the zemindars, I am of opinion that it had better be retained. The grounds of enhancement embodied in section 43, clauses (*b*), (*c*), (*d*), are good and should be retained.

Paragraph 9 of Government letter.

11. (*b*) *Limits to enhancement*.—Limits to enhancement by private contract out of Court should, I think, be the same as those allowed in Court,—certainly as regards increased prices or fluvial action (as provided in the Bill)—and I am also inclined to think that the limit of enhancement on the ground of the prevailing rate should not be more than 25 per cent. on the previous rent. Zemindars, when they sue for enhancement on this ground, do not, I believe, ask for a larger increase than 25 per cent. The assimilation of the limits of enhancement in Court and by private contract will tend to discourage litigation.

Paragraph 10 of the Government letter.

Under section 41 (2) the registering officer should be strictly enjoined to explain the nature and contents of the contract to the tenant, and this ought to prevent any abuse of the provisions of this section. Generally, I am of opinion that the limitations on enhancement, subject to the above suggested modification in regard to the prevailing rate, are fair and appropriate. Section 46 should be retained intact. It is best to leave the Court to determine the amount of enhancement, with due regard to the provisions of clause (*b*) of this section, (*i*), (*ii*), (*iii*), and (*iv*). A definite limit to enhancement on the ground of improvements cannot well be fixed by law. In cases of enhancement on the ground of rise on prices, the increased cost of cultivation is a material factor, and a provision should therefore be added to section 45 directing the Court to take this matter into consideration.

12. *Section 42.*—I hardly see how any alteration can be made in the provisions of this section. Re-letting is a matter of contract and private arrangement between the landlords and the new tenant, and it is, I believe, an understood thing that the new tenant pays the same rent as the previous tenant. The proposed law is therefore in accordance with existing custom. I do not think it ought to be assumed that the rent which the new tenant agrees to pay is generally higher than the prevailing rate. Solitary instances may occur in which the rate is higher, but then the rate cannot be regarded as the prevailing rate. The rent again of a new tenant under section 42 can only be enhanced 25 per cent. in pursuance of a registered contract entered into by the parties themselves. Whatever danger there may be of the prevailing rate being gradually enhanced by re-letting, this will be lessened by improving the status of the non-occupancy ryot in the Bill. This point will be noticed in Chapter VI.

Paragraph 11 of the Government letter.

13. *Bastu lands.*—As far as my experience goes, *bastu* or homestead land in Behar are not generally held as integral portions of occupancy holdings. They are held separate, and the sale of the arable portion of the holding does not affect them. Homestead lands are mostly held rent-free, where the occupier is a man of high caste, or where his services are often called into requisition by the landlord. In cases of an old occupant ryot, the rent payable by him for his homestead land is usually very how. In Behar, I believe homestead lands lie within defined boundaries, generally denominated the *tola* or *bustis*, and the lands of *tolas* or *bustis* have no connection with the agricultural holdings of persons living in the *tola* or *busti*. In the absence of any express written contract between the parties, I am of opinion that homestead lands in Behar should be treated as permanent and *makarrari* (held on a fixed rental) holdings.

Paragraph 12 of the Government letter.

14. *Reduction of rent.*—I think section 51 should be left intact. Clause (*a*) will, as far as my experience goes, cover all cases in Behar.

Paragraph 13 of Government letter.

15. *Commutation of rents.*—The method of commutation seems fair and equitable, but the principles embodied in section 53 will probably be productive of disputes between landlord and tenant, and so tend to increase litigation. Occupancy ryots holding land on a money-rent almost always enjoy greater advantages than those holding land on a rent payable in kind. Commutation of grain-rents into money-rents will therefore benefit them and be injurious to the landlords. Disputes will consequently arise between them and litigation ensue.

16. *Price-lists.*—I am not aware whether price-lists have been preserved in this district for a period of 15 years. If they have, I should say they are not very reliable, seeing that they were prepared by the police, and were not properly checked or verified. Fresh lists, after most careful enquiry, would have to be drawn up of the prices of staple food-crops for the last 15 years. A correct table is of course essential for the guidance of the Court in an enhancement suit under section 45.

Paragraph 14 of Government letter.

17. I am of opinion (*vide* paragraph 10 of this report) that some allowance should be made for increased cost of production, *e.g.*, wages of labour, &c., in cases of enhancement on the ground of general rise in prices. This is an essential matter, and should be considered by the Court. No distinction need be drawn in the Bill "between remote districts unconnected by railways, &c., with large markets and districts enjoying good communications" The Court will take these matters into consideration under section 45 when considering the question of *increased cost of production* in any particular case. In Behar the prices of staple food-crops alone should be taken into consideration.

Paragraph 15 of Government letter.

CHAPTER VI.

18. *Non-occupancy ryots.*—I concur in the view expressed by His Honour the Lieutenant-Governor in paragraph 20 of the letter of September 27th, referred to in paragraph 16. There can be no doubt that the status of non-occupancy ryot needs improvement, especially in Behar, where the growth of occupancy rights is strenuously opposed by the landlords. The provisions of Chapter VI are not, I consider, calculated to improve the condition of non-occupancy

Paragraph 16 of Government letter.

tenants. Limits of enhancement in respect of occupancy ryots should be the same as those for non-occupancy ryots. I do not see why an occupancy ryot should hold at lower rates than a non-occupancy ryot merely because he has held the land for a longer time. He is protected from ejectment by the provisions of the Bill, whereas the non-occupancy ryot is not. The limit of enhancement in both cases should not, I think, exceed 25 per cent. of the previous rent. Further, leases should not limit the term of the tenancy, as this is opposed to the custom of the country. If the limits of enhancement in the case of both classes of ryots be equalized, then the apprehended danger of the effect of the provisions of section 42 on the prevailing rate will be considerably lessened.

CHAPTER VII.

Paragraph 17 of Government letter.

19. *Under-ryots.*—I think the provisions of this chapter afford sufficient protection to under-ryots. Section 37 has been remarked upon in paragraph 4 of this report. Section 38 will scarcely discourage sub-letting, as short leases are generally beneficial to the sub-lessor; and if the occupancy ryot in section 38 sublets more than half his holding under that section, he will, I presume, be converted into a tenure-holder under section 37. If this view be correct, the objections I have taken to section 37 in paragraph 4 of this report will be even stronger in the case of section 38, inasmuch as the period of the lease being limited to seven years, the acquisition of a right of occupancy by the sub-lessee (assuming the sub-lessor to be converted into a tenure-holder under section 37) will be effectually prevented. I therefore doubt very much whether section 38 will either discourage sub-letting or tend to improve the *status* of the cultivators of the soil.

20. Sub-letting has, I believe, done considerable harm to ryots in Behar. By sub-letting I mean the creation by proprietors and tenure-holders of *ijaras* (farms) or *thikas* (leases), *katkinas* (sub-leases), and *darkatkinas* (sub-sub-leases), and so on. These intermediate tenures and sub tenures are particularly ruinous to ryots when, as is often the case, the rental imposed is the *gross jumma*, without leaving any margin of profit to the tenure or sub-tenure-holder. The result is that that landlords in these cases, either by force or by harassing litigation, endeavour to compel their ryots to pay increased rent under the name of *ijaradar* or *kat thikadari*. Bitter disputes and ruinous litigation ensue. It is no doubt impolitic to fetter freedom of contract in any way; but in the interest of the peasantry, who are the sufferers in these cases, some provisions of law should, I think, be enacted to check and discourage the creation of these intermediate leases. All contracts which leave less than a profit of 10 per cent. on the actual gross collections might be declared void. Some provision might also be made to compel superior landlords to give correct accounts of the gross collection of villages, instead of the exaggerated and false *jummabundis* which are now frequently produced.

21. *Butwaras* again in Behar are a fruitful source of litigation between landlords and ryots. A good plan would be to empower Collectors at the time of each *butwara* to prepare a register of holdings, *i.e.*, a record of rights, binding *primâ facie* or conclusively on the *malik* and ryot. In the *jummabundis* filed by *maliks* for the purpose of butwaras they generally ignore *ryotti* holdings by styling them their *khudkasht*.

CHAPTER VIII.

Paragraph 18 of Government letter.

22. The question of 20 years' presumption has been dealt with in paragraph 6 of this report, and I do not find that the remaining provisions of this chapter call for special comment. Section 83, referred to in paragraph 17 of the letter of the Government of India, is, I think, in conformity with the practice and custom in Behar.

CHAPTER IX.

Paragraph 19 of Government letter.

23. *Improvements.*—The provisions of sections 87 to 94 are mostly unobjectionable. In Behar all classes of ryots should be allowed to construct wells, as they are absolutely necessary for irrigation purposes. I think landlords rarely object to ryots digging wells on their holdings. Section 90, clause (2), will probably tell hardly on the zemindar. This hardship might be mitigated by making the proposed law of payment of compensation not applicable to such cases.

24. With reference to the question raised in paragraph 2, clause (1), of the letter of the Government of India, I do not feel competent to offer an opinion. It can, I think, be best dealt with by the executive authorities.

Paragraph 20 of Government letter.

25. *Surrender and abandonment.*—I am of opinion that there should be a written notice of surrender or relinquishment, as under the present law. Verbal notices tend to fraud and perjury on both sides. With this modification I would leave section 96 untouched. The way

to deal with abandonment of holdings is very difficult, and the danger apprehended to arise therefrom may be diminished if the rate of rent of occupancy and non-occupancy ryots be equalized, as has been suggested in a former part of this report. I do not think an occupancy holding which has been abandoned should be sold. In all case of abandonment the landlord should have a right of resumption, subject to the provisions of section 96.

Paragraph 21 of Government letter.

26. *Measurements.*—I see no objection to the measurement of *lakhiraj* holdings in an estate or tenure, but it should be limited, I think, to a survey of external boundaries. The proprietor should have no right to enquire into internal details. I am of opinion that measurement should be made according to the officially determined local pole, which, if necessary, could be subsequently converted into English measure. This would be fairer to all parties interested, and less likely to lead to disputes.

Paragraph 22 of Government letter.

27. *Managers.*—I would expunge sections 102 to 109 from the Bill. The appointment of a Manager under the circumstances set forth in section 102 is, I think, unnecessary and will be prejudicial to the interests both of the landlords and tenants. In the province of Behar, where there is a large number of sharers in small villages, the appointment of a Manager would probably leave no profit to insignificant shareholders, and any inconvenience which might be felt by ryots in consequence of the existence of a large number of co-sharers and the indefiniteness of their shares in any village is done away with by the provisions of section 73, clause (*c*), which enable them to deposit their rent (when such a state of things exist) in the office of an officer specially appointed by the Local Government on this behalf in any local area. In case of any inconvenience to the public that may be apprehended by any impending breach of the peace, the provisions of the Criminal Procedure Code afford, I consider, sufficient safeguard.

CHAPTER X.

Paragraph 23 of Government letter.

28. On the provisions of this chapter I am not asked to offer any remarks.

CHAPTERS XI AND XII.

Paragraph 24 of Government letter.

29. I have no observations to make on Chapter XI. The record of a proprietor's private lands, as defined in section 138 (1), is absolutely necessary in Behar, where zemindars try their best to include mal lands within the designation of *serat* or *nij jot* lands, and endeavour to eject ryots by calling *ryoti* lands their *serat*, and so prevent accrual of rights of occupancy. I am not aware of any other kinds of proprietor's private lands in Behar besides those mentioned in section 138 (1).

CHAPTER XIII.

Paragraph 25 of Government letter.

30. *Distraint.*—If distraint is to be retained as part of the law, and on a careful consideration, I think, in the interest of the landlords, that it should be, I am of opinion that some exception should be made in regard to the crops of ryots who have no settled abode, or are wandering or semi-nomadic cultivators, and that the landlords should be legally empowered to destrain their crops of their own motion and without application in the first instance to the Civil Court. As the Maharajah of Durbhunga points out, even a day's delay in such cases would be fatal, and the law of distraint would thus be a dead letter, so far as this class of tenants is concerned. Simultaneously with distraint in such cases, the zemindars should send to, or file in, the Court a verified application in the form of a notice stating the particulars provided in the Bill. Further, I think applications under section 141 should be dealt with more promptly by the Court than that section provides. The words "with as little delay as possible" in clause (2) leaves the matter too much in the discretion of the Court. A specific time, say one week, should be fixed within which the Court should admit or reject the application. I would not allow the applicant any further time to adduce additional evidence. All his documentary evidence should be filed with his application, and if he wishes to adduce oral evidence, and the Court require it, he should have his witnesses in attendance on the date fixed of course with due regard to the limitation of one week alluded to above. It is to the interest of a *bonâ fide* applicant to get his application for distraint admitted without delay, and it therefore can be no hardship for him to have all requisite evidence ready at once for the Court's consideration. In other respects I do not see what can be done to quicker or cheaper procedure in cases of distraint.

CHAPTER XIV.

Paragraph 26 of Government letter.

31. *Judicial Procedure.*—I approve of most of the provisions of this chapter, but I consider that some alterations and additions might with advantage be made.

32. I object to section 164 in its present shape. Many instances may occur in which the third party is an auction-purchaser of the rights of the former landlord, or one whose title

has been declared by decree of Court, and it might be a hardship on him to have to make out a *primâ facie* case against the original plaintiff. In cases falling within the purview of this section, I think it would be better to allow intervention on the part of the third party pointed out by the defendant. A month's or even a fortnight's notice might be given him to intervene, and on his so doing the Court could, for the purposes of the suit, determine who is entitled to the deposit, and refer the plaintiff or intervenor, as the case might be, to the Civil Court for adjudication of the question of title. If the person pointed out by the tenant does not appear, or the plea raised by the tenant-defendant appears to the Court to be frivolous and vexatious, it may in its discretion direct the defendant to pay damages, not exceeding 12 per cent. on the money deposited, in addition to all costs incidental to such plea. In such cases no appeal should, I think, be allowed. Clauses (3) and (4) of section 164, as they stand, are calculated to encourage litigation, as they provide for an intermediate suit between a simple rent suit and a title suit.

33. The word *patwari* should I think, be added in section 161. It is desirable that zemindars residing within the local limits of the Court should verify their plaints and written statements themselves, unless the Court, in the exercise of a proper discretion, otherwise directs. An exception may be made in the case of *pardanashin* ladies.

34. Some of my subordinate judicial officers have suggested that the words "after due and careful enquiry" should be added to the form of verification prescribed in the Civil Procedure Code. The suggestion is, I think, a good one.

35. To section 163 (*e*), I would add :—"But the Court may, at its own discretion, ask the party to file a written defence." This seems necessary when a number of analogous suits are being tried together, as, if each defendant has to be examined by the Court, much time will be taken up, and the trial will consequently be protracted.

36. In section 171 (*e*) the words "after commencement of proceedings" seem vague "After service of summons," "or any notice of the institution of a suit, &c.," would be better Section 168 is a great improvement on the present law, and will diminish litigation by preventing appeals in petty cases. But as I believe more than half of the rent suits are for sums below Rs. 50, the selections of officers to exercise final jurisdiction under clause (*b*) will of course have to be very carefully made, and heavy work should not be thrown on them, otherwise there will be a tendency to slur it over. It will rest on the District Judge to see that a proper distribution and allotment of work is made, so as to ensure justice and avoid delay. I doubt the advantages of allowing landlords to sue a number of ryots collectively. When there is a large number of analogous suits, the plaint would be of inordinate length, and besides it would not, I think, be fair to the ryots to have the landlord's claims against them all mixed up in one document. Such a practice might occasion hardship or injustice to them. As a matter of fact, analogous suits are now generally tried together with the consent of the parties, and are governed by one judgment, but a separate plaint and written defence are filed in each case.

CHAPTER XV.

Paragraph 26 of the Government letter.

37. *Section* 176 (*d*).—I doubt the propriety of this clause. It gives occupancy right to sub-tenants against zemindars. If the occupancy right be not protected, the sub-tenant will endeavour to buy the holding and thereby keep off outsiders and money-lenders.

Clause (*e*).—Instead of "any lease of land," "lease given by the defaulter or his predecessor on interest" would be better.

Clause (*a*) will lead to disputes. The revenue sale law does not protect interests of this kind.

38. *Sections* 178 *and* 179.—Attachment and proclamation might be made simultaneously to avoid delay. The remaining sections of this chapter do not appear to be open to any particular objection.

CHAPTER XVI.

Paragraphs 27 and 28 of the Government letter.

39. The incorporation of *patni* sale law in the Bill is open to no objection. The same law might be made applicable to other permanent transferable tenures, such as *ganties*, *howalas*, *new howalas*, &c., which are held by middlemen; also to tenures of 200 bighas or upwards. Such tenures engross the greater part of a *zemindari*; and if the payment of the rent of such tenures be withheld, the *zemindar* is unable to pay the Government revenue, and his estate is consequently sold for arrears.

CHAPTER XVII.

Paragraph 29 of the Government letter.

40. The provisions regarding *char* or *dearah* lands are, I think, open to no objection. I would leave section 210 intact. The provisions embodied in it are highly necessary for the protection of the cultivating classes, who are too weak to protect themselves. The section is sufficiently complete.

CHAPTERS XVIII AND XIX.

Paragraph 30 of the Government letter.

41. I have no remarks to offer on these chapters.

42. *Government of India's letter, paragraph* 2 (2).—I think large dependent talooks might be registered as independent talooks liable to pay revenue to Government direct. This would save the zemindar the trouble and responsibility of collecting the rent from the holders of such talooks. Smaller dependant talooks might be subjected to the summary patni sale law to afford the landlord facilities to pay the Government revenue. It would be necessary, however, to have a register of such talooks prepared before they are made subject to the summary sale law.

Paragraph 31 and 32 of the Government letter.

43. *Government of India's letter, paragraph* 2 (3).—The summary sale procedure might be made applicable to rent-free tenures in cases in which the road cess and public works cess exceeds, say, Rs. 100 per annum by bringing to sale such a portion of the tenure as would be sufficient to meet the demand, or the cesses might be made payable by the *lakhirajdar*, say, six months in advance of the time fixed for payment of them to Government, so as to enable the zemindar to institute a suit and realize the cesses in time.

44. *Government of India's letter, paragraph* 2 (5).—The saving provisions of section 214 might be applied to tenures similar to *utbandi* and *hal-hasli* tenures. I do not know of any such tenures in Behar.

45. *Government of India's letter, paragraph* 2 (6).—As regards *gorabandi* and similar holdings, referred to in paragraph 34 of the Government letter, perhaps it would be better not to take away the zemindar's right of pre-emption. I am informed that in Bhagulpore *gorabandi* holdings are very ill-defined, and are frequently the subject of disputes with the *malik*, so that the saving provisions of section 217, if applied to them, might lead to useless litigation. On this point, however, my experience does not enable me to express any positive opinion.

46. I am not aware of any "local custom in Behar which recognizes any right in a ryots to his holding, although he has not held it for 12 years, and so acquired a statutory right of occupancy." The subordinate judicial officers of this district, whom I have consulted, are also unaware of the existence of any such local custom.

Paragraph 3 of Government letter to Judges.

No. 523, dated Arrah, the 5th August 1884.

From—J. TWEEDIE, Esq., District Judge of Shahabad,

To—The Secretary to the Government of Bengal, Revenue Department.

I have the honour to enclose a report on "The Bengal Tenancy Bill," as called for in your letter, marked Land Revenue, Circular No. 5T—R, dated Darjeeling, the 28th May 1884.

I have not had time to have my original draft copied, so have nothing for record in this office. I therefore send this cover registered, and would also ask the favour, if the report be printed, of your sending two copies for deposit in my office.

Report on "The Bengal Tenancy Bill," as called for by the letter of the Government of Bengal, marked Land Revenue, Circular No. 5T—R, dated Darjeeling, the 28th May 1884.

I must premise that I am of opinion that the Bill ought to be considerably modified. There are at least three reasons for this. *First*, there is no call for a Bill of so extensive a scope as that under consideration; no agricultural crisis; no material defect in the present law; no great difficulty in working it. *Secondly*, it affects injuriously the "*actual proprietors of the soil,*" as these words have been authoritatively interpreted by the highest courts, and as they must stand until they have been repealed or specially explained by legislation. *Thirdly*, it is at variance with another (unrepealed) Act (*viz.* Regulation II of 1793), inasmuch as it ousts the civil courts from jurisdiction in certain civil matters, and replaces these within the jurisdiction of executive officers.

2. I make these remarks only to explain that what I have to say below is said on the assumption that the Bill is to go on on its present lines. Much of what I have to say would not be said were the whole question still an open one.

3. I follow as nearly as possible the paragraphs of the letter above quoted.

CHAPTER II OF BILL.

4. The definition of a "*raiyat*" and of a "*tenure-holder*" seem clear and distinct until section 37 comes into play. It is, I think, in its main provision, quite unworkable. It depends on a non-existing Act of the Legislature for its force and vitality, and the "*explanation*" may

Paragraph 4 of letter.

leave many an undoubted "*raiyat*" a "tenure-holder." Great confusion will arise. The question of whether half has been let or not will be a source of constant difficulty. Every "occupancy raiyat," who wishes to be considered a "tenure-holder," may enjoy the advantages of the latter, along with the actual status of the former, by sub-letting more than half his property for six months or less.

5. The object of section 37 is that it shall act as a check on sub-letting. I fear that in many cases it will have a contrary effect.

6. Two ways occur to me, as the result of many years' thought on the subject, by which both sub-letting and speculative dealing in occupancy rights by classes of the community who are objected to (as mahajuns) might be checked. One is to enact that no occupancy raiyat who sub-lets his land, or any part, shall recover in a court of justice excess rent by more than 6 per cent. on what he himself pays, except in the reserved cases (*a*) and (*b*) of section 38. The second plan, which seems to go quite to the root of all disputes about rent and subletting, is to declare legislatively, and as far as such a thing is possible, finally, what maximum proportion of the value of the produce shall go to the "actual proprietor of the soil," and what is the maximum which may be taken from the actual tiller of the soil—to fix, in fact, a fair statutory rent which shall be the maximum payable by the person who "raises the crop," and to leave all ranks and grades of "landlords," from sub-letting occupancy raiyats to zemindars, to share this rent as the contracts existing among them may regulate, the State ceasing to vex itself about how it is divided or who shares in it; this is my simple and direct proposal. The proposal includes a settlement of all questions relating to under-raiyats and non-occupancy raiyats. The proportions which seem to me to be fair are 33 per cent., and 67 per cent., calculated on the value of the produce, without allowance for costs of production or risk of anything. Thus the landlords would get their 33 per cent. without risk or trouble, and the actual tiller of the soil his 67 per cent., less costs of production, risks of bad seasons, and so forth. Value of produce should be settled with reference to staple produce only, and on the basis of current price-lists; and where the cash amount has once been fixed, it should not be revisable within less than decennial periods. (Here see *post* paragraph 21.)

7. The presumption in section 5 (5) will often be (what no "*presumption*" ought ever to be) *primâ facie* contrary to the facts: as, for example, when a raiyat is diligently cultivating one hundred bighas and has sub-let one bigha.

8. As connected with this subject, I note that it is impossible to think of two persons having an occupancy right in the same piece of land. If therefore under-tenants are allowed to acquire this right, the same right must become extinct in the previous holder, *i.e.*, the original occupancy raiyat. It is at this point, viz., when an occupancy raiyat had lost his own occupancy right by allowing it, through lapse of time, to pass over to his under-tenant, that the former should become a "tenure-holder," and not before, or (except by contract) otherwise.

CHAPTER III OF BILL.

Paragraph 5 of letter.

9. The provisions here made for the enhancement of the rent of tenures seem fair and workable. Whenever it is disputed as to whether a holding is a "tenure" or not, the court can easily try the matter as a question of fact with reference to the definition. If section 37 stands, however, the matter will become difficult, and endless delays will occur, while the true area of the occupancy raiyat's land is being ascertained, and the question of whether he has sub-let half or not is being enquired into.

CHAPTER IV OF BILL.

Paragraph 6 of letter.

10. *The 20 years' presumption rule, section* [64 (2)], is here introduced for discussion. I would say—

i. The "presumption" becomes year by year less likely to be true, and probable truth is the only justification for a legal "presumption."

ii. The new law, like the old, should require of the tenant a clear, formal plea that his tenure has been held, &c., since the date of the Permanent Settlement. Section 64 (2) seems to dispense with this most essential preliminary.

iii. The rule presses with hardship on both landlords and tenants. I would suggest the following more general rule instead of the present one:—"Whenever in any suit under this Act, in which an enhanced rent is demanded, a tenant shall plead that he has held his tenancy since the date of the Permanent Settlement at a fixed rent, or rate of rent, which has never been changed, and it is shown to the satisfaction of the court that the tenancy is an ancient tenancy, and that it has passed by descent in at least one proved instance, then, and in that case, the plea shall be taken to be true, unless the contrary shall be proved by the plaintiff."

CHAPTER V OF BILL.

Paragraph 7 of letter.

11. I abstain from making remarks on the *settled raiyats'* rights, because, as I understand section 25, it enlarges the occupancy right in a manner and degree which (according to the views which I hold) are unfair to the rights of maliks. I cannot detect any conflict between section 28 and section 29 (I). The former relates to cessation of occupancy right in one who has previously held it: the latter to one of several maliks acquiring also that kind of tenant-right by cultivating as a tenant for the necessary 12 years under his co-maliks. I can see nothing in these sections which would lead one to fear that if an occupancy raiyat purchased a share in his malik's estate, his own previously existing estate in the lands of his tenancy would be in any way affected.

Paragraph 8 of letter.

12. *Incidents of occupancy rights especially, section 31 (b) (f), and (g).* Of (*b*) improvements I fully approve, and shall make some remarks on the subject later (see *post* paragraph 40.)

13. As to (*f*) (transfer), I think it may be taken for granted that it has been finally decided to make occupancy rights transferable. The prevailing opinion among land-owners, native and English merchants, and mahajuns, is that it will be a fatal gift to the tenantry. The opinion of the tenantry cannot be ascertained because they, as a body, have no definite knowledge regarding the Bill, nor any mouthpiece. As a matter of general principle, I favour the largest possible liberty of action and freedom of contract; and, with the right of the landlord to select his own tenant preserved by the pre-emption clause, I am in favour, as a matter of principle, of granting full transferability, *with one exception.** But I doubt, in the face of so strong a body of opinion making the other way, and the objections entertained to certain classes of the community having facilities for the acquisition of occupancy rights—I doubt, I say, whether the time has yet come for making occupancy estates transferable at the pleasure of the raiyat.

* See paragraph 17.

14. This clause 31 (*f*) [as well as (*g*)] requires the words "*subject to the provisions of this Act*" instead of the present words "*subject to the rights reserved to the landlord by this Act.*" The principal section here alluded to may be taken to be section 97 (against splitting up tenancies), and it is more in the nature of a restriction on the tenant than of a right reserved to the landlord.

15. *Clause (g).*—So long as a "*sub-lease*" is not allowed to introduce any change whatever as between the original lessor and the original lessee, I can see no objections to sub-leases as mere matters of contract. Section 97 goes a certain length in this direction, but I think it should be re-cast so as to be more comprehensive in the direction above indicated, *i.e.*, the safeguarding of the contract between the original lessor and lessee.

16. "*Mortgage*" gives a "*raiyat*" practically the power to fix his own price. To 34 (2), therefore should be added a proviso thus: "Provided a landlord, in order to redeem a mortgage, shall in no case be required to pay a larger sum than the fair value of the property, such value to be settled, if necessary, by the court." Fictitious mortgages, by which purchases at auction sales have practically to pay the price (or more) over again to the owner, by way of getting rid of a previously existing "burden," are by no means uncommon.

17. "*Gift*" renders nugatory all the previous provisions made to preserve the landlords' rights. All "*transfers*" will be called "*gifts.*" It is not said in the Act (as implied by section 21 of the "report") that a landlord may contest a gift. No "gift" should be valid unless made by the landlord's previous consent, which should be in writing and registered, so as to avoid future disputes. This is the exception alluded to in my 13th paragraph above.

18. I think no possible means of preventing sales to mahajuns can be invented except a plain provision which shall prevent them from buying. And how define a mahajun? Many a "raiyat" is a "mahajun," if dealings in loans of money and grain make a man a mahajun. Such a provision as "a raiyat shall not transfer by sale except to another raiyat," leaving any alleged violation to be tried on the facts proved, would go far to meet the object in view, namely that transfers by sale shall "be restricted to the cultivating classes only." But what about "gift" and "mortgage," which are only roundabout ways of sale, when the donor or mortgagor so desires? And if a raiyat cannot "mortgage," he cannot raise a loan, so that on the whole I conclude that, if transferability be granted, it becomes impossible to exclude any class of Her Majesty's subjects from becoming purchasers. Sub-letting, as has already been shown, may be so regulated as in effect to exclude the objectionable classes by limiting the possible profits from sub-letting to such a figure as shall repel (not attract) the monied mahajun class.

Paragraph 9 of letter.

19. (*a*) *Grounds of enhancement,* (*b*) *Extent of enhancement.*—My opinion is that the ground of enhancement based on the "*prevailing rate*" should be struck out. The old "*pergunnah rate,*" if ever it existed, has been lost and is irrecoverable. In the present day the "*prevailing rate*" is, as rule, manufactured by the aid of raiyats bought over to submit to enhancement, and the new rate thus introduced is made to spread over the country by the agency of the courts. The other grounds should be those proposed in the Bill, and those only.

20. As regards the extent of enhancement, I have already stated that my opinion is that a legislative "fair and equitable" rate of rent should be established; that enhancement should be allowed up to this rate; and that, subject to this limit only, full effect should be given to the evidence in each case. To say that the evidence justifies a four annas increase in the rupee, but the court shall give only two annas or three, seems an unjudicial provision, and the existing details and restrictions will give rise to paralysing difficulties in practice.

21. I should perhaps have specially noted above that my proposal, as set forth in paragraph 6 of this report, and again in my last preceding sentence, differs materially from that referred to in paragraph 10 of the letter of the Government of India. My proposal is so adjusted that it leaves the same margin of profit in all conceivable circumstances, both to the landlord and to the tenant. It is suited equally to every locality and every staple crop. It cannot give any encouragement to enhancement claims, for, if a favoured raiyat pays only 12 per cent., the same process as is necessary in case of the Bill as it stands must be gone through under my plan, if it is sought to make the raiyat pay 13 per cent. Of course, without "*average standards*," the scheme is unworkable, and this is neither more nor less true regarding this scheme than regarding the existing scheme: for wherever, under the existing scheme, increase of productive powers, or even increase of prices, has to be enquired into, all the matters referred to by the Government of India as all but hopeless of solution must be determined. These matters at least can never be settled by a judicial enquiry held by courts in each separate case. Either the problem must be abandoned, or enhancements must be made with reference to staple crops, average yield prevailing price and cost of production as executively ascertained, and this although every one must admit that such ascertainment will be only approximately correct. As regards costs of production, I would consider these sufficiently provided for by the large margin left (rather more than 33 per cent.) to the raiyat over and above an equal division of the produce between him and the landlord. The figures may be thus stated: profit to landlord 33·3, profit to actual tiller of the soil 33·3, all risks and costs of production as falling on the raiyat 33·3= total 100.

Even if my scheme is considered to be at least very similar to that referred to in paragraph 10 of the Government letter (India), still I would most respectfully urge a reconsideration of the matter, as long experience forces on me the conviction that no scheme can be practically workable except one or other of two—either "*demand and supply*" unchecked and uncontrolled, or a legislative "*fair rent*" fixed on the actual tiller of the soil, and divided by conflicting landlord interests as custom or contract may regulate.

22. Private contracts of enhancement should be free of all control so long as the actual tiller paid no more than 33 per cent. But they should be evidenced only by a registered instrument. I must here note prominently that in many instances the "*registering officer*" will be found not to be a man capable of deciding whether a contract of this kind is or is not in accordance with the Act [41 (2)]. In fact, this fact should be ascertained by an officer of the rank of a Deputy Collector who, after satisfying himself on all necessary points, should endorse the document "*passed for registration*," which endorsement should be sufficient authorization for registration in so far as (1) conformity to the Act, and (2) valid and voluntary execution by the tenant, are concerned. Stamp and other details being found correct by the registering officer, registration should be granted on bare presentation by the lessor, and without further enquiry at the registration office. Courts of justice, however, should not be in any way bound by the finding of the Deputy Collector (or registration officer, if he still be maintained, charged with this duty), that a contract is in accordance with the Act.

Paragraph 11 of letter.

23. This paragraph well illustrates the abundant crop of difficulties which springs up from legislating in too great detail, and in some measure in a direction contrary to the lines of political economy. I cannot solve the difficulties propounded in this section. One thing is quite clear, that without a specific Act to the contrary, a landlord may, under judicial interpretations of laws now in force, do whatever he likes with land which is part of his property, and in which no one holds an adverse estate. Section 42 will, if non-occupancy rents are left wholly uncontrolled, doubtless work to the enhancement of occupancy rents up and up indefinitely—will introduce, in fact, a second set of occupancy rates, which will be used as "*prevailing rates*," and worked so as to bring up the occupancy rents of other lands to a level with the new set of rates. It should, however, be noted that section 42 does not give to a settled raiyat *a right to demand* a lease of the land there spoken of. If the landlord does not choose to let the land to a settled-raiyat, settled-raiyats must do without it. Therefore the words "*he shall not be bound to pay more than*," &c., seem hardly appropriate to the circumstances. I think that nothing but trouble can come from the section as it stands; that the landlord's present right to do what he chooses (subject to the statutory rent) with land which is, or which becomes, his *khas*, should be fully and generously acknowledged everywhere, and that no legislation on the subject should take place.

Paragraph 12 of letter.

24. *Bastu lands.*—No case of enhancement of these occurred within the term of my experience in Behar. But I have had much to do with the subject in Nuddea and elsewhere. I

never could discover any good grounds for enhancing the rents of *bastu* lands. If ever legislative interference were justifiable as between lessor and lessee, it is in case of these lands. A fixed uniform rate should be declared without scruple as applicable wherever separate assessments on account of *bastu* lands exist. Here in Behar, so far as I know, these lands are not separately assessed. I had, not long ago, a series of cases in which a landlord sought to evict his tenantry from their homes because they disputed his demand for rent. Such was the real, but not the alleged, ground. It would be difficult to say what the alleged ground was. It resolved itself into an assertion that the *bastu* land was held on service-tenures. I found that the lands were held from time immemorial as adjuncts to the cultivated area, but not part and parcel thereof. I dismissed the cases. They are now on appeal. Probably the finding above recorded expresses what is true generally regarding *bastu* land in this district. But the Collector will be able to speak more authoritatively on this point.

Paragraph 13 of letter.

25. Here we require a third ground of reduction of rent, *viz.*, where the benefit accruing from a landlord's improvement, in consideration of which an enhancement has been obtained, ceases or becomes of less advantage than before.

26. In 64 (*a*), for "*or other like calamity,*" I would read "*or any other cause.*"

27. As regards section 64 (3), "a fixed proportion of crop" cannot, I think, be *by itself* considered a "natural and equivalent antecedent of a money-rent invariable over a term of a year." I have already stated my views on this subject in some detail. [See also paragraph 62 (*i.*)]

Paragraph 14 of letter.

28. *Price-lists.*—No remarks as regards their preparation, but a record of my opinion of their great and beneficial advantages, and of their superiority, even if not absolutely accurate, to any evidence at present available to a court of justice. I would make these lists as true and accurate a statement *of prices only* as possible, leaving for allegation and proof in courts any of the minor matters affecting them in their relation to enhancement claims mentioned at the close of the paragraph under reply. These would all form proper elements for consideration when a court was deciding what was a fair and equitable degree of enhancement.

CHAPTER VI OF BILL.

Paragraph 16 of letter.

29. *Non-occupancy raiyats.*—I have already exhausted this subject. I have only to add that the mind's-eye should be continually directed to these, and not to the "occupancy" or "fixed-rate" raiyat. The non-occupancy raiyat at one end, and the ultimate landlord at the other, are the two factors. Intermediate persons are of less interest, at least to me. Settle on the ancient *bhowli* system (indigenous to the country), transformed into cash equivalents, how much of the produce shall go to the "non-occupancy" raiyat, or actual tiller of the soil, and how much to the actual proprietor. Let this be "*fair and equitable,*" and do not trouble much as to the share of the proprietor's rent which goes to him and the share which goes to intermediate landlords, whether these latter be "occupancy raiyats" or others. Secure privileged raiyats in their privileges by prohibiting enhancement where prohibition is possible, and by limiting enhancement to the reasons already discussed, as also to the degree in which these reasons affect each tenancy in case of "occupancy raiyats," and a very simple and a workable Bill will be the result. I very thoroughly agree with His Honor the Lieutenant-Governor's remark, near the foot of page 9 of the letter under reply, that "if a rack-rent limit is to be preserved, it should be the same for both occupancy and non-occupancy raiyats," only for "*rack-rent limit*" I would write "*fair and equitable maximum.*"

30. My view on the last section of paragraph 16 is that, if this Bill becomes law, the zemindars will bestir themselves to make the best of their rights, and that all, except indolent and foolish men, will take adequate means to prevent the growth of further occupancy rights. The plan of *maxima* rents at one-third produce-value practically means fixed rents at that proportion for ever, as the highest payable, with advantages on the tenant's side of holding at less if he is already an "occupancy-raiyat," or if "demand and supply" enable him to get land on better terms. I do not see what more should be wished or aimed at even for a "non-occupancy" raiyat. I cannot decide in my mind whether the provisions as they stand improve the position of the non-occupancy raiyat or injure it, or leave it *in statu quo nunc.* Experience alone can show.

CHAPTER VII OF BILL.

Paragraph 17 of letter.

31. I have nothing to add to what I have said regarding under-ryots' rents. These ryots are my "*actual tillers of the soil*" in the lowest grade, as the "*occupancy-ryot*" is of the highest grade (whose rent admits of enhancement). I would allow an "occupancy-ryot," under section 88, to grant a lease to endure as long as the lessor's tenant right (of any kind) might endure, with right of occupancy to the under-tenant (holding long enough), and trans-

lation to the rank of *tenure-holder* to the "occupancy ryot" whose occupancy right thus passes from him; all as has been already stated. It is these endless details, and want of unity either in principle or in practice, which will make this Bill, if passed, very difficult to work.

CHAPTER VIII OF BILL.

32. *Rent receipts.*—The provisions regarding these are of the utmost importance, and might alone suffice to remove two kinds of the disputes about rent, and of the difficulties of the courts. Every step made to substitute something in place of the worthless oral evidence of the country is a great gain to the administration of justice.

Paragraph 18 of letter.

33. *Section* 70 (1).—After "*receipt,*" I would insert "*or a receipt partly printed and partly written.*"

34. *Section* 70(4).—It is very important that the word "*substantially*" should be struck out. What is actually necessary should be finally prescribed, and nothing short of full compliance tolerated. To how many appeals will the word "*substantially*" give rise! And how often shall we see illustrated the truth of the old proverb "*Quot homines tot sententiæ*" on the question of "*substantial*" sufficiency!

35. The "arrear" column on the back of the receipt should specify the year for which the arrear is said to be due. So also the "current" year should be named. Payments made shortly after the close of a year are generally considered as "current," though technically they are "arrears." The mention of the year would remove all doubt.

36. In connection with this subject, I may remark that in two large zemindaries of this district, the plan of using printed forms (with manuscript entries)—foil and counterfoil—has been adopted, to the great benefit of all parties concerned, including the courts. But I must add that unless the forms are numbered and bound into a book, as in the two zemindaries above spoken of is done, there will be little or no benefit. The mere order [section 70 (2)] that a zemindar shall keep a counterfoil is plainly inadequate. for he may at any time deny that such a thing ever existed. The law therefore, as it at present stands on this subject, leaves the courts very much as they have been during the last half century whenever a ryot puts forward a receipt which the landlord says is forged. It is also a pity to come so near to the solution of a most important matter, and yet leave it unsolved. My suggestion is, as it was in 1862, to provide at all munsifis, thanas, and other stations a supply of properly-secured books, foil and counterfoil, the sheets of which shall be duly numbered, or so marked as to render alteration or suppression impossible; to keep these for sale at cost-price; and to compell all rent-receivers, without exception, to make use of these receipts, and of these only.

37. *Section* 80.—From a legal point of view, "*interest*" is "*damages.*" I would therefore strike out the second clause, beginning "*provided that,*" and for "*such damages,*" near the end of the first paragraph, I would read "*interest.*"

37. *Section* 82 (5).—It should be made very clear that the appraisement or division of crops shall not be hung up pending the decision by the civil court of the matter referred to it under this clause. To *bhowli* rent business and to distraint the continual objection arises that the rich man oppresses the poor by delays and proceedings which threaten the total destruction of the crop. The reference under criticism should end in an *ex post facto* decree for damages only, and the division and subsequent gathering of the crop should proceed at once under such orders as the Collector may issue.

38. *Section* 84. *Liability for rent on change of landlord.*—After "*transferred,*" enter "*or assigned.*" When a transfer or assignment is made by private contract, the notice should come from the transferor. A, a tenant and debtor, cannot well, *i.e.* safely, put an end to his contract with B, his landlord and creditor, at the order of Z, alleging himself to be the transferee of B. Much litigation has arisen on this point.

39. *Section* 85. *Illegal cesses.*—These, as it appears to me, require to be dealt with much more in detail. In these parts, additional payments under the names of "*neg,*" "*sarakh,*" &c., are the fixed rule. The former is a contribution to the patwari's salary; the latter is paid for village roads, and the High Court has ruled that it must be paid where past practice has created an obligation, even where the tenant also pays "road cess" and "public works cess." In my opinion it would be well to enact that wherever road cess is paid by any tenant, he shall not be bound (anything in past practice notwithstanding) to pay also this cess known as "*sarakh.*"

CHAPTER IX OF BILL.

40. *Improvements, &c.*—The question so often the subject of litigation, namely, whether the planting of trees by a ryot should be considered an authorized improvement or not, ought to be here legislatively settled. My view is that all ryots should be allowed to plant such easily-removed things as bamboos and plantain trees at their pleasure; but that, without the consent of the landlord, they should not be allowed to plant permanent trees, like mango and jack, over a larger area than one-twentieth of their holdings.

Paragraph 19 of letter.

41. 93 (1)—*Compensation for improvements on ejectment.*—After "*holding*" must surely be put in the words "*otherwise than in execution of a decree for arrears of rent.*" In nearly all cases of such ejectment a landlord has to go without his arrears. To make him also pay up for improvements which may have been made against his will [90 (2)] seems to me a very hard provision.

42. 94 (1) (*e*).—I think that the time for which an "improvement" has been enjoyed should always be taken into consideration in reduction of the amount of compensation money.

43. Every rank and class of ryot should be allowed to dig a well wherever he thinks fit. No "compensation" should be allowed for wells. They give their own profit at once, and sufficiently, to those who use them.

Paragraph 20 of letter.

44. *Surrender and abandonment, section* 95 (1) (*e*).—A presumption of abandonment from the fact that the landlord lets the land to another tenant will, in these parts, work much wrong. I may say that here it is almost the ordinary course of practice, when there is a desire to get rid of a tenant, or to make land *khas*, simply to let the land to another who fights his way into his grant if he can, by force or through the courts. The courts are generally used. The work is begun by appealing to the criminal courts, on an allegation of possession for a time, of having sown the crop in the ground, and so forth. This, as a rule, fails of success, but has always a chance to succeed. Then follows the civil suit by the unsuccessful party. The clause should, I think, be struck out.

45. *Section* 96.—Under the arrangement here set forth, the crop will be lost, as well as a considerable portion of the year's rent. The provisions for the safeguarding of the ryots' interests, as here laid down, are, I think, somewhat more than one has a right to expect who has (i) voluntarily abandoned his residence, (ii) given no notice to his landlord, (iii) made no arrangement for the payment of rent, and (iv) ceased to cultivate the holding both by himself and by proxy. The rights of such a man should cease and for ever be at an end from the date on which he does these things. I do not think that his rights are in any way jeopardized by the provisions here proposed. The case contemplated by section 96 has of course no analogy with the case of letting over the head of a lessee still present on his land, noticed in my last preceding paragraph.

Paragraph 21 of letter.

45. *Section* 101 *of Bill.*—I think that the measurement of lakhiraj holdings by the zemindar should be confined to the external boundaries of each detached plot of such land. Actual measurements should be by local standards, so that parties interested may be able to understand the proceeding.

Paragraph 22 of letter.

46. *Section* 102 *of Bill.*—I think that, as far as matters connected with a Rent Bill are concerned, the provisions for the appointment of *managers* are unnecessary. The ryots seem sufficiently protected against the effect of disputes among sharers by the extended provisions for deposit of rent. The two clauses (*a*) and (*b*) (inconvenience to the public and injury to private rights) are clearly matters at best very remotely connected with a Rent Bill.

CHAPTER X OF BILL.

Paragraph 23 of letter.

47. *Record of rights.*—My views on this subject are not asked.

CHAPTERS XI and XII.

Paragraph 24 of letter.

48. I know of no other land than that mentioned in these chapters in which the right of occupancy has not been allowed to the ryot. I entertain a very strong objection to the provisions here made relating to the *zeraat* lands of maliks. These, as every one knows, are portions of land which maliks have managed to preserve from the gradually increasing force of tenant-right. They constitute the demesne lands, or home-farm lands, of the native gentry. In my opinion, everything should be done to assist them in all honest attempts to resist the spread of tenant-right of any kind or degree over these lands. Chapter XII is (in detail) subject to at least these objections—(*i*) it gives to "*any tenant of the land*" a right to challenge the malik's title, which includes raising a dispute where none before existed; (*ii*) it goes counter to a well-known and firmly-established principle of law, by requiring that the owner of the land shall prove his title, that the person in possession shall justify that possession, and this by proving its continuance backwards for full 12 years, the period required for *gaining* a title by adverse possession, or "prescription" as it is sometimes called; (*iii*) it violates the principles enunciated in Regulation II of 1793, by making revenue officers judges of the courts of first instance in purely civil court matters.

CHAPTER XIII OF BILL.

Paragraph 25 of letter.

49. *Distraint.*—I observe that the question of abolishing distraint altogether is no longer an open one. I therefore merely point out that action by distraint is a very clear violation of what has elsewhere* been laid down as a fundamental

* Letters of Government of India, paragraph 26.

axiom, *viz.*, that a ryot shall not be compelled to satisfy, even provisionally, any money claim unless he has been heard in his defence. The provisions contained in the Bill on this subject are, in my opinion, good, and should be enacted in supersession of the existing law, the retention of *distraint* being taken as decided on.

CHAPTERS XIV AND XV OF BILL.

50. *Judicial Procedure.*—No one, I think, will deny that the procedure in suits under this Act should be as prompt as is consistent with justice, and no one, I also venture to think, will be of opinion that the existing proposals will secure that end. Even attempts to shorten processes are not successful. Thus 163 (*c*) provides that no "*written statement*" shall be filed without the leave of the court. But a written statement must be prepared *by some one*. The only question is, by whom? By the defendant, or by the Munsif? This has been overlooked. Also any man of experience will say that it is ten times more convenient to have a "written statement" put in at once by a defendant, than for a presiding officer to endeavour orally to find out what a defendant, generally illiterate and often dishonest, really stands upon as his defence.

Paragraph 26 of letter.

51. The principles on which I should like to re-cast this chapter are as follow. Some of the clauses which follow are based on a conflict of ruling of the High Court, which, however, it does not seem necessary to quote.

I.—The ruling principle should be to assimilate the proceedings under the Rent Act to proceedings in Courts of Small Causes, both in respect of procedure and of the result or effect of decisions. If this were done, the following, in my opinion most beneficial, results would follow:

(*a*)—In all money disputes the decision of a Munsif or of a Subordinate Judge would be absolutely final up to such maxima as the Local Government might direct. (So of a Judge if he tried any original suit.)

(*b*)—Beyond these maxima, and up to Rs. 500, there would be an appeal to the Judge.

(*c*)—Only in cases over Rs. 500 could either side drag the other to Calcutta for appeal in the court of second appeal, or over Rs. 5,000 on first appeal.

(*d*)—The much-vexed question of the effect of determinations bearing on title passed by courts sitting as rent courts would be for ever at rest. Such courts (like Small Cause Courts) would take only what is called "*incidental*" cognizance of matters relating to title in so far as they threw light on the ultimate issue in the suit. There would be no appeal from the opinion expressed after such "incidental" cognizance but any party aggrieved might have his regular civil suit, if he desired it, afterwards. I notice here that a very little ingenuity on the part of either plaintiff or defendant secures an appeal, when an appeal is allowed in all cases of "*a question relating to title to land or to some interest in land.*" These words have never shut out anything from appeal which parties wished an appeal in. And in nine cases out of ten, it is the appeal and its attendant delays which parties seek; not any better justice than they get in the locality. I do not say this of myself, but on good authority. The chief discredit of our present procedure is that by allowing practically unrestrained appeals, a suit for five rupees arrears of rent may endure for two years and nine months without being in any way remarkable. *If my suggestions are adopted, they will furnish one solution of the long-vexed problem of how to allow rent-receivers to recover plain money-decrees with the least possible delay. And my plan does no harm to any one, or to his rights.*

(*e*)—A "reference" on any point of difficulty or doubt will admit of being made to the High Court, so that perfect security against error will be secured. This, under section 617, Code of Civil Procedure.

I specially recommend these suggestions to the consideration of His Honour. I hope that I am not the only person to whom they have occurred.

(*f*) The record of evidence should in all cases be made in the manner prescribed by section 163 (*f*) of the Bill (not according to the Small Cause Court practice), and this with the view of giving the Judge something substantial by means of which to reach an opinion when he calls for a case under the second paragraph of 168 (*b*).

(*g*) In cases (if any) in which the prayer of the plaint is not to recover money due, the same rules of procedure and limited appeal should be applied as in cases of money claims. The *proper* valuation of the suit will here be the test of whether an appeal lies or not. I cannot see that a claim for enhancement is one on which specially an appeal should be allowed, except under the ordinary rule, as suggested for other money claims. Such suits, of all others, are likely to be best decided in the court which has the greatest amount of knowledge of the locality in which they arise.

52. *Section* 163 (*g*).—An "*oral application for execution*" means only an application which the Munsif, and not the mukhtar, shall have the trouble of writing out. The particulars necessary before execution can issue must be obtained from the decree-holder, and must be reduced into writing by some one.

53. *Section* 164.—This section provides for two cases, but omits a third, which is the most important of all. It is the case of a ryot pleading that he *has paid* the rent claimed by the plaintiff to another person who (he says) is his true landlord.

II.—The decisions of the courts as to what ought in these circumstances to be done are so various that the matter must be now settled by the Legislature. All the confusion has originated from the exclusion of section 77 of Act X of 1859 (intervention) from Act VIII of 1869 (B.C.) The cure is to replace that section with the words "*before and up to the commencement of the suit*" somewhat amended. Some Judges are rigid excluders of "intervenors" (under the law as it stands); others are more favourable to their admission; some hold that, whatever has rightly been made the subject of judicial decision by a civil court sitting to hear causes under the Rent Act, becomes as completely *res judicata* as matters decided by the same court sitting to try, say the validity of an adoption. Some lean the other way. Hence much litigation and the necessity for legislative action.

III.—All that is required is to re-enact section 77 of Act X of 1859, freely admitting "intervenors;" *nay, requiring courts to make them "parties,"* when the state of the pleading renders it expedient to do so; and prescribing the following as the issue for trial: "To whom previous to the occurrence *of the cause of action set forth in the case under trial, did the defendant pay rent?*"

If it appear that the rent was previously paid to the plaintiff, the suit should be decreed; if to the intervenor, it should be dismissed. No appeal should be allowed simply because the rights of the two parties may have been considered by the court. The result will not be "*res judicata*" (and this the law should specially declare). The party aggrieved should have his civil suit.

I have known strange results follow the exclusion of "intervenors"—results not creditable to the state of the law.

54. If I had any reason to think that these suggestions would be adopted, I would have sent a complete draft of how the expression of them could be best worked into the Bill as it now stands. But it is clear that such labour, at the present time, might be labour thrown away. I, however, myself attach very great importance to the scheme as sketched, because it shortens and simplifies procedure without violating any principle of law; it removes the present discredit of allowing endless appeals about trifles (which themselves are often fictitious); it allows appeals whenever appeals seem useful: it contains two corrective courses of action when appeal is not allowed;* and lastly, it will, I hope, go far to solve the problem out of which the present draft Act has come into existence.

* Namely under section 168 of the Bill, and under section 617, Code of Civil Procedure.

CHAPTER XVI OF BILL.

Section 28 of letter.

55. I am of opinion that Act VII (B.C.) of 1876 has worked so well that no better model could be found for legislation on the subject of registration of tenures. Certain rulings under the Act quoted would have to be considered in drafting a new Act on the same lines, or in amending the present one with the new subject as an additional part.

CHAPTER XVII OF BILL.

Section 29 of letter.

56. I think I have nothing more to say on the subject of "bastu" land (see *ante* paragraph 24), and I have had no experience in this district connected with either *utbandi* cultivation or *hal hasili*.

Paragraph 29 of letter.

57. *Section* 210 *of Bill.*—On the lines on which the Bill is built, I think that the provisions of section 210 are necessary, and that as they stand they are complete, without there being anything of a superfluous kind in them.

Paragraph 30 of letter.

58. *Pasturage.*—This is a very important matter, but one which, for want of sufficient local knowledge, I must leave executive officers to report on. Pasture lands seem to be constantly diminishing, tenants try to annex them piecemeal to their holdings, and maliks to their zerats Suits regardings them thus sometimes come before me, and from recollection of these I make the present remarks. The time will come when pasture lands for villages will have to be taken by contribution from the villagers, and after demarcation they will have to be carefully preserved as pasture-lands by authority.

Paragraph 34 of letter.

59. Here occurs mention of "*guzashta*"—a word used only, as far as I know, in this district. It may be translated "ancient." In correct use its meaning is limited to the same thing as holdings which have been held at fixed rates from ancient times, which "*ancient times*" probably are from "*time immemorial*" or, practically, from the time of the Permanent Settlement. They are hereditary and transferable at the pleasure of the holder, but do not admit of being subdivided. In ordinary use the word is also wrongly employed to express an "occu-

pancy tenure." In most cases this is what is meant when the word is used alone. "*Mourasi guzashta*" is the phrase commonly used to express the more ancient tenure.

60. I do not think that the "*mourasi guzashta*" should be exempted from the pre-emption of the landlord. That privilege is employed on a principle which resides *in the landlord's position*, namely, his right to choose his own tenants. The ordinary "guzashta," which is simply the occupancy right, has, of course, no claim to exemption from the pre-emption clause.

61. There are no other special tenures that I know of in this district.

62. *A few remarks on some other points*—

(i) *Commutation of grain rents.*—Grain rents seem to be the original and indigenous method of paying rent. It is clearly the most just and equitable one; but the progress of modern ideas makes against its continuance. It should, however, still be regarded when the question is *how much of the year's produce ought to go to the malik, and how much to the persons who raise the crop*. The native view held by both malik and tenant is that, when all risks are equally divided between them, about nine-sixteenths should go to the malik and seven-sixteenths to the raiyat. Of course when all the risks are thrown on the raiyat by a fixed money rent, these proportions cannot remain; but on a consideration of all facts, and working from the present facts known about the division of produce, I have recommended one-third to the malik and two-thirds to the raiyat. I am afraid that section 53 of the Bill does not give sufficiently clear directions. How are (*a*) and (*b*), after being worked out, to be worked into each other so as to give the money rent? Even the letter of the Government of India does not help us much here. The consideration under (*a*) gives us, say, Rs. 3 *per bigha*. The consideration under (*b*) gives us, say, 16 maunds of grain, value Rs. 16—to the malik Rs. 9, to the raiyat Rs. 7. Question—What is the proper cash rent? My one-third principle would make the raiyat's rent Rs. 5½ per bigha, nearly double Rs. 3, which is a full moderate rent, as rents go in Behar. It also appears that 33 per cent. is liberal towards the zemindars. As regards 53 (*b*), I would state broadly, as a plain judicial truth, that "*the average value of the rent* (*i.e.* here *grain*) *actually received by the landlord during the preceding ten years*" is a fact wholly unascertainable, even with merely approximate accuracy, *by courts*. As provided in the Bill, executive officers must do this work.

ii. It is strange that the Bill contains no provisions on the subject of "*ticcadars*," or is it that they are "*tenure-holders?*" Their real position is that of *contractors*. As long as they are left unregulated, the harassing of the raiyat is certain. The ordinary form of this contract is that the rent-roll is ascertained, 10 or 20 per cent. is added to this, and the contracting "ticcadar" covenants to pay the sum so reached annually to the landlord. The ticcadar's profit is got by illegal pressure on the ryots, who recognize him as a person who ought to be propitiated, and pay accordingly. Then comes in a "*dar-ticcadar*," or "*khatkanidar*," and both the superior and the inferior man have to be humoured. I think (*a*) that to grant a ticca, or to take one, except on a deduction of at least 10 per cent. on the jumma, should be made punishable with fine; (*b*) that the sub-letting of a "ticca" should be made absolutely illegal; (*c*) that a ticcadar should have no power to deal in any way with the raiyats or their interests, but should be confined strictly to the collection of the rents, as these may be truly stated in the *jummabundis*.

If any respectable ticcas, analogous to tenures, exist, as, for example, possibly in the hands of the planters of Tirhoot, these should be called by some different name (as *ijarahs*), and be dealt with by separate clauses of the Bill.

iii. A provision is urgently required as to how tenants may preserve their property in land while the same is under water for a length of time. The rulings do not help us much in this matter. I fear that land submerged, and re-appearing, generally passes, on re-appearing, to the landlord; and this for two reasons: (*a*) ryots do not continue their ownership by paying rent while the land is submerged; (*b*) it is very difficult to show that the "re-formation" has taken place exactly on the site which the land occupied before it was submerged. A ryot holding ten bighas often has these in ten different places (or more), and from this also the difficulty of identification is increased.

iv. The effect of the new law on existing facts and contracts requires, I think, further elucidation. It is generally the case that, when an important new Act, is passed, doubts on these points arise.

v. I think that the arrangement of the sections might in some respects be improved. For example, the rights of a "*settled raiyat*" are explained before the definition has been given. We have heard much of "*transfer*" before we reach the important controlling section 97. Similarly, we have read much about *ejectment* before being told in section 98 that no ejectment at all can take place except in execution of a decree of court. I would recommend that "*ejectment*" be made the subject of a single chapter in which every provision relating to that subject should be placed, and this with respect to each class of tenant-right, from that of "*tenure-holders*" downwards.

vi. It should be made quite clear that no "*oral*" business out of court should be allowed; "*oral*" *permission*, and everything of the kind, should be disallowed. Nothing should be accepted in pleading except *written notices served through the court*. There should be

a strong presumption that these have been duly served. The "*onus*," as at present placed by courts, should be changed, and should rest on him who says that the "notice" was not served.

vii. Considering that the present amendment of the Rent Law springs out of a recognised necessity to aid landlords in more promptly getting in their rents, it is very strange that the whole subject has dropped out of sight, so far as special mention in the Bill is concerned. I have read and re-read the Bill, but find no sections calculated materially to advance the original object of the new legislation. Paragraph 26 of the letter of the Government of India says that a glad welcome will be given to any suggestions for attaining a cheaper and speedier method of recovering arrears, "provided always it does not jeopardize the raiyat's right to have his case fully heard, and that it does not require him to pay money into court before his liability to pay is established."

(2.) I have already done two things. I have pointed out that the recovery of arrears of rent alleged (but not yet proved) to exist by the process of "*distraint*," as detailed in the sections of the draft Bill, or as now in force under the present law, is a distinct violation of the "*proviso*" laid down in the quotation with which my last preceding paragraph ends. I have also suggested a cheap and speedy means of reaching the desired end, with full rights of defence and a full hearing secured to the raiyat or other defendant. That, as will be remembered, is to treat rent debts as on the same footing as other money debts; to deal with them by the civil courts as other money debts are dealt with by Small Cause Courts; to prevent the protracting of proceedings for the recovery of such debts by shutting out the possibility of converting suits for these debts into what are called "*title suits*;" and by, limiting appeals within the same limits as apply to other money debts. Other details have been given above.

(3.) This proposal will be opposed by both creditor and debtor, lessor and lessee, because it shuts off the possibility of those mutual harassments and contrived delays which litigants in this country so successfully study. It will be specially opposed by landlords (the persons desiring the more speedy way) because they have generally the longer purse, and can profit more than the other side by delays and oppressive litigation. The tenants, however, when combined for any common object, can always find plenty of money, and work out endless delays as well as their landlords.

(4.) I therefore think that I am bound to suggest an additional solution of the difficulty *which may co-exist side by side with the scheme already elaborated.* In some aspects my second proposal is new—in part it has been put forward by others.

(5.) At the back of the cry for a speedier mode of getting in rent was the allegation that, if rents were not promptly obtainable, revenue could not be paid and sale and ruin were the consequences. Therefore the scheme which I am about to state should be confined to such zemindars as are in direct communication with Government as payers of "revenue" This will exclude sub-letting occupancy raiyats.

(6.) The first step in this scheme is to make a fair list of the reasons for which Government exempts itself, in its capacity of zemindar, from the provisions of the Rent Law. I may not know all these reasons; but it seems that they must be mainly two—(*a*) the position of the officer in immediate charge or control of each property, and especially the fact that the money which is collected does not go into his own pocket; and (*b*) that the system of accounts is such as to reduce to a minimum the chances of error in claiming payment from a raiyat who has already paid.

(7.) As regards the consideration arising from the fact that the money collected does not go into the pocket of the Government officer, it is to be said that, if that officer is a man capable of using strong measures of a doubtful kind in order to keep down his "arrears," he will find sufficient incentives in a consideration of his name, fame, and advancement in the service. The last is clearly connected with pecuniary gain.

(8.) The second step is to ascertain when and where the business arrangements of a zemindari of the ordinary kind are conducted—as regards registers, account-keeping, the granting of receipts, and so forth,—on so sound and complete a system as to "reduce to a minimum the chances of error in claiming payment from a raiyat who has already paid:" to ascertain, also, the general good repute of the head of the zemindari. I could, from personal inspection, mention two properties within this district, on which all the necessary points above named already exist. Their existence should in all cases be established to the satisfaction of the Collector and superior revenue authorities.

(9.) The third step should be to authorize all zemindars, who should satisfy the revenue authorities as above written, on the points above written, to collect arrears as the managers of Government estates collect them.

(10.) The safeguards of the procedure would be two—*1st*, the withdrawal of the powers in case of their being abused, or in case of subseqent insufficiency in the system of records and accounts; *secondly*, by suit for damages by any one injured by erroneous use of the powers given.

(11.) A collateral advantage would be that by degrees such a record of rights would be made by the zemindars themselves, that Government might postpone the record which

it proposes itself to make—a work at present very necessary, but such as will probably require a greater persistency and continuance than falls to the lot of most things in India, in order that it may reach its completion many years hence.

(12.) Into details of my schemes I do not propose to enter; but I shall mention one essential detail, namely, that *"jummabundis"* shall be prepared in prescribed forms and kept in books consisting of sheets so numbered or marked that they cannot be tampered with. The present *"jummabundi"* as written on loose slips of paper changeable at pleasure, are of very littte value in any disputed matter.

(13.) I have some reason to think that the scheme just propounded would be accepted by zemindars as a solution of the difficulty out of which the present legislation sprang.

(14.) If it be argued that my proposal is contrary to the just *"proviso"* of the letter of the Government of India already quoted, I admit that there is a measure of truth in the argument. But only a measure. Two exceptions to that *"proviso"* have already been recognized. I do not propose even to add a third, but merely to extend the operation of the second exception to circumstances as nearly as may be similar to those to which it has already been recognized as admissible. The two exceptions are distrained and demands from tenants of khas mehals. I extend the latter to demands from tenants who, though not tenants of khas mehals, are tenants on properties of which the landlords are recognised to be honorable men (such as managers of khas mehals are assumed to be), and of which the registers, records and accounts are kept up as fully, carefully, and truthfully as on khas mehals.

63. If there be any points on which a report has been called for in the papers under reply, and which have not been noticed in the foregoing paragraphs, this is because my experience or knowledge of the facts essential to the formation of an opinion is insufficient to warrant me in setting forth any views on the subject omitted.

ARRAH,
The 4th August 1884.

J. TWEEDIE,
Judge of Shahabad.

Demi-official in answer to demi-official of MR. MACDONNELL, *dated Darjeeling, the 12th August 1884.*

Dated Arrah, the 27th August 1884.

Demi-official from—J. TWEEDIE, ESQ.,

To—The Secretary to the Government of Bengal, General Department.

I have just sent off my proposed recast of the procedure sections of the Tenancy Bill. It is long; but as it aims at being a code complete in itself, its length cannot be helped. Endless confusion arises when officers are sent from one Act to another to pick out their proper procedure.

Its other salient points are :—

I.—It makes procedure as similar as possible to that of Courts of Small Causes, both in original and in appellate matters.

II.—It makes provision for summarily hearing intervenors.

III.—It makes provisions for preventing rent court suits being worked up into regular civil suits.

IV.—It settles many doubtful points of procedure.

V.—It wholly abolishes "remands," which cause much useless expenditure of time and money.

VI.—It leaves much to the intelligence of officers.

It abolishes second appeals in all cases in which the valuation does not exceed Rs. 500. This is the present rule (Code of Civil Procedure, section 586) in suits of the nature of Small Cause Court suits.

If some such procedure be adopted, one month in the first court and one month in appeal will be ample time for the disposal of rent suit cases. There will be very few second appeals.

If such procedure be adopted, schedule IV of the draft Bill (limitation) will have to be revised and added to.

I have to go off to Sasseram to-night, but hope to be back on Monday or Tuesday.

P. S.—If my proposal is printed, please send me two copies, as I have had no time in which to get a manuscript copy made of what I have written.

Proposed Recast of the "Judicial Procedure" sections of the "Bengal Tenancy Bill."

1. *Of the extent of application of this chapter.*—Except as otherwise specially provided by this Act, all cases which arise under it, and all auxiliary questions connected with such cases, and all appeals shall be dealt with under the provisions of this Act, and not under the provisions of any general or other special law.

Explanation.—The word "*case*" includes an original suit; an application of any kind; proceedings in execution, and miscellaneous proceedings, filed in a court of first instance.

Illustrations—

I.—Service of summons shall be made according to the provisions of this Act.

II.—All questions of limitation shall be deci ded according to the provisions of this Act.

2. *Of the Courts.*—Courts engaged in the trial of cases or appeals under this Act shall be called "*Rent Suit Courts.*"

3. These Courts shall be presided over by the same officers as preside over the ordinary Civil Courts of the districts.

4. The Local Government may invest any officer serving under it with all or any of the powers of a Rent Suit Court.

5. These Courts shall be of the following grades:—

I.—The Munsif's Court.

II.—The Court of the Subordinate Judge.

III.—The Court of the District Judge.

Wherever there is an Assistant Judge, he shall hold the same powers as a Subordinate Judge; wherever there is an Additional Judge, he shall hold the same powers as a District Judge, but shall exercise them in such way as the District Judge shall direct.

6. All cases which are valued at not more than one thousand rupees shall be instituted in the Court of the Munsif, who would have jurisdiction to try a suit on title regarding the land, or other subject, which gives rise to the case under this Act.

7. All cases which are valued at more than one thousand rupees shall be instituted in the Court of the Subordinate Judge of the district.

8. When any doubt arises as to which of two or more Munsifs' Courts, situated within the same district, a case should be instituted in, the District Judge shall decide the point. This decision shall be final. When any doubt arises as to which of two or more Munsifs' Courts, of which one or other shall be situated in different districts, a case should be instituted in, the Senior Judge connected with the conflicting districts shall decide in which Court the case shall be instituted. The same shall be the case with reference to a doubt as to the jurisdictions of two Subordinate Judges. Where the doubt shall relate to jurisdictions lying in different Presidencies, the High Court of Judicature at Fort William shall decide the matter.

9. No decision which shall have been passed in any case during the trial, of which no objection to the jurisdiction of the Court has been raised, shall be afterwards challenged by any one, or held invalid by any Court or officer, on the ground of defect of local jurisdiction.

10. The District Judge may, of his own motion, or at the request of any party, transfer any case from the file of any Court, and may either try it himself or transfer it for trial to any subordinate Court of competent jurisdiction.

Explanation.—"Locality" is not to be considered with reference to the "competent jurisdiction" herein spoken of.

11. *Of the valuation of cases.*—Where the relief sought consists of a sum of money, the valuation shall be the principal sum asked, exclusive of interest and other increments. A claim for ejectment shall be valued at ten years' rental of the land from which it is sought to eject a tenant. All other cases shall be valued according as the plaintiff shall think fit: Provided that it shall be the duty of every Court in which a case is instituted to satisfy itself that the case has been fairly and properly valued. If not satisfied as to the valuation made by the plaintiff, the Court shall fix the valuation. If within a reasonable time additional court-fee be not paid, the plaint or petition shall be rejected. The valuation thus made shall settle the pecuniary jurisdiction requisite for the trial of the case. If the valuation finally made by the Court exceeds its own pecuniary jurisdiction, the plaint or petition shall be endorsed accordingly with the valuation as settled by the Court, and shall be returned to the party for presentation in the proper Court. If it appear to any Court exercising the powers of a Subordinate Judge that a case has been over-valued, it shall ascertain and record the correct valuation, and shall return the plaint or petition for presentation in the lowest Court which has jurisdiction.

12. The proper valuation of a case and the pecuniary jurisdiction of a Court to deal with it shall be finally regulated by the decision as to valuation which may be arrived at under the last preceding section.

13. *Of Court-fees.*—All court-fees shall be paid under the law in force for the time being regulating the amount payable and the mode of payment.

14. *Of parties to a suit.*—The parties to a suit are the plaintiff, the defendant, and any third party who shall intervene in the case, or be brought into it by order of the Court as having an interest in the subject-matter in suit, or for some other reason.

15. *Of how parties may appear.*—Parties may appear either personally or by some agent or representative specially or generally empowered by power-of-attorney to appear. Such agents or representatives must be possessed of personal knowledge of all matters connected with the case in which they appear. When such agent or representative is found not to have such knowledge, the Court may pass an order requiring the attendance of some other person who has such knowledge; and if no such person attends within a time to be allowed by the Court, the Court may proceed to pass final orders in the case.

16. An agent or representative, whether special or general, may do all acts, including the verification of plaints, written statements, petitions and the like, which the principal himself may do and which the power-of-attorney held may authorise.

Explanation.—An agent or representative may not delegate his powers by appointing another agent, but he may nominate and instruct vakils, or other law agents, for the conduct of a case.

17. A minor shall appear and act through his guardian, or next friend. A lunatic may appear and act through his committee, or through any adult male relative whom the Court may admit to prosecute or to defend a case. The person who represents a minor or lunatic may appoint an agent under the provisions of the last preceding section.

18. *Of the institution and hearing of a suit.*—Every suit shall be commenced by a written plaint, which shall contain the following details:—

I.—The description of the Court in which the suit is brought.

II.—The name, father's name, and residence of the plaintiff.

III.—The name, father's name, and residence of the defendant.

IV.—The cause of action, the relief sought, the valuation of suit, and mode of calculation by which that valuation has been reached.

V.—If the suit relates to land, and the position and area thereof are essential, such description and definition of the same as shall suffice for its identification.

VI.—A verification in the following form: "I, A. B., plaintiff [or agent, as the case may be], declare that I have made careful enquiry into the correctness of the above claim, and declare that to the best of my knowledge and belief it is a true and genuine one." [Signature.]

VII.—The date of presentation to the Court.

19. As many copies (on plain paper) of each plaint shall be supplied to the Court as there are defendants. A copy of the plaint shall be served on each defendant along with the summons to appear.

20. A Court may return a plaint for amendment and re-presentation (within a period to be fixed by the Court) on any of the following grounds:—

I.—That it is not in the prescribed form.

II.—That the subject-matter of suit has been under-valued.

III.—That it is not accompanied by the proper number of copies.

IV.—That it is prolix, or obscure, or ambiguous.

V.—That the definition of land is insufficient for identification.

21. If amendment and re-presentation be made within the time allowed by the Court, the plaint shall be held to have been filed on the day on which it was first presented to the Court. If compliance with the order of the Court be not made within the time, or the extended time, if any, allowed by the Court, the suit shall abate: Provided that a fresh suit may be brought in the same matter within the usual period for the limitation of suits.

22. Every plaint shall bear on the face of it a court-fee label equal in value to the sum required for service of summons on the defendant.

23. Every plaint, when admitted, shall be entered in a special register, which shall be in such form as the High Court of Judicature at Fort William shall from time to time prescribe: such register shall be called the "*Rent Suit Register.*"

24. Immediately after registration, a summons shall be issued to the defendant or defendants, together with a copy of the plaint, calling on him or on them to appear and answer to the plaint within such time, or on such date, as the summons may name. Such time or such date shall be intimated to the plaintiff, or to his agent, vakil, or mukhtar.

24a. The summons may be either for the purpose of final decision or of settlement of issues.

25. If the summons be for final decision, it shall require the defendant to bring his witnesses and documentary evidence himself, and shall further direct him that if he is unable to do so, he shall apply for the necessary processes from the Court, in such time as shall admit of their being served within a reasonable time before the date fixed for final decision of the case.

26. If the summons be for settlement of issues, no summons shall be obtainable until after the said issues shall have been settled.

27. (*a*) If on the day fixed for hearing, either as originally fixed or on adjournment granted, the plaintiff only appear, the Court shall take evidence as to service of summons on the defendants. If satisfied that the summons was served within a reasonable and proper time, it shall further proceed to hear the evidence of the claim in suit, and shall decide the case accordingly. If not satisfied that the summons has been so served, it shall pass such orders as seem just and proper.

(*b*) If on such day the plaintiff does not appear, but the defendant does appear, the case shall be dismissed with costs to the defendant.

(*c*) If on such day neither party appears, the case shall be dismissed.

Explanation.—In any of the above instances the Court may, if it thinks fit, adjourn the hearing to some future day, and pass such further orders for the conduct of the case as may appear to it reasonable and proper.

28. If the Court is sitting for the final disposal of the case, and the parties and their witnesses are in attendance, the Court shall call on the defendant to put in his defence, orally or in writing. If the defence is put in orally, the defendant (or his agent) shall be solemnly affirmed according to the law for the time being regulating the solemn affirming of witnesses, and his statement shall be recorded in the vernacular of the district by or under the direction of the Court. Any false statement made shall render the deponent liable to be dealt with under the provisions of Chapter XI of the Indian Penal Code. The Court shall then note the points which arise for decision in the case. It shall hear the oral evidence of the plaintiff and consider any relevant documentary evidence tendered. It shall hear the oral evidence of the defendant and consider any relevant documentary evidence tendered. It shall hear the plaintiff, or his agent, vakil, or mukhtar sum up his case. It shall hear the defendant, his agent, vakil, or mukhtar in reply. Thereafter it shall give judgment, either at that time or as soon as possible thereafter. It shall cause a decree to be at once prepared and made ready for execution.

29. If the Court is sitting for settlement of issues only, the defence shall be in the form of a verified written statement.

30. The Court shall consider the plaint, written answer, and any other materials placed at its disposal; and shall, if necessary, examine the plaintiff or the defendant or their agents orally concerning the matters in issue. From these materials the Court shall settle and record the issues or points for trial in the case, and shall fix a convenient date for hearing evidence on the same.

31. On such date as so fixed, or on an adjourned date, if any, the Court shall take evidence and decide the case in the manner provided for taking evidence and deciding a case under section 28 of this Act.

32. It shall be incumbent on parties to use prompt diligence to enforce the attendance of witnesses, and procure the production of documents on the day fixed by the Court for proceeding with any matter. When the non-attendance of any witness or the non production of any document, whether original or by certificate copy, is due to the laches of any party, no adjournment shall be claimable as of right by such party, nor shall an adjournment be granted, except on payment of substantial costs, which shall not be recoverable, whatever may be the result of the suit.

32*a*. Every suit shall include the whole of the claim then due and recoverable. No second suit shall be brought on account of any part of a claim due and recoverable at the time of institution of a previous suit which has been omitted from such previous suit.

33. *Of incidents which may arise during the progress of a suit.*—A Court may allow a plaint to be amended at any stage; but not so as to alter the nature of the suit, or introduce an additional subject-matter of suit.

34. A Court may allow a written anwer to be amended at any time, provided that the amendment shall bear strictly on what is necessary for a complete answer to the plaint as originally filed or as amended.

35. A Court may allow a suit to be withdrawn at any state, with permission to bring another suit in the same matter, within the original period of limitation in any of the following circumstances :—

I.—Where some formal matter, which cannot conveniently be made the subject of an amendment, is found to be erroneous.

II.—When some part of the claim has been omitted from oversight or mistake of law.

III.—When, owing to insuperable difficulties, the plaintiff is unable to obtain some indispensable evidence.

Explanation.—The Court shall decide, on the facts before it, whether any evidence is "indispensible," and whether due endeavours have been made to procure it.

IV.—Whenever the Court is of opinion that it is for the interests of justice that such withdrawal shall be allowed.

36. If a plaintiff withdraws from a suit without such permission of the Court, he shall not be allowed to bring a fresh suit in the same matter.

37. If any third person shall appear and claim an interest in the subject-matter of a suit, whether as plaintiff or as defendant, the Court shall make such third person a party defendant to the suit. In like manner, if the defendant shall plead that any third person has an interest in the subject-matter of the suit, whether as plaintiff or as defendant, the Court shall make such person a party defendant. If the said party, after receiving "notice," shall attend, the questions in issue shall be decided in presence of all parties. If he shall fail to attend, he shall be bound by the proceedings conducted in his absence, in the same way as if he had attended.

38. If a plaintiff die, or become insane, or his property become vested in the Official Assignee, the case shall be stayed for a period not less than thirty days from the date on which the death, insanity, or vesting shall become known to the Court. If, during that period any one competent to represent the original plaintiff shall appear and desire to conduct the case, he shall be admitted as plaintiff by substitution, and shall conduct all proceedings in the same manner as the original plaintiff might have done.

(*a*) If any question arise as to the position of such applicant as insufficient to support his application, the Court shall enquire into the matter, and shall decide whether or not he shall be allowed to represent the state of the original plaintiff for the purposes of the suit. The decision given by any Court in this matter shall be final. The Court, before allowing any person to act under this section, may, if it thinks fit, take from him security for costs in case the suit be dismissed, and for the crediting of any money which may be realized under the decree to the estate of the original plaintiff.

39. If no such application be made within the period allowed, the suit shall be dismissed with costs. When a suit is dismissed under this section, it shall not admit of being revived, but a fresh suit in the same matter may be filed within the period of limitation applicable to the claim.

40. If a defendant die, or become insane, the case shall be stayed for not less than thirty days from the date on which the death or the insanity of the defendant shall become known to the Court. If during that period the plaintiff shall apply for summons to be served on the representative of the original defendant, a summons shall issue accordingly, and the case shall proceed in his presence if he attend, or in his absence if he fail to attend.

(*b*) If such representative appear and apply to be made a party to the suit, no summons shall be necessary.

(*c*) If any dispute arise as to the representative character of any one who is summoned, or who appears, under this section, the Court shall summarily decide whether he shall represent the original defendant or not. The decision given by the Court in this matter shall be final.

41. If no application be made within the period allowed, the case shall be dismissed, and shall not admit of being revived. But a first suit may be filed within the period of limitation appplicable to the claim.

42. When any money shall have been paid under a decree, or any property has been delivered up under a decree to any one appointed by the Court under sections 38 and 40 of this Act, such payment or delivery shall be an absolute discharge of the debt or obligation as against all persons whomsoever.

43. *Of the mode of hearing and recording evidence, judgments, and decrees.*—Evidence shall be heard by the method of examination-in-chief, cross-examination, and re-examination. No evidence shall be received contrary to the provisions of Act I of 1872, or of any other general law by which any evidence is excluded.

44. Evidence shall be recorded by the presiding officer with his own hand, and in the English language, if the said officer has sufficient knowledge of that language; otherwise it shall be recorded in the vernacular of the said officer. It shall not be necessary to record depositions word by word as given, but a memorandum of all relevant parts of depositions shall be made.

45. The judgment shall contain a statement of the facts of the case, of the points for decision, of the Court's decision thereon, of the reasons for such decision, and of the manner in which the case has been disposed of.

46. The decree shall contain the number and year of suit, as on the register of rent suits;

a description of the Court and of the parties; a précis of the cause of action; the point or points on which the decision of the Court has been given; the decision of the Court on each point; and on the case, as a whole, an account showing the cost incurred and by whom payable.

47. *Of matters cognizable by Rent Suit Courts and of the effect of their judgments and decrees.*—No matter or question, the consideration or decision of which is by this Act declared to be within the cognizance of the Collector or other executive officer, shall be entertained by any Rent Suit Court.

48. In all other matters which arise out of the provisions of this Act, Rent Suit Courts shall have exclusive jurisdiction.

49. When in any case under this Act there arises a question relating to title to land, or to some interest in land, as between parties having conflicting claims thereto, and it, appears to the Court necessary to consider such question in order thereby to reach a just decision of the ultimate issue or issues of a rent suit kind under trial, the Court shall make incidental enquiry into such question, and shall record the opinion at which it arrives on the same, and shall apply its conclusion thereon in aid of the decision of the issue or issues of a rent suit kind under trial.

50. No such opinion or conclusion shall form a binding decision on the question to which it relates, except in the suit in which it is passed, or in other suits similar to that suit to which it may be applicable; and any person who considers himself to be injured or aggrieved by the opinion or conclusion arrived at may bring a suit in the regular Civil Courts to decide the question of his title. Such suit may be brought within the time allowed by the general law of limitation of suits.

Explanation.—The date of dispossession of a plaintiff suing in a regular suit after an incidental decision against him by a Rent Suit Court is not necessarily, or probably, the date of that incidental decision. Such incidental decision shall not be held to constitute a cause of action from which a fresh period of limitation shall begin to run.

51. When two or more persons are known to be claiming a right to receive rent from the same tenant, the Court. having made all necessary persons parties to the suit, as provided in section 37 of this Act, shall try as between them the following issue, namely: "*Which of the contending parties received and enjoyed the defendant's rent previous to the period of time embraced by the present suit*"? If it be decided that the plaintiff so received and enjoyed the defendant's rent (and the claim be otherwise established), the case shall be decreed. If it be decided that the third party so received and enjoyed that rent, the case shall be dismissed. Any person injured or aggrieved by the decision of this issue by a Rent Court may, subject to the general law of limitation of suits, bring a suit in a regular Civil Court for the establishment of his right and title as claimed.

52. Rent Suit Courts shall not enter upon an incidental trial of title, nor shall it try the issue prescribed in the last preceding section if any of the following circumstances are applicable:—

(*i*) when any party produces a decree of Court (in which execution shall have been had, if the terms of the decree render execution necessary for the enjoyment of its result) showing that such question or such issue has been expressly, or by necessary implication, decided in favour of any party who produces it;

(*ii*) when any party produces a decree of Court (in which execution shall, if necessary, have been taken out) passed under the provisions of Act XIX of 1841, or of section 9 of Act I of 1877;

(*iii*) when any party produces an order in his favour passed under Chapter XII of the Code of Criminal Procedure:

(*iv*) when any party has been registered as proprietor under the provisions of Act VII of 1876, Bengal Council;

and the said Court shall give effect to these as "conclusive proof" (within the meaning of section 4 of Act I of 1872) that the party in whose favour the decree, order, or registration has been made is entitled to the rent claimed in the case under trial, and the Court shall decree or dismiss the case accordingly.

53. When a decree for rent shall have been passed against any tenant in favour of any plaintiff, no second decree for the same rent shall, under any circumstances whatever, be passed against the same tenant or his representative.

54. Except where otherwise specially provided for in this Act, every question arising under the provisions of this Act, which shall be decided in the course of any trial by a Rent Suit Court, the decision thereof being expressed in a decree, shall be *res judicata*, and

shall be binding *inter partis* so long as no change of circumstances shall be proved to have taken place.

Examples—

(*i*) It is declared in a decree, dated 1885, that A. is B.'s tenant. This is "*res judicata*" as between A. and B., and will be binding with respect to 1886, and onwards, unless it is proved that circumstances have changed.

(*ii*) A. sues B. for rent in 1885; C. intervenes. It is found and declared in a decree that B. is the tenant of C., and A.'s suit is therefore dismissed. This decree is "*res judicata*," and bars A. from suing B. for rent of 1886, unless A. can show that circumstances have changed.

(*iii*) A Rent Suit Court finds and declares by its decree, as one of the issues decided in the case, that A.'s tenancy extends to 12 beeghas, as alleged by him, and is not limited to 5 beeghas, as alleged by the plaintiff. This decision cannot be questioned by suit in the regular Civil Courts, and is binding as between A. and the plaintiff, so long as it is not proved that circumstances have changed.

55. No issue decided by any Rent Suit Court, the decision whereof shall appear in that Court's decree, shall be challenged or not given effect to by any other Court on the ground that that other Court is of opinion that the said issue was not a necessary one to be heard and determined in the rent suit in which it was passed.

56. Nothing contained merely in a judgment, and not reproduced specifically in the decree, shall be held to be "*res judicata.*" But a judgment may be referred to in order to settle the meaning of a decree, if that meaning be doubtful.

57. *Of applications.*—In disposing of applications the Courts shall follow the procedure laid down for the disposal of suits, in so far as the same shall be applicable. In any instance in which that procedure is held to be inapplicable, the Court shall deal with applications under the provisions of section 169 of this Act.

58. *Of the execution of decrees.*—Application to execute a decree shall be made to the Court which passed the decree as a Court of first instance.

59. On the application of the decree-holder, a decree may be sent for execution to any other Court. The fact of signing an order transferring a decree shall, in the Court to which the decree is transferred for execution, be conclusive proof (within the meaning of section 4 of Act I of 1872) that the decree admitted of being executed on the date on which the order is signed to the extent named in the transmitted decree, and against the person named as then being the judgment-debtor.

60. Before transmitting a decree to another Court for execution, the judgment-debtor shall be allowed an opportunity of showing cause against the proposed transfer.

61. No Court to which a transfer is made shall take cognizance of any objection to execution which might have been made previous to transfer; but it may allow time to the applicant within which to apply to the transmitting Court to review, or recall, or modify, its order of transference, and such Court shall have power to review, recall, or modify its order of transference.

62. The Court to which any decree is sent for execution shall take cognizance of all objections which relate to matters which have come into existence on or subsequent to the date on which the order of transfer was passed.

Illustrations—

(*i*) A judgment-debtor objects in the Court to which a transfer has been made that execution was barred by limitation ten days before the date of the order of transfer. The Court shall not entertain this objection, but may give time in which the objection may be made in the transferring Court.

(*ii*) A judgment-debtor objects that the decree became barred while the papers were in course of transmission from Court to Court. The Court to which the decree has been sent shall dispose of this objection.

63. A petition for execution shall set forth :—

(*i*) The name, father's name, and residence of the decree-holder and of the judgment-debtor.

(*ii*) The number and date of decree to be executed, and of the Court which passed it, together with details of a like kind regarding the Appellate Court or Courts, if the case has been the subject of an appeal.

(*iii*) The substance of the decree to be executed.

(*iv*) The amount of money (if any) for which execution is by the present petition asked. If the execution be not for money, then the valuation of the subject-matter to which the present execution is directed.

(*v*) The mode of attachment sought, together with details of property (if any) to be attached.

64. If a petition for execution be filed during the pending of an appeal in the case in which execution is sought, the petitioner shall state this fact in his petition; and the Court shall refer the petition for the orders of the Court before which the appeal is pending. The lower Court shall be bound to obey any directions which may issue from such Appellate Court.

65. If application for execution be against any other person than the original judgment-debtor, or if application for execution be made more than one year from the date of the decree, or from the date of the last preceding application for execution, the Court shall issue a notice to the person against whom the application is made, calling on him to show cause, within a specified time, why execution should not issue against him. If no cause be shown, execution shall proceed. If cause be shown, the Court shall deal with the matter as the facts set forth require, and shall allow or disallow the execution according as the result of its enquiry may show to be just and proper.

66. The following modes of execution shall be lawful:—

I.—Against the person.
II.—Against moveable property.
III.—Against immoveable property.

Explanation.—Moveable and immoveable property, in order to be subject of execution, must be either the original property of the judgment-debtor, or must be assets or property of the judgment-debtor in the hands of an heir, successor, or representative.

67. Execution against the person shall not issue against any one except the actual judgment-debtor, nor against any minor or female. It shall not issue against the judgment-debtor unless the decree-holder shall satisfy the Court that the judgment-debtor is possessed of property which he is concealing, nor unless the judgment-debtor shall have had an opportunity of showing cause against execution issuing against his person.

68. Where a person is ordered to be imprisoned in execution of a decree, the following scale shall apply. If the debt, including all interest and costs, do not exceed fifty rupees, six weeks; if the same do not exceed one hundred rupees, three months; if the same do not exceed two hundred rupees, four months; in any other case, six months.

69. All moveable property as defined in the "*Explanation*" at section 66 shall be liable to be taken in execution, except the following articles: Necessary clothing, implements of trade: in case of cultivating tenants, such cattle and implements of husbandry as the Court may consider necessary for the cultivation of the lands; one-half of any periodic salary drawn by any person, whether from Government, from any company, or from any private persons; books or papers of accounts appertaining to any business, the title-deeds of any immoveable property.

Explanation.—All produce of the soil which admits of being severed therefrom (as trees, crops, vegetables) are for the purposes of this section to be considered moveable property: also all buildings which are not built on a foundation of fire-burnt bricks or stone.

70. Execution against moveable property shall be by actual seizure whenever the nature of the moveable property admits of seizure. In case of moveable property which does not admit of seizure, attachment shall be made by such method as the Court in each case shall direct.

Illustration.—The following are examples of moveable property liable to attachment, but not admitting of attachment by seizure:—

(*a*) The half of any salary.
(*b*) A debt due from a stranger to the judgment-debtor.
(*c*) Dividends due or about to fall due.
(*d*) Malikana.
(*e*) A decree.

71. Immoveable property shall be attached by public notification setting forth the fact.

72. Such notification shall be published in the following ways:—

(*i*) By being hung up in the Court-house which directs the attachment.
(*ii*) By being published by beat of drum, on or as near as possible to the property itself.
(*iii*) By being fastened up to the nearest thana, chowki, or other public building in the neighbourhood of the property.

73. As soon as convenient after any moveable property has been seized, the same shall be sold either at the place of seizure or elsewhere as the Court, acting in the interests of the judgment-debtor, shall direct. When the attachment has been made otherwise than by seizure, the Court shall proceed to transfer the ownership to the decree-holder by such means as shall be most suitable in each instance.

74. As soon as convenient after any immoveable property has been attached, a date for the public sale of the same shall be fixed, which shall be not less than thirty days from the date on which the proclamation of sale shall have been published as hereinafter provided.

74*a*. The "sale notification" shall contain full particulars of the parties to the case, and of the subject-matter of suit in which the decree was passed: it shall state, as accurately as possible, the property which is to be sold, together with any known encumbrances there of such a kind that they will not be affected by the sale, and the date and place of sale. The sale notification shall be published in the same manner as is provided in section 72 of this Act for the publication of a notice of attachment of immoveable property.

74*b*. On the day appointed for sale, and at the place named in the same notification, the property shall be put up for public competition at auction, by the nazir of the Court, or by such other officer as the Court may appoint for this purpose.

75. Unless the Court be of opinion that the price offered is greatly under the value of the property exposed for sale, the property shall be sold to the highest bidder. He shall pay then and there 25 per cent. of the purchase-money. If he fails to do so, the property shall be put up again for sale then and there, and the defaulting first purchaser shall be liable to make good any deficiency in price between the first sale and the second. The balance of the purchase-money shall be tendered to the Court within ten days of the date on which the auction sale was held. If default is made herein, the sale shall be null and void, and the deposit shall be forfeited. After deducting Government dues on the sale, the balance of such deposit shall be applied to liquidate, in whole or in part, the judgment-debt; and if any surplus remain, it shall be paid over to the judgment-debtor.

76. If the date of any sale is postponed *de die in diem* on account of the number of sales to be held, or other sufficient reason, no fresh notifications shall be necessary before the sale is held when its turn comes on.

77. If the sale is postponed by order of the Court on account of insufficiency of bid, or if it is postponed on any other account, otherwise than *de die in diem*, proceedings shall recommence with issue of a fresh sale notification, and be continued as before.

78. No sale shall be postponed more than once by order of any Court on the ground of inadequacy of bid.

79. The sale proceeds of a completed sale shall be dealt with in the manner already laid down with reference to the dealing with the deposit of 25 per cent. in section 75 of this Act.

80. The person who makes the final bid at an auction-sale shall certify to the officer conducting the sale the true name of the actual beneficiary purchaser. No other person shall thereafter be allowed to allege in any court of justice, or before any public officer, that the purchase was on his account, or for his benefit, *benami* or *farzi*. In case of a fraudulent purchase by an agent employed to buy and disclose the name of his principal, such principal shall have an action for damages against his fraudulent agent in the ordinary Civil Courts, but the sale or the ownership under the sale shall not be disturbed.

81. *Of execution in ejectment.*—Execution in ejectment shall be made by actual removal of the person who is to be ejected, and by actual installation of the person in whose favour the decree for ejectment has been passed.

82. *Of giving possession after auction-sale and of certificate of execution.*—The purchaser of immoveable property at an auction shall, as soon thereafter as he applies for the purpose to the Court, be put into possession and actual enjoyment of the property purchased. The Court thus giving possession shall adapt its proceedings to the nature of the possession obtainable. If such possession be actual occupation of the property, the Court shall by force, if necessary, remove from the property the judgment-debtor, or any person holding for him, or on his behalf. If any person against whom possession has been thus given under this section or under section 81 of this Act, shall re-enter upon the land, he shall be deemed to have committed an offence as defined in chapter XIV, sections 441, 442, 443, 444, 445, or 446, as may be applicable to the facts.

83. Thirty days after possession of any immoveable property has been given in an execution for ejectment, or under the provisions of section 81 of this Act, the Court shall, on application made to it, deliver to decree-holder on ejectment, or to the auction-purchaser, as the case may be, a "*certificate of execution,*" setting forth the details of the property acquired by such execution in ejectment or sale. Such "certificate of execution" shall be the title-deed of the holder thereof. Provided that no such certificate shall be delivered until all questions arising out of execution proceedings shall have been disposed of by the Court: provided, further, that no certificate shall be granted to any one until he shall have got actual possession of what he has purchased, according to the nature of the possession applicable to each subject.

84. The functions of a Court executing a decree shall end when the holder of a decree in ejectment or the purchaser of immoveable property has received from the Court a "certificate of execution"; or the Court shall have decided in favour of some third person that the decree of ejectment or the purchase is invalid as against such third person.

85. *Of claims which may arise during the course of execution proceedings.*—All questions which arise in the course of execution proceedings between the parties thereto, and relating

to the said execution, sholl be disposed of by the Conrt executing, and not by a separate suit. Subject to the right of appeal, when that exists, all questions relating to the execution of a suit decided by any Rent Suit Court between the parties to the decree or their representatives, shall be final, and shall not be further contested by a regular suit.

86. When any third party shall appear and claim an interest in any property which has been attached or sold in execution, the Court executing shall enquire into such claim: and on the evidence adduced by both sides shall decide the matter in issue. Subject to appeal, when that right exists, such decision shall be final; but the unsuccessful party may bring a suit in the regular Civil Court to enforce his right as against the other.

Illustrations—

I. A. attaches Z. as the mouzah of his judgment-dibtor B. C. claims the mouzah as his. The Rent Suit Court enquires into this claim, finds in favour of C., and dissolves the attachment, or declares the sale invalid and dismisses the execution. A. may bring a regular suit to have it declared that Z. belongs to B., and is, as such, liable to attachment and sale in execution of the decree held by A. against B. Such suit, if successful, shall be binding on the Rent Suit Court, which shall rescind its order dismissing the execution, and shall conduct the proceedings to a close.

II. A. attaches 20 buffaloes as the property of B., his judgment-debtor; C. intervenes, claiming them as his: the claim is dismissed. C. may sue as in illustratien I and may recover the 20 buffaloes or their value from A. A., unless barred by limitation, may, after satisfaction of Court's decree, take out fresh execution against B.

87. At any time before grant of a "certificate of execution," a Court may set aside the proceedings on being satisfied that there has been a material irregularity therein, which has probably caused loss to the judgment-debtor.

88. If in consequence of any fraud or contrivance, or if by any other cause, the property of a third person has been sold in execution for the debt of another, under circumstances such that the third person had no opportunity of applying for redress to the Court executing before issue of the "certificate of execution," such person may bring a suit in the regular Civil Court within three years from the date on which such fraud or contrivance shall have become known to him, or such other cause has ceased to be applicable. Provided that no such suit shall be brought after twelve years have elapsed from the date on which the certificate of execution was signed.

Illustration.—Absence from the locality is "another cause."

89. *Of settlement of decrees by proceedings out of Court.*—No settlement of a decree, whether in whole or in part, made out of Court shall be recognized by any Court unless the transaction be intimated to the Court.

90. If such intimation be made by the decree-holder, the same shall be received and filed with the record in proof of satisfaction admitted.

91. If such intimation be made by the judgment-debtor, notice shall issue to the decree-holder to show cause within a specified time why the amount should not be credited to the decree. If no cause be shown, the amount shall be so credited. If cause be shown, the matter shall be tried by the Court, and a decree passed in the matter.

92. No alteration in the terms of a decree made between the parties out of Court shall be of any avail, unless the same be intimated to the Court, and the decree be modified by the Court in accordance therewith. Thereafter the record of alteration shall cease to be of any effect, and the decree as modified shall alone form the record of the debt. Provided that, if an alteration as proposed by the parties appear to the Court to be vague, unjust, contrary to law, or so worded as to be likely to give rise to difficulties in future, the Court shall refuse to admit the said alteration, and the decree as originally drawn shall remain the only record of debt as between the parties. No suit shall be maintained or execution taken out on any record of alteration of a decree as drawn up by the parties thereto, whether the same shall have been intimated to the Court.

93. *General.*—A decree may, in the discretion of the Court, direct payment by instalments.

94. Any person whatever may pay money into Court in full or in partial satisfaction of the same; and the decree-holder shall be bound to accept such payment in full or in partial satisfaction of the decree as the case may be.

95. When a tenant is ejected from his holding on account of a breach of any covenant in his lease, he shall be entitled to compensation for any improvements which he has made, not being in breach of any covenant of his lease. A tenant ejected for non-payment of rent shall not be entitled to receive compensation for any improvements.

96 When a tenancy is brought to sale in satisfaction of a decree by a landlord, the sale shall have the effect of avoiding all encumbrances thereon which had been created by the tenant since he, or his predecessors in interest, came into possession, otherwise than with the written consent of the landlord.

97. When a tenancy is brought to sale in satisfaction of a decree by a decree-holder who is not the landlord, the property shall be sold with all existing and *bonâ fide* encumbrances attaching to it. Provided that the purchaser may bring a suit in the regular Civil Courts to set side any encumbrance which he may allege to be fraudulent, fictitious, or "benami" for the judgment-debtor.

98. A decree may be sold or otherwise transferred. Provided that the judgment-debtor shall have the same equities and relief against the purchaser or transferee as he would have had against the original decree-holder.

Illustration—"A set-off" available against a decree-holder shall be available against a purchaser or transferee.

99. *Of first appeals.*—Unless specially prohibited by this Act, an appeal shall lie from every decree recorded under this Act. An appeal from an "order" shall lie only when specially allowed by this Act.

Explanation.—A decree here means the final order of any Court by which any suit, application, or matter pending before it is decided. The fact that the case may be revived, reviewed, or appealed against, shall not be considered as affecting the "finality" of a decree.

100. An appeal may be brought with respect to anything expressed in a decree, or with respect to anything erroneously omitted from a decree. Provided that no appeal shall be brought with respect to any omission from a decree, unless the appellant shall have first moved the Court which passed the decree to supply the alleged omission, and the same has been refused.

101. Any party to a case may bring an appeal; and if any one party brings an appeal, any other party may file a cross-appeal.

102 A party in whose favuor the ultimate order of a decree has been given may, nevertheless, appeal from any part of the decree which is adverse to his interests.

Illustration.—A. sues B. for rent; B., admitting the tenancy, pleads payment; C. intervences, claiming to be tenant on the land. The Court, having taken incidental cognizance of the conflicting claims to this tenancy, dismisses the suit, declaring that B. is not tenant of the land. B. may appeal.

103. The right to bring an appeal under this Act, as also the Court in which an appeal shall be filed, shall depend solely on the valuation of the case as finally sealed by the Court before which the case against which the appeal is brought was instituted.

104. When the valuation, as there ascertained, shall exceed Rs. 5,000, the first appeal shall in all cases lie direct to the High Court of Judicature at Fort William.

105. When the valuation, as there ascertained, shall be Rs. 5,000 or less, the first appeal shall lie to the Court of the District Judge.

106. The Local Government may by any general or special order invest any officers exercising any of the powers of a Rent Suit Court with power to hear and decide cases under the Act, up to a specified money valuation, without any right of appeal to the parties whatever. Whenever the Local Government shall exercise its powers under this section, no appeal shall lie to any Court from any decree passed by a duly invested officer with respect to any case whose valuation as settled by the Court before which the case is instituted shall not exceed the sum to which by its order the Local Government shall have declared that jurisdiction without appeal shall extend.

107. Unless otherwise specially provided, no appeal shall lie from any order which by any part of this Act is described as "*final*," either at the time of passing it, or after record of decree; nor shall any argument in appeal be heard to the effect that such order is erroneous.

108. No appeal shall lie from any order passed during the currency of a case, so long as the case is pending. But such order, if embodied in a decree, may be made the subject of appeal after decree; or may be brought forward in argument in order to show that the decree is erroneous, inasmuch as it is affected by an erroneous order.

109. No appeal shall lie from a case which has been dismissed in consequence of the absence of the plaintiff or decreed against a defendant who fails to attend at the trial. But in either instance the absent party may apply to the original Conrt to reinstate the case; and that Court shall reinstate it accordingly, if it is satisfied that the application has been made within a reasonable time, and that there is good and sufficient cause for reinstating it.

110. There shall be no appeal from an order reinstating the case.

111. An appeal shall lie from an order passed refusing to reinstate a case, unless passed by an officer exercising powers under section 106 of this Act, with respect to a case valued at not more than the valuation up to which his decisions are not subject to appeal.

112. All orders passed in execution of a decree after attachment has issued, or after seizure of moveable property has been made, whether these be passed between the parties to the decree, or on the intervention of a third party, may be at once carried on appeal. The

Court to which such appeal shall be carried shall be ascertained from the valuation of the proceedings in execution.

Illustrations—

I.—The decree is for Rs. 5,100: the execution is for the same sum: the appeal shall lie to the High Court.

II.—The decree is for Rs. 5,100: the execution is for Rs. 5,000: the appeal lies to the District Judge.

113. Unless otherwise specially provided for in this Act, a Court executing a decree shall not stay its proceedings merely because an appeal against a decree or order has been filed.

114. In any case in which no appeal is allowed (save and except in case of an officer acting under the special jurisdiction conferable under section 106 of this Act), the District Judge may, after a decree has been passed, and at the instance of any party, call for a record, and may, after hearing parties, or such of the parties as may, in answer to notice, appear, correct any error of law or procedure which the Court of first instance has fallen into.

115. An appeal from the decree or order of an officer holding the powers of a Munsif may be heard by the District Judge; or, on his order thereon passed, by an Additional Judge, an Assistant Judge, or a Subordinate Judge.

116. An appeal from the decree or order of an officer holding the powers of a Subordinate Judge shall be heard by the Judge; or, on his order thereon passed, by an Additional Judge.

117. An appeal from a decree or order of an Assistant Judge shall be heard by the District Judge only.

118. An appeal from a decree or order of the District Judge, or of an Additional Judge, shall lie to the High Court of Judicature at Fort William.

Illustration.—A District Judge transfers to his own file and tries as a Court of first instance a suit for Rs. 500 arrears of rent, and appeal shall lie to the High Court.

119. *Of the institution and hearing of first appeals.*—Appeals shall be presented in the form of written memorandum, setting forth concisely and without argument the errors alleged, to have been committed by the lower Court.

120. An Appellate Court shall test the valuation of every appeal filed, and if it finds that the appeal has been so over-valued as to have resulted in the filing of the same in a higher Court than the proper one, it shall return the memorandum of appeal for presentation in the proper Court.

Illustration.—The original suit (not on appeal) was valued at Rs. 6,000. The valuation of the matter in execution (now on appeal) is Rs. 5,000. The appeal is brought in the High Court. That Court shall return the memorandum for presentation in the Court of the District Judge.

121. The Appellate Court may reject the appeal if, after hearing the appellant or his pleader, it sees no reason to think that no error of law or of procedure, which has caused prejudice to the appellant, has been committed by the lower Court.

Explanation.—The rejection of an appeal under this section shall have the effect of an affirming of the decree of the lower Court.

122. If an appeal be admitted, the Appellate Court shall fix a day for hearing, and shall cause the appeal to be registered in a separate register of rent suit appeals, and shall call for the record from the lower Court. It shall cause notice of the date of hearing to be served on the opposite side, requiring attendance to be put in in such time as shall admit of the appeal being heard on the day appointed for hearing.

123. On the day appointed for hearing, or on such other day, if any, as the hearing may be adjourned unto, the Court shall consider the record, or such parts thereof as the parties may consider relevant to the appeal. It shall hear the appellant or his pleader in support of the grounds taken in the memorandum of appeal, and the respondent or his pleader in support of the decree of the lower Court. The appellant or his pleader shall have a right of reply. If there be a cross-appeal, or more appeals than one from the same decree, they shall be amalgamated and heard together, parties being then ranged as nearly as possible in the same order as they stood in the Court below, and they shall be heard in such order as plaintiff appellant, defendant-appellant, third party appellant. In such case, there shall be no right of reply.

124. With the special permission of the Court (which shall be formally recorded), but not otherwise, an appellant may be heard on grounds not taken in the memorandum of appeal, and the Court may decide the case on such grounds. Provided that the opposing side shall have had fair and proper opportunity to meet them. The Court shall not decide an appeal on any ground which shall not have been laid by the parties before the Court, or shall not have been stated by the Court for the consideration of the parties, or their pleaders at the hearing.

125. After hearing all parties present or their pleaders, the Court may do one or other of the following things:—

I.—It may affirm the decree of the Court below.

II.—It may reverse that decree.

III.—It may vary that decree.

In case the Appellate Court reverses or varies a decree of the lower Court, the said Appellate Court shall record a new decree, stating what its decision in the matter in litigation is.

IV.—If the lower Court has recorded evidence, but on disposing of the case on some preliminary point has not recorded its opinion on the evidence as it bears on the other points, the Appellate Court, if it differs from the first Court regarding such preliminary point, may remit the record to the lower Court for an expression of its opinion on the other parts of the evidence, and for return thereafter to the Appellate Court for disposal of the appeal.

V.—It may call for additional evidence on any point or points on which, in its opinion, the lower Court has not received proper evidence.

VI.—It may prescribe for trial any issue or issues which seem to the Appellate Court to be essential to the proper decision of the case, and may require the lower Court to try the said issues and re-transmit the case, together with the evidence as taken, to the Appellate Court for disposal of the appeal.

126. When an Appellate Court acts under clause IV, V, or VI of the last preceding section, it shall retain the appeal as a pending matter on its own file, and shall, as soon as its orders have been carried out by the lower Court, hear argument, if any is offered, upon the mode in which the said orders have been carried out, and upon the result thereof. After hearing such argument, if any, the Court shall dispose of the appeal.

127. Instead of remitting a case to the lower Court, the Appellate Court may itself record any additional evidence, either on the old or on fresh issues, and so dispose of the case.

128. *Of the judgment and decree on first appeal.*—When no second appeal is allowed, and when the Appellate Court affirms the decree of the Court of first instance, a decree dismissing the appeal is all that the Court of Appeal need record.

129. When a second appeal is allowed, or when the Appellate Court varies or reverses the decree of the Court of first instance, the judgment of the Court shall contain a statement of the points which have arisen for decision on appeal, and of its decision thereon, together with a brief statement of the principal items of evidence on which its decision is based.

130. When an Appellate Court affirms a decree of a Court of first instance, no fresh formal decree need be drawn up, but a memorandum of costs incurred in the Appellate Court shall be transmitted to the lower Court, and the amount shall be incorporated with the decree of that Court.

131. When an Appellate Court varies or reverses the decree of a Court of first instance, it shall prepare a fresh decree applicable to the whole case, both in the Court below and in the Appellate Court; and this fresh decree shall be the decree in the case in supersession of the decree of the lower Court.

131A. *Of second appeals.*—Second appeals shall lie to the High Court of Judicature at Fort William from decisions of Courts of first appeal. Provided that no second appeal shall lie from any decree of a Court of first appeal in which the valuation of the appeal in such Court of first appeal shall have been Rs. 500 or under.

132. A second appeal shall lie only on one or other of the following grounds:—

I.—That the decree is contrary to some specified law, or usage which has the force of law.

II.—That the lower Appellate Court has failed to determine some material issue on which its decision was sought when the appeal was before it.

III.—That a substantial error or defect in the procedure as prescribed in this Act has been committed by the lower Appellate Court, and that such error has caused actual error or defect in the decree.

133. The Court of second appeal may affirm, vary, or reverse the decree of the first Appellate Court on any of the grounds stated in the last preceding section. Before passing final orders in the appeal, the Court of second appeal may require the Court of first appeal to take additional evidence on any point which has been tried; or to try and record findings of fact on any fresh points stated and sent for this purpose to the lower Appellate Court. The lower Appellate Court shall carry out such orders, as speedily as possible, and shall communicate the result to the Court of second appeal, which shall thereafter proceed to pass final orders on the appeal before it.

134. The judgment and decree of the Court of second appeal shall be in such form as the said Court shall think fit to adopt.

135. *General.*—The provisions of this Act relating to the general powers enjoyed by

Courts of first instance and their procedure in special circumstances shall, in so far as the same can be made applicable to Courts of appeal, be held to apply to them.

Illustrations.—

I.—The rules relating to procedure in case of absence of any necessary party to a case shall apply when any party to an appeal is absent.

II.—The procedure to be followed by Courts of first instance, in case of the death, &c., of a party to a case, shall be followed in similar circumstances by an Appellate Court.

III.—An Appellate Court may allow a plaint or a memorandum of appeal to be amended or withdrawn.

Provided that an Appellate Court shall not allow any third party to intervene at the appellate stage.

136. Any Court may grant a review of its own decree, provided application be made within such time, not exceeding three months from date thereof, as the Court shall deem reasonable on any of the following grounds:—

I.—The discovery of fresh evidence, which with due diligence could not have been forthcoming at the trial.

II.—A mistake or error, other than a mere clerical error, which has resulted in an error in the decree.

Explanation.—A mere clerical error may be corrected by the Court at any time, with or without previous notice to the parties.

III.—That the ends of justice require that a review be granted.

137. No "review" shall be granted on any matter regarding which there was a right of appeal, of which the petitioner for "review" did not avail himself.

138. A review shall not be granted by the successor in office of the officer who passed the original decree. But if on the succession taking place any petition of review has been actually admitted, the successor shall have power to hear and dispose of the matter.

139. The procedure in admitting and hearing a petition of review, and in reviewing a decree if the petition be admitted, shall conform, as far as possible, to the procedure laid down to regulate the procedure of Courts of first appeal.

140. If in any case or appeal under this law in which there is no appeal, or no second appeal, the Court dealing with such case or appeal shall entertain any reasonable doubt as to any part of the case, concerning any question of law, or usage which has the force of law, or the construction of a document, or the proper procedure applicable to the matter in hand, the Court may, either of its own motion, or at the request of any party, draw up a statement of facts of the case, and of the point or points on which doubt is entertained; and shall submit the same for the instructions of the Appellate Court to which the referring Court is immediately subordinate.

141. Proceedings in the referring Court shall be staying pending receipt of the instructions of the Appellate Court in the matter referred to it.

142. The Appellate Court, in dealing with a reference under section 140, shall give parties an opportunity of arguing the matter before it; and shall, after such argument, or without argument if no argument is offered, decide the point referred to it, and shall transmit a copy of its decision for the guidance of the referring Court.

143. If the reference be to the Court of the District Judge, and he entertains reasonable doubt as to the answer which should be returned to the referring Court, he may, if he thinks fit, forward the reference for disposal by the High Court of Judicature at Fort William, with any remarks which he may think fit to make.

144. *Of summons and notice.*—A "summons" means a written order served on a defendant or on a respondent requiring him to answer to a case or appeal against him; or an order on a witness requiring him to attend, or to produce a document, book, or the like.

145. A "notice" means a written order served on any one requiring him to do, or not to do, some act, or conveying to him some information.

146. Summons and notices shall be served as follows.

147. A single peon of the Court shall carry two copies to the place where the person on whom service is to be made resides.

148. The person to be served or, if he cannot be found, his house shall be pointed out to the peon by a person who shall be deputed for that purpose by the person at whose instance the summons or notice was issued.

149. Service shall be made in one or other of the following ways:—

I.—If possible, by delivery of one copy to the person named therein.

II.—If that be not possible, then by delivery of one copy to any adult male member of the family who lives on the same premises, or in the same village.

III.—If that be not possible, then by attaching one copy to the house-door of the person named therein.

150. If service be made under clause (I) or (II), the serving peon shall, if possible, obtain the signature or mark of the person on whom service is made. If such signature be refused, or if service be made under clause (III), the receipt of the putwari or village watchman, or substantial resident, shall be obtained to a certificate of mode of service to be drawn up on the spot by the peon on one copy of the summons or notice. If the said signatures or marks shall be granted on service made under clause I or II, these shall be formerly "witnessed" by the putwari, village watchman, or substantial resident.

151. If a person on whom a summons or notice has been served in any of the above ways fails to attend or to comply with any order issued, the Court may issue a warrant for his arrest. On his being brought before the Court, he shall be admitted to bail (if bail be forthcoming) for attendance on the day fixed for the case. If he is unable to find bail, he shall be detained until the day fixed for t he case in the 'under-trial' ward of the nearest jail or lock-up.

152. On returning from an attempt to serve any summons or notice, the peon and the deputed agent of the party shall make affidavit of what occurred at the time of service, or attempt to serve. Such affidavits shall be recorded on the back of the second copy of the summons or notice, which shall then be filed in the record of the case or appeal. Such affidavits shall be received as evidence of what they state, and the statement shall be held to be true, unless rebutted by other evidence produced by any one who alleges the statements to be untrue.

153. If a summons or notice cannot be served in any of the ways prescribed in section 149, and if, on warrant being issued, the absent person cannot be found, the Court may then, at the instance of the party, proceed by proclamation and attachment and sale of the moveable or immoveable property of the absentee.

154. If as the result of these proceedings the absentee shall appear and shall give a true and sufficient reason for not appearing, or complying, at earlier date, the Court shall pass such order regarding the property or the proceeds thereof as may be just and proper. Attachment and sale of property under section 153 shall be conducted under the procedure prescribed for execution of decrees. Provided that no sale of immoveable property shall become final until one full year after it has been held and completed. A sale of moveable property shall become final at once, but the sale proceeds shall be at the disposal of the Court for one year from the date of sale.

155. A case shall not be kept pending in any Court because of the absence of any witness or witnesses, unless the Court shall be of opinion that the party who professes to require him or them will be materially prejudiced by the case proceeding in the absence of such witness or witnesses.

156. *Miscellaneous.*—Every person who requires any summons or notice to issue from any Court, or any notification, shall pay (in addition to processf ees) all costs likely to be incurred in connection with the process, and these must be paid before process issues from the Court. Any want of diligence or any neglect in this matter shall result in the process not being issued, or not being issued in proper time, in which case no second process in the same matter shall be obtainable as a matter of right.

Illustrations—

I.—A takes out summons on a witness; he must deposit at the same time travelling and diet expenses at such rate as the Court, by any general or special order, may direct.

II.—A applies for attachment of ten head of cattle in execution of a decree. He must, at the time, deposit costs of tending and feeding the cattle after attachment and before sale.

157. When summons or notice is served under clause I or II of section, no witness or other person shall be bound to comply with the orders of the Court, unless proper travelling and diet expenses are at the same time tendered. No witness or other person shall be required to remain in attendance at Court *de die in diem* after his diet allowance shall be exhausted; unless the same be at once replenished. No witness or other person who shall be sent away to his home unheard shall be required to attend again on some other day unless fresh travelling expenses be provided for him.

158. All persons on whom any summons, notice, or notification of Court shall have been duly served, whether personally or otherwise, shall be bound to obey the same according to the tenor and purport thereof; and, except in the circumstances stated in section 157, shall be bound to remain present at the Court until the presiding officer of the Court permits them to leave.

159. *Miscellaneous.*—Any person sued under this Act on account of any money due may plead set-off, provided:

I.—That the set-off shall be a sum then ascertained and nameable without trial by the Court as to the amount thereof.

II.—That the set-off is due in the same contractual relation between the parties as they stand in with reference to the suit.

Illustrations—

I.—A is sued for rent of 1885. He pleads set-off in that he paid Rs. 50 excess rent for 1884. This plea shall be enquired into, and, if found true, shall be allowed.

II.—A is sued for rent. He pleads that the plaintiff owes him money for a horse sold by A to the plaintiff on credit. This plea shall not be received.

III.—A is sued for rent for 1885. He pleads that the plaintiff promised to pay to him whatever sum might be realized from a certain right of fishing in tanks. This plea shall not be received.

160. Whenever a Court disposes of any matter, it shall pass reasonable and proper order as to the costs incurred in the suit, and shall say by whom they are to be paid.

161. Whenever a Court disposes of any matter, it shall pass orders allowing or disallowing interest. It shall ordinarily allow 12 per cent. per annum, and on debts down to the date of institution of suit. On sums which shall be due after that date, including costs of the suit, the Court shall ordinarily allow 6 per cent. per annum. Provided that, if the rate of interest payable shall have been settled by the parties by any written contract, the Court shall be guided by such contract in awarding interest, whether as to the time before institution of suit or as to the subsequent time.

162. When any Court shall be of opinion that any case has been brought needlessly, vexatiously, and in order to harass the defendant, it may award compensation to the defendant by damages which shall not exceed 25 per cent. on the valuation of the suit. When any Court shall be of opinion that any defence has been made needlessly, vexatiously, or in order to harass or delay the plaintiff, it may, when decreeing the case, award interest up to 25 per cent. on the valuation of the suit to run for such term as the Court may direct.

163. All Courts may relieve as against a penalty by substituting therefor reasonable interest.

164. Whenever it shall appear to any Court that a criminal office of any kind, whether the same be punishable under the provisions of the Indian Penal Code, or under any special law, has been committed during the course of any proceedings before it, or at some other time, and that the same ought to be made the subject of a criminal prosecution, the Court shall draw up a précis of the facts of the case and of the evidence for the prosecution, and shall transmit the same to any Magistrate having jurisdiction. On receipt thereof, the said Magistrate shall proceed according to law. Provided that if the offence fall under section 172, 173, 174, 175, 178, 180, 184, or 186 of the Indian Penal Code, or consist of the abetment of any of the offences punishable under these sections, the Court, instead of sending the matter to the Magistrate, may itself summarily try it, and on conviction may punish by fine not exceeding Rs. 50. The "General Clauses Act, 1868," section 5, shall apply to fines imposed by any Rent Suit Court under this section of this Act.

165 When any question of limitation arises in connection with any minor, the following rules shall apply :—

I.—If the cause of action arose in the time of an adult predecessor, and a portion of the period of limitation shall have run, during the life-time of such predecessor, such part shall not again run in favour of the minor; but the running of the term of limitation shall be suspended, until—

(*a*)—A guardian shall have been appointed to the minor by the Court of Wards or by the Civil Court.

(*b*)—If no such guardian be appointed, then until the minor attain the age of twenty-one years.

II.—If a cause of action shall have arrived during the life of a minor predecessor, or to the minor personally after the death of an adult predecessor, the period of limitation shall not begin to run, until—

(*a*)—A guardian shall have been appointed to the minor by the Court of Wards or by the Civil Court.

(*b*)—If no such guardian be appointed, then until the minor attain the age of twenty-one years.

Explanation.—If after the appointment of a guardian by the Court of Wards or by the Civil Court, the same dies or ceases to act while yet the period of limitation has not expired, the balance of such period shall cease running until a new guardian shall be appointed by either of these Courts; or until the minor attains the age of twenty-one years.

166. The periods of limitation applicable to suits, applications, and appeals under this Act, shall be those stated in the fourth schedule hereto annexed.

167. All Courts shall of their own motion dismiss any suits, applications, or appeals which shall be instituted after expiry of the statutory time, provided :

I.—The Court shall not be bound to raise and try any fact on which the limitation bar in any suit depends, unless required by the parties to do so.

II.—If the Court be closed on the last day of any period, any suit, application, or appeal shall be in time, if presented on the first open day following.

III.—Such reasonable increment as the Court of appeal may allow shall be made to the statutory term in order to allow of copies of proceedings being taken by the parties.

IV.—An Appellate Court shall have a discretion to admit an appeal presented after expiry of the statutory term, together with its increment, as provided in clause III, on good and sufficient cause being shown for the delay.

168. In this Act words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, unless there be in the context something repugnant thereto.

169. Whenever any matter of procedure shall arise for which no special provision has been made in this Act, the Court shall follow such procedure as shall most conveniently and promptly meet the exigencies of the case.

Illustration.—This Act contains no directions as to procedure after date of attachment and before date of sale of moveable property. Courts shall in each case proceed to provide for the custody of such property between these dates in such manner as shall be most suitable to the nature of the property attached.

No. 633, dated Cuttack, the 31st July 1884.

From—J. B. Worgan, Esq., Offg. Judge of Cuttack,

To—The Secretary to the Government of Bengal, Revenue Department.

I have the honour to acknowledge the receipt on the 18th ultimo, at Darjeeling, of your circular No. 5T.—R. of the 28th of May last, on the subject of the Bengal Tenancy Bill.

2. In offering such remarks as occur to me on the matters on which my opinion is called for, I shall follow the order of arrangement adopted in your letter. Bearing in mind the opening of your 7th paragraph, I shall not express any opinion on anything beyond the scope of your letter to the Commissioners and that to myself, and the letter of the Government of India of the 5th of May. The "paragraphs" referred to by me hereafter are the pragraphs of your letter.

3. *Paragraph 3.*—The word "village" as used in the Bill does not appear to have been defined. It might perhaps be well to add a definition.

4. *Paragraph 4.*—The classification of tenants laid down in chapter 2 of the Bill does not appear to me, from what I have seen of agricultural relations in this province, to be ill-suited for practical use. The idea of tenures is embodied in the rights known as sarbarakari, mukaddami, &c.; the idea of rayati rights is embodied in the "praja," which word is indeed the enquivalent of the word "rayat." The idea of sub-letting by rayats to under-rayats is familiar to the people also, though, from what I have seen, such sub-letting is less common here than in other parts of the country.

5. Looking at the definitions of "proprietor" and "tenure-holder," I think that the definition of "rayat" given in section 5 (3) does not cover rayats holding under unregistered lakhirajdars. There seems to be no reason for not giving such rayats the same status as those holding under proprietors of registered revenue-free lands; and in this view the definition of "proprietor" might be amplified.

6. The presumption founded on the area of a holding proposed in section 5 (5) I should myself call a fair one. Rai Kristodas Pal, I observe, regards it as inconsistent with the ancient and existing land law; but having regard to what I take to be the true conception of a "rayat," I am not disposed to agree with him. In cases where the holder does not sub-let at all he is given the status of rayat, and *bonâ-fide* rayats will not be affected.

7. The question of the practicability of the application of the rule for conversion of occupancy rayats into tenure-holders will depend very much on the view that may be taken by the class of persons affected by the measure. Should they as a body regard the position of tenure-holder with disfavour, there will be a good deal of sub-letting beyond the limit and denial of the same when called in question. Looking at the status of rayats as compared with that of under-rayats under the Bill, the consequences of a rayat's transforming his under-rayats into rayats with either actual or potential occupancy rights must be I think to greatly diminish the value of the holding to him. He can no longer eject them at will by mere notice. He cannot enhance their rent without suit if they refuse to agree to the enhancement. He is thus as respects the sub-let portion worse off. As regards the portion not sub-let, I presume he becomes a tenure-holder quoad the whole holding, and has accordingly no right of occupancy left to him in the said portion, nor can he make any improvements in the same, even though he cultivate it himself. Assuming registration of his holding to have been effected, he is liable to the summary sale of his tenure. *Per contra* he will be safe against distraint, and he may sell to whom he pleases without the hindrance of pre-emption by the zemindar. On the whole, however, I should say that though to sub-let half of a holding of less than 100 bighas might often suit a rayat, this not affecting his

status in either the let or the unlet portion, to do *more* would not be profitable. The discouragement would be much greater still were there no difference between occupancy and non-occupancy rates which I think might with propriety be the rule; but this is not provided by the Bill, and I take the matter as it stands.

8. In what I have said above I have had in my mind more especially the position of the *bonâ fide* occupancy rayat. If such a man be likely to be discouraged from sub-letting beyond the harmless limit, the considerations noted should seemingly tell strongly to check the acquisition of occupancy holdings by purchasers whose sole object is to make all they can out of the same without any of the trouble or risk of cultivation. Directly they proceed to pass the line they are shorn of most of what they thought to get. With tenants-at-will they might rack-rent as such as they could, but now the under-rayats can to some extent hold their own, and the question becomes whether the game is worth the candle, the under-rayats being in possession.

9. Assuming, as I then do, that the conversion of status will be looked on as a charge for the worse, and sub-letting beyond the allowed point a thing to be done so as to avoid its evil consequences, I have no doubt that the application of the rule will be a matter of difficulty. Registration is provided to make it practicable, and if efficient registration can be attained, it will I think do so. No registration that does not stand on a sound and perfect basis will suffice to prevent the provision from being infructuous, and the basis necessary seems to me to be a record of rights of the agricultural community. This is one of the measures contemplated by the Bill. With it accomplished, the enforcement of the rule should be so far easy as to prevent much evasion of it. The work is indeed a gigantic one, if extended over the province, but it is one with which the experience gained by the revenue authorities in the working of the Land Registration law will enable them to deal. They *may* consider registration *before* the general record of rights feasible. The question is an administrative one, and I need say nothing more on it, except that I presume that the revenue officer when framing his record will, as regards occupancy rayats, ascertain and record the extent to which they may have sub-let their holdings; or, if he enters such tenants at once as tenure-holders, he will show in the record that they are such by conversion, so that due effect may be as regards them given to clause (*b*) of section 37 of the Bill.

10. *Paragraph 5.*—Assuming that registration will achieve a correct and complete classification of holdings there remains of course the fact that sub-letting beyond the limit may and doubtless will go on after it is over, and it is not likely that it will in many cases be brought to notice. The class (the under-rayats) to whose interest it is to have the conversion rule operative will probably very rarely come forward. The *zemindar* is bound to know of such sub-letting, and will probably report it to the revenue authorities wherever he thinks the same at all against his interest. This it will sometimes be. I see, however, that Rai Kristodas Pal objects to the conversion rule from the zemindar's point of view. The zemindar can no longer distrain on nor pre-empt the holding. If these are real grievances the zemindar will not generally move. Thus the law will become a dead letter, as did the old Mutation Law.

11. This appears to me to be a formidable difficulty, and one which, with reference to the importance of keeping occupancy rights in the hands of *bonâ-fide* rayats, demands a remedy. One way would be to allow the right of pre-emption in the cases of tenures by conversion. This would discourage sub-letting beyond the limit, and would make the *zemindar* less indifferent to it. The distraint difficulty remains. It might be removed by allowing distraint for arrears of a tenure by conversion. Under the former law distraint could be made only by the landlord next to the actual cultivator. Under the Bill the landlord of the rayat may in certain cases distrain the crop of the under-rayat. If allowed the privilege suggested by me, the zemindar would have nothing left to complain of, and would probably in his own interests aid the revenue authorities in keeping up the record of rights quoad conversion tenures. He might indeed in this case be made legally responsible for doing so, registering in a form prescribed all sub-lettings by his occupancy rayats, and sending extracts of his register to the officer in charge of the record of rights to be entered in the record; such entries to be presumed till the contrary be shown to be correct.

12. As regards the proposed rules for enhancement of tenure-holders' rents, I should, as it is desired to discourge the growth of sub-letting, be disposed to exclude conversion tenures from the 10 years' rule. Existing and ancient tenures deserve respect, and cannot with justice be depreciated: they may even be improved, as proposed in section (8) of the Bill, without public prejudice, but whether conversion tenures should be placed on the same footing as such old tenures is, if it be desired to repress sub-letting, a matter which deserves consideration.

13. *Paragraph 6.*—As regards the retention in its present form of the 20 years' presumption rule, there seems to be force in what Rai Kristodas Pal says as to the effect of doing so on the more moderate landlords. In Orissa the zemindars will not be affected, as the province has not been permanently settled, and though the thani rayats of the temporary settlement of 1837 are protected from enhancement during the currency of the same, I presume that as the zemindars will be at the next settlement liable to enhancement

of their assessment, so will be their rayats. If the thani rayats cannot claim to hold on at fixed rates, the pahi rayats cannot of course do so on the same principle, *viz.*, that fixity of rayati rents presupposes a permanent settlement made, and not merely contemplated.

14. *Paragraph 7.*—As respects the extent to which the occupancy right of settled rayats should go, I doubt whether any injury worth speaking of will arise to the zemindars from the proposed rule, that is, if the conversion rule works efficiently. I can hardly suppose that many *bonâ fide* rayats have got much land out of their own villages or villages close to the same. These they may cultivate to such extent themselves as to escape the conversion rule. Distant or extensive holdings they could not do this with, and such holdings will become tenures either under section 5 (5) or by the conversion rule. If the proposed rule as to extent be, as said by Rai Kristodas Pal, objectionable from the zemindars' point of view, they may minimise the evil by bringing to notice all cases where occupancy holdings should come under the rule for turning them into tenures, and the keeping of the record of rights would thus be facilitated, as already suggested in a former paragraph of this letter.

15. As regards joint-proprietorship or tenure-holding not barring the acquisition of right of occupancy in the land, I should be disposed to disallow this right. As the zemindar is precluded from acquiring the occupancy right, so I think should the occupancy rayat be precluded from buying a share in the estate containing his holding.

16 *Paragraph 8.*—The permission to make improvements [clause (*b*) of section 31] seems to me open to no objection. So also clause (*g*), assuming that the provisions of the Act work properly.

17. As respects the legalising the transfer by sale of occupancy rights, I think that if the buying of them by men of the class that it is justly desired to exclude can be prevented, such sales ought to be legal, even without the consent of the zemindar, which is said by the Maharaja of Durbhunga to have hitherto been, and throughout Orissa is, an element in the transaction. To prevent doubt, and to quiet titles, such sales should either be legal or illegal. I do not think that it should be a matter dependent on custom. It seems to be generally held to be impossible to prevent such sales. An occupancy ryot selling his holding may not always be to blame for giving up his position. Even under the hitherto state of things I have been in favour of legalising such transfers, and have in previous reports to Government (letters Nos. 75 of the 15th of February and 798 of the 12th of December 1879) expressed myself strongly to this effect. The landlord's objections *might* of course be met by making the consent of the landlord necessary to the validity of the sale, and allowing him where he had refused such consent to oust the in-coming purchaser. Refusal to consent might be made a matter capable of adjudication by the revenue authorities.

18. *Paragraph 9.*—With reference to the proposed grounds of enhancement, there is, I think, difficulty in the absence of a field survey and classification of soils in adjudicating satisfactorily on the "prevailing rate" ground, wherever it is alleged by the ryot that his land is really less good than that of the ryots allegedly paying higher rents. Then, again, assuming that the classification of the land be correct, the classification of the ryots may be not so, the higher-paying ryots being perhaps creatures of the landlord, perhaps not really paying at all what is shown by their engagements or by the jamabandi. Much depends here upon the way in which the courts work the rule. If they are satisfied with less evidence than they should be on the question of what rents are really being paid in the village or in adjacent villages, the forcing up of occupancy rents becomes an easy matter.

19. From my own experience of enhancement suits or suit for arrears at enhanced rates, I think the courts of first instance often fail in this matter. I have seen many cases where the production of three or four *soi disant* occupancy raiyats admitting the payment of higher rates, and saying that others did the same, has been held sufficient to warrant a decree. Jamabandis were adduced by the zemindar to show the payment of these rates, which actually put down the higher rate as paid by the recusant raiyat, this peculiarity being unnoticed by the court. There is in such cases strong reason to suspect that the leverage alluded to in your letter is at work. I do not think the law at fault here. The prevailing rate should I think be taken to be the rate paid by the majority of raiyats suited for comparison in the villages chosen for such comparison, and that the majority would voluntarily place themselves in a losing or dangerous position in order to oblige the zemindar and injure their neighbours seems improbable.

20. The restriction of enhancement on the ground of increased productivity to fluvial action and landlords' improvements seems to me desirable, and the provisions for registration of such improvements sufficient. As regards enhancement on the ground of rise in prices, it is a fair and workable ground as regards land used for the growth of staple food-crops of which the prices have risen. This will usually be the bulk of the arable land in a village. I do not, however, quite see why, because staple food-crops rise in price, a rayat should have to pay more for land on which he has been been growing other produce of which the price has not risen, or may even have fallen, nor why, if his kind of crop becomes more valuable while staple crops have not risen, the landlord should get no share of the increased profit from the land. The prices for some years back of such crops as jute, indigo, silk, tobacco, cotton, &c., are, I should say, easier to ascertain than those of rice, wheat, maize, &c., owing

to their being more often sold to European firms or planters, or to native dealers in the habit of keeping regular books and in connection with European constituents or customers. The prices of such crops may fluctuate, but this does not prove that they have not in the long run risen, or that they cannot do so. To judge of this, a rise for two or three years would not be sufficient index, but an average of, say, five years as against the average of the five years before them might form a workable standard.

21. Enhancement out of court on the ground of rise in prices or of fluvial action might, I think, be allowed to be made to the same extent as in court; as, if improperly assessed, the matter is capable of comparatively easy settlement, and a good deal of litigation would probably be avoided. In the case of outside enhancement on the ground of a higher prevailing rate, looking at the danger of collusion, I think the making a less enhancement obtainable than could be got by suit desirable.

22. The absence of some limit in cases of enhancement on the ground of landlord's improvements will, I think, make the decision of such cases difficult. Such cases will not be common. The rent previously paid is of course no guide here, nor will the prevailing rate help the court. Prices are irrelevant also. What is effected is an increase in the value of the land, through an assumed increase in its yield. For this increase the landlord has paid. It is the return yielded by his investment. He will look for a return for this expenditure equal to what he could get by any ordinary investment. If *this* be not obtainable, landlords will hardly lay out their money on *improvements*. If the increased yield does not equal this amount in value he cannot take it from the ryot, for that would be to put the ryot to a loss. If it equals it, he will probably think himself entitled to the whole of it, for otherwise he will himself be a loser. If it exceeds what he could get from an ordinary investment to the same amount, the excess might perhaps be allowed to the ryot. The increase in the produce and the value of the same, and the cost of the improvement, must then be ascertained, nor do I see any other fair method of dealing with cases of this particular description.

23. The question of allowance for increased cost of cultivation in cases of enhancement on the ground of rise in prices is a difficult one. It is stated in the letter of the Government of India that if one fact is clearly brought out by enquiry it is the impossibility of ascertaining the cost of cultivation with any degree of accuracy. Equally great must be the difficulty of saying how much greater the cost is now than it used to be. The matter is one on which I find myself unable to make any practical suggestions. Under the Rent Law of 1859, it virtually formed a ground for abatement of rent, as increased cost of production of course diminished the value of the produce to the cultivator. Under the proposed law it is not a ground for reduction of rent. Were it ascertainable, it might fairly be deducted from the existing rent before enhancing the same. The difficulty is to estimate it.

24. *Paragraph 11.*—The provision about re-letting in section 42 (1) will undoubtedly tend to level up rents. The danger to the rayats *originates* in section 56 of the Bill. If it be desired to improve and to secure the status of the rayats as a body, I think that the Bill will work in an unsatisfactory manner. The insisting on the equality of occupancy and non-occupancy rates would entirely remove all the anticipated dangers, and would be an enormous boon to the ryat class.

25. The limiting of a non-occupany rayat's initial rates would no doubt be vehemently objected to by the zemindars. Even as it stands the Bill is condemned by the Maharaja of Durbhunga as containing clauses of a revolutionary character, infringing strictly guaranteed rights. The question is whether to rack-rent was one of these guaranteed rights. I should say it was not. The Statement of Objects and Reasons annexed to the Bill of 1883 makes it plain that the power to protect the rayats and other cultivators of the soil was reserved to the Government by Regulation I of 1793. A non-occupancy rayat is a cultivator of the soil, and thus entitled to protection; nor is the character of such protection limited by any of the Decennial or of the Permanent Settlement Regulations. The non-occupancy rayat has hitherto obtained little enough of protection as regards the terms on which he can acquire a holding, and here there has been a foundation laid for a gradual raising of occupancy rates, wherever high-rated non-occupancy rayats have become by lapse of time rayats with rights of occupancy in sufficient numbers. That the occupancy rates would by this process be raised to rates amounting to *rack-renting*, I can hardly suppose, for non-occupancy rayats would hardly remain in the village for so long a time as 12 years if their position were made too hard to bear; but a good deal could be done short of *driving away* non-occupancy tenants. Under the proposed law 12 years are not necessary for a non-occupancy holding to become an occupancy one. It becomes so the moment a settled rayat takes it; at least so I understand section 25 of the Bill. The raising of the occupancy rates is thus not only facilitated, but much expedited: and there is here a real danger of their rising to rack-rents, for even the settled rayats, who are less livers from hand to mouth, and less able to desert the village, than the more nomadic non-occupancy rayat.

26. If these apprehensions have any foundation preventive measures are justifiable. All that the zemindars can fairly ask is that the measures taken to protect the rayats may not be such as to cause the landlords immediate loss, or to cut off *all* source of profit from non-

occupancy holdings in future. Such a measure would, I think, be the prescribing a maximum limit to a non-occupancy rayat's initial rent, of, say, what the holding is worth at rates equal to the *highest* occupancy rates in the village. Of course it may be that the land is of better quality than any of the occupancy land, and ought to yield more rent. If so, the zemindar may in due time get such enhancement as the rent ought to bear. It may be on the other hand that the land is not as good as the highest-rated occupancy land in the village. In this case the zemindar has no just ground of complaint to start with.

27. The initial rent being thus limited, some safeguard is necessary to prevent the advantage gained being nullified by the effect of inordinate enhancement, of which there is a risk under the operation of section 57 of the Bill. It is very difficult to see how this can be prevented without in some way limiting non-occupancy enhancement. This the Bill does as regards the extent to which it may go at any one time, but not as regards the duration of the enhancements. The rapid rise of non-occupancy rates might be prevented by not allowing a fresh enhancement till after some fixed period, say, 10 years; but even so the anticipated results must come about at last, unless some rigid ultimate limit be laid down. The only possible one seems to me to be the limitation of the share of the produce allowable to the landlord. Rather than leave the door open to rack-renting, I think this limitation should be declared. To deal with the evil in any other way seems to me impossible.

28. The measures suggested above are no doubt measures of considerable stringency; but stringency is at times necessary. They need not be made retrospective, so as to affect the present rent-roll, but if made the law in future, they would prevent an aggravation of the evil. Rents may be taken to have pretty well settled themselves generally; real and proper grounds of enhancement of the rents will still be open, and more than this just landlords should not expect.

29. *Paragraph 12.*—As regards "bastu" or homestead lands, they are in the case of thani ryots in this province held free. With respect to the "pahi" ryots, who pay rent for their homestead lands, and many of whom have of course under the law of 1859 acquired rights of occupancy, I should be disposed to exempt such lands from enhancement, as they yield no produce.

With reference to the existence of any practice of exempting from sale in executions of decree of "bastu" land, I have myself never come across any instances of the kind, and I am informed by those who ought to know that the practice does not exist.

With regard to any custom whereby an ejected or outgoing rayat is entitled to retain his homestead lands, the same remarks apply.

30. *Paragraph 13.*—As regards deterioration of land by imperceptible causes, I am not aware of any facts bearing on this point in this province.

31. *Paragraph 14.*—I have to say the same as respects the subject of price-lists.

32. *Paragraph 15.*—As to the making allowance for increased cost of production when using price-lists in enhancement cases, I do not, as I have before said, see how it can be estimated, and thus how any rule made could be worked.

As regards the regulation of rents with reference to the prices of staple food-grains alone, I have already said all that I have to say.

33. *Paragraph 16.*—The above remark applies to this paragraph.

34. *Paragraph 17.*—The limitation of the rents of under-rayats is, I think, fair in principle. Such persons are cultivators, and should not be left entirely unprotected.

The limiting the terms of leases to under-rayats seems desirable, as being no doubt likely to discourage sub-letting.

35. *Paragraphs 18 and 19.*—I have no remarks to offer on the subject of these paragraphs.

36. *Paragraph 20.*—As regards the rule about abandonment and the risk of evictions being effected and pleas of abandonment set up by the landlord, I would suggest that the rayat should be allowed to notify his intention to abandon his holding to the revenue authorities, failing which he should continue to be liable for the rent, or to a fine for breach of law. No abandonments not so notified being recognized by the courts; or again, the zemindar might be made to report abandonments, and pay a fee for service of notice on the raiyat, whose whereabouts would in most cases be known to or ascertainable by him.

37. *Paragraph 21.*—The provisions for measurement of lands by landlords are, I think, good. I would restrict the measurement of lakhiraj holdings by landlords to the external boundaries, so as to give the area only. I think the actual measurement should be made with the local pole, the figures being reduced to English measures afterwards.

38. *Paragraph 22.*—The provisions for the appointment of managers seem necessary. The rule must of course be worked with caution, and not on every vexatious application. The courts have a discretion, and if it be properly exercised no harm ought to result. Much will depend upon the sort of men nominated under section 105 of the Bill. If they are of a fit character, good might even be looked for, as has been actually the case with most estates managed by the Court of Wards.

39. *Paragraph 24.*—Land in which a cultivator cannot acquire a right of occupancy. I am not aware of any other such land besides the kinds of land specified in section 188 of the Bill.

40. *Paragraph 25.*—I should not be disposed to alter the present law of distraint, more especially if checks are put upon enhancement.

41. *Paragraph 26.*—The proposed procedure provisions appear to me good. Those about payment into court are an improvement on the present law. I do not think much more could be done without risk to shorten rent cases. They cannot be disposed quite hap-hazard.

42. *Paragraph 27.*—Rai Kristo Das Pal objects to the patni tenure sale portion of the Bill, but the principle being untouched I see no weight in the opposition.

43. *Paragraph 28.*—The registration of tenures is no doubt a matter of very great importance. As to how it should be *effected* I feel myself unable to offer any practical suggestions, the matter being one rather within the experience of the revenue authorities.

44. *Paragraph 29.*—I have no remarks to offer on the rule about occupancy right in respect of chur and dearah lands, save that it seems to me unobjectionable.

Section 210, barring contracts opposed to the law, I entirely approve of; though perhaps clause (*a*) is hardly necessary.

45. *Paragraph 30.*—The rule proposed for pasturage suits and such like seems to me open to no objection.

46. *Paragraph 31.*—The question of the application of the summary sale procedure to unregistered dependent taluqs is one on which I have no knowledge of the facts beyond what can be gleaned from the statistical account of the province, and other works of the same kind. If there be any such taluqs of any size, their being made to pay their own revenue direct would facilitate registration, and thus the working of the procedure. The question is, however, one for the revenue authorities.

47. *Paragraph 32.*—The summary sale of rent-free tenures would, I fear, throw a good deal of work on the revenue authorities for petty arrears, and open the door to a great deal of hardship and irregular acquisition of such tenures.

48. *Paragraph 33.*—Utbandi and halhasili tenures. I have never heard of the existence of any tenures of this name or character here, and I do not find on enquiry that any such are known.

49. *Paragraph 34.*—No rayatwari holdings in Orissa are saleable without the consent of the zemindar by *custom*. The Bill will thus make no real difference in the position of the transferring rayat here. The persons affected will be the landlords. They will, if the proposed law be made general, have in future to pay for what has hitherto cost them nothing.

50. In conclusion, I have to apologise for a little delay in the submission of this report. It has been owing to my being away from my office till the 19th instant, when I resumed charge and had to go on with the current sessions, from which I was not free till the 26th instant. The absence of references of importance made it impracticable for me to write the present letter whilst on leave.

No. 119, dated Ranchi, the 29th August 1884.

From—G. E. PORTER, Esq., Judicial Commissioner, Chota Nagpore,

To—The Secretary to the Government of Bengal, Revenue Department.

In answer to your circular No. 5T.—R., dated the 28th May last, calling my attention to the revised Bengal Tenancy Bill, with the report of the Select Committee, and the dissents published in the *Calcutta Gazette* of 2nd April, and forwarding copies of the letters marginally noted, I have the honour to submit, after careful consideration, my opinion on the questions raised in these papers.

Letter No. 784, dated 5th May 1884, from Secretary, Government of India, Legislative Department, to Secretary, Government of Bengal, Revenue Department.

Circular No. 3T.—R., from A. P. MacDonnell, Esq., Officiating Secretary, Government of Bengal, to all Commissioners.

2. It will be convenient to take the questions in the order given in your letter to the Commissioners of Divisions.

CHAPTER I.

3. Calls for no remarks.

CHAPTER II.

4. The points to be considered under this chapter are—

(*a*) Whether the definition of ryot in section V (3) covers all classes of ryots—those holding under unregistered lakhirajdars as well as under the holders of revenue-paying lands?

(*b*) Whether the presumption in section V (5) is, with reference to existing practice, a fair presumption; and if not fair, what presumption of the sort would be fair?

(c) Whether the conversion of the subletting occupancy ryot into a tenureholder (section 37) is a workable provision and also likely to secure the objects for which it was devised? On these points I am of opinion—

(a) That an unregistered lakhirajdar being a tenant under section III (3) and a tenureholder under section V (1), cultivators under him would come, under the definition of *ryots* as given in section V (2).

(b) The presumption in section V (5) appears to be a fair one. I see no valid reason why the zemindars should object to it.

(c) It appears to me that, if the principle of equality between occupancy and non-occupancy rates of rent is not recognized, the provisions of section 37 will be a direct encouragement to money-lenders to speculate in land. I think it will be impossible by any devise of legislation to shut out mahajuns and money-lenders from buying occupancy rights. As to subleases, I am of opinion that there should be no restrictions placed on the right of an occupancy ryot to sublease his land in whole or in part. As to registration, a ryot will register or not as it suits him. If he finds that he is better off as a tenureholder he will register, if not, he will keep quiet. In any case if this section is passed into law as it stands, I apprehend that it will give rise to many collusive and benami transactions, and lead to much litigation.

CHAPTER III.

5. Deals with tenureholders as defined in section V (1) of the Bill. I have no modifications to suggest in this chapter. No cases of enhancement by suit of a tenureholder's rent have ever come under my observation. The two classes of tenureholders most prevalent in the districts in which I have been are, first, makararidars and others holding at fixed rates not liable to enhancement; *second*, ticcadars—lessees holding for a term of years under special contracts. The provisions of this chapter in regard to enhancement would not be applicable to either of these classes of tenureholders. I think the provisions of the chapter as they stand are fair and well considered, although somewhat difficult to work with the present machinery of the courts.

CHAPTER IV.

6. I think that the 20 years' presumption may fairly be retained in the case of ryots claiming to hold at fixed rates. It is much more difficult for ryots to prove that they have held at fixed rates for 20 years than for the landlord to rebut the presumption. I am inclined, however, to agree with Mr. Gibbon that the landlord should have the right of pre-emption in the case of ryots holding at fixed rates, and I also think it would be expedient to fix a term within which the holdings of such ryots should be registered. As remarked in paragraph 7 of the Government of India's letter, "the presumption being cumulative, every year renders it less in accordance with real facts, and also increases the landlord's difficulty of rebutting it."

CHAPTER V.

7. Deals with occupancy rights. The questions to be discussed are stated in your letter as follows:—(a) Should the capacity of the settled ryot to hold on an occupancy title land into possession of which he has been let extend over an entire "estate," or should it cover only a portion of the "estate" when the latter extends over a large tract of country or into more than one district? (b) Should the "estate" within which such a right may accrue to the settled ryot be of the extent it was 30 years ago or at any more recent period? On these points I am of opinion that there is no good reason to alter the definitions as they stand. I do not think that the zemindars need be under any apprehension that a ryot will take up land for cultivation in different parts of a large estate, and if any other fiscal or administrative area, such as pergunnah or sub-division or district, is adopted, a ryot living on the borders may, with regard to one plot of land, acquire occupancy rights, and with regard to another be in a different position, although paying rent for the lands to the same landlord. As regards the provisions of sections 28 and 29 (1) and (2), I am inclined to think that some provision should be made to prevent the merger of the occupancy right in the proprietary right in the event of an occupancy ryot obtaining by purchase a share in the estate. At the same time I fail to perceive why a proprietor or tenureholder who wants land for *bonâ fide* cultivation should not be allowed to purchase occupancy rights as provided in section 29 (1). These sections will doubtless lead to many complicated benami transactions.

8. Section 31 deals with the free sale of occupancy rights. As I have already observed, I do not think that any legislative expedient can or will prevent such rights from passing into the hands of mahajuns and money-lenders. The only feasible method of protecting their ryots from being rack-rented is to enact that the rates of rent payable by such ryots are not to exceed the rates prevailing in the neighbourhood; in other words, to establish an equality between occupancy and non-occupancy rates of rent. Unless this is done, I fail to perceive any way out of the difficulty.

9. Section 39 *et seq* refer to the intricate question of enhancement, and I am asked to deal with it under two heads: (a) the grounds of enhancement; (b) the extent to which enhancements may be had. So far as my experience goes, the courts have found considerable

difficulty in deciding enhancement suits, which are seldom instituted unless the landlord asks such high rents that the ryot is quite unable to meet his demands. As a rule (of course there are exceptions) the ryot submits to a gradual enhancement of rent; and it is highly desirable that some measures should be framed, protecting on the one hand the ryot from arbitrary and excessive enhancement, and providing on the other that the landlord should get fair rent for the land. As a rule landlords claim enhancements on two grounds, *first*, the prevailing rates of the neighbourhood being higher; *second*, the value of the produce, &c., having increased (section 17 (1) and (2), Act X of 1859). Experience shows that it is very difficult to work the enhancement sections on the value of the produce, and therefore the courts generally base their decrees on the prevailing rates. The way in which these cases are at present decided appears to me highly unsatisfactory, and what is really wanted is not, in my opinion, any change in the law with respect to the grounds of enhancement, but a change in the machinery which carries out the law. Enhancement suits are now virtually decided by the amins, who are deputed to measure the land and ascertain the quality thereof, and the rates of rent. The aggregate rent can easily be increased or decreased by the classification of the lands, and it is quite impossible for the courts to check these matters. In the North-Western Provinces and other parts of India these settlement operations are conducted by trained officers with a suitable staff. Here, in Bengal, a civil court is expected to decide intricate enhancement suits on the evidence of an amain, who, although he may be able to measure the land, has seldom any special training in classifying it, which is much more important than the measurement. There can also be no doubt that the prevailing rate is often forced up by collusive or fictitious rates. I am of opinion that it is almost impossible for the courts, as at present constituted, to assess, with any degree of accuracy, a fair and equitable rent in contested cases, and that this is the reason why enhancement suits are so seldom brought, and also why, when instituted, they lead to such long and bitter litigation. Theoretically, I have nothing to say against the sections as they stand in the present Bill, but practically, I think, they are not workable by the present machinery of the courts.

10. With reference to the question whether enhancement should be allowed out of court in cases of increased prices or fluvial action to the same extent as in court, where the landlord's claim in all its bearings would be subjected to the closest examination under a judicial enquiry, I am of opinion that it would be unsafe and inexpedient to interfere too far with the freedom of contract, and to force parties into the courts where, as a rule, the longest purse wins the day. If a ryot can shew that he has been forced into an unfair contract, the courts can give him relief; but I think the landlord, if so minded, can harass his tenant much more through the courts than if he is left free to deal with him by private contract.

11. There can, I think, be little doubt that the danger pointed out by you in the 11th paragraph of your letter to the Commissioners, as the probable results of sections 42 (1) and 60 (9) of the revised Bill, is a real danger, and will enable unscrupulous landlords to exact very high rents and to run up the "prevailing rate." The only way to meet this danger would be to equalize the rates of occupancy and non-occupancy ryots.

12. With reference to the question of "bastu" raised in the 12th paragraph of your letter, the first point to be considered is what is the meaning of "bastu?" In one part of the paragraph it appears to be used as meaning "the site of the ryot's house," in another the lands immediately round the village, *i.e.*, the homestead lands. These lands are as a rule the most valuable lands in the village, where the ryots cultivate potatoes, Indian-corn, sugarcane, and vegetables of all kinds. The rent of these lands is generally much higher than the rent of the rice lands and high lands which form the bulk of the village lands. In the Gya district the rent of rice lands, or high lands on which spring crops are grown, is generally paid in kind, while the homestead lands pay rent in cash. So far as the actual site of a ryot's house is concerned, the general rule appears to be that a ryot is not ejected from his homestead even though he loses his cultivation. He then sinks into the position of a day labourer, and is allowed to retain his thatched or tiled house, the materials of which are sometimes sold in execution of decree; but the homestead lands form an integral portion of a ryot's holding. If in any district the homestead lands are held on a different title from the other lands constituting a ryot's holding, the difficulty pointed out might be met by introducing in section 216 the words "or homestead lands." The section would run thus—

"When a ryot holds his homestead or homestead lands otherwise than as part of his holding as a ryot, the incidents of his tenancy of the homestead or homestead lands shall be regulated by local custom." I am informed that in the zemindari of Burrabhum in the Maubhoom district, all ryots pay rent for their homesteads, which rent is collected by middlemen, who obtain a percentage on the collections.

13. With reference to section 51 (*a*) the retention of the wording of the corresponding section 18, Act X of 1859, would meet the difficulty pointed out. The section might be worded as follows:—(*a*) "On the ground that the productive powers of the land have been decreased by any cause without the fault or beyond the powers of the ryots." With regard to the provisions made in section 53 *et seq.* for the commutation of rents hitherto paid in kind, I am asked whether, with regard to the 20 years' presumption of section 64, clause (2), a fixed proportion of the crop can be fairly considered, having regard to the rise and fall of prices, as the natural and equivalent antecedent of a money-rent invariable over a term of

years; in other words, whether ryots paying their rents in kind are entitled to the presumption of fixity of tenure if they can show that their rents have been so collected for the last 20 years. I think that this class of ryots should not be entitled to this presumption. Of course they are entitled to be considered settled ryots if they have held and cultivated their lands for 12 years and upwards, but it can hardly be said that they have held at *fixed* rates. The commutation of grain rents into money payments would seriously affect the ryots of some of the Behar districts, especially Gya, the zemindars of which district would be glad enough if they could get their rents permanently paid in cash instead of in grain. But if the system now in force is changed, the question is, who is to defray the expenses of the *ghulandasi* (earthworks), and to keep up the irrigation channels, and carry on the numerous law suits about water-rights. The crops in the Gya district depend on artificial irrigation. If the rents now payable in kind are commuted into cash payments, the landlord will cease to take any active interest in the irrigation of the lands, knowing that the tenants will have to pay him in cash whether the crops are bad or good. In commuting the rents, the courts should be obliged to take these matters into consideration. If the tenants have to keep up the irrigation channels and earthworks, they should pay a lower rent; but if this expense falls on the landlord, the tenants should take their share. The question is one beset with difficulties, and it is impossible in the scope of this letter to deal with it. I doubt if such suits will ever be instituted except by landlords who wish to harass their ryots, as the payment of rents in kind is much more advantageous to the latter than to the former.

14. The preparation of price lists (section 52) is one of the many duties which will devolve on the executive if this Bill is passed into law. On this point I have nothing to say except that the rate prevailing at the head-quarters of a district or sub-division is no criterion of the rates prevailing in the interior of the district or sub-division.

15. In paragraph 15 of your letter you ask for certain information with regard to section 45 of the revised Bill on the subject of crops, which will undoubtedly be furnished by the executive. So far as the general question of enhancement is concerned, section 48 gives ample powers to the court to take all the circumstances of each individual case into consideration, and not to decree any enhancement which appears unfair or inequitable. This throws a heavy responsibility on the court, but appears to be absolutely necessary, as it is quite impossible to make any hard-and-fast rule for the adjustment of rents.

CHAPTER VI.

16. Deals with non-occupancy ryots. Unless some limit is fixed on the rate of rent which a landlord can demand from a non-occupancy ryot when first admitted into the land, there can be no doubt that the provisions of this chapter will lead not only to rack-renting but also to opposition on the part of the landlord to a growth of occupancy rights. The only way to prevent this would be to equalize the rents payable by occupancy and non-occupancy ryots, or to enforce the check provided by section 75 (*d*) of the original Bill, which, as Mr. Reynolds points out, has been taken away.

CHAPTER VII.

17. Deals with under-ryots. While section 56 allows any rent agreed upon to be taken from non-occupancy ryots, section 62 limits the rent recoverable from under-ryots whose position will in many cases be better than that of the former; for example, a ryot may hold 50 or 60 bighas of land at privileged rates. If he sub-lets any portion of this land less than a half, he cannot take from his under-ryot a rent, calculated I presume by the rule of proportion, more than 50 per cent. higher than the rate he pays. How is this rate to be calculated? I think it would be better to leave the parties to settle their own rents in such cases.

CHAPTER VIII.

18. The only point on which my opinion is asked with reference to this chapter is the sufficiency of the provisions of sections 81 to 83 of the revised Bill, which deal generally with produce rents. From my experience in the Gya district, I think that the provisions of sections 81 and 82 are absolutely necessary to prevent the disputes which continually arise between landlord and tenant when crops are appraised. Hitherto, when the ryot will not accept the appraisement, the landlord as a rule prevents him from cutting the crops which lie rotting on the ground to the ultimate loss of both parties. As regards section 83, I apprehend that the provisions of this section will lead to much dispute. The practice in regard to appraisement (danabundi) is very different from that of division (agora bataya). When the crops are divided, a watchman (agora) is appointed, whose duty it is to see that the ryot does not remove any of the crop to his house, but bring it all to the village threshing floor (kalihan), where it is threshed out, and the grain divided, the straw and chaff being the perquisite of the ryot. So long as the landlord and tenant are on good terms, this arrangement works well; but when any friction arises, the ryots can easily, with the connivance of the watchman, pilfer the crops at night, and leave very little to be

divided. This probably led to the appraisement (or danabundi) system, under which small patches are cut as the crops are ripening, and a general average of the produce struck. Of course the landlord makes the average as high as possible, and the ryot tries to reduce it. If the appraisement is accepted by the ryot, he is then allowed to cut and harvest the produce as he likes, so long as he makes over the landlord's share to his servants. It is clear therefore that under the present custom the tenant is not considered to be entitled to the exclusive possession of the produce until he has accepted the appraisement. These appraisement papers can easily be forged, and I think it would be a good plan to enact that such papers should not be accepted in any court of law unless registered as agreements, as they are in point of fact agreements on the part of the ryot to make over a certain proportion of his crop, or the value thereof, to his landlord by way of rent. If the parties cannot come to terms, they will resort to the provisions of sections 81 and 82. If section 83 is to be retained, I would alter it as follows:—

83 (1). When rent is taken by appraisement of produce, the tenant shall be entitled to exclusive possession on executing a registered agreement in favour of his landlord for the proportion of the produce due to him.

(2). Where rent is taken by division of the produce, the tenant shall not be entitled to exclusive possession of the whole produce. He shall cut and store the produce at the village threshing floor, and shall be entitled to his share after division.

(3). After appraisement, if accepted by the ryot as aforesaid, the tenant shall be entitled to cut and harvest the produce in due course of husbandry without any interference on the part of the landlord. If the appraisement made by the landlord is not accepted by the tenant the former should, within 15 days, apply to the Collector under section 81 of the Act, filing with his application a copy of the appraisement made by him and refused by the tenant. The Collector shall then proceed to enquire into the case.

(4). If the landlord neglects to make the application as aforesaid, the tenant may apply to have the crops appraised and divided, and if it be proved on enquiry held under section 82 that the landlord's demands were excessive, the costs of the enquiry shall be paid by him.

(5). If the tenant removes any portion of the produce at such a time or in such a manner as to prevent the due appraisement or division thereof, or if he without sufficient reason refuses the appraisement made by the landlord, he shall be liable to bear the costs of the enquiry, or if it is proved that he has removed any of the produce, before he is entitled to exclusive possession thereof, he will further be liable to prosecution under the Indian Penal Code for criminal misappropriation of property.

CHAPTER IX.

19. Deals with miscellaneous provisions as to landlords and tenants, such as improvements, surrender and abandonment, sub-division of holding, ejectment, measurements, and managers. I see no objection to allow non-occupancy ryots the right of constructing wells. The question raised in clause 1, paragraph 2 of the letter of the Government of India is one for revenue officers to consider.

20. On the subject of the abandonment by a ryot of his holding, I have no suggestions to offer. If the abandonment is really voluntary, the landlord should undoubtedly have the right of re-entry, and be entitled to re-settle the holding with another ryot. I think the instances of a landlord forcibly ejecting his occupancy ryots and settling new ones in their place must be exceptional. To make the abandoned right compulsorily saleable would be objectionable on many grounds.

21. I see no objection to the landlord being allowed to measure lakhiraj holdings, but I do not think the measurement should be allowed to extend to the survey of internal details, but should only show the external boundaries. The measurement should be in standard bighas. Section 101 (2) provides that the Government measure shall be converted into the local measure for the purposes of the suit, which is sufficient for all practical purposes.

22. I see no objection to the provisions of the Bill as they stand in regard to the appointment of managers, except that I do not quite understand the term "inconvenience to the public" as used in section 102 (*a*).

23. As regards chapter X, my opinion is not asked.

24. With reference to chapters XI and XII, I think that section 138(1) covers all land which is commonly recognized as not of a character in which the cultivator can ordinarily acquire a right of occupancy.

CHAPTER XIII.

25. *Distraint.*—I am inclined to agree with the late Baboo Kristodas Pal that if a landlord is not allowed to distrain crops for arrears of rent without going through the tedious process of court, the greatest facility which he at present possesses for realizing his rents quickly will be taken from him. However, there can be no doubt that the provisions of this chapter will either do away with the abuse of distraint by abolishing it altogether, or, as is more likely, they will lead to a large increase of litigation.

CHAPTERS XIV AND XV.

26. I have carefully considered the provisions of these chapters, and I think that sections 164 and 165 will undoubtedly facilitate the collection of rents by the landlords. The only point on which I am doubtful is whether the civil courts as at present constituted can fairly deal with the elaborate provisions of the revised Bill in enhancement cases. At present, as I have before observed, these cases are practically decided by the amin who holds the local enquiry. The amin is not as a rule an officer of sufficient experience to classify the lands and to make all the intricate enquiries and calculations which are necessary for the settlement and adjustment of rent. Section 174(2) provides that the court may direct a local enquiry by such revenue officer as the local Government by rule directs. The revenue officer should not, I think, be of a lower rank than a Deputy Collector, and should be specially selected for his experience in settlement operations. The civil courts would be materially assisted if a capable and trustworthy officer were always available for such enquiries. I see no objection to the introduction of section 39, Act I (B.C.) of 1879 which provides for suits against ryots collectively into the revised Bill. It tends naturally to lessen the expenses of suits.

CHAPTER XVI.

27. Calls for no remarks.

28. I have nothing to say on the subject of the registration of tenures.

29. I have already (paragraph 12) discussed the question of homestead lands.

CHAPTER XIX.

30. Section 227 makes pasturage, forest, and fishery rights recoverable in the same way as arrears of rent. This section appears quite adequate to meet the requirements of the case.

31. There remain the points raised in paragraph 2 of the Government of India's letter. Point 2 is one to be considered by executive officers.

32. *Point 3.*—Whether the modified putni procedure can be made applicable to arrears of road cess and public works cess from rent-free tenureholders. This, too, appears to be a question more for Collectors than Judges to deal with.

33. *Point 5.*—Whether the saving of customary and other conditions specifically applied in section 214 of the revised Bill to utbandi and halhasili tenures should be extended to similar tenures under other names, and whether any special saving is necessary in regard to special tenures under which land is held in the Chittagong Division. An *utbandi* tenure, as I understand it, is a tenure under which the cultivator pays rent only for the land actually cultivated by him in each year. In a *halhasili* tenure the rent varies with the crops. Such tenures are prevalent in many villages in Behar, although they may not be known by these names, and I have no doubt that if a close enquiry were made, many tenures would be discovered which are governed by some local custom. I think that the provisions of section 217 will enable the courts to deal with any such customary rights.

34. *Point 6.*—Whether it would be possible to specify for the purpose of exception from the pre-emption sections any such transferable occupancy rights as those in *gasashta* and gora holdings. I think it would be extremely difficult, if not impossible, to do so. All these tenants of such holdings would apparently fall under the definition of tenureholders, and under the revised Bill as it stands the landlord would not have the right of pre-emption in the event of transfer.

35. I have now given as briefly as possible my opinion on the questions raised in these papers. I understand that it is not proposed to introduce the revised Bill into the Chota Nagpore Division, and I have not therefore touched upon the peculiar tenures of this part of the country to which I do not think the revised Bill would be in any way applicable.

36. In conclusion I may add that I have carefully refrained from expressing any opinion on the principles of the Bill, as I have not been asked to do so; but I may be permitted to say that the Bill as it stands appears to me too drastic and elaborate a measure to be easily worked. It will, I am affraid, give rise to much litigation, and will cause considerable dissatisfaction among the landlords, without very materially improving the condition of the tenants.

37. The intricacy of the measure will in a great measure defeat the objects for which it was framed. The main grounds for passing the Bill are, first, to facilitate the collection of rents by the landlord; and, second, to improve the condition of the tenantry by giving them fair rates, fixity of tenure, and free sale.

38. Of the three Fs, fair rents are the most important to the ryots. It is doubtful whether their position will be improved by giving them free sale, and I think that some of the provisions of the Bill, which deprive both landlords and tenants of the right of free contract, are open to serious objection.

39. A short Bill giving the local Government power to interfere in cases of dispute between landlord and tenant, drawn in the lines of chapter X of the revised Bill, some provisions to settle questions in the case of produce rents (sections 81 *et seq.*), a competent and trustworthy settlement department to adjust rents and record rights when required to do so, and some provisions to facilitate the collections of rents by the landlords and to compel them to keep proper accounts and grant proper receipts would be enough at present to protect the interests of all parties.

40. Lastly, I must express my regret that in consequence of my absence for three weeks, holding sessions at Hazaribagh and Purulia, I was unable to submit this report earlier.

No. 22, dated Burdwan, the 31st July 1884.

From—Baboo Mohendro Nath Mitter, Subordinate Judge of Burdwan,

To—The Officiating Secretary to the Government of Bengal, Revenue Department.

With reference to your printed circular No. 5 T.—R., dated the 28th May last, together with the enclosures forwarded therewith, relating to the revised Bengal Tenancy Bill, I beg most respectfully to submit the following observations for the consideration of His Honour the Lieutenant-Governor of Bengal.

2. Let me premise by stating that the Bill, as originally framed or revised by the Select Committee, is opposed to the main principles embodied in the existing land law of the country, is not required in the present state of society either in the interests of the landlord or his tenant, is revolutionary in its nature as overturning their mutual relations, and will, when passed into law, sow the seeds of discord and dissension, and produce a crop of litigation for years to come. The well meant policy of the Government and of the Legislature will be entirely frustrated, and a state of things will be called into existence by the sheer force of law for which every well-wisher of the country will have to regret.

3. The definition of ryot in section 5 (3), chapter II of the Bill, does not cover all classes of ryots. A person may be a ryot, although he may not hold land either immediately under a proprietor or tenureholder. "Proprietor" in chapter I, section 3 (2), means a person or a number of persons owing an estate, and "estate" in section 3 (1) means land included under one entry in any of the general registers of revenue-paying lands and revenue-free lands, prepared and maintained under the law for the time being in force by the Collector of the district. An unregistered lakhirajdar is neither a proprietor nor a tenureholder as defined in section 5 (1). It follows therefore that the definition of ryot in section 5 (2) does not include ryots holding lands under unregistered lakhirajdars. Then, again, ryots in Government khas mehals do not come under the definition, nor are their rights and liabilities dealt with in this Bill. The presumption in section 5 (5) is not, I think, a fair presumption. In fact, there cannot be any presumption of the sort, unless a holding be extraordinarily large, say, exceeding 500 or 1,000 bighas. A jotedar whose holding exceeds 100 bighas is a jotedar still, whether he sublets the whole or part of it or not. He cannot by any act of his, subsequent to the acquisition of his holding, be converted into a tenureholder. In determining whether a tenant is a tenureholder or a ryot, regard should be had to the original nature of the tenancy, *i.e.*, to the primary object for which the tenancy was acquired, and to local custom, if there be any. The conversion ought not to be made by an arbitrary rule detrimental to the interests of the landlord.

Vide Board's rules, volume I, page 137, and the proviso to clause I, section 3 of the Bill.

4. The provision as to the conversion of the subletting occupancy ryot into a tenureholder (section 37) is also arbitrary, and not favoured by custom. It will, moreover, be found to be unworkable. In the first place, it will be difficult to ascertain whether the portion of his holding sublet by an occupancy ryot exceeds more than half of his holding. Secondly, the proviso to section 37(*a*) will cover all sorts of cases so as to render the section inoperative. It is said that the objects of this section are to discourage the purchase of occupancy holdings by money-lenders, to protect the under-ryot from undue enhancement of rent, and to facilitate the acquisition of occupancy rights by him. But these objects are likely to be frustrated when it is borne in mind that the advantages of the tenureholders under the Bill are decidedly superior to those of an occupancy ryot, and the exposure to the summary sale procedure of chapter XVI will not act as a sufficient deterrent in the purchase of occupancy rights by money-lenders. So far as I know, I believe it is a fact that there are no money-lenders, pure and simple, in rural Bengal. You cannot shut them out as a dreaded class. They are either tenureholders, jotedars, or ryots having rights of occupancy. An occupancy ryot therefore who is also a money-lender can turn himself into a tenureholder at his own will and pleasure. On the other hand, an occupancy ryot not a money-lender who sublets more than half his holding may remain an occupancy ryot still, and evade the summary sale procedure by not registering himself in a public register. It will not be to the interest of the landlord to see him converted into a tenureholder, nor will it be his own interest to change his status, and thereby expose his tenure to summary sale, so that in either case section 37 will be a dead letter.

CHAPTER III.

5. In deciding what holdings are and what are not tenures, the provisions of the Bill requiring the court to enquire into the nature of the right of tenancy as originally acquired, whether for collecting rents or for cultivating the land, and the custom of the place, are sufficient to help it to arrive at a correct conclusion. As to enhancement of rent of tenure-holders, section 8 of the Bill lays down rules taken from Regulation VIII of 1793, section 51, which cannot be objected to; but there is no necessity for providing for the enhancement of a tenureholder's rent up to double the rent previously payable (section 8), or for a gradual enhancement not exceeding five years (section 9); nor should any limit of period be imposed during which enhancement once obtained cannot be repeated. As it is, cases of enhancement of rents of tenureholders are seldom brought in our courts: their rents are generally fixed in perpetuity. These provisions therefore will be of no practical utility. They will simply create discontent among the zemindars.

CHAPTER IV.

6. There can be no doubt that the 20 years' presumption rule introduced by Act X of 1859 is one of the most valuable provisions in the interests of the ryots, entitling them, as it does, to hold lands at fixed rates of rent. It is too late now to argue that that rule was introduced in violation of the terms of the Permanent Settlement. It has existed for 25 years, and worked remarkably well without placing the zemindars under any serious disadvantage. The main objection now urged is that auction purchasers find it difficult in the absence of collection papers to rebut the presumption, and the difficulty will be increased year by year, if the rule, as embodied in section 64 of the Bill, be retained in its present shape. To meet this objection, I think it is fair that the 20 years should be reckoned from before the date of the passing of the present Bill, and not from before the date of institution of a suit. The suggestion of the late Hon'ble Rai Kristo Das Pal on this point deserves consideration.

CHAPTER V.

7. It appears from paragraph 7 of the Government circular No. 3 F.R., dated the 24th May last, that the definition of the settled ryot is not open to discussion. Section 25 of the Bill says that every settled ryot of a village or estate shall have a right of occupancy in all land held by him as a ryot in that village or estate. The Select Committee in paragraph 11 of their report advert to the difficulty which may arise in large estates, such as those of the Maharaja of Burdwan, from the status of the settled ryots holding good over the whole estate. As an illustration of this difficulty, I would here refer to the estate of the Maharaja of Burdwan, towji No. 1 of the Burdwan Collectorate, which extends over six districts, *viz.*, Burdwan, Hooghly, Midnapore, Beerbhoom, Nuddea, and Moorshedabad. The Government revenue of the estate is nearly ten lakhs, and it is composed of 545 putni talooks and 92 mukarari tenures. The inconvenience and loss which would result to the putnidars by allowing a settled ryot of a village in the estate a right of occupancy in any land which he may hold in that estate can more easily be conceived than described. A settled ryot of Beerbhoom under putnidar "A," may take land at Midnapore under putnidar "B," and at once acquire a right of occupancy, and if a batch of settled ryots were to go about for land in this way, the putnidars will simply be helpless and be hopelessly ruined. This is not the only instance of its kind. There are several zemindars owning estates extending over more than one district, and they will unavoidably be subject to serious loss if the section as framed be allowed to stand. The same inconvenience and loss would result by permitting a settled ryot of one village to at once acquire a right of occupancy in another. The only means under the circumstances of avoiding these difficulties is to strike out the word estate, and to limit the right to the village only of which a tenant is a settled ryot. In regard to section 29 (I) I think it somewhat conflicts with section 28, and the requirements of the Bill are not sufficiently met by the latter section. Suppose three brothers, one of whom is the landlord, inherit from their father, a ryot having a right of occupancy, his occupancy holding, how would the case stand? The right of occupancy, so far as the landlord is concerned, shall cease to exist, but it shall remain intact so far as the other two brothers are concerned, and the result, supposing the holding to be undivided, would be anomalous. The converse case of an occupancy ryot buying or inheriting a share in the estate in which his holding is situated may be met by section 29(I).

8. The main question regarding the incidents of the right of occupancy is its transferability. In theory the right to transfer an occupancy holding depends upon local custom, but in practice that custom is recognized by our courts almost everywhere, and it is useless now to argue that such a provision as is embodied in clause (*f*), section 31, will injuriously affect the zemindars. They are daily bringing occupancy rights to sale in execution of decrees, and it does not lie in their mouth to say that such rights are not transferable. The apprehension that if money-lenders become the purchasers they would rack-rent their under-tenants is more imaginary than real. I have already observed that money-lenders are not a distinct class indifferent to the agricultural prospects of the country. They form a component part of the agricultural community. They are themselves jotedars and cultivators, and it is desirable that their capital should be brought to the promotion of agriculture. Rack-renting

there is none in Burdwan. The late malarious fever has depopulated many parts of the district; large tracts of land are lying waste, for which their owners would be too glad to have tenants at moderate rates of rent. So far as this district is concerned no check need be imposed on the power of the purchasers to rack-rent their under-tenants. The right of pre-emption granted to the zemindars will operate as a safeguard against the intrusion of hostile tenants into their estates. My remarks on clause (*b*) will come under the chapter on improvements. Clause (*g*) treats of the occupancy ryot's right to sublet his land or any part thereof subject to the provisions of sections 37 and 38. I think there ought to be no restrictions on subletting. I quite agree with the Hon'ble Mr. Gibbon that the power to sublet is a necessity to the ryot, and it would be unwise and impolitic to place it under any restrictions. The practice prevails from time immemorial, and no evidence has been brought to show that it has produced baneful results. On the contrary, it has saved poor families from misery and ruin, and brought food to the labouring class. But for this practice half the culturable lands of the province would have lain waste. The ryots of Bengal are mostly notoriously poor, and have not the means of cultivating their lands with hired labour. They sublet and thereby utilize their resources, and the sublessees, too, who are poorer, utilise their labour, and in the end the country gains in wealth.

9. In my humble opinion the subject of the enhancement of rent of occupancy ryots has not been successfully dealt with in this Bill. One of the avowed objects of fresh legislation is to remove the complaint of the zemindars that enhancement under the present law has come to a dead-lock. That object the Bill has failed to accomplish, while it has introduced novel provisions which, being quite unnecessary and uncalled for, have filled the country with strange misgivings. The grounds of enhancement of rent by suit are as follow :—

(*a*) That the rate of rent paid by the ryots is below the prevailing rate payable by occupancy ryots for land of a similar description and with similar advantages in the vicinity.

(*b*) That there has been a rise in the average prices of staple food-crops in the locality or at the usual markets.

(*c*) That the productive powers of the land held by the ryot have been increased by an improvement effected by or at the expense of the landlord.

(*d*) That the productive powers of the land held by the ryot have been increased by fluvial action.

The first ground is the same as the first ground of the present law. It is difficult to make out what is the prevailing rate. The pergunnah rate is now a myht. Unless some attempt be made to explain the prevailing rate, and to lay down certain rules how to ascertain it, the same uncertainty that has hitherto proved so perplexing will remain. I do not think that this provision has been generally abused by the production in evidence of collusive or fictitious rates, though isolated cases of the sort have in the course of my experience come before me; but I believe that rates have from diverse causes so varied in tracts of land adjacent to each other that there is hardly any reasonable hope of discovering the prevailing rate. Then, again, the rate payable must be for land of a similar description and with similar advantages. It is not an easy matter to satisfy the requirements meant by "similar advantages;" and, lastly, it has not been explained what area would the word vicinity imply. The second ground of enhancement under the present law has with some alterations been divided into three parts—(*b*), (*c*), and (*d*). No good and sufficient cause has been shown why the rise in the average prices of staple food-crops alone should be taken into account, and why valuable crops, such as tobacco, sugarcane, potato, mulberry, and jute, &c., should be excluded. The zemindars in this respect will be placed in a worse position than they are now. If price lists prepared by revenue officers are to be the guide of the courts in determining the prices prevailing in any local area, why should they not be made to include the price of all the crops grown in each district, and why in justice to the ryot should not the cost of production be taken into account? Much will depend upon the manner in which the price lists are prepared. They are at present wholly unreliable, and no court of justice can with any degree of certainty or satisfaction base its findings upon such documents. To be useful, they must be prepared by reliable and responsible agents, and they must show in addition to the average prices of all the crops grown in each district the average produce, and the average cost of production per bigha. The late Honourable Rai Kristo Das Pal was quite right in observing that the third ground (*c*) will be of no practical effect, inasmuch as the provisions contained in sections 46 (*b* IV) and (*c*), 48, and 49 will deter landlords from making any outlay on improvements. The fourth ground (*d*) cannot generally be availed of. Its application will necessarily be confined to exceptional parts of the country.

10. The provisions regarding the extent to which enhancement of rent may be had under the Bill cannot be supported. They are inconsistent with the principles laid down in section 43. If enhancement of rent is sued for upon ground (*a*), the rate of rent ought to be raised to the prevailing rate. If enhancement of rent is sued for upon ground (*b*), the rate of rent ought to be assimilated to the result arrived at by working out the rule of proportion. Any other limit would be inconsistent, unjust, and unreasonable. Then, again, there should be no distinction as to extent between enhancements in court and out of court. The limits in both the cases ought to be equalized, and perfect freedom of contract given to

the parties to discourage litigation. The policy of legislation should be to encourage landlords and their tenants to settle their own affairs amicably, and foster habits of self-reliance among the latter class. The ryots of Bengal are now well able to assert their own rights. They know how to unite and resent any act of oppression on the part of the zemindars. Any provision to protect them against themselves would be demoralising. The best safeguard against coercion, imposition, or fraud is registration of their contracts, and that the Bill has already provided for.

11. I think that the effect of section 42 will not be so dangerous as His Honour the Lieutenant-Governor seems to suppose. It will be the interest of a settled ryot to take land at an advantageous rent, or at any rate at a rate of rent approximating the prevailing rate, if there be any. It would not be just to the landlords to fetter their powers when they relet their lands, and the apprehension that the new rates will of a sudden tell upon the prevailing rate is not based upon any ascertained state of facts. Gradually in course of time as the value of land increases the rates will be raised, and the parties interested might be safely left to make their own bargains.

12. The *bastu* question referred to in paragraph 12 of the Government circular to Commissioners is no doubt one of great importance. If any leniency or tenderness is required to be shown to the ryot, it is required here. Ordinarily homestead land, which is raised above flood-level, is let at a higher rate of rent than arable land. If it is part of a holding, it is subject to the incidents attaching to the holding as a whole. There is no practice of exempting, under any circumstances, the *bastu* land from sale, when the occupancy right in the arable portion of the holding is sold in execution of a decree; but it generally happens that the sold-out tenant retains his *bastu* as a sublessee of the purchaser at a higher rate of rent than what he paid before the sale. When a ryot holds his homestead otherwise than as part of his holding as a ryot, it is subject to the conditions of his contract, or if there be no contract, and the land is taken for building purpose, the tenure is implied to be permanent and transferable, unless there be any custom to the contrary. I think the right of an occupancy or non-occupancy ryot to his *bastu* ought to be guarded against unnecessary interference on the part of his landlord. I am not prepared to advocate its exemption from enhancement altogether, but such enhancement ought to be regulated on the principle of the prevailing rate payable by ryots of a similar class for similar lands in the places adjacent.

13. Under section 51 (*a*), an occupancy ryot may claim a reduction of his rent on the ground that the soil of his holding has without his fault become permanently deteriorated by a deposit of sand or other like calamity. The present law enables him to claim a reduction on the ground that the productive powers of the land have been decreased by any cause beyond his control. The proposed change in the wording of the present law will not, I think, be for the better. The officer deputed to hold a local enquiry will find it difficult to report whether the soil of a holding has become *permanently deteriorated* by a deposit of sand or other like calamity. The present law is simple, intelligible, and comprehensive, and no difficulty whatever is felt in administering it.

CHAPTER VI.

14. The provisions embodied in this chapter will, I am afraid, prove detrimental to the interests of the landlord and the non-occupancy ryot alike. The tenant-at-will is now dealt with by the landlord at his discretion. While much of that discretion is taken away with the object of improving the status of the tenant, that object is not gained by the novel five years' lease at a judicial rent, which places the tenant in a worse position than he is under the present law. Friendly feelings will no longer exist between the parties, short leases will become the rule, and a tenant-at-will will be ejected at the expiration of every short lease, and remain a tenant-at-will all his life. Not so is the case now. Tenants-at-will are allowed to, and do generally, acquire rights of occupancy; where is then the necessity for this change? where is the improvement?

15. So far as I am aware, the rate of rent of a non-occupancy ryot is not the same as that of an occupancy ryot, and equality of occupancy and non-occupancy rates cannot be supported by existing custom. It has not also come to my knowledge that the local custom in any way recognizes some right in a ryot to his holding, although he has not held it for 12 years, and so acquired a right of occupancy.

CHAPTER VII.

16. The limitation of under-ryots' rents would not be fair to their landlords. It is difficult to say how far it would be effective in practice. As to short subleases, it would not have the effect of checking the practice of subletting.

CHAPTER VIII.

17. The rules regarding receipts and accounts and the forms prescribed for them, as well as the rules relating to the deposit of rent, are certainly an improvement on the present law. I would only suggest that clause (*b*) of section 73 be omited; clause (*a*) will satisfy the purpose to meet which clause (*b*) is made.

CHAPTER IX.

18. The provisions regarding improvements are not required in the present state of the country, and far from serving any useful purpose, they will only disturb the relations between the landlords and their tenants. In the face of the several restrictions imposed upon their capacity for making the improvements enumerated in section 87, the landlords would not be foolish enough to undertake any and be at last at the mercy of the court when claiming enhancements. As for the tenants, an improvement within the limits of their capacity and in their way of thinking means a hut and a cowshed. There will all improvements end, and the result would simply be deplorable.

19. The provisions of section 96 are not calculated to promote the exercise of arbitrary power on the part of the landlord. The right of suit given to the ryot in section 96 (3) will deter him from abusing his power.

20. The measurement of lakhiraj lands ought to be limited to a survey of external boundaries only, and it ought to be made according to the officially-determined local pole.

21. The difficulties caused to the ryots by disputes among co-owners of an estate or tenure are sufficiently met by the rules regarding deposit of rent. The appointment of managers by the District Judge in cases where inconvenience to the public, or injury to private rights, is apprehended will dishearten the landlords, impoverish them, and eventually make them unfit for the management of their own property.

CHAPTER XI.

22. The table of rates contemplated in this chapter will be of no practical utility. It will be difficult to prepare these tables with any degree of accuracy. They will only lead to endless objections, and cause much harassment, trouble, and expense to the people.

CHAPTER XII.

23. So far as the practice goes, cultivation is not a necessary condition of the land being *khamar;* waste lands not let by a proprietor are also considered to belong to that class.

CHAPTER XIII.

24. The chapter of distraint is an improvement on the present law. I am not for abolishing distraint altogether. The supervision of the Court would be a perfect safeguard against abuse of the power, and if timely application be made, there would be no fear of the process being deprived of its practical utility.

CHAPTER XIV AND XV.

25. I have gone through the procedure chapters carefully, and it appears to me that the provisions embodied in sections 163, 165, and 168 will have the effect of expediting the disposal of rent-suits. It is difficult to suggest any other modes of service of summons than those already provided, which do not involve a risk of failure of service. The amendment made in section 164 as a whole is not much desirable. It will have the effect of encouraging the institution of title suits, and considerably delaying the disposal of cases for arrears of rent. I would strike out clauses 2 and 3, and say that, upon payment into court of the money so admitted to be due, the court shall take cognizance of the plea; but nothing in this section shall affect the right of the third person, to whom the rent is pleaded to be due, to recover from the plaintiff money paid to him by the court. It will thus be seen that the omission of the two clauses will not affect anybody prejudicially. The plaintiff will have to prove his case. If it be a fact that the rent is due to a third person, the case will be dismissed, or if justice be defeated by false evidence, the plaintiff will remain liable to the third person for the amount drawn by him. On the other hand, it will be no hardship to the defendant to pay the amount admitted to be due. He will not be made to pay twice, and a provision to that effect might advantageously be inserted. The third person also will have his right of action against the plaintiff, who in the generality of cases will be a more substantial person than the defendant.

26. I do not approve of sections 169, 170, 172, and 174, but as they form a necessary part of the Bill as framed, they must be retained if the Bill passes in its entirety.

27. In modification of the present procedure, I would humbly submit for the consideration of His Honour the Lieutenant-Governor and the Select Committee a proposal which may at first sight appear startling. I may be singular in this suggestion, but, nevertheless, it will, I venture to state, prove extremely useful. If legal practitioners be not permitted to appear in cases for arrears of rent not exceeding in amount one hundred rupees, much may be done in the way of simplifying the procedure and expediting the disposal of those cases. A provision might be made on the lines of section 68 of "the Dekkhan Agriculturists Relief Act, 1879." Let the landlord appear by his gomasta and the ryot in person or by an adult member of his family. If the parties meet face to face before the court without the intervention of any vakil

or mukhtear and are examined, I can say with some degree of confidence that in nine cases out of ten rent-suits will be disposed of on the very day they are called on for hearing. In cases the value whereof exceeds in amount one hundred rupees, and in cases for enhancement of rent, or where a question as to title to land or to some interest in land is raised, legal practitioners may appear. To meet the objection that inexperienced munsifs might in the absence of professional assistance make blunders in simple rent-cases, I would suggest that they be tried by munsifs of the first and second grades, or the first, second, and third grades. This change will bring about all that is required either in the interests of the landlords or the ryots. It will simplify matters a good deal, secure speedy disposal of business, and save harassment, trouble, and expense.

28. In regard to execution of decrees, I would suggest that the process of attachment previous to sale be done away with. The object of attachment is to prevent alienation. The landlord has a lien upon the land for his rent. The rent of land is a first charge upon it. The process of attachment therefore is useless. It only causes delay. A month's time may be saved if this process be dispensed with. It may also be provided that a claim in execution shall not be heard, unless the decretal amount be deposited in court by the claimant, and in the event of the claim being allowed, the court shall have the power to refund the money deposited and to award such further sum to be paid by the decreeholder, as well as compensate the claimant for the loss he may be put to in making the deposit.

CHAPTER XIV.

29. The putni law ought not to be incorporated in this Bill. The zemindars are right in saying that that law has received so many constructions, section by section, from the highest court of the country and from their lordships of the Judicial Committee, that it would be unwise to modernise its language and bring about uncertainties which do not now exist. It is fully understood by those who are affected by its provisions, and it is therefore desirable that it should be left untouched.

CHAPTER XVII.

30. I have already observed that perfect freedom of contract should be allowed to the landlords and their tenants. It is allowed by the present law. The matters enumerated in section 210 should not be placed beyond the reach of contract; but provision might be made that such contracts shall not be binding unless they are registered.

31. The remaining chapters do not call for any special remarks, section 227, chapter XIX, will sufficiently meet the requirements of the cases referred to therein.

32. The above brief observations are confined to the main features of the Bill, and I regret that my regular duties have not afforded me sufficient leisure to discuss them more fully or to enter into details.

Dated the 26th July 1884.

From—BABOO NAFFER CHANDRA BHATTA, Second Subordinate Judge, 24-Pergunnahs,

To—The Secretary to the Government of Bengal, Revenue Department.

In reply to your circular letter No. 5T—R, I have the honour to submit the following few remarks on some of the provisions of the Rent Bill in order of the questions put in the letter to the Commissioners of Divisions (circular No. 3T—R.)

CHAPTER II.

(*a*) The definition with proviso in clause (3), section 5, does not seem to cover ryots holding under unregistered lakherajdars, as unregistered lakheraj does not come with the definition of "estate," a holder of which is alone to be a "proprietor" by clause (2), section 3, under whom the tenant must hold in order to be a "ryot." Unregistered lakheraj does not come within the definition of a tenure.

(*b*) It would be a fair presumption as against the tenant at the instance of a sub-ryot or the landlord, but not a fair one at his own instance in his favour and against his landlord, when he wishes to convert the holding into a tenure, sub-letting being his own act. I think it is a mistake to suppose that the ryots do not covet the position of tenure-holders.

(*c*) In every contested case it will require a local enquiry and measurement—an expensive affair. The object, in my humble opinion, might be far more effectually secured, and many of the objections of the landlords removed, if instead of converting the holding into a tenure, it were declared that, if other conditions of sections 24-26 are fulfilled, the sublessees shall acquire right of occupancy as against the holder, but subject to pay a different rate of rent. The holding would otherwise remain a simple occupancy holding so far as the landlord is concerned, for he does not wish, as appears from Hon'ble Krishna Das Pal's observations, to see the holding converted into a tenure; so that his right of pre-emption and distraint would remain intact, while the fear of distraint of his crops for the arrears due from the superior ryot would deter a cultivator from easily taking up land under an occupancy ryot.

The most effectual means of preventing money-lenders from purchasing occupancy holdings would seem to be to declare that, if after passing of the Bill, the purchaser of an occupancy holding sub-lets more than half the land, he ceases to be an occupancy ryot. As the landlord would cease to be so *ipso facto*, there will be no injustice done to a money-lender in such a declaration if, in the face of that, he wishes to purchase such holdings which are mainly intended for actual cultivators; yet it will leave ample scope to the petty village mahajans, who are often themselves cultivators with hired labour, to invest their capital that way, and occupancy holdings shall not be wholly valueless for want of competitors in the market.

CHAPTER III.

No hard-and-fast rule can, I fear, be devised to determine which holdings are tenures and which are not. The matter should be left as hitherto to the evidence of the original intentions of the lease, the social position of the holder, the intermediate transfers, if any, made and recognized, the actual use made of the land that is, whether cultivated or sub-let, the area of the holding, and the like.

CHAPTER IV.

The 20 years' presumption indeed works injuriously, especially as against auction purchasers. Since the passing of Act X of 1859, it is now nearly 25 years, so that the owner of a holding that was created even within five years of the passing of that Act may now claim the presumption. In order to obviate this absurdity, the period should be increased to say 30 years, so that it may be put beyond all doubt that the holding was in existence at least some time before the passing of that Act. If a landlord left the rent of a holding untouched these 30 years of rent disputes, it may be safely presumed that the tenure existed from the time of the Permanent Settlement at an unvaried jama. If again steps be taken to pass a law requiring registration of such holdings as contemplated in the proviso to section 64 of the Bill, many of the objections will be removed, though like the Land Registration Act it will give rise to some litigation at first, but once for all.

CHAPTER V.

Section 31 (*f*). See my observations under chapter II(*c*) (12). In places like Vikrampore in the Dacca district, subject to annual inundation, bastee or bari is very valuable indeed. It has to be considerably raised above the ordinary flood-level, and improvements have to be made from generation to generation. On the equitable ground of "stand by," such bastu lands may be at once declared transferable and non-enhanceable except on the ground of prevailing rate.

CHAPTER VI.

Before Act X of 1859, there was hardly any difference in the rates payable on account of the same kind of land paid directly to landholders, as occupancy holdings of the regulations were very few. Section 18 of the Act, however, made "the prevailing rate payable by the same class of ryots" a ground for enhancing the rents of occupancy holdings, whose numbers were vastly increased by the retrospective effect of section 6, and the words "some class of ryots" were interpreted to mean "occupancy ryots." Thus where a difference existed owing to some accident, it was stereotyped, and a possibility of difference was suggested everywhere, generally to the detriment of non-occupancy ryots. Since then any general increase of rent, however slight, payable by all classes of ryots, so as to yield on the aggregate a respectable sum by any amicable means, being out of the question, the landlords fell upon the non-occupancy ryots and increased their rent. No new ryot hoped to get land at the old rate. Thus when those non-occupancy ryots and the new comers became occupancy ryots in their turn, evidence of a higher prevailing rate was obtained for purposes of enhancing the rents of those ryots who had suddenly acquired the right of occupancy by the retrospective effect of section 6 of Act X of 1859. In some places, as in Behar again, any further growth of occupancy right was prevented by not allowing a non-occupancy ryot to hold the same plots of land for any considerable number of years. The same difference in rate is retained in the present Bill, section 43, clause (*a*). If, however, there is to be no difference in rates payable by occupancy and non-occupancy ryots, the rates now paid by the latter should be taken into account in determining the prevailing rate in enhancing the rents of the former. It is now therefore almost hopeless to put a stop to the difference already grown, or to prevent competition rate where ryots seek land, and not *vice versa*.

CHAPTER IX.

Section 101.—The measurement should be according to the standard pole of the place, and then converted into English measure, if necessary, to prevent all misunderstanding.

CHAPTER X.

The Revenue Officer should be empowered to refer cases to the civil court as under the Land Registration Act, either at his own instance or at request of any of the parties. In cases of undisputed entries, the record should be *primâ facie* and not conclusive evidence

of the facts if disputed, say within three years, and after that period should be conclusive if it is not shown that by fraud or collusion the party complaining was kept in ignorance of the matter.

CHAPTERS XIV AND XV.

I think the landlords should be allowed to bring collective suits, though in cases of dispute, separate trials may be necessary as far as defence is concerned; in some cases it will be advantageous to both parties. Several ryots will be present in court at once to assist each other with advice and evidence without being cited for the purpose. By making a common cause they may engage the services of a good pleader or legal adviser.

No such custom as stated in paragraph 3 of the letter came to my notice.

No. 125, dated Khulna, the 31st July 1884.

From—BABOO BHAGWAN CHANDRA CHAKRABARTI, Subordinate Judge, Khulna,

To—The Secretary to the Government of Bengal, Land Revenue Department.

I have the honour to submit herewith the report called for in circular No. 5T.-R., dated Darjeeling, the 28th May last.

However much it may be desirable to exempt *bastu* lands from sale when the arable portion of the holding is put up for sale in execution of a decree, I do not know of a single instance within my jurisdiction of such exemption. So far as my knowledge of the district goes, I do not see any practice prevailing, or custom existing, to secure such exemption. When *bastu* land is held under a separate tenure, it may be exempted from sale; and when it forms as an integral portion of a tenure, it may be protected from enhancement on the ground that it has improved at the expense of the ryot. The wording of section 216 is so general that it will be hardly practicable.

Every village—nay every *parah*—may set up a custom of its own, and so the objects of the section will be frustrated. Looking at the other side of the question, difficulty will be felt if the unsaleable character of *bastu* lands be assumed. The ryot may often withhold payment, knowing for certain that his sacred *bari* will not be put up for sale. I would therefore humbly suggest that *bastu* lands held under a separate title, or as a separate tenure, should have attached to it all the incidents of a *mokarari mourosi* tenure. It is a sufficient concession to the ryot to hold *bastu* land as a portion of a tenure exempt from enhancement.

It is almost of every-day occurrence here, at Khulna, to see a *jamma* owned by even a common *bannah*, who, as a rule, is a mere squatter, sold and transferred from hand to hand. Such is also the case with *jotes* of Rungpore, where the very name of a *jote* will make it transferable. In this connection, the question of right of pre-emption arises. Whether by giving right of pre-emption to the zemindar in such a case the evil will be greater than good; whether if such sales be not checked *sub-infeudation*, which is already rampant in the country, will be increased, and thus the speculative money-lenders will get a good harvest; or whether by repressing such sales value of property will be deteriorated. Such sales are the outgrowth of time, and it is not in the power of zemindar to repress them, nor would it be to his benefit to do so. But it is not time to make them free. They should, in my opinion, have certain check in the way of giving the right of pre-emption to the zemindar, otherwise the whole of land will gradually fall in the hands of the speculative money-lenders. All things considered, I think this is the lesser of the two evils, unless the zemindar, as a class, be so silly as to deteriorate their own property. Section 37 was introduced with the twofold object of bringing the sub-letting ryot under the more summary sale procedure of chapter XVI, and at the time of allowing the sub-tenant to acquire occupancy right, and thus placing restrictions on sub-letting. But, considering the better position the subletting ryot will acquire, the provision, instead of being repressive, will in a great measure facilitate subletting; besides it will not work. The complicated condition of the conversion will be a serious question for the court to decide in a simple rent-suit, and whether the registration will be complete is a very doubtful matter, since it will be very difficult to ascertain whether a man has sublet half of his holding. The twenty years' presumption—the creation of Act X—has, as far as my experience goes, worked to the great detriment to the zemindars. But its removal from the Statute Book would work very prejudicially towards the ryot by throwing burden of proof on them. I would humbly suggest that presumption would cease to operate as soon as tenancy registers are prepared; of course limit of time should be given.

The Bill has no doubt simplified the procedure, but it requires still greater simplification. I would humbly suggest, at the outset, that in suits for simple realisation of rent the Small Cause Court procedure be adopted and followed, which will no doubt effect speedy realisation of rent, which is the main object of the Bill. Now, how the summons is to be served, and what service will be sufficient. Personal service in all cases is impossible, and any substituted service will be loudly complained of. But from my own experience I know non-service is a mere fiction. It is a mere formal objection resorted to by the defendants in order to take advantage of the loop-holes of law. I think service of summons by registered postal cover in the case of ignorant Bengal tenant will be of little avail, and the ordinary procedure now existing for the service of summons will be sufficient. As regards appeal, I submit, munsifs

of first and second grade should be vested with the powers to try suits up to Rs. 100, and Subordinate Judges and Judges up to Rs. 500, without appeal.

The idea of having in one suit all the tenants in a village before the Court is simply impracticable. It cannot but embarrass a judicial officer to hear in one rent-suit fifty different defences, and to decide hundred different issues between different parties.

Section 164 is a move in the right direction, but I think the saving clause (4) is quite unnecessary. The reason is obvious. Positive enactment on such a subject will lead to many mischiefs, while omission will not deprive any party of his right. If such a measure finds a place in the Statute Book, there will be no end of litigation between ryots colluding with third parties or supposed third parties and the landlord.

The division of jurisdiction between civil and revenue courts should, in my humble opinion, be done away with. The officer helping the court in investigating judicial issues should be placed under the District Judge instead of under the Collector, for otherwise the real work will be hampered. The officers under the Collector cannot often obey the orders of the court.

The repression of "freedom of contract" has been still maintained in the Bill, "notwithstanding any contract to the contrary." This is contrary to the principles of the law of contract, and is a too great interference with the freedom of parties. The reasons assigned for such a measure are that zemindars as a body are so powerful that they can induce or coerce poor ryots to enter into wrongful contracts. There may be no doubt oppressive zemindars who, by illicit means, might induce the ryots to enter into illegal contracts. But such instances are rare, and it cannot be said that a practice of getting into illegal contracts obtains, as a rule, throughout the country. If there be small class of ryots who might be induced to enter into wrongful contracts ("should principles of equity be sacrificed for the protection of that small minority"), I humbly think that such a saving clause is not necessary. Besides, if the freedom of contract be repressed altogether, somehow or other it may burst out in another, and probably in worse direction.

The provision as to distraint does not appear to be an improvement on the present rent law. Any delay in resorting to these measures, occasioned by the elaborate procedure laid down, deprives it of its utility. Sub-section 3 to section 141 provides that "where a court cannot forthwith admit or reject an application under sub-section 2, it may, if it thinks fit, make an order prohibiting the removal of the produce specified in the application, pending the execution of an order for distraining the same or the rejection of the application." The *interim* order as laid down in this section is calculated no doubt to prevent delay; but in order that it may produce the desired effect, the law on the subject should, in my humble opinion, be made imperative and not permissive merely.

Dated the 2nd August 1884.

From—Baboo Amrita Lal Chatterjee, Subordinate Judge of Nuddea,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to the land revenue circular No. 5T R., dated the 28th May last, I beg most respectfully to submit the following observations on the revised Bengal Tenancy Bill.

CHAPTER I.

Definitions.

The word proprietor means a person or a number of persons owning an estate. An estate, again, means land included under one entry in any of the several registers of revenue-paying lands and revenue-free lands prepared and maintained under the law for the time being in force by the Collector of a district.

I think there is no register kept by the Collector of revenue-free lands of small dimensions. Owners of such revenue-free lands will not, therefore, come within the meaning of the term proprietor (clause 2, section 3 of the Act).

A person holding land immediately under such an owner will not in consequence be a ryot within the meaning of section 5 of the Bill (*see* clause 5). The definition, therefore, requires amendment.

CHAPTER II.

Section 5, clause (2).—Does cultivation include horticulture and pasturage, &c.? If not, what would be the position of a person who has acquired land for such purposes?

The provisions contained in section 227 do not seem to me to be sufficient.

Clause (b), sub-section 4 of section 5.—It appears to me extremely doubtful if the object in view will be attained by the provisions of section 37 of the Bill.

The enactment of paragraph 1 of section 37 of the Bill will, I think, serve no useful purpose. Instead of operating as a check on sub-letting and rack-renting by occupancy ryots,

the provisions of this section will supply such ryots with the means of rack-renting the actual cultivators of the soil.

To my mind, the only effective way of offering a check upon sub-letting and rack-renting will be to rule that, if an occupancy ryot sub-lets any portion of his holding, except as provided by clauses *a* and *b* of section 37, he will nevertheless remain an occupancy ryot, and will gain no additional advantages by that circumstance; and the sub-lessee under him will gain a right of occupancy with regard to the lands comprised within the sub-lease, but that he will not have the right to sub-let the lands over again, and that the sub-lessee will not be liable to pay a higher rent for such land to his superior landlord than what such superior landlord himself pays for it.

No valid reason, I submit, exists for improving the position of occupancy ryots who might choose to sub-let their lands instead of cultivating the same themselves.

Sub-section 5.—The presumption certainly is an arbitrary one, and is opposed to the state of existing facts in Rungpore. But as some sort of presumption is necessary, and no better can be suggested, I have no objection to retaining it.

CHAPTER III.

Section 6, clause 2.—If enhancement of rent in respect of a tenure is demanded on the ground of increase in the quantity of land, it is, I submit, difficult to understand why a reduction of rent granted to a tenure-holder on account of diluvion or for land taken for public purposes shall not be deemed a reduction within the meaning of clause *b* of section 6 (1). Probably section 66 of the Bill will apply to such a case.

Section 8.—The maximum limit appears to me to be too high.

Is it the intention of the Legislature that a firm may acquire a right of occupancy. If not, it should be stated distinctly.

Section 15.—What if the transferor does not join?

Sections 19 and 20.—What would be deemed sufficient cause?

CHAPTER IV.

Presumption of 20 Years.

There can be no question that the retention of a presumption of this kind is absolutely necesssary for the ends of justice. Without some sort of a presumption of this kind it would be almost impossible for the ryot to discharge himself of the burden of proving the fact that he had held at the same rent from the Permanent Settlement. On the other hand, it cannot be denied that it is oftentimes difficult for the landlord to rebut it if unjustly pleaded, especially where the landlord is an auction-purchaser. It would, however, be doing more injustice to the great body of agricultural ryots if the presumption which has existed as law for about a quarter of a century, and contributed so much to the improvement of that class of the people, were to be swept away from the Statute Book without providing any substitute for it. It would not be unfair, however, if it be enacted that a ryot claiming the benefit of the presumption will have to show 20 years' unchanged rate from the date of the passing of this Bill into law.

CHAPTER V.

Section 25.—Probably much complication will be avoided, and no serious inconvenience caused, if the word estate were omitted from this and the corresponding sections of the Bill, and the capacity of a settled ryot to hold on an occupancy title were limited to a village instead of to an estate.

Sections 28 and 29.—Probably it would be better to add a proviso to the effect that an occupancy ryot buying a share of an estate, but not the whole estate itself, shall not lose his right of occupancy.

Section 31.—I see no objection to any of the clauses of this section. The principal objection in regard to the purchase of occupancy rights by money-lenders consists in the notorious fact that a money-lender is one of the most exacting of landlords. But the force of the objection will be greatly weakened if it be provided in the Bill that if an occupancy ryot or a transferor under him sub-lets his land, except under the provisions of sub-sections *a* and *b* of section 37, he will gain no additional advantages by that circumstance; but that the sub-lessee will gain a right of occupancy, and will not be liable to pay a higher rate of rent for the lands included in his sub-lease than what his immediate landlord was liable to pay. A sub-lessee under an occupancy ryot should be absolutely prohibited from sub-letting the lands of his sub-lease.

Unless some restrictions of the kind be provided, the right of transfer of a right of occupancy, coupled with the right of sub-letting, will reduce the actual cultivator to the unenviable position so well described by the late Mr. Kristo Das Pal.

Enhancement.

Section 41.—The ground upon which enhancement is demanded by the landlord and agreed by the ryot must be stated in the contract.

How is the registering officer to ascertain that the contract is in accordance with the provisions of this Act unless the ground of enhancement is stated in the contract provisions of the Act. The sections should be enumerated.

Grounds of Enhancement.

Section 43.—It is clear that if sections 42 and 62 (9) be retained in the Bill, there will be different prevailing rates for different classes of occupancy ryots, as is pointed out by paragraph 11 of the letter of the Government of Bengal to the Commissioners of Divisions. In that case it will be necessary to provide in ground No. 1 that the rent paid by the ryot is below the prevailing rate payable by occupancy ryots of the same class.

Section 44.—If the words "of the same class" be added after the words "occupancy ryot," I submit no necessity will exist for the provision contained in clause 4 of section 44, that the enhanced rent shall not exceed the previous rent by more than eight annas in the rupee.

Section 42.—It is neither expedient nor desirable that the settled ryot should be bound to pay a higher rent than that which was paid for the land by the previous tenant, except in pursuance of a suit for enhancement of rent under the provisions of this Bill.

Section 45.—With regard to the ground of enhancement for a general rise in prices, it appears to me very doubtful if justice will be done to the ryot if the cost of cultivation and production is not taken into consideration in fixing the rate of rent. The cost of cultivation will also have to be taken into account when reduction of rent is claimed for fall of prices.

Whether the average rise in prices is due to any temporary or casual cause is a point which must be ascertained by the Court before decreeing a suit for enhancement on that ground. If the Court finds that the rise is owing to either of these causes, no decree for enhancement should be passed, unless it were for a single year.

Section 66.—Are not contracts excepted?

Section 84.—Will not a notice by the transferor be also sufficient?

Section 96.—Will the section have effect even when the ryot is a minor?

Section 102.—I submit that the words "inconveniences to the public" are very vague. The inconvenience should be described in the Bill.

The words "injury to private rights" refer obviously to the difficulty which the ryot might find in paying his rent. The inconvenience of the ryot in this connection will be obviated if he will but take advantage of the provisions of section 73 of the Bill. I submit that no sufficient ground exists for the appointment of a manager of a joint estate under ground (6).

Judicial Procedure.

The advantages of a collective suit by one landlord against several ryots by means of a single plaint are to my mind more imaginary than real. The procedure of the Court will not be appreciably shortened by that method. The Court will have to consider each case on its own merits; and if a landlord is allowed to join several claims against several ryots in the same plaint, it is more likely that in the hurry of business the Court will sometimes confound the case against one ryot with that against another, thereby defeating the ends of justice, and complicating matters which are not themselves complicated. There will therefore be some chance of the ends of justice being defeated in some cases, but hardly any chance of the procedure being shortened. It will be for the Government to see whether any reduction in stamp duty ought or ought not to be allowed in rent suits. That is a matter which we are at present not concerned with.

I think that it is the general practice in our courts to fix the hearing of suits by one landlord against several raiyats on one and the same date.

Whatever advantages the landlords might expect to get by this arrangement, they already enjoy.

Probably the object may be fully attained by the insertion of a clause in one of the sections of the Bill, or by a circular issued by the High Court, to the effect that it will be the duty of the courts to see that all suits instituted on one day by one landlord against several raiyats belonging to the same village should be originally set down for hearing on the same day.

As regards the service of summons, I do not think that the proposal put forward on behalf of the zemindars is either workable or sufficient. How is the summons to be affixed on the piece of matan land in arrears? The village chowkidar and village mandal are exclusively in the hands of the zemindar.

The provisions contained in section 168 (*d*) appears to me to be more practical.

I would only add that when the defendant is a tenant, and has a mal kachari of his own, service of summons on such mal kachari may be deemed sufficient service.

It would be productive of infinite mischief if a defendant is precluded from raising the plea of non-service of summons at all, or only on payment of the decretal amount. I do not know how far the representation is correct that the due service of the summons is systematically denied by the raiyats. I do not think that applications for setting aside *ex-parte* decrees in rent suits are comparatively larger than those in suits for money or moveables. The proposal to deprive the raiyat of his right of appeal, except on payment of the decretal amount, appears to me to be particularly unfair. There is no general law prohibiting a party against whom a decree for money has been made from preferring an appeal, unless on payment of the decretal amount. Why should, then, an exception be made against the raiyats.

No sufficient ground exists for altering the law in this direction.

Section 164.—The provision contained in this section certainly will work an important and necessary reform. But it is doubtful if it is sufficiently comprehensive. I submit, with great deference, that I entertain great doubts of the practical usefulness of this provision; for the number of cases is very few indeed in which the defendant admits that money is due from him, but pleads that it is due to a third person. The generality of cases are those in which the defendant pleads payment to a third person, on the ground that the rent was due to that third person and not to the plaintiff. It is evident that this section will not apply to such cases. The Bill contains no provision to meet cases of this kind. It appears to me that some sort of provision is, however, necessary for cases like these.

I would submit that in such cases the plea should not, unless for special reasons to be recorded in writing, be entertained if the defendant did not file receipts from such third person of the rent paid.

Questions of title cannot be avoided in rent suits. Such questions must necessarily arise in such suits; and if they do arise, they must have to be decided.

Section 168.—The decision of suits for recovery of rents may be made speedier if special courts be constituted for the trial of such cases only. I think that if in cases for Rs. 500 and under tried by such courts where no question of title to land as between parties having conflicting claims hereto, or no question of a right to enhance or vary the rent is decided, the judgment of such courts be made final, rent suits may be speedily disposed of. If such questions are decided, any party aggrieved by the decree will have a right of appeal as a matter of course.

CHAPTER XV.

In cases of execution of decrees for rent due in respect of transferable holdings or tenures, the holding or tenure should be first put up to sale before the judgment-debtor can be arrested or his other property can be sold.

CHAPTER XVI.

With regard to the *bastu* question, I beg to observe that I am not aware of any practice of exempting the *bastu* land from sale when occupancy right in the arable portion of the holding is put off for sale in execution of a decree; nor am I aware of any isolated instance of any such practice having occurred within my experience.

Having regard to the fact that homestead lands are usually raised above flood-level, and considerable improvements are made upon it by the raiyat, it may not be particularly unfair to exempt such lands from enhancement altogether. But I think that the provisions of section 43 (*c*) will practically offer a sufficient protection to the raiyat against any unfair claim for enhancement.

I am not also aware of any local custom recognizing any right in a raiyat to his holding, although he has not held it for 12 years.

I have no doubt in my mind that the provisions of section 210 of the Bill are necessary for the interests of the raiyats. But I do not think that the position of the raiyat will ever be improved, unless the Legislature interferes between the extortionate money-lender and his debtors, and makes rules by which unconscionable bargains might be more easily set aside and rectified.

No. 8, dated Barisal, the 1st August 1884.

From—Baboo Beni Madhub Mitter, Subordinate Judge of Backergunge,

To—The Officiating Secretary to the Government of Bengal, Revenue Department.

In compliance with the order of His Honour the Lieutenant-Governor of Bengal, contained in your circular No. 5T—R, dated 28th May 1884, I have the honour to submit the following report, which contains my humble views, upon some of the important points in the Bengal Rent Bill.

CHAPTER II.

2. *Section 5, sub-section 3.*—Whether the definition of a ryot in section 5, sub-section 3, includes a ryot holding land under a lakhirajdar appears to be doubtful. I therefore beg most humbly to suggest that it would be more explicit if the words " or immediately under a lakhirajdar " were added after the word tenure-holder in the last part of clause 3, section 5.

3. *Section 5, sub-section 5.*—The presumption under section 5, sub-section 5, appears in my humble opinion to be a fair presumption. There are many grades of tenure-holders in this district for a long time, and a great number of these under-tenure-holders have lost their title deeds and even their rent receipts. It may be seen in our courts very often that these under-tenure-holders, being actuated by a belief that they would not be able to prove the existence of their real under-tenure, forge pottahs and dakhilas, and this is one of the reasons why forgery and perjury is so much prevalent in Backergunge. If the onus be thrown on the landlord to prove that the holding is not an under-tenure, the landlord, unless he be an auction-purchaser, will be in a better position to prove it by the papers of his sherista. Then, again, when a complete record of rights will be made, as has been proposed in this Bill, then even, the auction-purchaser will not feel much difficulty in rebutting the presumption. It may be urged that in order to have the benefit of this presumption, the actual cultivators will like to sub-let their lands ; but I think when the tenants can conveniently cultivate the land, they do not sub-let the land, as the actual gain by cultivating the land preponderates over what he can derive by sub-letting the land.

CHAPTER III.

4. *Section 7, sub-section 3.*—The provision contained in the sub-section 3, section 7, appears in my humble opinion to be a good one. If the rent is enhanced to such a high rate that the tenure-holder does not get even 10 per cent. profit upon the rent collected by him after deducting the expenses of collection, it would be very difficult for him to retain his under-tenure. It may be urged that there are many grades of under-tenures in the district, and if 10 per cent. profit be allowed to each of these middlemen, the zemindar will get very little profit by enhancing the rent. In order to meet this argument, I beg only to mention the cause of the creation of so many under-tenures. Formerly the greater part of this district was covered with jungles, and for this reason the Government revenue of the zemindaries of this district is comparatively very small. The zemindars, in order to get the jungle-covered lands cultivated, granted talukdari pottahs of large quantity of lands; the talukdar spent as much capital as he could and converted a part of the land of his taluk to culturable land, and in order to get the other parts of the jungly lands cultivated, granted ashut talukdari pottahs of the rest of the lands of his taluk, which he could not cultivate; the ashut talukdar again made a part of the lands of his ashut taluk culturable, and granted nim-ashut talukdari pottah of that portion of the lands of his ashut taluk which he could not make culturable by his own labour and capital, and so on, and thus it may be seen that the greater portion of the jungle-covered lands have been made culturable by the labour and capital of these tenure-holders. They were not idle middlemen. The lands have been reclaimed from their jungly state, not by the zemindars, but by the ancestors or predecessors of these middlemen, and under these circumstances, it would be great injustice to make these men starve for the benefit of the zemindars.

5. *Sections 8 and 10.*—These remarks also apply to sections 8 and 10.

CHAPTER IV.

6. *Section 23.*—Section 23 is not objectionable. Ryots holding at a fixed rent should enjoy the privileges of a tenure-holder as regards transfer of, and succession to, his holding.

CHAPTER V.

7. *Section 26.*—This section will decidedly improve the condition of the ryots. sometimes landlords let different lands to the same ryot with a view that the ryot may not acquire a right of occupancy, but by the provision of this section that difficulty of the ryots will be removed.

8. *Section 26, sub-section 2.*—The provision of this section appears to be very reasonable, for, as a matter of fact, the majority of the tenants have acquired a right of occupancy in the lands cultivated by them ; but as most of these tenants are not so prudent as to preserve all their rent receipts, it sometimes becomes very difficult for them to prove that they have held the land for 12 years as a ryot. This difficulty will be removed by the presumption provided in this section.

9. *Section 28.*—The provision of section 28 appears to be quite new. The doctrine of merger does not apply to this country. Here the zemindar can hold several grades of under-tenures within his zemindari at the same time. If the doctrine of merger be not applicable as regards under-tenures, there is no good reason why it should be held applicable as regards right of occupancy. Then, again, right of occupancy is transferable in the districts of Tipperah, Noakholly, and in the sub-division of Dakhin Shabazpur in this district by local custom ; but

in those places the same person can be the landlord and the holder of the ryoti right, or the right of occupancy at the same time, and if the superior tenure is sold he may still enjoy the land by this ryoti right.

10. Then, again, in this district, where the system of zimba or selling lands to a powerful man and then becoming his under-tenant is very prevalent, every encouragement should be given to the landlords to purchase the occupancy holdings within their zemindari or tenure as it may be.

11. *Section 31, clause (f).*—As I have already said the occupancy holdings are by custom transferable in the Dakhin Shabazpur sub-division of this district, and as far as I know, the ryots of Dakhin Shabazpur are more prosperous than those of any other part of this district.

12. It is very desirable that the actual cultivator of the soil should get some defined and tangible rights to the land which he cultivates; otherwise why should he make any improvement on the land.

13. It may be said that in this district the ryots are very fond of selling their rights to the enemies of their landlords, and that if the occupancy rights be made transferable then the evils of the zimba system, and with it breach of peace, will increase; but I think when the right of pre-emption has been given to the landlords, no such apprehension can be reasonably made.

14. Occupancy rights have become transferable in many districts in Bengal according to local custom. The jotes of Rungpore and Dinagpore are nothing more than occupancy holdings: they are transferable according to the customs of those districts. I have also seen that in some parts of the Burdwan District, as well as in some parts of the district of Jessore, the occupancy holdings are transferable. I have also noticed that the ryots of the district of Nuddea, where the occupancy holdings are fewer in number than in the other districts of Bengal, and where the occupancy holdings are not transferable by local custom, the ryots are in a worse condition than those in the districts where the right of occupancy is transferable. Under these circumstances the occupancy holdings should, in my humble opinion, be made transferable.

15. *Section 37.*—The provision for converting sub-letting occupancy ryots into tenure-holders appears to be a very wise provision, because it will give an opportunity to the actual cultivators of the soil to acquire a right of occupancy, for, as soon as the occupancy holding will be converted into a tenure, the sub-tenant will become non-occupancy ryot, and if he holds the land for 12 years, he will become an occupancy ryot.

16. *Section 43, clause (b).*—Section 43 clause (*b*) will be beneficial to the zemindars. Hitherto the landlords scarcely succeeded in enhancing the rent of their tenants directly by instituting suits for enhancement, as it is very difficult to prove the existing grounds of enhancement; but the powerful zemindars in some districts succeeded to enhance the rent indirectly by harassing the ryots either by refusing to take rent from them and then by suing them for every kist, or by actual threat and coercion, which was the cause of the formation of jotes or combinations of ryots at first in the district of Pubna, and the example of which was followed by the ryots of Furreedpore and several other districts in Eastern Bengal. Now that the landlords will get a legitimate means of enhancing rent by law suits, it may be expected that they will no longer resort to unfair means. The price lists, however, should be kept very carefully by comparing them with the khattas of the grain-dealers. When rent is enhanced under the ground of the rise of price of the staple crops, the rise of costs of cultivation and the rise of the value of the labour should also be taken into consideration, and reasonable allowance should be made for them.

CHAPTER VI.

17. *Section 60, sub-section 9.*—In my humble opinion the enhancement of 8 annas per rupee of the previous rent appears to be very high. I think the maximum enhanced rent should not exceed 4 annas, or at most 5 annas, per rupee of the previous rent. The difference between the rate of the occupancy and the non-occupancy ryot should not be made so great.

CHAPTER VII.

18. The provisions regarding the under-ryots in the Bill appear to be fair.

CHAPTER VIII.

19. *Section 64, sub-section 2.*—The presumption contained in sub-section 2 of section 64 is not new. It was first enacted in Act X of 1859, and it was retained in Act VIII of 1869 (Bengal Council), and, in my humble opinion, there appears to be no good reason for not retaining it now. Although a small portion of the ryots have now learnt to read and write, still the great majority of them are, I believe, in the same condition in which they were in the year 1859.

20. *Section 77, sub-section 1.*—Hitherto it was doubtful whether the land was hypothecated for its rent. The provision of this section will now remove all doubts on the point.

CHAPTER IX.

21. *Section 88.*—The provision of section 88, conferring right to raiyats holding at fixed rent to make improvement, will materially improve the condition of the raiyats, and, in my humble opinion, the landlords will be indirectly benefited by it. For hitherto the landlords would make exorbitant demands of fees from the raiyats (although they might hold land at fixed rent) for giving permission to make such improvement, and thus put a check to the raiyat making any improvement in the land. I know in one instance a suit was instituted before me for filling up a tank which was dug at a considerable expense by his raiyat, simply because he did not give the exorbitant fees demanded by him in order to give the permission. The digging of tank in that land increased the value of the land instead of diminishing it. There are many landlords who do not understand that the value of the land is substantially increased by making such improvements, and that they should encourage their raiyats to do so when they cannot do it themselves.

22. *Section 89.*—The same remarks apply to section 89.

23. *Section 93.*—The provision for allowing compensation to a raiyat for the improvements made by him when he is ejected from his holding appears to be very equitable.

24. *Section 96, sub-section 1.*—The provision contained in this section appears to be very reasonable. The ruling contained in the case of Munuruddin reported in page 67, volume 6, Weekly Reporter, appears to support this view. I had noticed last year in the district of Tipperah that many raiyats, who had abandoned their holdings five or six years ago, without giving any notice to their landlords, were trying to recover possession of the lands which they had abandoned, simply because the demands of land were increased by the introduction of the cultivation of jute in that district, which had made the lands more profitable than before, and consequently litigation was much increased. If these raiyats knew what the effect of these abandonments was, they would never institute these suits, or they would never abandon their lands in this manner.

25. *Section 102.*—The provisions regarding the appointment of managers will prove very beneficial to this district. The disagreement among co-sharers has often proved to be a source of breaches of the public peace and oppression to raiyats. Whenever there is such a disagreement amongst co-sharers, one co-sharer, in order to have more influence over the raiyats, sets up fictitious under-tenures of the raiyats, and purchases them himself at a nominal price and then sublets the land to the very raiyat; in this manner breach of the peace, sometimes resulting in riots, takes place. If proper persons be selected as managers, there will be no fear of any injury either to the zamíndár or to the raiyat from the appointment of the manager.

CHAPTER XI.

26. *Section 123, table of rates.*—The preparation of such a table of rates, as has been contemplated in section 123, will be of great help to the courts in deciding suits for enhancement of rent. There will be some difficulty in this district to prepare such a table, as the tenants will raise objections as regards the quality of their lands; but these difficulties will be easily overcome by an experienced revenue officer.

CHAPTER XII.

27. As far as I know there is at present not a large quantity of khamar or nij-jote lands in this district, but if section 28 of the Bill be retained, the quantity of such lands will increase in future, and record of such lands will be very useful.

CHAPTER XIII.

28. *Distraint.*—In my humble opinion the power of distraint should be at once taken away from the landlords, for, as far as my experience goes, I have never seen any case of distraint in which the power was not abused by the landlord. The good landlords never distrain the crops of their tenants in any district. Only oppressive landlords distrain crops of such of their tenants who do not come to terms with them regarding the rate of rent. In these cases the distrained crop is partly spoilt and is partly stolen by the servants of the landlords, and in this way the raiyat suffers great damages. Under these circumstances, I beg most humbly to propose that it would be better for the good of the community to take away the power of distraint from the landlords. For the purpose of realizing safely the rents due from the ryots, provisions may be made for attaching the standing crop before judgment, after instituting a suit, if the landlord can satisfy the court that if the crop be not so attached it would be difficult for him to realize the rent due from the raiyat.

CHAPTER XIV.

29. In my humble opinion the procedure for the realization of rents cannot be made more simple than what has been made in this Bill, unless the Small Cause Court procedure be adapted to simple rent-suits valued up to Rs. 50, which are contemplated to be tried by

judicial officers especially empowered by Government to exercise final jurisdiction under section 168, clause (*b*) up to the amount of Rs. 50.

30. *Section 163, clause* (*c*).—The provision of this section takes away the power of the defendant to file a written statement without the leave of the court. As far as I am aware of the nature of the rent-suits of this district, it will be very difficult for courts to depend upon the oral pleadings of the tenants, and more so for the appellate courts when the case will be appealable; for sometimes I find that in suits for the rent of bastu lands, which are tried in the Small Cause Court, the illiterate defendants cannot state all their objections properly, and sometimes I am obliged to recall the defendant in order to bring out other matters not disclosed before. I would therefore suggest most humbly that at least, as far as appealable rent-suits are concerned, the right to file written statements be conferred upon the defendants.

31. *Section 164.*—In my humble opinion the provision of this section will be very hard for the raiyats and their alleged landlords, especially as far as those of this district are concerned. For in this district many persons instead of instituting regular suits for title institute suits for rent, and try to establish their title to the disputed land by a side wind. In such cases if the raiyats be obliged to deposit the amount of rent claimed before contending the claim of the plaintiff, it will be at times very difficult for them to deposit the amount. Then, again, the third person or the alleged landlord, who may be in possession of the land, will be obliged to institute a suit against the plaintiff, whereby the onus, which would lie upon the plaintiff, will fall upon him to prove his title. If this section be retained as it is, very probably it will prove a dead letter, for the raiyats in such cases will scarcely admit that any rent would be due from him; he will very probably say that the rent has been paid to his admitted landlord.

32. *Section 168.*—This section appears, in my humble opinion, to be beneficial both to the landlord and tenant. In great majority of simple rent-suits, appeals are preferred simply to make delay in payment of rent, so the landlords cannot realize their just dues in time, and the raiyats at the end are generally saddled with heavy costs of two or three courts, together with interest, without any good effect.

33. *Section 170.*—The provision for relief against forfeiture of tenancy is very equitable.

34. I do not think it necessary to make any observation regarding the remaining chapters, as I do not think that the provisions contained in them are objectionable.

35. *Bastu lands.*—With regard to bastu lands, I have the honour to state that there is no such practice in this district of exempting bastu lands from sale when the occupancy right in the culturable lands of the holding is put up for sale in execution of any decree; but I have come to know that in many cases the purchasers of ryoti holdings or of under-tenures, which are composed of bastu and arable lands, have sub-let the bastu portion of the holding or under-tenure to the previous owners of them at an enhanced rate of rent.

36. The holders of bastu lands, who do not hold arable lands with the same holding, are now entirely at the mercy of their landlords, for the tenants of bastu lands cannot acquire a right of occupancy in such land. The rate of rent of bastu lands in almost all the districts which I have seen is very high, and the raiyats in this district are obliged to incur a good deal of expense and labour in order to make a piece of land habitable, as they are obliged to dig tanks, and to raise the land in order to make it higher than the level of water during the spring tide. Then, again, they plant cocoanut trees and betelnut trees in their homestead; but if the landlord likes he can eject them from their homestead land at any moment. It is a general belief amongst the illiterate men of almost all parts of Bengal that when a landlord lets land to a person for the purpose of dwelling, he cannot be ejected from the land, and that no one can be ejected from his ancestral dwelling-house. If any landlord ejects a raiyat from his ancestral dwelling-house, he is hated by the raiyats as a cruel man. To make a man "ভিটা ছাড়া," devoid of his homestead, is considered as a great sin. The oppressive landlords very often threaten their raiyats that, if they do not agree to pay the exorbitant rent demanded by them, they would drive them away from their homestead, and in this manner they bring them to submit to their terms. Under these circumstances I beg most humbly to suggest that it would be a very beneficial provision if right of occupancy would be extended to bastu lands.

Dated Commillah, the 30th July 1884.

From—BABOO AUGHOR NATH GHOSH, Second Subordinate Judge of Tipperah,

To—The Secretary to the Government of Bengal, Revenue Department.

IN obedience to your Land Revenue Circular No. 3T.—R., dated the 28th May 1884. I have the honour to submit the following report on the revised Bengal Tenancy Bill.

2. My main objections to the substantive portions of the Bill are as follows:—

(*a*) The ryot's right to sell his occupancy right should not be made subject to a right of pre-emption on the part of his landlord.

(*b*) No landlord should be allowed to purchase the occupancy right of his ryot at any auction-sale, whether the same is held at the landlord's instance or otherwise.

(*c*) The operation of section 37 of the Bill should be restricted only to existing occupancy holdings.

(*d*) There should be no enhancement by suit of the rent of an occupancy ryot holding a small quantity of land, on the ground that there has been a rise in the average prices of staple food-crops in the locality or at the usual markets.

(*e*) A ryot bound by a lease or other agreement for a fixed period should be allowed to relinquish his holding before the expiry of the term of his lease.

(*f*) Existing tenures, which are now not summarily saleable, should not be made summarily saleable. Future tenures of the first degree only, which may be made summarily saleable by the terms of their leases, may be made summarily saleable by law. But no sub-tenure should be made summarily saleable for arrears of rent.

3. I propose discussion each of these objections in the sequel under the appropriate chapter of the Bill.

CHAPTER I.

If it be considered expedient not to make sub-tenures summarily saleable for arrears of rent, then the definition of "patni tenure" should be so modified as to exclude durpatni, sepatni, &c., tenures from the definition of patni tenure.

CHAPTER II.

(*a*) The definition of ryot in section 5 (3) does not cover ryot's holding under unregistered lakhirajdars. I think the following words may be added to section 5(1): "and includes unregistered lakhirajdars."

(*b*) I am not aware of any existing practice as to the status of a tenant holding more than 100 bighas; but I am of opinion that it would be a fair presumption to hold that, where the area of a holding exceeds 100 bighas, and the whole, or *the greater portion of it*, is sub-let, the tenant is a tenure-holder until the contrary is proved.

CHAPTER III.

Section 7.—Does not say what is fair and equitable limit or rate. I think a clause may fairly be added to the section after clause (2) to this effect:—"The rate at which rent is paid by the tenure-holder should be presumed to be fair and equitable until the contrary is proved."

To sub-division (*a*) of clause (3), the following may fairly be added:—"What amount of bonus the tenure-holder or his predecessors in interest had to pay." I think it is expedient to enact that, when rent of a tenure-holder is enhanced by private contract the contract must be registered.

Considering the fact that the enhancement contemplated by this chapter is in addition to the increase to be given to the landlord under section 66 for excess lands, I should submit that, instead of 10 per cent. as the minimum of the tenure-holder's profit, 15 per cent. may be allowed; and seeing that 4 annas in the rupee is made the maximum of the ryot's enhancement, I would beg to propose that the maximum in the case of tenure-holders be fixed at 50 per cent. instead of cent. per cent. Further, as the enhancement of the rent of the tenure-holder is likely to induce him to enhance the rent of his ryots, I think it would be expedient to extend the period of immunity from enhancement of rent in the case of tenure-holders to 15 years instead of 10 years.

As ijardars or farmers of rent are covered by the definition of tenure-holders in section 5, it is necessary to make some provision in this chapter with regard to their powers. As the ijardar has seldom any interest in the well-being of the ryots, it is desirable that he should be precluded from enhancing either by contract or by suit the rent of the tenants in the ijara, unless he himself happens to be a co-owner of the mehal.

CHAPTER IV.

I would humbly suggest that in clause (*a*) of section 23, instead of the words "as a tenure-holder," the words "as the holder of a permanent tenure" may be substituted.

CHAPTER V.

I am humbly of opinion that the capacity of the settled ryot to hold on an occupancy title may extend over an entire estate, however, large that estate may be, provided that the estate is held *khas* by the proprietor. But where there are tenures within the estate or village, a settled raiyat of the proprietor should not be allowed to enjoy the privileges of a settled raiyat as against the tenure-holder, simply because he is a settled raiyat under the proprietor. Nor should the settled ryot of one tenure-holder be allowed to enjoy the privilege as against another tenure-holder, on the ground that both the tenures are situate within the same estate. Besides, where there is a division of lands by metes and bounds amongst the co-owners of an estate, the settled ryot of one co-sharer should not be allowed the privilege as against the other co-sharer or co-sharers.

A right of occupancy is a right to hold against the will of the landlord or his representative. It may therefore fairly be contended that a right acquired by the raiyat against one

landlord should not be allowed to be exercised by him against another landlord. Besides, the grant of such a right is likely to cause inconvenience to the raiyat, inasmuch as it is likely that when there is a demand for land, and the settled ryot under one landlord wishes to take land belonging to another landlord (a tenure-holder or a co-proprietor), but appertaining to the same estate, the latter will not readily lease out his land to him.

Section 29(1).—May be struck off, and a clause may be added to the section to the following effect:—During the time a raiyat remains in possession of the land in the double capacity of raiyat and ijaradar, the operation of the acquisition of the right of occupancy will remain in abeyance. But as soon as a raiyat becomes owner of the whole or a share of the landlord's right, his right of occupancy (if he has any) should cease to exist, and he should also be prevented from acquiring any right of occupancy.

The right of occupancy being a right to hold against the will of the landlord, to allow a raiyat to acquire or enjoy such a right after his acquisition of the whole or a part of the landlord's right would be to give rise to the anomaly of the raiyat holding against his own will. Besides, it may be observed that, when the raiyat himself becomes the owner in whole or in part of the right of the landlord, he does not require the same protection as an ordinary raiyat does.

I have objections to the raiyat's right of occupancy being made subject to a right of pre-emption on the part of his landlord. I am humbly of opinion that, in order that the provision for the transfer of the raiyat's right of occupancy may be of real benefit to the cultivator or the country at large, no right of pre-emption should be granted to the landlord; on the contrary, it should be expressly enacted that no landlord shall be allowed to purchase the occupancy right of his raiyat in any execution sale. If the right of pre-emption be granted on voluntary sales by the raiyat, the observance of the preliminary conditions, the cost and trouble attending the same, will hamper his freedom of action so much, that he is likely to sell it to his landlord for far less than what the real market price would be. It will always be in the power of the landlord to cause delay in the sale by the presentation of an application to the civil court for fixing the price. It is pressing necessity that is likely to make a raiyat think of parting with his ryoti. It is therefore very likely that, as a rule, the raiyat will be obliged to sell his raiyati to his landlord for an inadequate price.

There are localities where ryotis are already by custom saleable, such as Dinagepore and parts of Midnapore. To give the right of pre-emption to the landlord, there would be an unnecessary interference with the existing custom.

Section 56.—Of the old Bill, if retained, would have oftentimes dissuaded the landlord from exercising his right of purchasing an occupancy holding. But as that section has been omitted in the revised Bill, the raiyat may fairly contend that the provisions of the Bill enabling the landlord to purchase a ryoti should also be withdrawn.

The right of occupancy is an existing right, and one of the objects of the Legislature should be to protect that right. But that object, I am afraid, will be to a great extent frustrated if landlords be allowed to purchase the right, and thus annihilate the same. In saying that the object of the Legislature should be to protect the right of occupancy, I mean simply to say that the right, as enjoyed by the real raiyat, the actual cultivator, should be protected. To allow neighbouring landlords, money-lenders and others who are not, properly speaking, raiyats, to purchase occupancy holdings, would no doubt, in some cases, be detrimental to the interests of the landlord. I think the best practicable means of protecting the right of the raiyat without encouraging persons other than raiyats to purchase occupancy holding would be to enact that, if the occupancy raiyat lets out to any person who is not a co-sharer in his holding more than half of the lands comprised in the holding, he shall forfeit his right of occupancy; provided that, where a raiyat is disabled from cultivation by age, sex, disease, accident or temporary absence from his home on military or domestic service, or a pilgrimage, he may, without subjecting himself to the penalty of forfeiture, sub-let more than half of his lands for a term not exceeding the duration of his disability; provided also that a company, corporation or factory shall not retain any right of occupancy purchased by it by cultivating half of the lands appertaining to the holding. As cases may arise in which some of the co-sharers in an occupancy holding may, by sub-letting more than half the quantity of land that may happen to be in their possession, subject the entire holding to forfeiture, the following precautionary measure may be adopted for the protection of the other co-sharers:—Whenever a co-sharer in an occupancy holding sub-lets to one who is not a co-sharer more than half the quantity of land occupied by him separately, the other co-sharers may be allowed the privilege of enforcing against him the penalty of foreiture in their own favour.

Such a provision as the above will not only dissuade persons, other than the real ryot, from purchasing occupancy holding, but will also have the effect of making the ryot, when he betakes himself to some other profession, part with his ryoti for the benefit of the professional ryot.

The adoption of the above plan would do away with the necessity of making the operation of section 37 prospective. As the adoption of the plan proposed by me with regard to existing occupancy holdings, of which the greater portions have already been sub-let, would work hard on the holders thereof, I would beg to suggest that owners of such existing

occupancy holdings may be allowed the privilege of being considered tenure-holders under the conditions specified in section 37.

To make the operation of section 37 prospective would be to encourage persons, other than the real ryot, to purchase occupancy holdings. Such a course would be detrimental to the interests both of the landlord and the real ryot, and would have the effect of adding to the number of middlemen in the country.

In this connection, it appears necessary to observe that, as transferability is made an incident of occupancy right, there ought to be made provision for the registration of transfer of, and succession to, such right in the landlord's *sherista*, similar to the provisions made for the registration of transfers and successions in respect of permanent tenures.

I am further of opinion that it is necessary to prevent the splitting up of occupancy holdings as much as possible. As most of the ryots are governed either by the Hindu or the Mahomedan Law of Inheritance, the splitting up of such holdings is unavoidable. The evils of sub-division of such holdings may, in a measure, be prevented by giving the right of pre-emption to the co-sharers of the holdings at private sales. Section 310 of the Civil Procedure Code has already given this right to co-sharers in regard to execution sales.

On the most difficult subject of enhancement, I can only safely state that it is objectionable to enhance, on the ground of rise in prices, the rent payable by occupancy ryots *holding small quantities of land* in one or more ryotis; that if enhancement should be allowed with regard to larger holdings on the ground of rise in prices, the period of immunity from enhancement should be extended to 30 years, and that the cost of cultivation, which is an important element, should always be taken into consideration. When the price of the staple food-crop rises high, the ryot holding a small quantity of land, instead of being benefited by the rise, suffers from distress.

CHAPTER VIII.

The retention of the 20 years' presumption is not so necessary now as it was in 1859. Under the present state of things, the best course that may be adopted is to give the old tenure-holders and ryots the last opportunity of taking advantage of the presumption within a certain prescribed period within which they may be allowed to register their holdings. As the registration of tenures is already in contemplation, a little additional cost will enable Government to cause the registration of old ryotis also, in regard to which the benefit of the presumption may be claimed. The adoption of this course will, no doubt, give rise to a certain amount of litigation; but it is better to have the disputes settled once for all in a short time than to leave the source of disputes to flow continuously. Until such registration is made, the presumption in its present form should be retained.

The provisions with regard to rent receipts and forms of account are very necessary; but the forms of receipt and account require a little modification. The entry of the quantity of land should not be made compulsory. This entry will be a source of contention between the landlord and the tenant. It will be the interest of the landlord to show a smaller quantity, and that of the tenant a larger quantity of land in the receipt, and the consequence will be that there will arise a chronic misunderstanding between the landlord and the tenant.

The receipt should show the amount of *bakayabaki* or arrears due in respect of previous years: and in the account form there ought to be a separate heading for interest.

Section 95.—Deprives the ryot, who holds under a lease for a term of years, of an opportunity of getting rid of a bad bargain entered into under section 56. As the non-occupancy ryot has not the privilege of demanding reduction of rent, if he chances to imprudently take a lease for a term of years at a high rent, he will be compellable to pay the same rent until the expiry of the term which may extend to any number of years.

I am humbly of opinion that a ryot holding under a lease for a specific term should not be deprived of the opportunity of relinquishing his land.

Section 96 (2).—Provides for a notice when the landlord enters on an abandoned holding. I think it would be safer to make the landlord publish the notice by beat of drum and through the court a short time before he enters on the holding. By prescribing such a formality, landlords are likely to be prevented from unduly exercising their right of re-entry.

This section makes no provisions for the protection of the interest of minor occupancy ryots. It not unfrequently happens that an occupancy ryot dies leaving a minor child, or a minor child and a widow; and these are compelled by necessity to go to and live in some relation's house at a distant village. I think it should be expressly enacted that possession of the lands of a minor occupancy ryot by a third party will not prejudicially affect the rights of the minor to his holding. Seeing that the zemindar, when he happens to be a minor, is protected by his superior landlord, the Government, I think the minor ryot can claim the indulgence of having his ryoti right protected by the zemindar or his representative during his minority.

The provisions with regard to the appointment of managers for the management of joint estates and tenures are very necessary in the interests both of the co-owners and their ryots.

With the advance of time zemindaris are becoming more and more split up into shares; but on the other hand the joint family system is losing its hold on the community, and the influence of the *kartta* is gradually vanishing. Under such a state of things it is very necessary that the Legislature, which has created permanent and divisible property in land, should take steps for the prevention of the mischief which the result of that divisibility has brought about, and is surely expected to bring about in future. As regards estates, the provisions for the appointment of managers by the District Judge is so old as 1812. As those provisions have not injured the zemindars during such a length of time, it may be reasonably expected that the retention thereof in the present Bill will not seriously prejudice them. Besides, the sections of the Bill do not, like Regulation V of 1812, enable the District Judge to appoint a manager without giving the co-owners an opportunity of appointing a manager for themselves. I am, however, humbly of opinion that express provision should be made, giving the right of appeal to the co-owners against the order of the District Judge for the appointment of a manager, as also against his order declining to appoint a manager, and against the selection of a manager made by the District Judge. Under Regulation V of 1812, the co-owners had the right of appeal against the selection made by the District Judge.

CHAPTER XII.

For the protection of occupancy rights, it is necessary that the provisions of this chapter should be carried out with as little delay as practicable.

CHAPTER XIII.

In my humble opinion it is better to have distraint exercised through the courts in the way prescribed by the revised Bill than that the process should be left to the unsupervised action of the landlord's servants. As regards the argument that the delay caused by obtaining the aid of the court before the first step to distrain can be taken must deprive the process of its utility, I beg to observe that in cases in which the landlord has reason to believe that the ryot is likely to cut and take away or dispose of the crop, the landlord may take the precaution of making his application for distraint a little earlier; and if he would in urgent cases move the court for an *interim* order, and fill up the form of process, there is very little chance of his application falling through. Even that little chance of failure may be removed by the insertion of an additional section, to the effect that the landlord may, if he chooses, make the distraint himself as he now does under section 72 of Act VIII (B.C.) of 1869; but that he shall not be allowed to cause the crops to be reaped or gathered without the intervention of the court, to which application must be made within five days [section 78, Act VIII (B.C.) of 1869] from the time of making the distress for reaping, gathering and selling; and that the distraint should be made in the presence of the village punchayets and the village chowkidar.

I am further of opinion that it is better to leave the court free to sell all sorts of standing crops, whenever it may deem it expedient to do so, than to prohibit it from selling crops and products which from their nature admit of being stored before they are reaped or gathered. The greater portion of the mischief and expense relating to distraints arises from reaping and gathering. The more it is avoided, the better for both the landlord and the tenant, and also for the court.

I think the provisions regarding distraint should be made applicable to all classes of *ryots* and *sub-ryots*. It is difficult to say that the sale of occupancy rights will fetch enough to satisfy the landlord's demands in all districts, or in all chowkies in the same district. In connection with the subject of distraint, there is another question which requires consideration. It is this: Whether a landlord should be allowed to exercise the power of distraint in a year of scarcity or famine. In regard to this question, I would beg to observe as follows:—As regards a year of scarcity or famine, the court should be authorised to decline to distrain all or any portion of the crops of a ryot; and directed to take into consideration the degree of scarcity, the condition of the ryot's family, and the quantity of the produce received or likely to be received by him. The Local Government may also be invested with power to postpone the operation of this chapter in any particular locality, for any particular period, on account of scarcity or famine. It may also be empowered to postpone the operation of this chapter in any particular district or chowki with regard to occupancy ryots, on the ground that the value of the holding itself is, as a rule, sufficient security for the landlord's rent.

CHAPTER XIV.

I cannot approve of the zemindar's proposal to the effect that a landlord should be permitted to institute a collective suit against any number of tenants belonging to one village by means of a single plaint. The adoption of such a plan would create confusion at the trial, and would render it difficult for the Judge to pay due attention to every point in every case. At present, when a landlord institutes several suits against different ryots of the same village at or about the same time, it not unfrequently so happens that the Judge finds it convenient to try some of these cases together, and dispose of them by one and the same decision. Cases so tried together are called analogous cases. This practice may be encouraged by

giving it a legal sanction, and also by the remission of some court-fee which may be either plaint fee or process fee.

Section 161.—The written authority mentioned in section 161 of the revised Bill should be a registered document, and should be filed with the plaint; and the chief ministerial officer of the court may be authorized to endorse on it the word "seen," and to enter a note on the back of the plaint of his having seen the authority. The document may be returned at once.

Section 163.—It would be better to give the defendant the option of putting in a written statement. It would not always be easy for a munsif in a heavy chowki to take down with due care the abstract of the defence on the first day fixed for the hearing of the case, when the case has to be postponed. As a rule, the defence in a rent suit is more complicated than the defence in money suits triable summarily by the Small Cause Court.

I beg to object to the application of section 189 of the Code of Civil Procedure to appealable rent suits. It would be very difficult for a court of appeal, having to deal with facts, to come to a correct conclusion as to the merits of the case without having the entire evidence before it.

Section 164.—This section is also objectionable. It in a manner assumes that the plaintiff's allegation is true, and that of the defendant is false, and it compels the ryot to pay money suddenly, which it may be sometimes impracticable for him to do. It further casts the onus of proof on the party whose claim the defendant admits.

I think it would be better to revive section 77 of Act X of 1859 with certain modifications than to adopt section 164 of the revised Bill.

Section 165.—This section, too, is objectionable. It will oftentimes have the effect of compelling the ryot to raise a false plea of payment or to submit to injustice. Owing to inability to pay in ready money the entire amount really due from him, he is likely to have recourse to the devise of denying liability to the full extent, or if he admits the full amount due, and is unable to deposit that amount, he will be deprived of the opportunity of proving the part payment that he might really have made.

The chapter on distraint deprives the ryot of the opportunity which he now has of contesting a distrainer's demand during the pendency of the distraint. The working of that chapter, coupled with that of sections 164 and 165, will press very hard on the ryot, especially in years of scarcity or famine caused by drought or inundation.

Section 168.—This section may be retained, with the addition of the following to paragraph 4:—"Or a question of the amount of rental payable by the tenant." Sometimes the question of the amount of rental payable by a tenant is as important as a question of a right to enhance or vary the rent. It may not be necessary to retain the proposed addition after the expiry of four or five years after the passing of the Bill, and the consequent operation of the section regarding receipts (sections 70 and 71), but until that time proposed the addition is urgently required.

Section 174.—This section is likely to be beneficial to both the landlords and tenants. It may be retained with the following addition :—"The application shall be registered and dealt with as a suit between the parties."

It has been held that, under the Civil Procedure Code, an appeal lies from a judgment passed *ex-parte* against a defendant Asrafannesa and another *versus* Lehureaux (I. L. R. VIII, Cal., 272). I am humbly of opinion that provision ought to be made in the Bill prohibiting any such appeal. I think it would not be safe to adopt the proposal that *ex-parte* suits should not be re-tried except upon the defendant depositing the amount decreed, nor is it expedient to prescribe that a defendant should not be allowed to appeal from a decree passed against him except on depositing the amount of the decree. However, I am inclined to think that it may be safely enacted that, if an application is presented for the revival of an *ex-parte* decree within seven days next preceding the date fixed for the sale of the attached property, and the court considers that the application has been designedly and unnecessarily delayed, the application shall not be entertained unless the whole or a part of the amount of the decree is deposited in court.

Doubts may arise as to whether section 222 precludes co-sharers from suing separately for arrears of rent. I think this doubt should be removed by expressly enacting that, when rent is payable separately, any co-sharer may bring a suit in regard to his own share, or when rent is paid jointly, and the co-sharers cannot agree in bringing one and the same suit against a tenant, any one or more of them may bring a suit for the entire rent due by making the remaining co-sharer or co-sharer's parties (defendants) to the suit.

CHAPTER XV.

I have no objection to a mortgage or other lien being included in the definition of "registered and notified encumbrance;" but I am not prepared to say that the inclusion of sub-tenancies in the definition will be beneficial to the country at large. A mortgage is but a temporary encumbrance, and if it becomes the subject of litigation, the litigation is likely to take place within a few years of its creaiton, at any rate during the lifetime of the zemindar or other superior landholder and the parties concerned in serving the notice on him. But a

sub-tenancy being a permanent encumbrance, it may be the subject of litigation long after its creation, perhaps after the death of the superior landholder and of the parties concerned in serving the notice. When such would be the case, it would be difficult for the parties to adduce the necessary evidence, and for the court to arrive at the truth. I think it is better to confine the sub-tenant's remedy to section 183, than to introduce a prolific source of litigation by adopting the provisions of section 179. Besides, the adoption of the provisions of section 179 would be offering a sort of encouragement to sub-infeudation. But, in my humble opinion, the increase of sub-infeudation is not a desirable state of things. Increase of sub-infeudation means increase of middlemen with small incomes. But the smaller the income of a landlord, the more exacting he is likely to be.

Section 190 is objectionable. The reason which led the Legislature to frame section 294 of the Code of Civil Procedure is applicable with equal, if not greater, force to the case of a purchase of an occupancy holding by a landlord at a sale held in execution of decree for arrears of rent. He is not only the decree-holder, but the landlord also. It would be difficult for his own ryots to bid against him. His prestige, and the fear of incurring his displeasure, would be likely to prevent them from bidding at a sale in which he or his agent would bid. Besides, to allow the landlord to purchase would be to open a wide door to the annihilation of occupancy rights.

CHAPTER XVI.

Section 194.—I have already noticed the definition of a patni tenure.

Section 202.—"Any under-tenure existing from the time of the Permanent Settlement," and any lease of land whereon dwelling-houses, &c., have been erected, or permanent gardens, &c., have been made, are "protected interests" under section 176; but the same class of tenures and leases are not protected by section 202. This seems to be an inconsistency and requires consideration.

Section 209.—In my humble opinion of the tenures now existing, none but patni tenures of the first degree, which are already subject to be summarily sold, should be made summarily saleable. To subject existing tenures other than patnis of the first degree would depreciate the value of the tenures to the tenure-holders who have taken or purchased the tenures, in the belief that they are not summarily saleable. I am also of opinion that the summary sale procedure should not be made applicable to the recovery of arrears of Road cess and Public Works cess from rent-free tenures.

CHAPTER XVII.

The provisions of section 210, excepting clause (*d*), are very necessary for the protection of the ryot. I would humbly suggest that a contract made by a ryot to pay interest on arrears at a rate exceeding a particular specified rate should be rendered void by section 210.

Section 216.—In the district of Tipperah (with the exception of pergunnah Nurnagore), the circumstance of the *bari* of a ryot being unconnected with his culturable ryoti lands is very rare. As a rule, every ryot has his homestead comprised within his ryoti. I have been informed that "a considerable number of *bastu* holdings exist in pergunnah Nurnagore, which are quite distinct from the holdings of agricultural lands."

No practice prevails in this district of exempting the *bastu* land from sale when the occupancy right in the arable portion of the holding is put up for sale in execution of a decree. Isolated instances of such a practice have not occurred within my own experience, nor within the experience of the several munsifs in the district whom I have consulted. I have never known of the existence of a custom whereby a ryot, who is ejected from, or who otherwise parts with, his holding, is entitled to retain possession of his homestead lands.

I have learnt that in the Tipperah district there is so much elevated land or site for homesteads in every village, that now-a-days the landlord or the ryot has very little occasion to lay out capital for preparing new homesteads.

To meet all sorts of cases, I would propose that ryots' homesteads may be divided into two classes—*viz.*, homesteads comprised within the ryoti, and homesteads not comprised within the ryoti.

With regard to the former, I would propose that they may be sub-divided into two classes—*viz.*, homesteads comprised within ryotis, in regard to which the ryots have acquired a right of occupancy; and homesteads comprised within ryotis, in regard to which they have not acquired any right of occupancy.

As regards the first sub-class, no special provision is necessary, inasmuch as the Bill provides for the execution sale of occupancy ryotis, and prohibits the ejectment of occupancy ryots for arrears of rent. If an occupancy ryot makes default in the payment of his rent, and thereby causes his ryoti to be sold, it is his own laches which makes him lose his homestead. However, it should be expressly enacted that, when such a ryoti is sold in execution, and the ryot does not choose to remove his huts or building within a month from the date of attachment, the same shall be sold as a part of the ryoti. The adoption of this proposal will give the ryot an opportunity either of having a ready means of housing himself elsewhere, or of getting compensation for his huts or building in the shape of price thereof.

As regards the second sub-class, I am of opinion that the landlord may be allowed to eject the ryot in accordance with the provisions of Chapter VI, provided that he pays compensation to the ryot in regard to the house erected by him; that in no case the compensation shall be less than half the amount necessary for erecting a similar house in the neighbourhood and that, in calculating compensation, the expenses (if any) incurred by the ryot for raising the homestead land above the flood level may be taken into account.

Under-ryots may be dealt with like ryots without right of occupancy, that is to say, they may be ejected from their homesteads which are comprised within their under-ryotis in accordance with the provisions of section 63, provided that the landlord pays him compensation in the manner alluded to.

As regards a homestead which is not comprised within a ryoti or under-ryoti, it may be enacted that the ryot or under-ryot should not be ejected on any account, although his occupation has not extended to more than one year, but that his right to the homestead may be sold for arrears of rent, provided that he may not be allowed to sub-let the same without the written permission of his landlord, and provided that he may be allowed the option of removing his huts or building within a month after the date of attachment.

Dated Rungpore, the 30th July 1884.

From—Baboo Nobin Chandra Gangooly, Subordinate Judge, Rungpore,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to your Land Revenue circular dated the 28th May last, I beg to state that on perusing the reports and dissents referred to therein, I find that much has been said by many eminent men on both sides of the question raised in those reports and dissents I must adopt the opinion of one of them. It is therefore useless to repeat them here: suffice it to say that, as regards the substantive portion of the law laid down in the Bill, I agree in opinion with the late Hon'ble Krishna Dass Pal in almost all points, except as to the transferability of occupancy rights. I am of opinion that the new right created by the Bill will save both the landlord and the tenant from a great amount of litigation. The law on this point, as it stands at present, is that such right is saleable if there exists a custom to that effect in the locality. The question whether or no such a custom exists is a fruitful source of litigation. It is better for both parties to have a definite law on this point.

As regards the procedure portion of the Bill, I cannot suggest a better course except as suggested by the late Hon'ble Krishna Dass Pal that summons on defendants may be served by registered postal covers.

With reference to the second paragraph of your letter, I beg to state that I know of no such practice prevailing in any district where I served, *viz.*, Tipperah, Sylhet, Mymensingh, Hooghly, 24-Pergunnahs, Burdwan, Beerbhoom, and Dacca.

With respect to the last paragraph of your letter, I beg to observe that I never saw non-occupancy ryots having any right in the lands held by them except that of holding them at the landlord's will. However, in Beerbhoom I found such tenants have right of selling their jotes by the custom of the place. Although in a former case the High Court refused to recognize its existence on the ground that it was improbable, still in a more recent case, which was better conducted, I found its existence in that district, and it was upheld in appeal up to that court. It ought herein to be remarked that the custom, if it does at all exist, must apply to all jotes. A custom to have the force of the law must be ancient. But occupancy rights were the creation of Act X of 1859, therefore the custom of sale of such rights only cannot be ancient. Consequently, where by custom rights of occupancy are saleable, there must exist the custom of sale of non-occupancy rights also, and that is the case in Beerbhoom.

Dated Magura, the 16th July 1884.

From—Syed Moazzim Hossein, Judge, Small Cause Court,

To—The Officiating Secretary to the Government of Bengal, Revenue Department.

I have the honour to acknowledge with thanks the receipt of the revenue circular No. 5/T. R., dated 28th May 1884, calling upon me to submit a report on the amended Bengal Tenancy Bill with special reference to some of the most important questions on the subject pointed out therein.

As I have already stated in my report submitted last year, I am still of opinion that there is no necessity for fresh legislation on the matter. Any alteration in the existing law tending to create new rights in favour of tenants will upset the established relations between landlord and tenant, and tend to create very disagreeable feeling between two of the most important sections of the community to the great detriment of peace and prosperity of the country. The present Bill, notwithstanding the important alterations made by the Select Committee, is still open to most of the objections pointed out in my previous report. I would in course of my present report humbly take the liberty briefly to refer once more to some of the most important of those objections.

CHAPTER II.

Section 5.—In my opinion it would be a direct invasion of the rights of the landlord to legislate that an occupancy tenant who sublets more than half his holding, irrespective of the quantity of lands held by him, and a tenant who holds more than 100 bigahs and sublets a part or the whole of his holding, should be in the one case converted into and in the other presumed to be a tenureholder, whose rights and privileges under the existing law are acquired only by the payment of a valuable consideration under contracts entered into with the proprietor. If, however, some consideration is to be shewn to old tenants holding large quantities of lands, I should think that occupancy tenants holding 100 bigahs or more may be presumed to be tenureholders if they sublet not less than half their holdings.

The provisions of sections 5 and 37 may to a certain extent deter money-lenders from making purchases of the ryots' holdings, but I do not think it would be an effective remedy against the evils which the provisions aim at, and it would be indeed very difficult to ascertain and register the numerous sub-tenures, covering in the aggregate half of the holding.

CHAPTER III.

By the provisions of this and the fifth chapter two difficult procedures for the enhancement of rent have been adopted—the one applying to the tenureholder and the other to the occupancy ryot. At the outset the court would be beset with difficulties in deciding whether a tenant is a tenureholder or ryot, inasmuch as it is not possible to ascertain by evidence, particularly in cases of old holdings, whether the tenancy were acquired for collecting rent or for cultivating land. It would be more difficult to determine the nature of a tenancy by reference to local custom, the existence of which it is not easy to establish, and it has been already said that the presumption of a tenant holding more than 100 bigahs being a tenureholder is not a fair or just one. An uniformity in the procedure as to enhancement of rent in cases of tenureholders and ryots therefore seems to be desirable.

A double limit as to time and amount, provided by sections 8 and 10, will go hard against the zemindars. The 10 years' limit, until which the rent of a tenureholder should not be enhanced, may be retained, but I should think no restrictions should be put to the amount to which the rent should be enhanced. Increase of rent to a reasonable amount should not be provided against.

CHAPTER IV.

The retention of 20 years' presumption rule (section 64, sub-section 2) is no longer necessary in these days. Since the passing of Act X of 1859 every ryot is expected to be prepared with 20 years' rent receipts, and shift the onus on the zemindar, who is thereby placed at a great disadvantageous position, having to prove his case by production of collection papers from the time of the Permanent Settlement, which they might be at a loss to preserve. If the Court disbelieve them there is no other means left to rebut the presumption. The rule, however, goes very harshly against those proprietors who have shewn forbearance, particularly towards certain classes of landowners, such as widows, minors, and auction purchasers. The rate practically stops enhancement. If, however, a presumption is to be retained, the period of 20 years should be counted from before the passing of Act X of 1859, otherwise there would be no end of litigation and no end to the amount of fraud, perjury, and collusion between ryots and zemindars' agents, and this will prove highly injurious to the just rights and interests of landholders. It would be better to stop enhancement by enactment of law than to propose such changes, which will tend to no benefit of the landlord, and by which the ryot will unnecessarily lose his time of cultivation and suffer in purse in the bargain.

CHAPTER V.

The definition of the settled ryot is most unjust and unreasonable. If the question were yet open to general discussion I would enter a strong protest against such arbitrary presumption in favour of the ryots. Nothing would be more absurd than to legislate that the capacity of the settled ryot to hold on an occupancy title should extend beyond the plot or plots he has actually held for 12 years.

As for the transferability of lands, it is injurious both to the ryot and to the zemindar. On the one hand this right will tempt the ryot to run recklessly into debt on the occasion of marriage, &c., on the other hand the zemindar would be deprived of his just rights, and shall be compelled to purchase his own land to prevent the same from passing into the hands of hostile men and objectionable tenants though he may have no money in hand. In the district of Jessore the custom of transferability of occupancy holdings is known to prevail, but in most cases the purchases are made by the zemindar himself for paltry sums which do not even cover the decretal amount; so this rule of transferability benefits none. I should think special legislation making provisions for transferability of occupancy holdings is not necessary in the district where the custom is not in existence. If, however, the right of transferability is to be extended to the occupancy ryot at all, no transfers should be considered valid as against the zemindar (who, as a matter of fact, always befriends his tenants) unless made with his consent. I think sections 13 and 14 with the sub-sections ought to be applied

equally to the case of those ryots who are, as is proposed by this Act, to be empowered to sublet as in the case of putni tenures.

(*g*) *Sub-letting.*—Nothing to say at present.

As regards enhancement of rent I should think the existing law on the subject should remain undisturbed.

With reference to bastu or homestead lands, I have to say that I am aware of no custom whereby bastu land is exempted from sale when the arable portion of the holding is put up to sale in execution of a decree; nor do I remember any isolated cases of such practice having occurred anywhere. But I am of opinion that some consideration ought to be shewn to ryots with respect to homestead lands, and they should not be left to the tender mercies of landlords.

There are certain bastu or homestead lands the primary object of which is not cultivation; they are quite independent of culturable lands. When a person occupies such lands *boná fide* for the period of 20 years, every legal facility should be allowed to him to enable him to continue in such homestead as long as he pay the rent due to landlord, but with the restriction of not being able to transfer it.

Bastu lands when included in any holding always form an integral part of it, and neither the landlord nor the ryot ever thinks of separating them from the main holding. It is generally the custom of these parts not to lease out homestead lands separately apart from arable lands to a cultivating ryot. Every lease, whether held under a written contract or not, almost always includes some arable lands in it, and any right that a cultivating ryot may acquire affects the different kinds of lands in the same way. When a holding includes homestead lands, and is held under a written contract, separate rates of rent are generally given to the different kinds of lands in the contract, bastu land being rated at about double the jumma of arable lands, the whole making an indivisible entire holding, the ryot not being entitled to retain any portion of it in case of ejectment, sale, &c. In such cases the ryots generally undertake to forfeit the entire holding if they do not live upon the land declared to be bastu in the engagement, although instances of enforcing this condition are not very common. I do not think it would benefit either the zemindar or the ryot to divide their holdings and attach different conditions and rights to such bastu lands. It shall not only have the tendency to lessen the value of arable lands as such, but make the ryot indifferent to their improvement and proper cultivation. Nor do I think that bastu land should be exempted from enhancement in all cases and all conditions. The objections of transferring the right without the consent of the landlord applies fully to this case to save the ryot as well from evil consequences.

In this district, except the statutory right of occupancy, a ryot cannot acquire any other right to his holding either by custom or otherwise.

Generally the homestead or bastu lands of the ryot is only a part of his holding, and is a mere subordinate tenure, the arable portion being the principal one, and I am not aware of any case in which the ryot is allowed to retain possession of the bastu land, notwithstanding that his arable portion is sold; as such I should think the bastu land of the ryot should continue subject to the same rules as to enhancement as the arable portion, and it would be sheer injustice to the zemindars to exempt the bastu land, an integral and important portion of the entire holding, from enhancement. It is not unusual, particularly in river districts, such as Jessore, that homestead lands are raised above-flood level solely with the ryots' money, and in that case they will not certainly be liable to enhancement under the law; but it may so happen that the improvement is made with the expenses of the zemindar, where the ryots are either poor or unwilling to undertake the work. If the bastu land is altogether exempted from enhancement, the consequence will be that in cases where the ryots are in need of zemindars' help to raise their homestead land above the flood-level, or otherwise improve the same by digging tanks or excavating canals, which may require an outlay of a considerable sum of money which the ryots may not be in a position to meet out of poverty or disagreement amongst themselves, the zemindar will not undertake the work, because he cannot recover the amount thus expended, and the poor ryots will continue to struggle against the inconvenience and evils which it is not in their power to remove.

In my opinion neither the time of commencement of deterioration in the land nor the manner of operation bringing about the same can be precisely defined, for the deterioration may in some cases be brought about imperceptibly and by causes unforeseen. A fixed proportion of the produce of a certain number of years may, I should think, be fairly considered as an equivalent for commutation of a grain rent into a money rent.

The price lists as now prepared are no safe guides to arrive at a just finding as to the value of the produce at the harvest time.

Enhancement cannot be fairly allowed in direct proportion to the rising of the price of crops; some allowance should be made for the increased costs of production, and some distinction as to extent of reduction should be drawn between the remote districts not enjoying facilities for good communication for want of railways and those enjoying good communications.

In particular districts, such as Dacca and Mymensingh, where jute is extensivey cultivated, jute should, I think, be considered as a staple crop, the price of which should also be taken into consideration as that of rice or dhan for the purpose of enhancement suits.

CHAPTER VI.

It would be inequitable and unjust to bring the non-occupancy ryot into the same footing with the occupancy ryot as regards enhancement. The former being a new tenant-at-will should be left to arrange his rent under contract entered into with the landlord. No limit as to enhancement is needed in respect of tenants who are liable to be ejected whenever they cannot come to terms with the landlord, whose discretion or will to bring in new tenants, whenever the same is expedient or profitable to him, should not be fettered by legislation, as it would tell hard against him.

CHAPTER VII.

No limitation should be put as to rents payable by under-ryots. The rate of supply and demand should be left to have its free course, and the parties should be left to use their own discretion.

CHAPTER VIII.

I think no remarks are necessary on the provisions of the chapter referred to in paragraph 17 of the letter of the Government of India, for no alterations or amendments are needed.

CHAPTER IX.

The sinking of wells by raiyats is almost unknown in Lower Bengal. I should therefore think that non-occupancy ryots should not be declared entitled to sink a well except with the permission of the landlord, for the well alters the nature of a tenure. In Behar, however, it is a necessity for agricultural purposes; so, in my opinion, the Behar ryots alone should have the privilege of delving wells without the permission of the landlord.

I should think it is a sufficient protection to the ryot who voluntarily abandons his residence, without giving notice to the landlord and arranging for payment of rents, and who does not cultivate his lands, as the first part of section 96 provides that the landlord should wait till the expiry of the agricultual year before he re-enters on the land. The second and third paragraphs of that section should be expunged from the Bill, for otherwise the landlord will not be in a position of enjoying the benefit of paragraph 1 of the section, inasmuch as the landlord will virtually have to wait to let his land or take to cultivation himself until after the expiration of six months more in case of non-occupancy ryots and two years more in case of occupancy ryots, as no new tenant will venture to take the risk of his arrangement with the landlord being upset at the instance of the old tenants, instigated in many cases by designing people; so the landlord will lose his rent for the land which in most cases would not be recoverable from the outgoing tenants whose new residence it will be difficult in many cases to find out. It has come to my notice that the ryots evaded payment of just rents and debts by abandonment of old residence and by shifting their abode from place to place. Cases are rare in which landlords eject old tenants to put in new ones, and in these cases redress may be obtained from law courts.

The landlord's right to measure lakhraj land in his estate should be limited to the external boundary only. The measurement should be made by the local and not by the English system of mensuration (which is not comprehensible to the public) and by the officially-determined pole.

CHAPTERS XI and XII.

I know of no land other than the land defined in section 188 (1) in which the cultivator cannot ordinarily acquire the right of occupancy. In enhancement suits difficulties may arise in certain cases to find to which class or classes the holding belongs, and local enquiry by officers above the grade of the present civil court ameen may be necessary; so I should think that certain distinct provisions should be made as to the class of persons by whom the enquiry should be held.

CHAPTER XIII.

I should think the existing law on the subject of distraint should stand, otherwise the landlord will be in many cases without remedy to recover arrears of rent from an improvident peasantry or wicked tenants who have often been found to leave the land as soon as the crop is cut, and shift their abode from place to place to evade payment of rent. The procedure laid down in the Bill as to distraint is a cumbrous one; as such, before all the ceremonies are gone through for the court to arrive at a finding to issue a process of distraint, or before the court has thought fit to issue an *interim* order under section 141 (3), the ryot may have an ample opportunity to abscond with the crop.

CHAPTERS XIV and XV.

Section 159.—As it is not known what rules the High Court will make, any comment on this chapter must necessarily be incomplete.

Section 163 (*b*).—Under the existing law boundaries are not required. It will be of no practical good to give boundaries in plaints for simple rent, because no dispute regarding land will be decided in such cases. On the other hand, it will be a very troublesome affair to enquire and find out the boundaries of a tenant's holding which may consist of a hundred plots, before suing him for rent.

(*d*).—Attestation of service, not effected through post-office, should be taken from some two respectable residents of the village, as the Hon'ble Kristodas Pal suggests.

(*f*).—In cases when appeal is allowed, the evidence should be recorded *in extenso*, because the value of an appeal will be minimised if short notes of the evidence only be taken.

Section 164.—With reference to money deposited in court as due to a third person, provision should be made to enable the plaintiff to take out the amount so deposited at any time by giving sufficient security for the same. The absence of such a provision is likely to prove a source of considerable and unnecessary vexation and trouble to the landlord, inasmuch as his would be dues withheld from him for at least three months for no fault of his own, but on account of a disaffected ryot, who has simply to name a third party when making the deposit, and who is made subject to no penalty whatever for his action by which his innocent landlord may be put to so much unnecessary trouble, even if his allegation as to the third party's title proves quite unfounded subsequently.

Section 168.—The provision of section 168 of the Bill should, I think, be left unaltered.

Section 171.—As to the right of an ejected ryot, I think if the ryot be allowed to retain possession of the land only so long as the standing crop on it may remain ungathered, sufficient consideration will be shewn to him. No such indulgence, however, should be shewn in cases in which simply the land has been cultivated or prepared for sowing. If such cases be considered, a wide door would be thrown open for litigation to prove whether such cultivation or preparation of land took place prior or subsequent to the commencement of the proceeding for ejectment by the landlord.

Sections 175-177.—I have to remark that any lease of land whereon dwelling-houses have been erected, or permanent gardens, &c., have been made (section 176, sub-section *c*) should be deemed to be protected interest only when granted with the written permission of the landlord previously obtained.

The protection of registered notified incumbrances (section 175, sub-section *a*) within the meaning of chapter XV will ultimately open a door to fraud. The ryot will often collusively create undertenures at a low rent and allow a tenure to be sold for arrears of rent, and the purchasers finding that the yield from the tenure scarcely covers the landlord's dues, because of the creation of the undertenure which may consist of the best lands of the tenure, will be obliged to relinquish the tenure, when the landlord will have to look out for a new tenant, but will find none. For instance, a tenant creates an undertenure consisting of five bighas of land out of 10 bighas, all of the same quality, comprising the tenure held by him at a yearly rental of Rs. 20, and agrees to take from the undertenant (a friend or a relation of his) only Rs. 5 a year as rent; suppose the tenure is sold for arrears of rent and the sale proceeds cover the decretal amount and cost of sale. Now the purchaser will not be in a position to meet the landlord's demand from the yield of the five bighas yet held by him direct and the rent of the undertenure payable to himself; he will therefore throw off the tenure, and the landlord will scarely be able to find out a new tenant.

CHAPTER XVI.

No remarks to offer.

CHAPTER XVII.

With regard to the provision of section 210, I think I should simply reproduce my remarks in the original Bill, which are as follows:—"No restraint should be put on the freedom of contract. When contracts entered into by people in other matters are respected by courts of law, and sanctioned by the established usages of the country, there is no reason whatever why a contract between proprietor of land and tenant should be respected only when it binds the zemindar (section 74 and sub-section 2)."

For the provisions as to *chur* and *deara* lands I have to offer no remarks.

CHAPTER XIX.

Section 227.—No remarks to offer.

As to point 2 in paragraph 2 of the Government of India's letter, I am not aware of the existence of any dependent talooks whereof revenue was settled direct with Government but is paid through the zemindar. As regards point 3 I think the summary sale procedure, if

made applicable to the recovery of arrears of road cess and public works cess from rent-free tenureholders, would in many cases bring valuable tenures into sale for recovery of paltry sums; so greater evil would result than temporary inconvenience now felt from the existing state of things.

I am not in a position to offer any remarks with regard to points 5 and 6.

No. 142, dated Howrah, the 30th July 1884.

From—BABOO SREE NATH ROY, Judge of the Court of Small Causes, Hooghly, Serampore, and Howrah.

To—The Secretary to the Government of Bengal, Revenue Department.

I HAVE the honour to acknowledge the receipt of Government Circular Order No. 5T—R, dated 28th May 1884, calling for opinion on certain points connected with the revised Bengal Tenancy Bill, and in reply, so far as my humble experience enabled me to do so, to submit as follow:—

1. I am not aware of any practice of exempting bastu lands from sale in execution of a decree when the arable portion of the holding is liable to sale. A ryot ordinarily has no other title to the land than the right of occupancy under Act X of 1859, acquired by a continuous possession of 12 years. It has been held by the High Court in several cases that a ryot other than a cultivating occupant ryot has no right to retain possession of his holding (referring specially to homestead lands) against the landlord when he sues for ejectment after due notice to quit, unless the ryot succeeds in proving the permanent character of his holding. Thus it is clear that there is no such custom which recognized any right in a ryot to his holding other than a right of occupancy acquired under the law or by a contract between himself and the landlord.

2. The provision in section 5 (5) in favour of a tenant without a *primâ facie* proof that he holds the position of a middleman, either by custom or by the nature of the right he originally acquired, would be a fruitful source of litigation. The difficulty and expense to which the zemindar would be subjected to in getting rid of the presumption, would invariably be an inducement to the tenant, when dispute arises between him and the former, to urge that his holding comprised 100 beegahs, and that he has sub-let a portion of his holding. A beegah of his land may be sub-let only with a sinister motive, and he turns himself a tenure-holder. This will be considered by the zemindar as an encroachment upon his rights and interest. The creation of an intermediate holding superior to a tenant right is virtually a transfer of certain interests in land, with the reservation of the right to receive a special amount of rent, and as such the zemindar expects a reasonable price for it, and in practice, when such a disposal takes place, he gets, considering the value of the property in the present times, not an insignificant amount by way of bonus or consideration for the interest disposed of. Now the creation under the law of an intermediate holding of the nature above alluded to, because a certain tenant holds a peculiar position, would be considered by the zemindar as an act of injustice to his just rights.

3. The provisions of section 37 seem still more objectionable. The advantages of a tenure-holder, with the exception of the provisions for enhancement of rent, are great, and a ryot with a view of defeating the interest of the zemindar may nominally sub-let half his holding to the members of his own family or near relations and friends, with a view to become a middleman himself. These provisions will create hostile feelings, and one class will be perpetually setting against the other, and the harmony of action beneficial to the landed interest will be gone for ever, and litigation and strife will be the order of the day. But apart from the question of litigation, the zemindar in course of time will find himself in the position of a simple collector of rent, losing all rights to the land. This would deteriorate the value of the property, and not only the zemindar will suffer loss, but the Government also will experience difficulty in realising revenue. The sunset law would not be a sufficient guarantee for the peaceful and speedy realizing of the revenue in the absence of inducement to acquire landed interest where the right would be precarious and unprofitable. The Government may purchase the property for itself, but this course, if adopted, would eventually effect extinction of the zemindar class.

4. The sub-letting and free sale of the holding of an occupant ryot are apparently advantageous to the ryot, but in practice the result would be the reverse. I am, however, humbly of opinion that sub-letting is preferable to a sale. By sub-letting the tenant may meet the periodical difficulties without losing an inch of right to the land, while by the sale the property passes to the purchaser, and the tenant becomes a ruined man, unless he can cope with hard competition and regain the property as a sub-tenant. If the purchaser happens to belong to the cultivating class, and chooses to sub-let less than half his holding, and the out-going tenant succeeds in getting a lease, he loses his former position and becomes a sub-tenant without the least right to the land. If the purchaser lets half his lands, the tenant may acquire the occupancy right, but free competition will not always secure the land to him (the out-going tenant). Gradually the true cultivators—the back bone of Indian industry, commerce, and wealth—will be turned out of the field, and this will tell heavily on the welfare of the country at large. As a rule a tenant cannot manage his affairs without the

aid of a creditor advancing money to help him. The creditor in the absence of the tenant's right to sell his holding waits till the tenant finds an opportunity to repay the debt with interest. But this leniency will not be shewn when the creditor finds that being a little strict he may gain the property itself.

5. As the law now stands an occupant ryot enjoys all the benefits accruing from the landed interest. The tenure passes from generation to generation in the family as long as the rent is duly paid. Sub-letting is not also prohibited. Supposing that the right of transfer is necessary, it should be allowed with such restrictions as may be beneficial to the ryot and not injurious to the landlord. The provisions under notice far from meeting the aim and object of the Legislature in settling the rights of the tenants and landowners, will, I fear, create a class of landowners at the expense of the zemindar and a class of tenants to the ruin of the existing class of ryots, or in other words the tenant right would be constantly changing lands.

6. Allowing free sale, and at the same time taking measures to guard against the holding falling into the hands of money-lenders, or such other persons as would necessarily occupy the position of a middleman, would be set with many difficulties. If it is necessary to make such holdings transferable, it may, without much prejudice, be made (in a public sale) with this restriction that none but the cultivating class, or those willing to cultivate, ought to be allowed to bid, and that the infringement of the rule would make the sale voidable. It would not be wrong to allow the purchaser occupancy right, which the former tenant possessed, if he be the eligible party under the rule. In respect of private sale, it may be provided that no sale should be valid without the consent of the landlord, or unless the purchaser be a settled ryot under the same zemindar and belongs to the class to which the vendor himself belonged.

7. The right of pre-emption provided for in the Bill in favor of the zemindar is not necessary. True, it is a safeguard against the holding falling into hostile hands. But the difficulty would sometimes, or almost always, be insuperable. The tenant, with a view to enhance the price, would either bid through friends, or set up persons who have neither money nor willingness to purchase to bid, and thereby frustrate the aim of the Legislature, or compel the zemindar to take the property at an amount enormously greater than the real value. It is within the range of my experience that a cow not worth Rs. 10 was purchased at a sale in execution of a decree for Rs. 700 under similar circumstances. The decree-holder belonged to a class who are notoriously averse to animal, specially cowkilling. The judgment-debtor, taking advantage of this known fact, set up some butchers to bid, and the consequence, as the decree-holder would by no means allow a butcher to take the cow to kill, was as stated above. On the other hand, the ryot may be sold out for a nominal price, the intending purchasers may not bid, knowing that the tenure would of necessity pass to the landlord.

8. When a holding is purchased by the zemindar, he, under the rule of merger, may not have a right of occupancy ; but he ought not to be fettered by the provision that the man to whom he re-lets would have that right as soon as it is let, simply because the tenant who previously held it had that right.

9. The provision for summary sales of tenures of tenure-holders or converted tenure-holders for arrears of rent, would, I fear, tend to promote litigation. Every such sale, rightly or wrongly brought about, would be followed by a suit to set it aside. I have scarcely seen a putni sale which was not contested by a regular suit. The law gives the parties the right of suit, and nobody rests himself contented when he has a way to try his chance to regain his property by means either fair or foul. The provision would no doubt facilitate speedy realization of rent, but there is no guarantee against abuses. It is hundred times better to have all matters settled before a sale takes place than to make a sale only to invite protracted litigation.

10. The provision that a settled ryot should have occupancy right to any land within the village or estate of which he is a tenant, irrespective of the duration of the holding, would not, I am afraid, work advantageously to the parties concerned. The zemindar would take care not to let any land to a settled ryot when he could help it, for fear of faring ill for the action, and the want of accommodation with land even for a temporary purpose would be keenly felt by the tenant. It is not fair that a tenant having occupancy right to a land in one portion of the estate, say in one district, should have that right in another portion of the estate or in another district, though the occupation be for a temporary purpose, and for a very short time. Right of occupancy should not be allowed to accrue to any land taken for any purpose, unless the tenant has acquired the right to that particular land under the general rule of occupation by 12 years' possession. The provision in question gives the tenant an undue advantage over the zemindar, and will, far from benefiting the interest of either party, create a hostile feeling and promote strife and litigation. The tenants in a body or by combination may be a match for the landlord standing singly; but then those agrarian disputes will find no peace for either the one or the other of the parties concerned.

11. In cases of enhancement the question of the nature of the holding would invariably be put in issue, and the 20 years' presumption in favour of the tenant would be too strong for the zemindar to overcome. True, this rule has been in force for the last quarter of a century, but experience tells us that there was scarcely a case of enhancement in which

the plea of uniformity of rent for 20 years was not taken among others. If the present Bill passes into law without modifications, the natural consequence of this provision, as well as of certain others I have stated elsewhere, would be that measures will not be wanting to vary the rents or to concoct evidence to that effect, and nobody would know rest and contentment in consequence of the disputes and the litigations which would ensue.

12. The restriction as to enhancement of rent to certain proportions is not judicious. Suppose, for instance, two neighbouring tenants hold lands of similar descriptions and advantages under two different zemindars, one of whom is very strict in enforcing right and another is quite indifferent. The former not foregoing any instance in which he could enhance the rent, gets ultimately an increase tenfold the rent previously paid. The latter after the lapse of a good deal of time seeks to enhance the rent, but finds himself in a position not to get more than twofold through his own inactivity, although the land is capable of bearing tenfold as in the other case. This is certainly an inducement not to allow an eligible opportunity to slip, *i.e.*, would generate a spirit of litigation to the harassment and annoyance of the parties concerned.

13. *Section 50.*—If a plaintiff fails to prove a suit for enhancement for want of evidence or otherwise, it does not seem fair to debar him from suing again for the next fifteen (15) years, although he may be in possession of proof in respect of the grounds of enhancement in the meantime.

14. *Sections 141-4.*—How the landlord is to proceed against the purchaser for the recovery of deficiency is not provided for in the section. A clause to the effect "by a suit or by summary sale" if added to the section, the deficiency would be supplied.

15. *Section 59.*—Six months' notice to quit to a ryot having no right of occupancy, and who is not a settled ryot, seems to be too long. Three months' notice before the expiration of the term, or the agricultural year, may serve the purpose. Six months are prescribed as limitation for such suits. Some provision as to the liability for rent for the year of litigation ought to be made. A suit may be instituted in the middle of the year and decreed before the end of it. The ryot, when ejected in execution of the decree before the expiration of the year, may very well say that he being a yearly tenant his rent did not become due till the end of the year, and that he being ejected before the rent becomes due, or the end of the year, his responsibility for rent has ceased; while on the other hand the zemindar may lose the rent for no fault of his. If the suit be immediate, and it is decreed and executed during the first quarter of the year, the zemindar may yet secure the rent by letting the land to whomsoever he pleases. If prompt measures are not taken, the question of the rent would be very difficult to solve. Any standing crop may be held liable for the year's rent; where, however, there is no such crop some provisions ought to be made on the point, having regard to the conduct of the parties with reference to the solution of the question. The rent may or may not, according to the circumstances of each case, be awarded by way of *wassilat* at the discretion of the court.

16. *Section 79.*—Some provisions ought to be made in respect of interest between the date of the institution of the suit and the realisation of the decretal amount.

17. *Section 96.*—When a tenant is ejected on unlawful grounds, or is compelled to abandon the land by oppression of the landlord, he has surely a cause of action to recover the land: but when he abandons the land of his own accord, and without making any arrangement for the payment of the rent, and the zemindar by reason thereof is compelled, to let the land to somebody else, no latitude ought to be shewn to the abandoning tenant. His right of action in two years or six months, as the case may be, is not fair to the landlord nor to the new tenant who has *boná fide* acquired the holding and duly paid his rent.

18. Due service of summons is an important point in cases like these. The rules of the Civil Procedure Code ought to be strictly adhered to.

19. *Section 163 (F).*—The summons book of the nature used in the mofussil Small Cause Courts may be used with advantage. In appealable cases the court should take care to record the substance of evidence in a more comprehensive way than by taking short notes as in other cases.

20. *Section 165.*—The section is too hard for the tenant. Undue advantages may be taken by the unprincipled and irresponsible gomastahs and naibs of the landlord. There may be cases in which excess rent is demanded, and yet the ryot may not be heard, unless he pays in the entire amount admitted. The effect would be that comparatively poor ryots will have no remedy. This section may be done away with.

Dated Sealdah, the 31st July 1884.

From—BABOO MOHENDRA NATH BOSE, Judge, Court of Small Causes, Sealdah.

To—The Secretary to the Government of Bengal, Revenue Department.

I have the honour to acknowledge the receipt of your circular No. 5T—R, dated the 28th May 1884, with it enclosures. I have given careful attention to these papers, and I beg to submit the following observations for the information of His Honor the Lieutenant-Governor on some of the material questions raised therein.

2. I shall follow your circular letter to the Commissioners in dealing with the subject.

CHAPTER II.

3. *Para.* 4.—With reference to this chapter, the questions you put in your circular letter to the Commissioners of Divisions are—

(*a*) Whether the definition of "ryot" in section 5 (3) covers all classes of ryots, those holding under unregistered lakhirajdars as well as under the holders of revenue-paying lands.

I think the definition is exhaustive. I cannot conceive of a ryot who does not hold his land either immediately under a proprietor or immediately under a tenure-holder.

(*b*) Whether the presumption in section 5 (5) is, with reference to existing practice, a fair practice, and if not fair, what presumption of the sort would be fair.

I think a tenant who holds more than a hundred bighas of land can be ordinarily presumed to be a tenure-holder. As far as my experience reaches, excepting in very rare instances, the tenant sub-lets some portion or other of his land to other ryots, and thus in regard to the latter he stands always in the position of a tenure-holder.

(*c*) Whether the conversion of the sub-letting occupancy ryot (section 37) is a workable provision, and also likely to secure the objects for which it was devised.

The object with which section 37 has been devised is, as I understand, to restrain sub-letting by occupancy tenants. I do not think that object will be attained by the conversion alluded to in the section. When such a tenant sub-lets more than half his holding, unless he himself chooses to get himself registered as a tenure-holder, I do not see any person interested in bringing the circumstances to light. Nor do I think the tenant will bring himself into the higher class of tenure-holders, when by doing so he will subject his tenure to the provisions of summary sale for arrears of rent. It will be difficult for the landlord to ascertain the fact of such sub-letting, and therefore any action on his part to get such a holding registered is improbable. Besides, as far as my experience goes, the tenant oftentimes is obliged to sub-let his lands for temporary causes, such as minority, female succession, or the like. It would be hard on him in such cases to be converted into tenure-holder, subjecting his holding to summary sale. Then as to the scheme proving a check on rack-renting of the sub-lessees, I humbly apprehend its efficacy will be very small The sub-lessees may not possess the right of occupancy; in that case their rents could be increased agreeably to the provisions contained in the chapter in regard to non-occupancy ryots.

CHAPTER III.

4. *Para.* 5.—When occupancy ryots can be, under the scheme proposed, converted into tenure-holders, the same limitations ought to be placed in enhancing the rents for both the classes. As regards ordinary tenures, their rents are regulated by contract. The permanent tenures, such as *patnis, mowrasis, howalas, &c.*, their rents cannot be increased under any circumstance. Then as regards ijarahs and temporary leases, their rents are completely regulated by the contracts entered into with the lessors. A few cases do arise, however, in which the rents of *chaks*, created for clearance purposes, and which remained unprotected by a potta, are sought to be increased. In such cases the court considering the outlay incurred, and the risks undergone, wou'd only enhance the rent to what is fair and reasonable, but to my own experience never to double the amount. The maximum in section 8 is, in my humble opinion, rather too high.

CHAPTER IV.

5. *Para.* 6.—The 20 years' presumption rule, embodied in section 64 (2), is too late now to modify or alter. For nearly a quarter of a century the landlords and ryots have regulated themselves in accordance with that rule, and each has taken steps to strengthen or frustrate its legal effect. The landlord has introduced check dakhillas, whose counterfoil always remains with him, and therefore there is no great difficulty in him to prove that the ryot's rent has varied during the said period. In the case of auction purchasers there is, no doubt, some difficulty; but that has considerably been reduced in consequence of the road cess papers filed by the previous landlord. I am of opinion that the said presumption might be retained without prejudicing the interest of either the landlord or the ryot.

CHAPTER V.

6. *Para.* 7.—If an "estate" or pergunnah be deemed too large in respect of the acquisition of the right of a settled ryot, I think it can be fairly confined within a village or mouzah. In fact a ryot ordinarily comes to acquire lands near the place of his former holding. Every object will be served if he is recognised as a settled ryot within his mouzah or village. I would therefore expunge the words "or estate" from the definition as contained in section 26 (1).

7. *Para.* 8.—When the occupancy right is made transferable, there is every probability of money-lenders making purchases to a large extent. Outsiders or other ryots of the same

estate will seldom purchase such holdings. Between the landlord and the money-lender will be all the competition, if any. If the landlord, under the provisions of the Bill, is allowed to retain the land to himself, or to let it to non-occupancy ryot, I think the same rights ought to be allowed to the money-lender also. There ought not to be a distinction between the two. As for a scheme for confining the purchasers to the cultivating class, I think it is sure to end in failure. The cultivating class is ordinarily poor, and they will not find capital to make any such purchases.

8. *Para.* 9.—As a judicial officer, I had to handle several suits for enhancement of rent on the ground of "prevailing rate." The ascertainment of the said rent was always a vexatious enquiry. While the landlords would be producing collusive decrees in support of a higher rate, the tenant would be adducing a host of witnesses to show the ordinary rate of the place. In some cases it is also found that the rates paid by the ryots of the same village vary greatly from local causes, such, for instance, as the dry bed of a river, which is ordinarily very productive, would by competition always give a higher rate. To raise the rents of the surrounding lands to that rate would be manifestly unfair and unjust. It is always a difficult matter to ascertain these local causes, and consequently the enquiry generally ends in dissatisfaction.

9. I am not much hopeful regarding the price-lists serving as a good means for settling rates of rents. First of all it will be difficult to prepare correct lists for different parts of the country. The price varies much from the facility of communication with public marts or otherwise. Then the other quinquennial period with which the comparison is to be made has been left uncertain. An officer may for comparison take the period which immediately precedes the quinquennial, or the landlord may insist on taking a period half a century before, the result will be different and will depend upon the abilities of the parties to adduce evidence.

10. The gross produce test, in my humble opinion, was a more sure one. Unfortunately it has been abandoned by the Legislature. The ryots and the landlords are accustomed to it, as could be seen from the existence of *bhowali* and *bhag jote* tenures. If the landlord's share of the gross produce, however small, was once declared as rent due to him, many of the vexed questions that have been raised would have disappeared. As to the ascertaining of gross produce of any particular plot of land, I think it is not so difficult as it is considered to be. By means of local enquiry at the harvesting time, with the aid of assessors, if necessary, such ascertainment could approximately be made. This would have given the courts a tangible and satisfactory way of dealing with such cases.

11. *Para.* 11.—The difficulties noticed in this paragraph can be avoided, in my humble opinion, by providing measures which will prevent a settled ryot from taking lease of land contemplated in section 42 (1). I would suggest a provision like this, namely, that a settled ryot, if he would take such land which was previously let to a non-occupancy ryot, he would, by such an act, forfeit his personal status of a settled ryot. By such a provision the anomaly regarding the rate of settled ryots would be avoided, but it would place the landlord to some disadvantage in letting out his lands.

12. *Para.* 12.—I shall shortly give my experience regarding *bastu* or homestead lands. But before doing so, I am to observe that *bastu* is always a secured thing in the eye of a Hindu. To oust a man from his house and home is the greatest act of ignominy and oppression. For this reason, generally homestead lands remain protected.

13. In towns and urban villages the homesteads are mostly upon lakhiraj or *mokatran* lands. Such villages were originally established by a big zemindar, who settled respectable and learned men therein by making rent-free grants, and allotting portions of village sites in quit-rent for their homestead. Or it may be that such lands are given to daughters or other relations for their advancement. In such villages and towns like Utterparah, Kassypore, &c., the homestead land is always enjoyed in perpetuity at quit-rent or on rent-free title. Free transfers of such homesteads with the buildings and appurtenances are made, and seldom any attempt is made to enhance the rent of such holdings.

14. In Panchannogram, where holdings are held immediately under Government, no right of occupancy is allowed, and the under-tenant is evicted from his homestead, and his rent is liable to be increased upon competition by the landlord. The under-tenant, however, on such lands is never permitted to raise pucca buildings.

15. Then as to village sites of agricultural people, these generally go with their arable land. The *bastu* forms a portion of the occupancy holding, and greater rights are not permitted to be exercised in regard to it than what are allowed for the arable land. I am not aware of a tenant holding the *bastu* land independent of his arable land. Sometimes it may happen that a ryot evicted from his tenure retains his *bustu*, but that is always upon a fresh settlement with the landlord, who, to avoid public odium, allows him to remain on fair rent. Or it may be that the outgoing ryot may retain the *bastu*, as *korfa* to the new tenant introduced by the landlord. But in all cases, as far as my experience goes, his homestead is always respected, unless indeed he is a bad tenant.

16. It is desirable that *bastu* lands are protected by law from enhancements and *bastu* tenants from eviction.

CHAPTER VI.

17. *Para. 16.*—The inevitable result of the division of ryots into those of occupancy and non-occupancy classes will be that the non-occupancy ryot will ever remain a non-occupancy ryot, and will never be able to acquire the right of occupancy. In that sense, no doubt, the non-occupancy ryot will be placed at a disadvantage, under the provisions of the Bill, to which he was not formerly subject. Of course, by equalizing the maximum rate of rent for both the classes, most of the inconsistencies and apprehensions pointed out in your circular letter will be removed; but how that can be done does not come within my humble comprehension; without interfering with the rights hitherto enjoyed by the landlords, of settling new lands with the ryots in their own way, this cannot be done.

CHAPTER IX.

18. *Para. 20.*—I am of opinion that the provisions in section 96 will place the ryots to a disadvantage. Abandonment, until proved satisfactorily to the court, was never presumed in the case of an absent ryot. The courts restored such ryots to possession even after six or eight years. A ryot may leave an infant son, whose mother may remove him to her father's house, requesting his near relative to pay the landlord's rent. The latter may fail to pay such rent with a view to take the settlement of the land himself. The court in such cases always gave relief to the infant son. Such relief could not be given to him under clause 3 of section 96.

19. *Para. 21.*—In regard to measurement by the zemindar of lakhiraj lands within his estate, I do not think it would be proper to measure such lands plot by plot. It would be quite sufficient if such lands were measured by their external boundaries.

The ryots are used to the local pole, and such pole should be the standard of measurement.

CHAPTER XIII.

20. *Para. 25.*—Coming now to the important subject of *distraint*, I fear that the provisions in the Bill for distraint through the court will tell heavily upon the tenant in the shape of costs. The work of the courts will be tremendously increased, and this will necessitate increase of establishment. The process of the courts, as is usual in such cases, will be greatly abused in distraint of crops other than those of the defaulting ryot, and this will give rise to new litigations, much to the harassment of the court and trouble to the innocent party. I think it will be more to the advantage of both the landlord and the tenant if the power were left to exercise it, as it has hitherto been done, without the intervention of the court, of course under greater supervision of the executive and with sharper penalties attached for abuse.

CHAPTER XIV.

21. *Para. 26.*—The provisions in this chapter are all that could be desired. I have nothing to add in the way of improvement, unless it be a slight amendment of the proviso to section 168. A District Judge and Additional Judge and Subordinate Judges have been placed in clause (*a*) on equal footing in regard to their final jurisdiction; whereas in the proviso the District Judge has been empowered to revise the proceedings of the other two under certain circumstances. This is an anomaly. I think the revisional power should lie with the High Court in such cases.

22. I have further to submit that the provisions in sections 164 and 65 will no doubt greatly facilitate the collection of rent on the part of landlords. If, however, as in section 164, the tenant, instead of pleading that money is due from him, were to plead that he has paid rent to a third person, some provision ought to be made to meet such a contingency. Instances have come to my knowledge in which two persons have obtained decrees for the same rent against the same tenant in two different suits—one in collusion with the tenant, and the other upon trial on merits. This can be obviated by providing that the courts in such cases should make the third party a defendant in the suit, and try the question of title to receive rent as between the two: and if the plaintiff succeeds, the court might decree the rent against such third person to whom the rent had been paid. Such a provision will check litigation and protect the tenant from paying the same rent twice over.

No. 35, dated Chuprah, the 25th August 1884.

From—Roy Baboo Krishna Chundra Das, Bahadur, Third Munsif, Chuprah,

To—The Under-Secretary to the Government of Bengal, Revenue Dept.

With reference to your letter No. 1544—843LR, dated the 20th instant, I have the honour to submit herewith my opinion upon the revised Tenancy Bill of 1884.

I and Baboo Grish Chundra Chatterjee, Second Subordinate Judge of the station, held meetings to discuss the provisions of the Bill; the report is therefore submitted in the plural form.

I. *Transferability of occupancy tenures by sale, mortgage, &c.*—If we take the zemindar in the light of a mere collector of rent, the law ought to afford him security and facility for speedy and due collection of rent. An absolute power to the tenant to sell his occupancy holding would be injurious alike to ryot and zemindar. Any ryot ill-disposed to the landlord can introduce a discordant element in the village. The right of pre-emption would not give any substantial advantage, and it would place the zemindars on the same footing with the public at large, whereas, being the agent responsible for the collection of rent, the landlord ought to have greater immunities.

We suggest therefore that the tenant's power of selling occupancy holding ought to be confined to the village cultivators or resident ryots, *i. e.*, the people who would most likely be settled with in cases of vacancies Privilege of introducing outsiders be conferred only with the zemindar's permission. If the above restriction be considered opposed to the principle of freedom of contracts, we beg to suggest that transfers be legalized only on proof of sufficient necessities.

At auction sales the zemindars may have the privilege of a co-sharer in a civil court sale. Before the introduction of the Rent Bill there was no serious quarrel on the subject of transferability of occupancy holdings, and the number of suits involving such questions was not large.

II. *Settled ryot.*—Settled ryot is a new idea introduced into the Bill. The ryots never thought of asserting the privilege conferred by the section, and litigation on this point was either very rare or absolutely nil. It is not necessary therefore to introduce a third class of ryots as settled ryots. The opinions of Hon'ble Kristo Das Pal and the Maharaja of Durbhunga are entitled to very great weight on this point. Such a measure would plunge the country into litigation, which never will cease within 50 years to come.

Record of rights.—A public record of tenures, and the rights of the holders thereof, may in the long run prove beneficial to the country, and cut short constant litigation; but considering the number of rent-suits instituted and disposed of within the last decade, the decrees of the courts passed *ex parte* and on contest are an important factor in considering the question whether a record of right is absolutely necessary. It is only in cases of agrarian disturbances and combination by the ryots of a village for the purpose of withholding rent that such a measure may be adopted at the instance of either the zemindar or the ryot when a ryot contests the matters recorded, and a regular enquiry and judgment is passed; that judgment ought to be conclusive evidence between the parties. When, however, the record is made without the ryot entering opposition, the entries should be presumed to be correct, and they shall have the force of the decrees passed *ex parte*. Settlement of rent cannot be satisfactory, considering the large scale of enquiry prescribed, the variable nature of tenures, and the difficulty in the way of an accurate classification. If the records provided for in section 3, Chapter X, can be successfully made, there can be no doubt of the benefit accruing from it. But the difficulty in the way of preparing such a record is very great, and it would be necessary at certain intervals—almost every couple of years—to revise such a register to meet the changes that may take place in the interval. An attempt to prepare such a register would in the first place engender quarrels and litigation, which might not at all arise. The rights of lakhrajdars may be indirectly called in question by the zemindar through his subordinates or dependents.

Clause (b).—In order to enable the Collector to classify the tenants, the holdings which constitute the estate must first of all be ascertained. This will involve the addition of another column. Unless the holdings are first determined, it would be impossible to carry out (*b*), (*c*), (*e*), (*f*), (*g*) and (*h*). Situation in clause (*c*) is ambiguous. Ascertainment of boundaries would involve serious quarrels, and in some districts, where fields have no demarcation lines or *als*, boundaries can scarcely be properly made out.

Notification.—Official Gazette alone not sufficient, should be published at the village zemindari, kutcharry, thana, all civil and criminal courts, rural sub-registry office or post offices, as to procedure laid down in the Bill. On this head we have nothing particular to say or object to.

Record of private right of the landlord.—As to record of zemindar's khamar or khudkast or neej-jote lands, this step is absolutely necessary, especially in Behar. Zemindars try to include mal lands within this designation, and try to eject ryots by calling ryoti land their khamar, and thus to prevent accrual of right of occupancy.

Enhancement presumption.—Considering the time that has elapsed from the passing of Act X of 1859, which introduced for the first time this presumption, the period may be extended to 30 years. In case of *bonâ fide* auction-purchaser of estates, when the court entertains a reasonable doubt that the ryot is sided by the out-going zemindar, this presumption may not be made. In the case of tenure-holders holdings upwards of 100 bighas of land there ought not to be a hard-and-fast rule as to this presumption. Let the courts be left to make presumption according to the circumstances of the case. Grounds of *enhancement* in case of tenure-holders and occupancy ryots ought not to be the same. An additional ground of enhancement, calculated upon a margin of 10 per cent., may be laid down in the case of tenure-holders of 100 bighas of land and upwards. In assessing rent on this ground, special improvements effected with the money of the tenure-holder should be taken into consideration.

In the case of non-occupancy ryots, let the zemindars have, as at present, the right to eject or to sue for enhancement on the grounds set forth for occupancy ryots, with the distinction that tenure-holders and non-occupancy ryots' rent may be increased 50 per cent., whereas those of occupancy ryots to not more than 25 per cent. Our experience is that, before coming to court, the zemindar does not raise his claims to more than 25 per cent. for the annual jumma of ordinary occupancy ryots.

Freedom of contract as to enhancement ought not to be restricted, but the contract shall always be in writing and registered, and strict provisions may be made for the registering officer explaining the contract in such cases to the tenants.

Grounds of enhancement.—First ground, prevailing rate. The determination of prevailing rate is not easy. In determining what is the rate of rent prevailing among occupancy ryots, the court may take into consideration, in the matter of assessment of rent, the status of ryots holding lands in the village upwards of 20 years, and those who have recently acquired rights of occupancy. In fact, the placing of all occupancy ryots on the same footing may tell hard upon ryots of long standing. Courts should be careful not to place any weight on leases at high rates got up for the purpose.

Rise in the price.—This is a good ground of enhancement, and ought to be left as it is. A correct table of prices is essential, *i. e.*, a table prepared by a responsible officer. Price of labour is to be considered. Fifteen years' average ought to be the basis of calculation as prepared in the first Bill. The grounds of enhancement given in the Bill may comparatively afford some facility to the zemindar in the way of obtaining enhancement of rent, but the practical application of the law would nevertheless be difficult.

Procedure. Section 161.—Putwarie should be added. As to verification of plaints, zemindars residing within the local limits of the court ought to verify their plaints and written statements themselves, unless the court, in the exercise of proper discretion, otherwise directs. Exception may be made only in the cases of *purda-nasheen* women. It is suggested that the words "after due and careful inquiry" should be added to the form of verification prescribed in the Procedure Code.

163. (*a*). *Section III.*—As to set-off ought not to apply except when the set off refers to an ascertained sum on written agreement arising out of the relation between the landlord and tenant in respect of the lands comprised in the tenure (examples, as when for indigo cultivation a planter, who is also a ticcadar, takes ryot's lands).

(*b*). Word extent in the second part of the clause ought to be struck off.

(*e*). Add—The court may, at its own discretion (example, analogous cases), ask the party to file written defence.

(*g*). But discretion should be left to the courts in the matter of the payment of the money. Section 164, casting the burden of proof upon the third party in every instance, may work injustice. Let us suppose the case of an auction-purchaser of the rights of the former landlords as in the case of one whose rights have been declared by decree of court, or that of heir apparent, the plaintiff being the *quandom* zemindar or a person having no title to the property. When the ryot comes and says that the rent is due to the purchaser, &c., the stranger is at once alleged to become plaintiff and take the burden of *primâ facie* proof. Section 77 of Act X allowed intervention by any party, but this section very well limits that power of intervention by leaving the ryot the option of pointing out the third party. We think intervention ought to be allowed in cases where the ryot points out the third party. A fortnight's notice in such cases would be sufficient for intervenor to appear and contest. The court will then, for the purposes of the suit, determine who is entitled to the deposit, and refer either the plaintiff or the intervenor to go to the civil court and quarrel over their title. In such cases no appeal ought to be allowed. If the person pointed out by the tenant does not appear, or the objection is quite frivolous, the tenant may, in the discretion of the court, be held liable to damage not exceeding 12 per cent. of the money deposited, and the costs incidental upon the plea.

Clause 3 with clause 4 is calculated to increase litigation. It provides for an intermediate suit between a simple suit for rent and a title suit. They should be eliminated under the circumstances and provisions stated above.

Section 168.—As more than half or about two-thirds of the rent-suits are below Rs. 50 in giving final powers to the Munsif in suits up to Rs. 50, the section must be very carefully made, and the work thrown on the officer should not be heavy. In the latter case there would be a tendency to steer over the work, consequent upon heaviness of the file. Proper distribution and allotment of work should be made to ensure justice and avoid delay.

171 (*e*). Commencement of proceeding vague; should be after service of summons or any notice of the institution of suit.

176 (*c*). *Protected interests.*—Any lease of land is ambiguous. Should be lease given by the defaulter or his predecessor in interest.

(*d*). Is objectionable. Amounts to giving occupancy rights to the sub-tenants against zemindars, should be taken off.

(c) Only allowed on public policy. Improvement and religous feeling should be taken into consideration. These considerations do not hold in case (d). The sub-tenant with occupancy rights will, when his tenure is not protected, try to buy the holding, and thereby keep off outsiders and money-lenders.

(e) Will introduce much confusion and quarrel; it had better be expunged. In such case protection is not given by the Revenue Sale law.

(178). The attachment and proclamation may be simultaneous. This will compensate the delay consequent upon sale—first, with registered incumbrances; second, free of such incumbrances.

A landlord's power to sell tenures of the debtor, other than that in arrears, should not be restricted to the inquiry prescribed by High Court Circular for settlement of proclamation, except in cases where the value of the tenure or property sought to be sold may exceed Rs. 500, or where the decree exceeds Rs. 100. This will facilitate realization of rent generally.

There is no objection to the incorporation of Putni law. It is also suggested that big tenures, such as hawalas, nim-hawalas, gantys, &c., which are generally permanent transferable tenures, and which are held by middlemen, may be subjected to the Summary Sale law, as also tenures consisting of 200 bighas or upwards. The tenures engross a greater part of the zemindaries, and any withholding to pay rent on the part of the aforesaid tenure-holders involves the zemindar in difficulty, and subjects his zemindari interest to the risk of sale.

Distraint—In the Distraint law there ought to be an exception in favour of zemindars as to the crops of ryots who have no settled home, or who are wandering or semi-nomadic cultivators. In such cases the zemindar ought to be empowered to distrain the crops at his own instance, and then sell the crops through the court. Simultaneously with distraint in such cases the zemindar should send in a verified application in the form of a notice to the court, stating the particulars provided for in the new law.

Surrender or relinquishment.—The old law as to written notice of relinquishment should be kept as it is. Verbal notice would give incentive to fraud and perjury on both sides. The presumption provided for in the Bill will only hold good in case of private written notice to the zemindar. Practically, pleas of relinquishment are taken by zemindars generally, and attempted to be proved by false witnesses, to enable them to maintain the new settlement which they make for their own benefit.

Manager.—The appointment of a manager is unnecessary. Such a course would be ruinous alike to zemindars and ryots. The idea of appointment of manager originated with the inconvenience to ryots consequent upon the increase of number of sharers in a zemindari, and the indefiniteness of such shares. The Bill, by enabling tenants to deposit rent as provided in clause (c), section 73, does away with the inconvenience felt by ryots. In Behar, considering the large number of sharers in small mouzahs, the appointment of manager would ultimately leave no profit to insignificant sharers. The appointment of an officer to take deposits within certain local limits, where the number of deposits unusually increase, or where there is any disturbance leading to increase of deposits, virtually serves the end for which a manager is proposed to be appointed.

Sub-letting, Section 5, clause (5).—The word part in clause 5, section 5, is too general. We suggest that the phrase one-fourth of the holding should be substituted for the word part. Whether letting in bhag-jote is to be considered sub-letting, our opinion is that letting in bhag-jote should not be considered sub-letting, except when the zemindars's share is above 8 annas of the produce.

Section 37, clause (a).—Abuse of the privilege granted by this clause is likely to be made. As for instance, by purchase in the name of a minor son or a female member. The privilege ought to be accorded to real owners who are actually and *boná fide* unable to cultivate or manage the cultivation, that is to say, where the inability is real and not apparent. No objection to other parts of the section.

(b) As a matter of public policy, free contracts ought not to be discouraged, but the sub-letting of zemindaris by the proprietors, *i.e.*, the creation of ijaras or ticcas, kutkinas, and dur-kutkenas, and, third, ijaras and putnies and dur-putnies, lead to no small oppression over ryots as a class, especially in cases where the under-tenures are created at the gross jama without leaving margin of profit to the sub-tenure-holder. We know of many instances in which tenures like the above are gradually created with no apparent profits to the taker of the sub-tenure, and these sub-tenure-holders, ticcadars, by force or harassing litigation, compel ryots to pay an increase by the name of ijardari or huq-ticcadari. Villages which had been strangers to litigation become thus the scene of quarrel, and each party strains every nerve in the contest to secure his respective ends. The consequence is litigation, and as a matter of fact, whole villages become involved in litigation on the creation of tenures like ticcas, &c. The question then is, how can this creating of ijaras, ticcas, be checked to legitimate limits? This is a question fraught with difficulty, but some check can be put on this practice by treating contracts which have less than 10 per cent. profit on the actual gross collection as void. If the superior holder has always to lose something

in the bargain, he will think twice before he creates the lease, and the inducement, in fact the absolute necessity, for increasing the rent on the part of the taker of the lease will become less. It is also suggested that some measure be adopted to compel superior holders to give correct accounts of the gross collection of mouzahs to check the giving of swelled-up and false jamabundies.

2. Ticcadars for tenures of five years and less may not be given the power to enchance or to eject ryot. Butwara is also a fruitful source of litigation in Behar. It is therefore suggested that, at the time of each butwara, the Collector should prepare a register of tenures, *i.e.*, a record of rights, binding *primâ facie* or conclusively the malik and the ryot. This provision will become necessary in the law if settled ryots, as propounded in the Bill, be done away with. In the jamabundies which they file for the purpose of butwara, maliks generally ignore ryoti holdings by styling the lands their *khudkast*, and produce these papers (unsuccessfully though in most cases) to dispense with the jotes of ryots.

Amalgamation.—Cases are not unfrequent in which the question arises whether lands newly settled with the ryots having occupancy right over other lands are to be treated as part of the jote in which the ryot had acquired a right of occupancy or a distinct jote, and the determination of the issue becomes difficult. It ought to be provided therefore that, when the newly settled land is not more than the area of the original jote, the addition is to be deemed as amalgamation of all lands into one occupancy holding, unless the zemindar takes a separate kabuliyat or gives a potta for the newly settled land.

Homestead.—In Behar bastus are not generally held as integral portions of jotes. They are held separate, and the sale or transfer of the jote does not affect them. Homestead lands are for the most part held free of rent where the occupier is a man of superior caste, or where his services are often called into requisition by the zemindar; where the occupant ryot is old to the village, the rent payable by him upon his homestead is generally very low. Homestead lands of ryots in Behar lie within defined boundaries, generally called the *tola*, and and the lands of tolas have no connection with the agricultural holdings of the persons living in the tola or bustee. This is also the case in Orissa. In Bengal there may be instances of the village bastu land, but these are rare. These tenants' bastus are generally on lands which forms a portion of his jote. In the latter case bastus should be subjected to all the incidents of the jote, but in the form we think that the bastu ought not to bear any relation to the khast or jote. These bastu lands, in the absence of express written contracts, should be treated as mokuarree (fixed rental) and permanent.

CHAPTER IX.

Improvements.—Sub-clause (*b*) in clause (*2*) section 87 is indefinite. Cultivation by artificial irrigation is not much resorted to in many of the districts of Bengal. In Behar, where the soil is drier and harder, watering of fields by artificial means becomes more or less, necessary. Here the landlords rarely raise objections to ryots digging wells on their holdings. We have no objection to the provision of section 38 with respect to an occupant ryot's privilege for making improvements. Certain restrictions to be put having regard to the cost of the improvement compared with the selling value of the holdings. We suggest that an occupant ryot would not be allowed to make improvements which would cost more than one-fifth the selling price of the holding sought to be improved. In the case of his exceeding the limits, he shall forfeit his claim to compensation calculated on the amount expended in excess. A provision is to be added that, in the event of surrender or abandonment of his holding, the ryot would not be entitled to compensation for making improvements.

Clause (*2*) *Section 90.*—Will tell hard upon landlords; the hardship to some extent might he mitigated by making the intended law of payment of compensation not applicable in such cases.

KRISHNA CHUNDRA DAS,

Rent-suit Munsif, Chupra.

No. 12, dated Burisal, the 19th July 1884.

From—BABOO CHANDI CHARAN SEN, First Munsif of Burisal,

To—The Secretary to the Government of Bengal, Revenue Department.

In reply to your letter No. 9T.-R., dated 5th ultimo, I have the honour to submit the following remarks on the revised Bengal Tenancy Bill :—

CHAPTER II.

CONVERSION OF RYOTI HOLDINGS INTO TENURES.

Section 5, clause (*5*), *and Section 37.*—As regards the practical effect of conversion of sub-letting occupancy ryot into a tenure-holder, as provided by section 37 of the Bill, I beg to observe that the custom of such conversion has been prevailing to a very great extent in several districts in Bengal, and instances are not wanting in which the highest judicial

tribunal in the country has been consciously or unconsciously giving full effect to it. Rai Krishna Das Pal Bahadur, in his memorandum of dissents, observed: "The conversion of an occupancy ryot of a holding, the area of which exceeds 100 bighas, into a tenure-holdar is, in my opinion, still more arbitrary * * * * * * * * * Surely it cannot be contended that the conversion of the hundred-bigah jotedar into a tenure-holder, under an edict of the Legislature, is consistent with the ancient or existing land law of the country. In so far, it is a direct encroachment upon the rights of the proprietary class." But it can be very easily shown that both under the ancient as well as the existing custom of the country, this system of conversion of ryoti holdings into tenures has been very extensively obtaining in different parts of Bengal.

2. The presumption that a tenant who holds a very large quantity of land, which is more than what he can cultivate himself, is an intermediate holder and not a ryot, was recognized by the Calcutta High Court in the case of Baboo Dhanput Sing *versus* Baboo Guman Singh, decided on the 5th May 1864 (*vide* Revenue, Judicial, and Police Journal, Vol. II, page 267). In this case the Hon'ble Justices Messrs. W. S. Seton-Karr and E. Jackson observed :—"The question is whether the tenants are ryots or tenants intermediate between the proprietors and ryots. We cannot agree with the learned Counsel for the respondents that they are khodkhusta ryots. It is very difficult to lay down any general interpretation of the word ryot. As a general rule, they are the cultivating tenants, but they may not cultivate at all themselves; they may cultivate their lands by hired labourers or by under-tenants. In this case the amount of land included in the tenure is, we think, sufficient evidence that the tenants are not ryots."

3. In Backergunge numerous holdings, which had been undoubtedly ryoti holdings at the outset, were in the long run converted into tenures by the customary law, in consequence of the different portions of the land comprised within them being sublet to different persons; and the practical results of such conversion can be better expressed in the words of the Hon'ble Major E. Baring in his speech in the Legislative Council, dated 13th March 1883, when he said—"Why is it that in Backergunge and in some of the adjoining districts such a remarkable degree of prosperity exists? The reason is not far to seek. 'Backergunge,' an official report says, 'is essentially a district of peasant proprietors.' Almost all the actual cultivators have to a certain extent a proprietary right in the land they cultivate."

There can, I think, be no doubt that in introducing the provision contained in clause 5, section 5, and in section 37 of the Bill, the Legislature have simply attempted to give legislative sanction to the existing custom of the country. It is quite apparent that both from a theoretical point of view, as well as for practical purposes, there has been an absolute necessity for giving legislative sanction to this long-standing custom.

4. From a theoretical point of view, the necessity for an express enactment on the subject will be easily perceived when we bear in mind that, "if the community progresses, the law must needs expand, and become more and more an exact expression of the economical habits of the people."

5. But in order to fully realize the practical necessity for such legislation, I would being to your notice a very curious instance of judicial vagary that took place in the district of Julpigoree immediately before the year 1878.

6. Although Act X of 1859 was in fact a mere cumulative enactment, yet the subordinate courts (especially the revenue courts) were taught to look upon it as an exhaustive law by which all questions relating to the respective rights and privileges of landlords and tenants were to be determined. A Deputy Collector of Julpigoree, a district in which Act X of 1859 is still in force, being under the impression that Act X of 1859 was the sole guide for determining the mutual rights of landlord and tenant, committed an egregious blunder which was calculated to produce a very great mischief had it not been timely prevented by the worthy Deputy Commissioner of that place.

7. The tenures and under-tenures in the district of Julpigoree are designated as follow, *viz.*,—jotedari, chukandari, dur-chukandari, mulandari and dur-mulandari, &c. Some of these tenures had been in their original inception nothing but ryoti holdings, but in course of time they had been subsequently converted into intermediate tenures. A jotedar brought a suit to eject a chukandar under clause 5, section 23 of Act X of 1859 in the Court of the Deputy Collector of Julpigoree. In this case the Deputy Collector came to the conclusion that jotedars, who hold land of a zemindar, are necessarily a class of tenants who alone can acquire the right of occupancy; consequently the chukandars who hold land of jotedars, and mulandars who again hold land of chukandars, are different classes of under-ryots, and as such are incapable of acquiring a right of occupancy, inasmuch as it has been held by the High Court that two parties cannot acquire such right in the same land. Having arrived at this conclusion on the assumption that Act X of 1859 was an exhaustive law, and a sole guide to the determination of the mutual rights of landlord and tenant, the Deputy Collector of Julpigoree began to treat the chukandar and mulandar as mere tenants-at-will, who are liable to be ejected from their holding at the option of the jotedars. In this way several jotedars succeeded in ejecting many long-standing chukandars and mulandars, some of whom had spent considerable sums in erecting houses and gardens on the land they had held. At last this sort of decision of the Deputy Collector created some sensation in the district, and the matter was

brought to the notice of the Deputy Commissioner, a military officer, who, without ascertaining whether the conclusion arrived at by the Deputy Collector was correct, summarily instructed his subordinate to dismiss such cases in future, inasmuch as they entailed a great hardship upon the chukandars and mulandars.

8. The effect of this order was that the jotedars began to bring regular suits for ejectment against the chukandars and mulandars in the Civil Court. I remember that in 1879 some of these ejectment suits were instituted in my court while I was Munsif of Julpigoree. It was in connection with one of these cases that I came to know the circumstances I have just stated; and considering the state of things which had for some time been prevailing there, I had to write a very lengthy judgment, in which I endeavoured to show that neither the chukandars nor mulandars were ryots in any sense of the terms; that they were to all intents and purposes undertenure-holders; that the provision contained in section 6, Act X of 1859, was not applicable to jotedars, and that Act X of 1859 was a mere cumulative enactment, and was never intended to override the local custom of any district. My decision was fortunately confirmed by the Appellate Court.

9. From my personal experience of some of the districts in Lower Bengal, I have found that holdings which were in its original inception mere ryoti holdings, were in the long run converted into tenures by the practice of partly or wholly subletting the land comprised in them. I look upon this system of sub-infeudation as the necessary outcome of the economic laws of growth and development; and it would be rather an arbitrary measure to try to prevent its growth by withholding legislative sanction from it. The provisions contained in section 5, clause 5, and section 37 of the revised Bill are not in advance of the wishes and feelings of the people in general; and consequently Rai K. D. Pal Bahadur, in his ardent desire to protect the zemindari interest at the sacrifice of the customary rights of the ryots, has fallen into a grave mistake in looking upon these provisions as mere "arbitrary edicts of the Legislature."

10. Almost in every district the land is being held by several classes of tenure-holders and undertenure-holders from generation to generation, without any pottah or express engagement; and, according to the custom of the country, each of these classes of tenure-holders or undertenure-holders are looked upon as middlemen or intermediate holders. But if the status of these tenure-holders and undertenure-holders, who were most probably at the original inception of these tenures no better than ryots, is not recognized by express legislation, a very similar state of things to that which took place at Julpigoree is likely to take place in other districts also. Besides, under customary law there is no limit to the illimitable chain in the system of sub-infeudation existing in the various districts. Each sub-lessee or ryot in Backergunge by subletting his land may in the long run become a tenure-holder himself. But if there is an express enactment on the subject, a definite limit will be necessarily put to this sort of conversion—a practice prevailing in several districts in Bengal.

11. In paragraph 4 of your letter to the Divisional Commissioners, you have observed that the Government of Bengal, in proposing in their letter No. 972, dated 27th September last, that an occupancy ryot who sublets half his holding should be converted into a tenure-holder, had in view a twofold object, *viz.*, first, of discouraging the purchase of occupancy holdings by money-lenders or speculators; and, secondly, when transfers were made, of affording a protection from undue enhancement of rent to, and of facilitating the acquisition of occupancy rights by, actual cultivators of the soil. I have not a shadow of doubt that these two objects will be partially accomplished by converting subletting occupancy ryots into tenure-holders. But the general apprehension that large numbers of occupancy holdings would fall into the hands of money-lenders as soon as these holdings will be declared transferable by the proposed rent law appears to me to be utterly groundless. In Chota Nagpore and in some other districts the mahajans or the money-lenders may feel inclined to purchase ryoti holdings. But in several districts of Eastern Bengal, such as Backergunge, Noakhally, Pubna, Dacca, there is not the least probability that a mahajan or a money-lender would ever think of purchasing any occupancy holding. There are various classes of mahajans in each district: and the habits and conditions of that class of mahajans from whom ryots in these eastern districts generally borrow money preclude all possibility of any ryoti holding falling into their hands. If we are to examine who are the mahajans from whom ryots borrow money in Backergunge, we find that in the interior of the district the gomastah or tehsildar of each zemindar opens a sort of loan office which is called dadani tahabil (fund for loan). These gomastahs or tehsildars create this fund for loan by taking Rs. 50 from a village widow; Rs. 10 from a maid servant of a well-to do zemindar; Rs. 200 or 300 from the female members of a zemindar's house. Now neither a maid-servant nor a village widow, or a female dependent of a zemindar's who contribute money to this dadani tahabil, is likely to think of purchasing ryoti holdings. It was on this account that, in those districts where ryots borrow money from this class of mahajans there is not the least apprehension of ryoti holdings falling into the hands of money-lenders. I shall have occasion to say a few words more with regard to this apprehension from money-lenders while discussing the question of transferability of occupancy rights.

12. In connection with the subject of conversion of ryoti holdings into tenures, I further beg to observe that clause (*b*) of section 37 of the revised Bill is not only unnecessary, but is

calculated to introduce an anomaly into the position of these converted tenure-holders. It would be better to omit clause (*b*) of section 37 from the Bill, and to make the provisions of Chapter III applicable to these converted tenure-holders in respect of enhancement of rent also.

There is no necessity to place any restriction on sub-letting for the purpose of discouraging it. The provision contained in section 38 of the Bill is not calculated to work well in the agrarian economy of the country. The best measure to be adopted for discouraging the sale of occupancy rights is to establish an equality between the occupancy and non-occupancy rate of rent as suggested by the Government of Bengal in their previous correspondence on the subject. I will state my reasons showing the necessity for enforcement of this principle of equality of rates while discussing the provisions contained in chapter VI of the Bill.

13. The Government of India in paragraph 6 of their letter observed:—"The expediency of giving these privileges as part of a scheme for discouraging sub-letting, and the general effect of this distinction, should be considered * * * and as to the possibility of giving effect to it by means of a system of registration as contemplated by the Bill." I think there will be very little difficulty in giving effect to the scheme by means of registration. But the practice of sub-letting can hardly be discouraged by any other means except by establishing equality of rates of rent as I have just suggested.

CHAPTER III.

TENURE-HOLDERS.

14. I think the difficulty in distinguishing a ryoti holding from a tenure will be greatly obviated by referring to local custom; and section 5, clauses (4) and (5), will undoubtedly afford considerable facility in enabling the court to make such a distinction.

15. Section 7, clause 1 of the revised Bill, which provides that rent of a tenure-holder may be enhanced up to the limit of the customary rate payable by persons holding similar tenures in the vicinity can harldly be made applicable in the case of enhancement of rent of tenure-holders. In the same neighbourhood two exactly similar tenures may be found—the annual rent payable in respect of one may be Rs. 10, whereas the annual rent or jama of the other may be Rs. 50. Now the rent of the former tenure can only be enhanced up to Rs. 20 under section 8 of the revised Bill, consequently the rent payable in respect of a similar tenure in the vicinity is no standard for the enhancement of rent of tenures. There hardly exists any prevailing rates of rent, or any customary rent in respect of tenures and under-tenures.

The rent of tenure-holders should therefore be enhanced up to such limit as the court thinks fair and equitable. The Privy Council has also taken a similar view, and held that the rent of the dependent talooks or intermediate tenures can only be enhanced on equitable grounds alone.

CHAPTER IV.

RYOTS HOLDING AT FIXED RATE.

16. The provision that in any suit, if it shall be proved that the rent at which the land is held by a ryot has not been changed for a period of 20 years before the commencement of such suit, it shall be presumed that the land has been held at that rate from the time of the Permanent Settlement should be retained in the Bill intact, without the slightest alteration and amendment in it; and that retention of such a provision in the Bill is absolutely necessary will clearly appear when we look into the state of things which now prevails almost in every part of the country.

17. The zemindar, the dependent talookdars or other intermediate holders very frequently allow their zemindaries or intermediate holdings to be put to sale for arrears of its own revenue or rent, and they purchase it again *benami*. Cases of such collusive sales are very frequently pleaded in our courts whenever a zemindar or an intermediate holder attempts to eject any ryots or under-tenants. In the eastern districts an intermediate holder, failing in all other attempts to eject a tenant or to enhance his rent, causes his own tenure to be sold in execution of a decree for its own arrears in collusion with the superior landlord; and then purchasing it *benami* sues the undertenure-holders or ryots for ejectment, and thereby compels them to enter into a fresh engagement at an enhanced rate of rent. Instances of such collusive sales and *benami* purchases are very frequently brought to our notice An ignorant ryot cannot be expected to be capable of producing the rent receipts of the last 90 years. Consequently, after such collusive sales and *benami* purchases he would be entirely placed at the mercy of his unscrupulous landlord if this statutory presumption be omitted from the Bill. It is extremely difficult for a ryot to prove the continuous existence of his holding at an uniform rate of rent from the time of the Permanent Settlement by any documentary evidence. But continuous occupation of land for 20 years can be proved with less difficulty by the direct testimony of living witnesses. On the other hand, the landlord who carefully preserves his *jama-wassil-bakee* or other zemindari papers can easily prove any change in the rate of rent during the last 90 years by the documentary evidence in his possession.

18. Rai K. D. Pal Bahadur, in his memorandum of dissent, observes that—"Whatever the necessity of such a provision at the time of passing Act X of 1859, that necessity, it cannot be denied, no longer exists. The ryots have advanced in intelligence and independence, and the practice of granting printed rent receipts have become common in many parts of the district."

19. But I am sorry to be compelled to observe that the practice of granting printed rent receipts is not so common as it is supposed to be by the learned advocate of the zemindari interest. Even admitting, for the sake of argument, that the practice of granting printed rent receipts has become quite universal during the last decade of the present century, yet that would not do away with the necessity for such a presumption when its omission would necessitate the ryots to produce the rent receipts of the last 90 years. I think Rai K. D. Pal Bahadur would not venture to say that the practice of granting printed rent receipts has been prevailing during the last 90 years. Again, in granting these rent receipts many unscrupulous landlords practice great deception upon the ryots. I came by an account of a case in which a landlord of this district, with a view to ruin a tenant, granted him a rent receipt which had been purposely antedated. The ignorant ryot without any hesitation whatever took the receipt and paid his rent: but afterwards the landlord sued the same ryot for the rent for which that antedated receipt had been granted. The ryot pleaded payment of rent and produced the receipt he obtained from his landlord; but the landlord denied having granted such receipt, and in order to prove that they were false documents, produced a copy of a deposition before a judicial officer showing that on the date on which the receipts were said to have been granted, the grantor had been attending the court of a judicial officer as a witness. The Deputy Collector pronounced the receipts to be false, and most probably granted sanction for a criminal prosecution. This is the way in which the majority of the landlords or their gomastas deal with the poor ignorant ryots.

20. Rai K. D. Pal Bahadur further observes, in his memorandum of dissents, that the effect of this provision is disastrous to the zemindar, and it bears very hardly upon auction purchasers, who are often unable to get possession of the zemindari papers of their predecessors. But it is very easy for a *bonâ fide* auction purchaser to cite his predecessor as a witness, and cause him to be summoned to produce his zemindari papers in any suit for ejectment or enhancement, whereas it is extremely difficult for a ryot to protect his rights when sued by a *benami* auction purchaser for ejectment, after his landlord had caused the property to be put to collusive sale and purchased it *benami* himself, simply with a view to get rid of incumbrances. The benefit likely to be derived by zemindar or auction purchaser in the absence of statutory presumption is very little or almost nominal; whereas irreparable injury will be done to the ignorant ryot if such a wise and salutary provision be omitted from the future Rent law.

21. The proposals for limiting the currency of this presumption for a certain length of time after the passing of this Act is also fraught with great danger to the ryots. On careful examination it will be found that it does not do any injury to the zemindar, whereas, it does substantial good to the ryot, and at the same time affords material help to a judicial officer in enabling him to form a correct estimate of the evidences before him.

CHAPTER V.

Occupancy Ryot.

21(*a*). In paragraph 7 of your letter to the Divisional Commissioner, you have asked whether the capacity of the settled ryot to hold on an occupancy title land in possession of which he has been let, should extend over an entire estate, or should it cover only a portion of the estate, & . With reference to this question, I beg to observe that it is not in Behar only, but in Lower Bengal also, though in quite a different way, that the zemindars frequently try to defeat the growth of occupancy rights in ryots. In Behar it is done by shifting a ryot from one field to another; but in Lower Bengal the landlords not unfrequently compel ryots, of not less than 50 years' standing, to execute kabuliats according to the terms of which they are turned into mere tenants-at-will, although they might have acquired occupancy rights just at the passing of Act X of 1859. In course of business several cases were brought to my notice, in which it was found that kadumi khodkhasta ryots, who would under the existing law be entitled to hold land at a fixed rate of rent, were compelled to execute kabuliats by the terms of which they were debarred from acquiring occupancy rights also in the land held by them.

During the present Rent Bill agitations, the zemindars in several districts in Eastern Bengal, especially in Backergunge, and Mymensing, have been busily engaged in taking from the ryots kabuliats by which the latter bind themselves to occupy the land only for a limited number of years, although many of these ryots have already acquired the right of occupancy. Under these circumstances, I think section 25, clause 1 of the revised Bill, by which settled ryots are declared entitled to acquire rights of occupancy over the whole estate should not be further modified or amended. The instances of very extensive zemindaries like those held by the Maharajah of Burdwan are very few, and no alteration is necessary on that account alone.

22. The next question raised in your letter under reply is whether the estate within which the right may accrue to the settled ryot be of the same extent as it was 30 years ago. I think a more recent date is preferable to one extending back to 30 years.

23. *Section 31, clause* (*a*).—The following words in section 31, clause (*a*), "but he shall not be entitled to cut down trees in contravention to any local custom," should be omitted, as it is calculated to afford frivolous pretexts to landlords to drag a ryot into court very frequently. In these days the only plan which the zemindars adopt to make a ryot yield to their demands (however unreasonable those demands may be) is by simply dragging him into court on various frivolous pretexts; and although the zemindar ultimately loses his case, yet the costs of litigation prove so ruinous to a ryot that he is sure to yield to his landlord's demand, however oppressive it may be. Trees are generally planted by the ryots themselves, and they very frequently cut down old trees for the purpose of fuel, &c; but a landlord, when not on good terms with a ryot, constantly seeks opportunity for harassing him by litigation. The words "local custom" used in the clause (*a*) is very vague and undefined; and there is not a shadow of doubt that on every occasion that a ryot will cut down an old or useless tree the zemindar will drag him into court.

24. Under the ancient custom of the country, the khodkhasta ryots were entitled to cut down trees planted in their house either by themselves or by their ancestors. The present case, made law, which tends to limit the ryot's right to cut down trees, is a comparatively recent innovation. With regard to this question, I think it is necessary that the privileges of ryots, which were accorded to them by ancient custom, should be now restored to them in a language more distinct than local custom, the existence of which can be hardly proved by the ryots after such repeated changes in the Rent law during the last 90 years.

25. The most important provision in chapter V is contained in clause (*f*), section 31 of the Bill, which recognizes the transfer of occupancy right by sale or mortgage, &c. There is not the shadow of a doubt that the transferability of ryoti holding was recognized by the ancient custom of the country. Numerous authorities can be cited to prove the existence of such an immemorial custom. Even the most staunch advocate of the zemindari interest would not venture to deny the prevalence of this long-standing custom. But the question has been so repeatedly and so ably discussed in the Council, as well as by the Press, that there is scarcely any necessity for me to dwell upon it at any considerable length.

26. At the present stage of the Bill, the question is—How far it would be expedient to recognize the transferability of occupancy right? The Government of Bengal, in its letter No. 972, dated 27th September last, to the Government of India, has very justly observed that, "where the custom (of free sale of ryoti holdings) has grown up, and the tenants are in the habit of selling or mortgaging their rights in land, it should certainly be recognized by law, but where it has not, it may be questioned whether the law should move in advance of the feelings and wishes of the people." The question, then, which the Lieutenant-Governor has to answer is this:—"Has the custom of free sale of occupancy rights attained such a growth and stability throughout the province that it may be safely recognized by law?"

27. In answer to this question, no one who is acquainted with the landed system in Bengal will for a moment hesitate to affirm that the custom has already attained such growth and stability that legislation on the subject is imperatively called for.

28. Sir Richard Garth, in his minute on the former Rent Bill, expressed an apprehension of danger likely to arise from legislative recognition of the transfer of occupancy rights, on the ground that rival zemindars would very often purchase the occupancy rights of a ryot holding land under a neighbouring landlord; and this will undoubtedly open a wide door for constant dispute and dissensions between the different zemindars in the same locality. But if we carefully enquire into and examine the *jimbadari system* so extensively obtaining in Backergunge, and more or less prevailing in every part of Lower Bengal, it can be almost proved to demonstration that it was owing to the want of express legislative recognition of the transferability of ryoti holdings that there have been numerous disputes and dissensions amongst the several zemindars; and these disputes can only be prevented by express legislative recognition of the transferability of such holdings.

29. I have already observed that the custom of transferability of ryoti holdings had been in existence from a very remote period of antiquity. But after the Permanent Settlement the zemindar became very powerful, and would neither allow a ryot to transfer his holding nor recognize any such transfer if made without his permission, unless a very large sum was paid to him by the purchaser in the way of *salami*. Owing to this state of things, a ryot could not purchase the holding of another, because his vendor's landlord would not allow him to take peaceful possession of it, nor would he be strong enough himself to establish his right to it against the arbitrary will of such landlord. Consequently, whenever a ryot was obliged to transfer his holding (mostly owing to the oppression of his landlord), he would go over to another powerful zemindar who would be strong enough to assert his rights against the will of his own landlord. In this way none but a powerful zemindar ventured to purchase the holding of a ryot of a rival zemindar. The ryot after selling his holding to any such powerful rival zemindar takes an under-lease in respect of the land sold by him from his purchaser, and becomes to all intents and purposes an under-ryot of the latter. This sort of transfer of

ryoti holdings to a powerful rival zemindar, which to a certain extent bears a resemblance to the feudal system of Europe, is known by the name of the jimbadary system. The purchaser is called jimbadar, and the ryot selling his holding is said to have placed himself under the jimba (charge) of the purchaser. The history of the acquisition of extensive landed property in Backergunge by the late Baboo Ram Rattan Rai *alias* Rattan Baboo (zemindar of Narail in Jessore) will show how extensively this *jimbadary system* prevails in this district. The Narail Baboos acquired a very large landed property in this district by purchasing at first the ryoti holdings of different tenants at a very nominal price. It is not because that the Narail Baboos were very lenient and kind-hearted zemindars that the ryots would place themselves under their protection; on the contrary, they were known to be very arbitrary and oppressive. But yet the ryots of other zemindars, when highly molested and oppressed by their own landlords, would satisfy their grudge against the latter by resorting to the Narail Baboos, who were strong enough to take possession of the land and to give some sort of protection to the ryot by means of force. It was nothing short of an absolute necessity that would compel a ryot to sell his holding to a rival zemindar. A ryot would most gladly sell his holding to another of his own class, or, in case of debt or poverty, he would only sell a share of his holding instead of selling it in its entirety if he could be assured that he would be able to give peaceful possession of it to his purchaser. His right to transfer depends merely on custom, and the purchaser, in order to get possession of the holding so purchased by him, must be compelled to go to the court and establish the existence of such custom. But if there had been express legislative sanction for such transfer, no selfish landlord would be able to oppose such sale, and one ryot may very easily purchase the holding of another ryot.

30. Again, the people of this country are accustomed to attach the greatest value to property in land, consequently a ryot would never think of selling his holding if he is sure that his right to it is not to be violated by the arbitrary will of his landlord. In the jimbadari system it will be observed that ryots used to sell their land for nominal prices, simply because they thought that their rights were not secured to them, and could be destroyed at any moment by the arbitrary will of their landlords.

31. If the transferability of occupancy rights is recognized by legislative enactment, a ryot intending to sell his holding would never be required to go to a powerful rival zemindar. It is generally the oppression of the landlords that compels the tenant to sell his holding to a rival zemindar. If these oppressions cease to exist, and if the transfer of ryoti holding is once recognized by legislative enactment, I doubt whether a ryot would ever think of selling his rights to another. The ryots are perfectly aware that by placing themselves under the jimba of another landlord in the way just described they gain nothing. On the contrary, they frequently experience greater hardship at the hands of their jimbadar, and afterwards have to repent the course they had once taken on the spur of the moment.

32. It has been also contended by the advocate of the zemindari interest that ryots are generally extravagant and improvident. They would borrow money by selling or mortgaging their occupancy rights, and in a short time they will be reduced to the miserable condition of hired cultivators, while the mahajan or money-lender will be the owners of these occupancy holdings. I have already stated that mahajans in several districts are a class of men who would never purchase these occupancy holdings. As regards extravagance of ryots, I think, in Eastern Bengal, they are less extravagant than they are generally supposed to be by the opponents of the Bill. On the contrary, the ryots are much more frugal than scions of rich families, who are generally heavily involved in debt, either in conducting unnecessary litigation, or owing to their improvidence in spending large sums in shrad or marriage. If 25 ryots are highly extravagant in the hundred, there would be found no less than 75 per cent. zemindars much more thoughtless and extravagant than these ryots. And why should not these 75 per cent. zemindars in the hundred be deprived of their zemindari, because they know not how properly to manage or protect the same from the hands of the creditors? The apprehension from mahajans or money-lenders have been a hundred times exaggerated by the clamours raised by the advocates of the zemindari interest against the proposed Bill.

ENHANCEMENT OF RENT.

33. The first ground for enhancement of rent, as given in clause (*a*), section 48 of the revised Bill, has been a constant source of abuse during the last 25 years; and there can, I think, be no doubt that abuses have already reached the magnitude which, if carefully examined, would induce the Legislature to expunge this ground of enhancement from the future Rent law of Bengal. Everywhere in Lower Bengal the zemindar tries to create a new prevailing rate after each successive interval of two or three years. In April last I tried twelve analogous suits for enhancement of rent, and an extract from my judgment in those cases, which is given in the annexure (A), will show how unscrupulously some of the landlords of Eastern Bengal plan and devise means for creating a new prevailing rate after each successive interval of two or three years. I should also mention here that immediately after the great agrarian disturbances had taken place in Pubna, I was temporarily deputed to Shahazadpore (a chauki in Pubna), whence first originated the germ of those agrarain disturbances. On careful enquiry I came to know that one of the principal causes of those riots was the attempt of zemindars

to create a new prevailing rate in the locality, by taking fresh kabuliats at an enhanced rate from a portion of the tenantry, with a view to put them in evidence in the enhancement suits contemplated to be instituted against the more refractory tenants who refused to execute kabuliats at such rates.

34. "There is a general complaint," says an advocate of zemindari interest, "from Eastern Bengal, that the landlords cannot realize the rents from ryots without much difficulty." But it appears to me that if there is any difficulty experienced by the zemindars of Eastern Bengal in realizing rent, that difficulty is of their own making—a difficulty which they have themselves created in consequence of their attempts to create a new prevailing rate at the expiration of every two or three years. As the Behar zemindars try to defeat the growth of occupancy rights by shifting a ryot from one field to another, the zemindars of Lower Bengal, are no less busy in creating collusive and fictitious rates after each successive interval of two years. It is simply to resist such systematic attempt at enhancement of rents on the part of the landlord that the ryots of Lower Bengal frequently combine or form into a strike or jote. The inevitable consequence of this state of things is that payment of rent is stopped because the ryot can no longer trust his landlord, and therefore ceases to pay rent excepting in court. No legislative measure, however well devised, is calculated to stop these chronic misunderstandings and differences between landlords and tenants, unless this ground for enhancement of rent [contained in clause (a) of section 43] be omitted.

35. Suits for enhancement of rent on the ground of prevailing rates, though generally dismissed by the civil courts, are still brought by landlords simply for the purpose of harassing a ryot by litigation till the latter is at last compelled to yield to the terms proposed by the former. A zemindar sues for enhancement of rent on this ground, and if his suit is dismissed by a Munsif, he prefers an appeal, and afterwards a special appeal, and thus the litigation is protracted for a period of not less than five years. But is there a ryot in Bengal who can afford to pay the expenses of such protracted litigation unless the whole village is combined to resist the landlord? And even when there is a combination or jote, the ryots can hardly afford to pay the enormous cost of a protracted litigation. The result is that a ryot, after being impoverished or utterly ruined in paying the costs in one court, at last places himself at the mercy of the landlord and executes kabuliats, at any rate, however exorbitant, demanded by the latter. . Now whether a landlord loses his case in the civil court matters very little to him, provided he has the means to carry on the litigation up to the highest court of appeal. The utter want of uniformity in the rates of rent, even amongst the tenants of the same village, is the inevitable consequence of the landlord's constant attempt to extort as much as possible from each individual ryot. In annexure (A) it will be found that even the same ryot pays at different rates to different sharers of the same taluk within which his holding is included. The zemindary oppression of the last 90 years has entirely effaced all traces of uniformity in rates of rent in every single village or mehal. Rack-renting has been introduced everywhere since the Permanent Settlement, although the expression rack-renting or computation rent had never been known in the land law of Bengal before the case of Hill *vs.* Issur Ghose was decided by Sir Barnes Peacock, C.J. But the principle laid down in that case was also shortly afterwards over-ruled by the Full Bench decision of the High Court in the case of Thakooranee Dassi. Unless this tendency towards the introduction of the rack-renting system by means of coercion and force is curbed or stopped by legislative measures, the condition of the peasantry will gradually become worse day by day. The Khodkhasta ryots were the real proprietors of the soil before the Permanent Settlement, and it is now absolutely necessary that they should be restored to the rights and privileges which they had previously enjoyed under the customary law of the country.

36. As regards enhancement out of court, there is no doubt that landlords very often use coercion and threats to make the ryots execute kabuliats at an enhanced rate of rent. But in order to prevent these abuses, it would be expedient to provide, in addition to clause 2, section 41 of the Bill, that in a suit for arrears of rent the Court will not give effect to enhancement out of court, unless it is proved that the ryot had been willingly paying rent at that rate during the preceding two years before the institution of the suit.

37. A definite limit to enhancement, on the ground of improvement made by the landlord, should also be prescribed. In the absence of such definite limit, the court will be led to suppose that the entire increase should be given to landlords, although it would be extremely difficult to ascertain what portion of increase was owing to such improvement, and what was owing to a variety of other causes which were simultaneously at work.

38. The difficulty pointed out by you in paragraph 11 of your letter to the Divisional Commissioners, with regard to the provision contained in section 42, clause 1, cannot be remedied, unless the equality between the occupancy and non-occupancy rates is established; and I shall have to say a few words with regard to it while giving my opinion on the provisions contained in chapter VI of the Bill.

Bastu Land.

39. The Select Committee, in paragraph 4 of their report, observe that—"It will be seen that tenants of homestead or bastu land, which is not part of an occupancy holding have no place in revised Bill. It may be that on further consideration it will be found desirable to introduce into the Bill some provision relating to tenants of this class." The absolute

necessity for making some equitable provisions relating to this class of tenants, instead of leaving their tenures to be regulated by local custom as provided by section 216 of the revised Bill, will be easily perceived when we closely look into the present state of the law on the subject.

40. After Act X of 1859 had come into operation, the Calcutta High Court has made a distinction between the land held for agricultural purpose and the land held for the purposes of dwelling, between the land situated in the mofussil and the land situated in the centre of a town. By putting a limit to the meaning of the word land, as used in Act X of 1859, the High Court has excluded the bastu (homestead) land and the land situated in the centre of a town from the operation of section 6 of Act X of 1859. A ryot (of however longstanding he may be) who holds bastu land only can no longer acquire any right of occupancy in respect of the land held by him; and under the present state of the law, this class of tenants are entirely placed at the mercy of their landlords, who can turn them out from their holdings at any moment.

41. It may be said that the provisions of Act X of 1859, and those of Act VIII of 1869, with respect to the establishment to the right of occupancy, are cumulative, and not exhaustive or exclusive of all other modes of establishing that right. But the way in which Act X of 1859, was being administered by the revenue courts, and at present, looking into the working of Act VIII of 1869, it can be affirmed without any fear of contradiction that, though theoritically these enactments are believed to be mere cumulative laws, yet for all practical purposes they are looked upon as the sole guides for determination of all questions arising between landlord and tenant. On the one hand it is extremely difficult for a ryot to prove the existence of any special custom by which his tenure is protected. On the other hand, in these days of frequent legislation, both the superior as well as the lower courts are accustomed to lean too much upon the written law. The construction put upon the word land by the Calcutta High Court has made a large number of longstanding ryots holding bastu land alone mere tenants-at-will. The reason which induced the High Court to hold that section 6 of Act X of 1859 is not applicable to bastu land have been given in their judgment in the cases reported in 8 W. R., page 250; 9 B. L. R., pages 97, 102, 121; 20 W. R, page 341, and so on. Sir Richard Couch in one of these cases observed "that, in determining what is the meaning of '*land*' and '*holding land*' in Act X of 1859, we must look at all the provisions of the Act * * * * Section 112 of Act X of 1859, and the following sections, can only apply to land used for cultivation. The intention of the Legislature is to be deduced from the whole Act, and the construction which makes the whole Act consistent is to be preferred."

42. But if the framers of Act X of 1859 did really intend to exclude bastu land from the operation of sections 6 and 17 of the Act, it must have been done under the impression that the ryots holding bastu land are, according to the customary law of the country, entitled to higher rights and privileges than what have been conferred by the provision contained in sections 6 of that Act; but unfortunately the case made law has left these classes of ryots quite unprotected, and their condition has been made worse than that of the occupancy ryots.

43. It is quite evident that ryots holding agricultural land generally incur less expense for its improvement than the ryots holding bastu land. The tenants of Bastu land are under the absolute necessity of improving its condition for their own convenience. They plant trees: they raise the land above flood-level: they clear the jungle: and every day of their lives they do something which improves the condition of the land. It was on this consideration that both during the Hindu as well as Mahomedan Government the resident ryots enjoyed greater rights and more privileges in respect of their holdings than the non-resident ryots, who used to cultivate agricultural land only. If the meaning of the word resident ryots be carefully analysed and examined into, it will undoubtedly appear that, under the ancient customary law, this class of tenants holding bastu land were looked upon as a sort of peasant proprietors, the fact of their being resident ryots not only entitled them to superior privileges in respect of their homestead land alone, but it directly or indirectly used to create in favour of them better claims to the agricultural land in the vicinity than what was to be acquired by the non-resident ryots. Even where a ryot used to hold bastu and agricultural land on the very same tenure, the ancient custom would permit his eviction from agricultural land under some exceptional circumstances; but his right to the bastu land was always respected with religious scrupulousness. The celebrated French traveller Buchanan, from whose account of the country Mr. James Mill collected materials for his history of India, observed that in Southern India, even during the arbitrary and despotic reign of Tippu Sultan, the eviction of a ryot from his homestead land would have been looked upon as an act of special grievance. In Rajputana, as it will appear from Todd's Rajasthan, the ryots used to call their homestead land *baputa*, the most emphatic and the most significant expression for patrimonial inheritance. Sir John Malcolm, in his history of Central India, observes that the settled ryots of Central India have many privileges, and enjoy much consideration. In Bengal the conversion of ryoti holdings into tenures, the practice of sub-letting a portion of a ryoti holding by a resident ryot, will undoubtedly show that resident ryots were considered as peasant proprietors.

44. The fact that the framers of Act X of 1859 attached very great weight to the expression "resident ryots," strongly indicates that the act of erecting a permanent habitation on any particular land by a ryot was under the ancient custom considered a sufficient criterion for creating some sort of right in his favour in such land, however differently limited that right may be, under the different circumstances of the case. This custom of recognizing the rights of this class of ryots was the necessary outcome of a very equitable principle of the economic laws which regulate the complicated affairs of mankind living in a state of society. Whenever a ryot was to erect a dwelling-house on a particular plot of land, with an intention to make it his permanent residence he would be necessitated to spend his money and labour upon it; and consequently there is an implied contract between him and his landlord to the effect that he should not be summarily ejected by the latter. The continuous engagement of this sort of protection for several centuries created in the minds of the people a deep-rooted feeling of respect for this custom; and it was therefore that even during the despotic reign of Tippu Sultan, or during the worst days of Serajuddowlah that no one ever thought of violating this custom.

45. Now, having stated what was an ancient custom of the country, and how it originated, I take the liberty to suggest that protection should be given to this class of tenants holding bastu land only, by introducing some provision into the Bill to the following effect, *viz.*, first, a bastu ryot shall acquire occupancy right in the land held by him after a continuous occupation of three years only; secondly, that if any such ryot is ejected before the expiration of three years, he shall be entitled to compensation from his landlord ejecting him; thirdly, that the rent of bastu land shall not be enhanced on the ground given in section 43 of the Bill, but the rent may be enhanced under the rules applicable to enhancement of rent of tenures; fourthly, that ryots holding both bastu and agricultural land, if liable to be ejected from their holdings for non-payment of rent, shall be allowed to retain their possession of bastu land on payment of a fair and equitable rent.

46. In reply to the question raised in paragraph 2 of your letter No. 9T—R, dated 5th June, *i. e.*, whether within my jurisdiction any practice prevails of exempting the bastu land from sale when the occupancy right in the arable portion of the holding is put up for sale in execution of a decree, I beg to observe that I am not aware that any such custom obtains in any part of this district. Besides, under the existing Sale law, such exemption of an indefinite portion of an entire tenure would be quite illegal. Consequently, if such custom had ever prevailed, it must have been abolished by the express law and the High Court rulings on the subject.

47. In paragraph 3 of your letter, you have asked whether there is any local custom which recognizes any right in a ryot to his holding, although he has not held it for 12 years. With reference to this question, I beg to observe that Act X of 1859, by prescribing that continuous occupation for 12 years would create a right of occupancy in a ryot, has to a very great extent abrogated all sorts of local and special custom on the subject which had been previously obtaining in different parts of the country. It is generally in suits for ejectment of a ryot from his holding that such local or special customs are likely to be pleaded. But under Act X of 1859, or under Act VIII of 1869, the landlord very scarcely brings separate suits for ejectment. In cases for the recovery of arrears of rent, the landlord generally asks for ejectment also under section 52 of Act VIII of 1869, and the provision contained in section 52 of Act VIII of 1869 has abrograted many local customs, inasmuch as it virtually declares that all classes of ryots are liable to be ejected for non-payment of rent.

48. But notwithstanding such abrogation of a variety of local customs by the introduction of Act X of 1859, a secret yearning for them is often manifested in the general conduct of the people; and the ejectment of a resident ryot of three years' standing is looked upon as an act of special injustice and grievance. It must therefore be assumed that even three years' occupation creates something like an occupancy right in a settled ryot in respect of bastu land. It would be therefore quite fair and equitable that, in accordance with the spirit of the ancient custom, the ryots should be allowed to acquire right of occupancy after continuous occupation for three years only.

CHAPTER VI.

Non-occupancy Ryot.

49. Chapter VI, which applies exclusively to non-occupancy ryots, is undoubtedly calculated to frustrate the very object for the accomplishment of which the revision of the Rent law has been undertaken. In India the rate of rent was always being regulated and controlled by custom. I have more than once observed that computation rent or rack-renting was never known in this country. Even Lord Cornwallis, the author of the Permanent Settlement, in his minute dated 3rd February 1790, observed—"Whoever cultivates the land, the zemindars can receive no more than the established rent. To permit him to dispossess one cultivator for the sole purpose of giving land to another, would be vesting him with a power to commit a wanton act of oppression from which he would derive no benefit." The author of the Permanent Settlement was fully aware that the established or customary rates apply to all classes of ryots alike, and consequently he observed that the landlord, by dispossessing one cultivator for the sole purpose of giving land to another, would derive no benefit whatsoever. But since the days of the Permanent Settlement the zemindars have been daily dispossessing even long-standing hereditary resident cultivators, whenever an offer for a higher rate of rent is received from

a neighbouring cultivator. This sort of ejectment very often takes place without any intervention of Court. The zemindars as a class are sufficiently strong to turn out a ryot from his holding by sheer force, or show of force. The proper remedy for the prevention of these chronic evil practices lies in establishing an equality in the rates of rent payable by occupancy as well as non-occupancy ryots. Act X of 1859 also never aimed at making any distinction between the rates of rent payable by these two classes of ryots. The Rent Bill has been introduced with the avowed object of affording protection to the ryots by placing a check on the system of rack-renting attempted to be introduced by the zemindar, whose sole maxim in dealing with ryots is "might is right." But the provision of Chapter VI is not calculated in the least to prevent rack-renting if inequality between occupancy and non-occupancy rates be allowed to exist. Why is it that the zemindar of Behar tries to defeat the growth of occupancy rights? And why is it that in Eastern Bengal ryots frequently combine or form into jotes? The reason is quite clear. The zemindar wants to introduce a system of rack-renting which is likely to exert a very evil influence on the agrarain prosperity of the country.

50. The occupancy ryot should, no doubt, enjoy greater rights and privileges than the non-occupancy ryot. But as regards rates of rent, both these classes of ryots should enjoy the sames privileges. Unless the equality in the rates of rent payable by these two classes of ryots be enforced, the attempts for the preparation of a table of rates as contemplated by the Bill is very likely to prove unsuccessful. If an occupancy ryot pays rent at the rate of Rs. 5 per bigha, and a non-occupancy ryot, who has been holding land for eleven years, pays at the rate of Rs. 10, then the latter, on acquiring on occupancy right at the expiration of a year, shall have to pay at the same rate, and the result will be that in the same locality one occupancy ryot will pay at the rate of Rs. 5 and the other at the rate of Rs. 10. I have already observed that in the same village, for land of a similar description, great diversity in the rates exists amongst the same class of ryots; and if it be the object of the present Bill to establish an uniform rate of rent in each locality, it can never be accomplished if the zemindar be allowed to demand from a non-occupancy ryot a higher rate of rent than what is paid by the occupancy ryot. In my humble opinion section 56 of the revised Bill should be amended by adding a clause to the effect that non-occupancy ryot shall not be liable to pay at higher rate than the rate at which the occupancy ryot pays for similar land in the vicinity. Again, Clause 9, Section 60, should also be amended in this way:—"In determining what rent is fair and equitable, the Court shall have regard to the rate of rent payable by occupancy ryots for land of a similar description, and with like advantages in the vicinity.

51. Rai K. D. Pal Bahadur, in his memorandum of dissents, observes:—"The non-occupancy ryot will thus be one in name; the landlord's present right to deal with him at his discretion is entirely taken away, while the freedom of contract is disallowed, and the landlord is compelled to give a judicial lease for five years. I should observe that in consequence of the introduction of judicial lease, the original provisions regarding compensation for disturbance have been omitted. These provisions embodied a new-fangled idea not known in this country." But is there any evidence to show that by the ancient custom of the country the zemindar, before the Permanent Settlement, had been at liberty to enhance the rent of any class of ryots at his discretion? And can it for a moment be contended that the Permanent Settlement has given any such right to the zemindar, when we find that the author of the Permanent Settlement very distinctly said—"That whoever cultivates the land, the zemindar can receive no more than the established rent." If by enforcement of the principle of customary of established rent, the ancient right of the ryots are restored to them, the right of which they are deprived simply by the arbitrary will and oppressive conduct of the zemindars, it will undoubtedly contribute to promote the progress and prosperity of the agrarain community, as has been done in Prussia at the commencement of the present century by the reforms carried out by Stein and Hardenberg. "There," observes Mr. Henry Fawcett, "a feudal tenantry was transformed into cultivating proprietors, who have probably more than any other class contributed to the social and material advancement of Prussia."

CHAPTER VII.

UNDER-RYOTS.

52. The limitation of rent, when paid in money by the under-ryots as provided by Section 62 of the Bill, is quite fair and equitable. There can be no doubt that the provisions contained in Sections 62 and 63 of the revised Bill is calculated to discourage sub-letting, which is intended to be effected by the provision of section 38 of the Bill. In this chapter further provision should be made to the effect that in case of division of produce between the ryots and the under-ryots, the former shall not get more than half the quantity of the produce. In some places the sub-letting ryots take more than half, and the actual cultivator gets almost nothing for his labour.

53. I have already observed that Section 38 of the Bill is not only unnecessary, but is not calculated to work well.

CHAPTER XIII.

DISTRAINT.

54. Distraint, even when exercised through the Court, is attended with a variety of evils. The Rent Commission, therefore, in concurrence with the Behar Rent Committee, did very

wisely propose the abolition of the existing law of distraint. Its provision is very generally availed of by the landlords for the purpose of harassing the ryots. On looking clearly into its practical effects, it may be said to be the relic of that most tyrannical law (Regulation VII of 1799) passed during the administration of Lord Wellesley, which is known to the people by the name of "*haftam*," and the very recollection of which fills the mind with the horrors of the old oppression and cruelties practised by the zemindars of almost every part of Bengal upon the ryots.

55. During the last 11 years that I have been in the service, I have found that out of every 100 applications for assistance in making distraint under section 75 of Act VIII of 1869, 95 have generally been intended solely for the purpose of bringing the ryots to submission, and of making them yield to the unreasonable demand of the zemindars. For the purpose of enhancement of rent out of court, as well as for compelling a ryot to execute kabuliats prejudged to his own interest, the law of distraint affords very great help to the landlords.

56. Rai K. D. Pal Bahadur, in his memorandum of dissents, observes:—"The law of distraint is generally regarded as an important and potential auxiliary in realizing rent." But I am sorry to be compelled to observe that it is not an auxiliary in realizing rent, but it is an auxiliary for harassing the ryots. It cannot be denied that very rarely landlords in Lower Bengal avail themselves of the law of distraint for the purpose of realizing rent. The cases or proceedings which generally arise out of applications for distraint are not finally disposed of within six weeks by the civil court. Sometimes it takes longer than three months to decide the dispute between a distrainer and the ryot whose crop is distrained; whereas under the present arrangement a suit for recovery of arrears of rent is decided within 30 days, and in execution of these decrees the crops may be easily attached. If the landlord really intends to realize rent by distraining the crops, then it is not at all probable that they would almost in every case willingly allow the distrained crops to be damaged or spoiled. There is not a single case in which I have not found that the distrained crops are either damaged or sold at a nominal price, or misappropriated to a great extent by the men employed by the landlords. Even if there is any *bonâ fide* application for distraint with a view to realize rent, only in such cases also the crop is always damaged or sold at a nominal price. The civil court peons, who are generally deputed to support the distrainer in making distraint, do not take the least care for the preservation of the crops. On the contrary, instances have been repeatedly brought to my notice in which it was found that under colour of attachment of crops the landlord in collusion with the civil court peon clandestinely removed the crops to his own house, and the peon reported that before he reached the mofussil, the crops had been taken away by the ryots. Instances are not also wanting in which, in case of distraint, the distrainers have misappropriated the greatest portion of the produce, and put to sale only a small part of it, which can hardly satisfy the claims for arrears. Then, again, under section 77 of Act VIII of 1869, when a ryot, as soon as his crops are distrained, tenders payment of arrears, the landlord's gomasta refuses to accept it on a variety of frivolous excuses, until the ryot agrees to pay a few rupees to the gomasta and a few rupees more to the civil court peon, and so on. If I make any attempt to state in detail the numerous instances of oppression which arose out of applications for distraint which came to my knowledge in the course of business during the last 11 years, I would be undoubtedly required to write a volume on the subject; but it is needless to cite these individual instances of hardship and oppression. It would be quite sufficient to say that the provisions of the law of distraint are never availed of by the landlord for the purpose of realizing rent. Two of the biggest zemindars in this district—Baboo Kali Krishna Tagore and Rajah Satyanando Ghosal—who are known to be very good landlords, have scarcely any occasion to avail themselves of the law of distraint. But it is the oppressive zemindars alone who avail themselves of the law simply for the purpose of harassing a ryot by damaging or misappropriating his crops. Even if any *bonâ fide* application for distraint is made simply for the purpose of realizing rent, the applicant is sure to find that he is not benefited in the least by it, because the way in which the crops are gathered and sold is not calculated in the least to secure one-fourth of its real price. I know an instance in which the value of the produce of a plot of land, of which the yearly rent was nearly Rs. 200 and the real value of the produce of which was Rs. 400, was sold for less than Rs. 20. This is the practical result of the law of distraint which, in my humble opinion, ought to be abolished.

The Government of India, in their letter No. 784, dated 5th May 1884, observes:—"that as regards the former proposal to abolish distraint in the case of occupancy tenants, the Government of India is inclined to doubt the universal correctness of the argument that in the saleability of the occupancy ryot the landlord has perfect security for his rent." The Goverment, it seems, have therefore arrived at the conclusion that the provision relating to distraint should be retained in the Bill after necessary amendments. In your letter under reply, you have also observed that "the question lies between the retention of distraint as it exists under the present law, and distraint exercised through the courts in the way prescribed by the Bill." But as I have already pointed out that the provision regarding distraint is generally availed of by the zemindar simply for the purpose of harassing a ryot, the entire abolition of the law of distraint will therefore only prevent the zemindari oppression without creating any real difficulty in realization of rent.

It appears that both the Government of India as well as the Government of Bengal have been led to suppose that the law of distraint is likely to work satisfactorily if the provisions contained in sections 68 and 70 of the present Rent Law, Act VIII of 1869 (which authorizes the landlords to distrain the standing crops without any intervention of the court), be repealed. But greater oppression is committed, and greater abuse of the right of distraint always takes place, when the power of distraint is exercised through the courts. In Lower Bengal the landlord generally tries to avoid the risk of a criminal prosecution, and consequently, in almost all cases of distraint, under a feigned apprehension of resistance, they first apply for assistance to the civil court under section 75 of Act VIII of 1869. This is done simply for the purpose of escaping criminal prosecutions with greater facility.

In order to illustrate how the greatest oppression is being committed by exercising distraint through the court, I would cite several instances which came to my knowledge in the course of business. In Jessore and in Backergunge I have seen that a zemindar generally, with a view to eject a refractory tenant, induces another ryot to execute kabuliat to him in respect of the land held and cultivated by such refractory tenant; and afterwards, when the season for reaping the crops arrives, he asks for process of distraint against the man who executed the kabuliat, but who in fact did not raise the crops. In the case of such distraints, the real tenant of the land institutes a suit against the distrainer under section 96 of Act VIII of 1869; but this sort of cases can hardly be adjudicated within a month; consequently, if the claimant fails to furnish proper security, the crop is put to sale at a very nominal price.

This is one of the several methods followed by the zemindars for getting rid of a refractory tenant; but there are thousands of other ways in which the law of distraint is set in motion for the purpose of injuring the ryots.

CHAPTER XVII.

Contracts and Customs.

The Government of India, in one of their earliest correspondence on the subject of the proposed revision of the Rent law, has very justly observed that "such is the power of the zemindars, so numerous and effective are the means possessed by most of them for inducing the ryots to accept agreements which, if history, custom, and expediency be regarded, are wrongful and contrary to good policy, that to uphold contracts in contravention of the main purpose of the Bill would be in our belief to condemn it to defeat and failure. It is absolutely necessary that such contracts should be disallowed."

The principal objects, for the accomplishment of which the revision of the Rent law has been undertaken, will undoubtedly be frustrated if its provisions be allowed to be overriden by contract. In my humble opinion, therefore, freedom of contract in cases specified in section 210 of the revised Bill should not be allowed.

Rai K. D. Pal Bahadur, in his memorandum of dissents, observes "that, if the ryot can be fairly considered a free agent in mortgaging or selling his hearth and home, or his agricultural land, &c., * * * why should he be considered incompetent to enter into contracts with his landlord." But the provision contained in section 210 of the revised Bill is based on a most equitable principle of the Law of Contract. It simply takes away the binding force of certain classes of agreement which, if permitted to be enforced, would defeat the provision of the proposed Rent law. Rai K. D. Pal Bahadur calls it a "*retrograde move.*" But no one can fail to perceive that it is carrying on the most equitable principles of the Law of Contract to its proper limit. In the absence of an express provision on the subject, the subordinate courts are liable to overlook the principle that agreement calculated to defeat the provision of any law is void.

In addition to the cases specified in section 210 of the revised Bill, there is another case also in which the prohibition should be extended. A very large number of kabuliats are being filed in my court every year, from which I find that interest on arrears of rent at the rate of 75 per cent. per annum are stipulated to be paid by these kabuliats. There are several other kabuliats from which it appears that ryots agreed to pay interest upon the arrears at the rate of 150 per cent. per annum. Now when a ryot is sued for arrears of rent upon any such kabuliat, at the end of the third year the landlord claims Rs. 450 as the interest on the arrears of Rs. 100 only. It is therefore necessary that another clause should be added to section 210 of the revised Bill, providing that a landlord is not entitled to charge interest on arrears of rent at a higher rate than twelve per cent. per annum, notwithstanding any contract to the contrary.

Section 214 of the revised Bill is not only unnecessary, but it will induce some of the unscrupulous landlords to change the conditions of their tenantry to those of *utbandi* tenants. In the original Bill, it was provided that, except the *khamar* land, all classes of ryoti land would be subject to the acquisition of occupancy right by ryots. There is scarcely any necessity for exempting *utbandi* and *hal hasila* land from the operation of the provision regarding occupancy right. In every district where the *utbandi* system prevails, the productive power of the land is gradually decreasing. The reason for such deterioration of land can be better expressed in the words of the well-known Arthur Young, who said—

"Give a man the secure possession of a bleak rock and he will turn it into a garden; give him nine years' lease of a garden, and he will convert it into a desert."

In paragraph 33 of your letter to the Divisional Commissioners, you have observed "that the information before the Government as to the precise nature of *utbandi* and *hal hasila* system is not as full or precise as could be wished." But I beg to observe that there is not much system in them The landlords, under an erroneous impression that they would derive greater profits from their land by sub-letting it to new tenants at the end of every year, have introduced this practice in some districts of Bengal.

In paragraph 1 of your letter No. 9, dated 5th ultimo, you have directed me to examine the procedure section of the Bill (chapter XIV) with special care; but I am sorry to be compelled to observe that, owing to the pressure of work which is usually heavy during this season of the year, I find myself quite incapable of submitting any report on this subject before 30th instant. I have only dwelt upon the main points of the Bill and tried to avoid any discussion on matters of detail, in consequence of my want of time to go through the Bill carefully. I will most gladly submit my opinion on the procedure sections of the Bill if you please to extend the time for submission of my report till 31st August next.

ANNEXURE A.

Extract from the Judgment of the First Munsif of Barisal in the Enhancement Suits Nos. 2567 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2622, and 2623 of 1883.

JUDGMENT—PARAGRAPH 5.

(5.) Before entering into the consideration of the merits of the questions involved in each of these issues *seriatim*, I think, in order to arrive at a right understanding as to the nature of these cases, it is necessary that I should, at the very threshold of this judgment, briefly state the facts and circumstances under which these suits for enhancement of rent were brought by plaintiffs. Because a brief enunciation of these facts, showing the real state of things, will enable us to form a right judgment upon the merits of each question, as well as to appreciate the value of the evidences of sixty witnesses examined by plaintiffs in these cases. It should be also stated here that this judgment is entirely based upon the sole testimonies of plaintiffs' witnesses, as the defendants were not called upon to adduce any evidence for the purpose of rebutting those of plaintiffs.

It appears on the sole testimonies of plaintiffs' witnesses that the taluq within which the defendants in each of these cases hold land is the joint property of a very large number of shareholders, whose number would likely to exceed even (25) twenty-five. Till the year 1280 B.S. the defendants, as well as the other ryots of the same class, who have been holding land within the taluk, used to pay rent at an uniform rate of Rs. 7-8 per each kanee of all sorts of land. After the year 1280 B.S. the plaintiffs, Golum Ali and some of his co-sharers, proposed to enhance the rate of rent hitherto paid by ryots. But the ryots in a body began to resist their attempts. With the exception of one or two ryots out of 107 tenants of the mehal, the plaintiffs failed to induce anybody to agree to pay rent at an enhanced rate. Thus baffled in their attempts, and disappointed in their ardent expectation to raise the rate of rent, the plaintiff Golami and all his co-sharers of the estate in the year 1282 B.S. made a most resolute and vigorous attempt to enhance the rate of rent by show of force, or by means of the actual use of force For the speedy accomplishment of this object, all the proprietors of the mehal jointly employed one Obhoy Charan Mookerjee as their common naib. Before 1282 B.S. each group of shareholders had a separate naib and a tehsildar. It appears to me most probable that Obhoy Charan Mookherjee was supposed to be a most *jabardasta* man, and consequently he was selected as the only person who was capable of bringing these tenants into submission by the actual use of force. The result of these arrangements was that before the end of 1283 B.S. there was a serious apprehension of a breach of peace in the locality, and both the tenants and the landholders were called upon by the Magistrate of the district to show cause why each party should not bind themselves by penal recognizance to keep peace. One of the sharers of the taluq, who occupies a prominent position in these cases (I mean Mea Golam Ali), and who, as observed by his own Pleader, Moulvie Mohamad Wazed, has, rightly or wrongly, obtained an unenviable and unfortunate notoriety of being a very *oppressive landlord*, was also summoned by the Magistrate to execute a penal recognizance for keeping peace. Golam Ali, therefore, previous to his appearance before the Magistrate, caused notice of enhancement to be served upon these tenants, and for a while gave up the idea of using any force for the purpose of enhancing the rent of the mehal. Thus this time, also, the landlord's attempt to enhance the rent proved unsuccessful At the same time, Obhoy Charan Mookerjee, the *captain* selected for overawing the ryots by use of force, was discharged, and each group of shareholders re-appointed their respective naib and gomasta as before.

After this event, except Golam Ali, the most of the other shareholders of the mehal were soon reconciled with the tenants, who also agreed to pay a little increase in rent. This reconciliation was followed by execution of fresh kabuliyats by several tenants, including the defendants themselves, to the large number of shareholders, whose aggregate share would exceed

11/16ths of the taluq. By these kabuliyats, which were executed in 1283 B.S., some of the tenants agree to pay rent at the rate of Rs. 8 per kanee in respect of all sorts of land, and others at the rate of Rs. 8-8 per kanee. It is to be observed here that some deception must have been practised upon these poor ryots, even in taking from them these kabuliyats, inasmuch as by execution of these documents these ryots who are admittedly longstanding resident hereditary ryots, appear to have secrificed some of their rights. But it must be also borne in mind that these ryots had been harassed during the preceding two years, and consequently it is no wonder that they would try to purchase peace even at the sacrifice of some of their rights. But Golam Ali alone did not agree to accept kabuliyat at the rate of Rs. 8 or Rs. 8-8 per kanee, as it was agreed between the defendants and other sharers of the taluk, including the plaintiffs in the cases Nos. 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2622, of 1883. Golam Ali demanded Rs. 10 per kanee, which the tenants could by no means afford to pay, as they used to receive at that rate from their sublessees. But it appears that during the years 1284 and 1285 Golam Ali did not take any further step to enhance the rent for fear of being again summoned to execute penal recognizance by the Magistrate. In the year 1282 B.S., while Golum Ali and some of his co-sharers first attempted to raise the rate of rent they succeeded to induce a few of these ryots to execute kabuliyats agreeing to pay rent at the rate of Rs. 10 per kanee. But most of these ryots were the servants of the landlords, and there can, I think, be no doubt that these men executed the kabuliyats simply for the purpose of creating an evidentiary fact which would tend to show that Rs. 10 per kanee was the prevailing rate in the mehal. I think during the years 1284 and 1285 Golam Ali was trying to induce other ryots to execute similar kabuliyats, with a view that such kabuliyats would eventually enable him to prove the prevailing rate of the mehal. But more than three-fourths of the tenantry were quite inexorable. Nothing could induce them to execute kabuliyats agreeing to pay rent at Rs. 10 per kanee for all sorts of land. In 1286 Golam Ali perhaps lost his patience and began to try once more to bring the ryots into submission by the actual use of force. For this purpose he employed *latteals* or clubmen to molest the ryots; and on one occasion he (Golam Ali) sent several men for bringing forcibly to his tehsil cutcherry one Beshye Chowkidar. At this time three-fourths of the tenantry combined or formed into a strike to resist Golam Ali's attempt to enhance their rent. As soon as Golam Ali's men arrested Beshye Chowkidar, one of the ringleaders of the jote, the tenants from all sides and from different directions began to assemble and rescued Beshey Chowkidar from the hands of Golam Ali's men. On this occasion a very serious riot took place, and Golam Ali's men were seriously wounded. This riot case was brought to the notice of the Magistrate, and some of the ringleaders of the ryots' party, who wounded Golam Ali's men, were sent to jail. This circumstance placed Golam Ali in a most advantageous position for the purpose of harassing the other ryots. The ryots were frightened by the result of this riot case, and through fear of being sent to jail, like those who had been already convicted in that riot case, as large number of tenants deserted their ringleaders, and began to execute kabuliyats to Golam Ali and to several other sharers, except to Jagadamba, agreeing to pay rent at the rate of Rs. 10 per kanee. In the year 1287, immediately after the result of that riot case, Golam Ali and one or two of his other co-sharers succeeded in obtaining 62 kabuliyats from several tenants of the mehal. Then during the years 1288 and 1289 B.S. 48 more kabuliyats were obtained from different ryots, who also agreed to pay rent at the rate of Rs. 10 per kanee. And thus out of 107 tenants of mehal, 84 or 83 tenants offered submission to the landlord and executed kabuliyats to Golam Ali, as well as to some of his co-sharers; whereas the remaining 23 or 24 tenants did not submit to the terms offered to them. The plaintiffs have now put in evidence these kabuliyats executed in 1287, 1288, and 1289 B.S. to prove that the prevailing rate of the mehal is Rs. 10 per each kanee of all sorts of land. The point, therefore, which I shall have to determine, as regards the prevailing rate, is whether the enhanced rate of rent, recently readjusted in the way just stated, can be called the prevailing rate of the mehal. This being the fact of the case, as found upon the evidence adduced by plaintiffs, I shall now proceed to consider each issue *seriatim*.

First issue.—As regards the first issue, *i. e.*, whether notice of enhancement was framed just in accordance with the requirements of the law, I find that there are no other irregularities in the notice except that, *first*, it is issued on the application of some of the sharers, and not on the application of all the proprietors of the mehal; *secondly*, that in this notice of enhancement an imaginary rate of rent was stated to be the prevailing rate; and *thirdly*, that without measuring the land held by the defendants, the plaintiffs in their notice of enhancement stated that, after measurement of the land held by the defendants, it is found that the quantity held by them was greater than the quantity for which they pay rent. But it has been held in the case of Chuni Singh *versus* Heera Mahto, Indian Law Reports, volume VII, page 623, by a Full Bench of the High Court, that a suit for enhancement of rent will lie, though notice was issued at the instance of some of the sharers only. The difference between the case of Chuni Singh *versus* Heera Mahto and these cases for enhancement of rent will be considered while I will discuss the question involved in the next issue.

The second irregularity pointed out in the notice is no legal irregularity. In the notice of enhancement it is stated that the prevailing rate in respect of each kanee of *bastoo* land was (80) eighty rupees; in respect of each kanee of horticultural land (70) seventy rupees; in respect of each kanee of land producing sugarcane (40) forty rupees; in respect of the first

rate agricultural land (20) twenty rupees, in respect of the second rate agricultural land (16) sixteen rupees; in respect of palita or unculturable land (12) twelve rupees per kanee; and, lastly, in respect of the land covered with drains (10) ten rupees per kanee. But in opening the case it was stated on behalf of plaintiffs that the different rates stated in the notice in respect of different classes of lands were not the prevailing rates. But the prevailing rate of the mehal for all sorts of land was (10) ten rupees per *kanee*. There can, I think, be no doubt that different rates mentioned in the notice of enhancement in respect of different classes of lands had most probably never been prevailing within the boundary of the world we inhabit. But this fact does not make the notice quite illegal. The fact of plaintiffs stating such imaginary rates as the prevailing rates of the mehal only tends to show that plaintiffs are a class of men who have not the least regard for truth, and they can speak anything under the sun. The notice was another threat to defendants intimidating them that, either they would pay at the rate of Rs. 10 per *kanee*, or by resorting to the Civil Court the plaintiffs would enhance the rate from 7½ to (80) eighty rupees per each kanee of land. But I have already observed that this suit of exaggeration, however absurd, does not constitute any legal flaw as suggested by defendant's vakeel. The third irregularity pointed out in the notice of enhancement is that plaintiffs now admit that they never measured the land held by defendants; but in the notice it was stated that, after measurement of land, it was found that the quantity of land held by the defendants was greater than the quantity for which rent was being paid by them. This fact also does not constitute a legal irregularity, but it directly proves that plaintiffs have spoken a downright falsehood. The notice of enhancement served upon the defendants is, therefore, in my opinion, free from any legal flaw, and I find that suit for enhancement of rent is maintainable upon such notice.

Second issue.—The second issue is whether plaintiff or plaintiffs as proprietors of a fractional share of an estate are entitled to sue the defendants for enhancement of rent in respect of, and in proportion to, their or his share alone. In the case Gani Mohamed *versus* Moran, I. L. R., volume IV, page 96, it has been held by a full Bench of the High Court that "one co-sharer cannot enhance the rent of his share, such an enhancement being inconsistent with the continuance of the lease of the entire tenure. But by a subsequent Full Bench ruling it appears that the principle laid down in the case of Gani Mohamed *versus* Moran was indirectly overruled. In the case of Chuni Singh *versus* Heera Mahto the Hon'ble Sir Richard Garth, Chief Justice, observed:—"It is true that all the co-sharers ought to join in bringing any suit of the kind; but suppose that some of them refuse to join as plaintiffs, section 32 of the Civil Procedure Code provides that no one shall be made a plaintiff in a suit against his will. In that case, are those who desire to bring a suit to be deprived of their rights because the others will not join as plaintiffs? The reason of their refusing to join may be that they are colluding with, or influenced in some way by, the tenants. Are these recusants to be allowed to deprive their co-sharers of the means of enforcing their just dues? I think not. The simple and obvious remedy for such a state of things is to allow the co sharers who wish to sue to do so, but making the recusant co-sharers defendants in the suit." But the Hon'ble Mr. Justice Morris and the Hon'ble Justice McDonnell, who differed with Chief Justice in that case observed:—"Any proprietor, however minute his interest may be, may set the law in motion, and disturb pre-existing arrangement without the previous consent of his co-sharers * * * * and if it be sufficient for a part-owner, after issue of a general notice, to make his co-sharers parties as defendants to an enhancement suit, then a tenant is always liable to be exposed to the caprices of individual shareholders, and perhaps to prolonged litigation, for I can see nothing to prevent, year after year, a fresh suit for enhancement being brought by each separate shareholder. The plaintiff in each suit would take care to remedy the defects in proof of his predecessors, and so tenant would be forced eventually to succumb." This observation of the Hon'ble Mr. Justice Morris is perfectly applicable to these cases of enhancement of rent. In each of these 12 cases one or two co-sharers of an ijmalee talook, whose share is very small, with a view to harass the tenant, and thereby to compel them to yield to his or their demand, has set the law in motion, and they have almost succeeded in reducing these once prosperous and well-to-do ryots to a most penurious condition. Now in following the principle laid down in the case of Chuni Singh *versus* Heera Mahto, the best method would be that a suit for enhancement of rent should be brought by a co-sharer, only it must be first ascertained whether his other co-sharers are in collusion with the tenants. If it is found that the co-sharers of the plaintiffs are in collusion with the tenants, then, following the views taken by the Hon'ble Chief Justice, it is to be held that the suit for enhancement is maintainable. But, on the contrary, if a co-sharer, without previous consent of his other sharer, sue any tenants of the ijmalee estate for enhancement of rent, and if in such a case it is found in the facts before us that the object of the co-sharer is simply to harass the tenants, then the view taken by Hon'ble Mr. Justice Morris may most equitably be followed. Thus it will obviate the difficulties which are sometimes created by the conflicting decisions of the superior Court. In the present cases there is another question which ought to be noticed here. Some of those defendants, while executing kabuliyats in 1283 B. S. to some of the co-sharers of the ijmalee estate, bound themselves by a stipulation, contained in those kabuliyats, to the effect that those co-sharers shall have the liberty to realise rent either jointly or separately. But I doubt whether that term in the kabuliyats has given to one or two of these co-sharers, to whom the kabuliyats were executed, the power to sue the defendants for enhancement of rent under

the present circumstances of the case. Besides, the principle laid down in the case of Gani Mohamed *versus* Moran, I. L. R., volume 4, page 96, has not been directly overruled. Under such circumstances, I think that these suits for enhancement, at the instance of some of the co-sharers only, are not maintainable, according to the existing law on the subject. But as I have taken down the evidence in the cases, it is desirable that my finding on the other two issues should also be given.

Third issue.—The third issue is whether the rate of rents paid by the defendants is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent. The plaintiffs in the (12) cases have put in evidence 129 kabuliyats obtained from the different tenants of the estate. These kabuliyats show that the ryots who executed them are paying rent to plaintiffs at the rate of Rs. 10 per each kanee of land of all description. All these kabuliyats have been duly attested, and it has been also proved that the ryots who executed them are the same class of ryots with the defendants. But out of these 129 kabuliyats which where executed in respect of 57 separate holdings only, it appears that only 19 of these were executed in 1282 B.S. Of the remaining 110 kabuliyats, 62 were executed in 1287 B.S., 12 during the year 1288, and the remaining 36 in the year 1289 B. S. I have already observed that, after the result of the ryot case, the ryots were very much frightened, and consequently they began to yield to any unreasonable demand made by plaintiffs. It has been stated by plaintiff's principal witness, Eshwar Chundra Das (witness No. 53), that majority of the ryots, who are of the same class with the defendants, are paying rent to plaintiffs at the rate of Rs. 10 per kanee. Now, there are several other witnesses who also deposed that majority of the same class of ryots are now paying rent at the rate of Rs. 10. Now, if the majority of the same class of ryots are really paying rent at the rate of Rs. 10, then, whether under the High Court ruling reported in 9 W. R., page 83, such rate should be considered as the "prevailing rate" of the mehal. In the case of Sadhu Sing *versus* Ramaroograha, late reported in 9 W. R., page 83, it has been held by Mr. Justice D. N. Mittra that the words "prevailing rate" used in section 17 must have some definite meaning attached to it. It means the rate generally prevalent, or the rate paid by the majority of the ryots in the neighbourhood. Now the question is whether any recently re-adjusted rent can be called a prevailing rate in my opinion a recently re-adjusted rent can by no means be called a prevailing rate in the sense in which that expression has been used in the section 18 of the Rent Law. The case of Surahutoonissa *versus* Gynee Bakton, 11 W. R., page 112, though not exactly similar to the present cases, yet the principle followed in that case will show that the rate of rent which was decreed against certain tenants was not considered as the prevailing rate while the landlord demanded rent at the same rate from his other tenants. I quote this case only to show that re-adjusted rate of rent cannot be considered as the prevailing rate of any mehal. But in these cases, when it is proved beyond all reasonable doubts that re-adjustment of rent took place in consequence of coercion, deception, and fraud practised upon the ryots, there can be no doubt that it is not the prevailing rate in any sense of the terms. In order to show that plaintiff's alleged re-adjustment of rent was the result of coercion, I shall first extract some passage from the evidence of witnesses Nos. 53, 55, 60 and several other tenant-witnesses.

The witness No. 53, Eshwar Chundra Das, stated that he is a gomasta of some of these plaintiffs; that before the year 1282 the tenants were paying rent at the rate of Rs. 7-8 per kanee; that in 1282 B. S. most of the tenants agreed to pay rent at the rate of Rs. 10, and also agreed to execute a kabuliyat, but the tenants also asked for pattah. The landlord, owing to some reason or other, refused to grant pattah while demanding kabuliyats from the defendants, and consequently the agreement was broken off. And in 1283 B. S., when the rent was demanded by plaintiffs at the rate of Rs. 10, all tenants of the mehal refused to pay rent at that rate and that a petition was presented by ryots to the Magistrate, stating therein that breach of peace is apprehended. I here quote the exact words the witness stated in Bengali :—

সেই বৃদ্ধি জমার খাজানা তলব করা মাত্র ১২৮৩ সনের বৈশাখ কি জ্যৈষ্ঠ মাসে প্রতিবাদী শান্তি রক্ষার জন্য দরখাস্ত করিল। তাহাতে ফৌজদারী আদালতে মালিকগণ ও প্রজাগণের তলব হয়। সেই সময় গোলাম আলীর অংশ হইতে জমা বৃদ্ধির নোটিস দেওয়া হইল। সেই শান্তি রক্ষার মোকদ্দমায় গোলাম আলী মাজিষ্ট্রেটকে জমা বৃদ্ধির নোটিস দেখাইয়া বলিল যে আমি ফৌজদারী করিব না, আমি জমা বৃদ্ধির নোটিস দিয়াছি।

Now, if Golam Ali and almost all the tenants of the mehal were fighting with each other in 1283, and if, at the instance of Golam Ali, notices of enhancement were issued in the month of Poosh 1283 B. S., then is it not absolutely impossible even to suppose that tenants were amicably paying rent at the rate of Rs. 10? In order to establish that Rs. 10 per kanee is the prevailing rate of the mehal, the plaintiffs were trying to prove that since 1282 the tenants of the mehal were paying rent to Golam Ali alone at the rate of Rs. 10. The reason for their stating that tenants were paying at the rate of Rs. 10 to Golam Ali alone since 1282 is simply this: that other co-sharers had been in 1283 reconciled with the tenants and accepted kabuliyats in which the tenants agreed to pay rent at the rate of Rs. 8 or Rs. 8-8. Now, as Golam Ali did not accept any kabuliyats, it is very easy for these most unscrupulous witnesses to state that majority of the tenants were paying rent at the rate of Rs. 10 to Golam Ali since 1282; and consequently as the rate of

Rs. 10 per kanee prevailed in the mehal for the last eight years, the rate of Rs. 10 per kanee must be held as the "*prevailing rate*" of the mehal. But even if it is admitted for the sake of argument that Golam Ali had been in receipt of rent at the rate of Rs. 10 per kanee since 1282 B. S., still that would not be considered as the prevailing rate, inasmuch as majority of the tenants were at the same time admittedly paying at the rate of Rs. 7-8 and Rs. 8-8 per kanee to the other sharer of the mehals. Many of the plaintiff's witnesses admitted that Jagadamba, who is one of the co-sharers of the mehal, was receiving rent from the majority of tenants at the rate of Rs. 8-8 per kanee. The witnesses, No. 53, Eshwar Chundra Das, stated:—এই মহালের প্রজাগণ মধ্যে জোটের প্রজা ভিন্ন, বাকী প্রজাগণ মধ্যে ৷০ আনী কি ৷৵০ আনী পরিমাণ প্রজা জগদম্বাকে ৮৷০ টাকা নিরিখে খাজানা দিয়া থাকে।, *i. e.*, besides the tenants who have combined, half or more than half of the tenants pay rent to Jagadamba at the rate of Rs. 8-8 per kanee. Then, again, let us turn to the evidence of Gahar Ali, the witness No. 60, who is a naib of some of the sharers, and who also, like the defendants, hold land within this taluq, and who has at the same time purchased a portion of the taluq himself This is the most important witness. This witness, contradicting most materially the other 40 witnesses, stated that all the tenants of the mehal began to pay rent at the rate of Rs. 10 in 1284 B. S. This witness also admitted that tenants are paying rent at the rate of Rs. 8-8 to Jagadamba জগদম্বার আমলে ৮৷০ টাকা ৮ টাকা নিরিখে খাজানা দিয়া থাকে।. Then, again, this witness, contradicting some other witnesses, stated that he saw even the defendants paying rent at the rate of Rs. 10 to Golam Ali in 1286 B. S. Elsewhere this witness made another utterly improbable and contradictory statement by saying that Golam Ali issued notice of enhancement in 1287 B. S.

Now I find that almost all the witnesses of plaintiff admitted, *first*, that in 1282 and 1283 B. S. all the tenants of the mehal combined against the landlords in order to resist their demands of rent at the rate of Rs. 10 per kanee; *secondly*, that most of these tenants afterwards in 1283 were reconciled to the rest of the sharers, except to Golam Ali, and consequently they executed kabuliyats to other sharers agreeing to pay rent, some at the rate of Rs. 8 per kanee, and others at the rate of Rs. 8-8; *thirdly*, that again in 1286 B. S. almost all the tenants of the mehal rose against Golam Ali, and in consequence of which a serious riot took place. These are the three facts which nobody can deny. Now, in the face of these three facts is it possible to suppose that majority of tenants began to pay rent at the rate of Rs. 10 to Golam Ali in 1283, and continued to pay him at that rate till 1287, when a fresh disturbance arose, and then again, after the result of that riot case, tenants returned to Golam Ali and began to pay him rent at that rate as before. The plain fact is that those witnesses who deposed that majority of ryots were paying rent to Golam Ali at the rate of Rs. 10 per kanee since 1283 or 1284 must have spoken falsehood, and the numerous inconsistencies and contradictions which are to be found in the evidences of each of the last 45 witnesses are greatly owing to their utter inability to reconcile the two most contradictory facts, namely, *first*, that Golam Ali was issuing notice for enhancement of rent in 1283 B. S.; *secondly*, he at the same time was in receipt of that enhanced rate of rent from the very same ryots. After carefully sifting the evidence of the last 50 witnesses examined by plaintiff, I find that in 1282 all the landlords attempted to raise the rent of the mehal from Rs. 7-8 to Rs. 10 per kanee, in consequence of which there arose a likelihood of breach of peace. The Magistrate of the district then summoned both the parties to execute penal recognizance for keeping peace, and most of the landlords thereupon abstained from using any force towards the ryots. Amongst these landlords, those who were more prudent and less daring and rapacious were reconciled with the ryots, and accepted kabuliyats from them agreeing to take Rs. 8 or Rs. 8-8 per kanee, but Golam Ali waited for a future opportunity for harassing these ryots, and thereby afterwards making them submit to his terms. This opportunity, I think, was presented to him when that most able and energetic District Magistrate, Mr. Kelleher, left the district. For in 1286 Golam Ali had again resorted to the use of force, and special police arrangement was made for the preservation of the peace of the locality. But the result of the riot case in 1286 B. S. gave an undue advantage to Golam Ali, in consequence of which, as I have before observed, he succeeded in compelling the large number of tenants to give up the *jote* and to execute kabuliyats to him agreeing to pay rent at the rate of Rs. 10 per kanee as demanded by him in 1283 B. S. Now, most of these kabuliyats executed under the circumstances during the years 1287, 1288, and 1289 have been put in evidence in support of the allegation that Rs. 10 per kanee is the prevailing rate of the mehal. But these kabuliyats are, in my opinion, not sufficient to prove the prevailing rate for the following reason:—

First,—The rate of rent recently re-adjusted by use of threat and coercion cannot be considered as prevailing rate.

Secondly.—If the rate in which the rent is received from the majority of ryots by one of the several co-sharers of a mehal be considered as prevailing rate, then it has been proved that Jagadamba, one of the co-sharers of this mehal, receives rent from the majority of the ryots at three different rates, *i. e.*, Rs. 7-8, Rs. 8, and Rs. 8-8 per kanee; consequently the rate in which Jagadamba receives rent is *a fortiori* the prevailing rate of the mehal.

Thirdly, while different shareholder receives rent at different rates on account of the recent re-adjustment of rent, the prevailing rate is the rate which uniformly existed throughout the mehal before such re-adjustment had taken place, and consequently I find that Rs. 7-8 per kanee, *i. e.*, the very rate in which the defendants are at present paying rent to Golam

Ali, is the prevailing rate of the mehal. It has been also proved by plantiff's other witnesses that Rs. 7-8 per kanee is the prevailing rate payable by the same class of ryots with the defendant for land of similar description and with similar advantages in the places adjacent. Plaintiff's witness, No. 4, Goluk Chundra Guha, appears to me to be the only witness whose testimony is quite unimpeachable, although in his capacity of an executor he is a co-sharer of the taluq, and in every respect an interested witness. This witness, in the cross-examination, admitted that he holds land as superior karshadar in chur Patni Bhanga, which is a neighbouring village to the mehal Bhanga in which the defendants hold land. Now, the defendants are also admittedly superior karsha-holder. For almost all the witnesses of the plaintiff stated that defendants sub-let their lands to the cultivators on a ryoti tenure, and the defendants themselves have resident hereditary ryots under them. Now, the karsha holding of Goluck Chandra Guha is exactly of the similar nature with the holdings of these defendants, and Goluk Chandra Guha pays rent at the rate of Rs. 7-8 per kanee for the land held by them. I quote the evidence of Goluk Chandra Guha here in order to show that plaintiff's own witness admitted that Rs. 7-8 per kanee is the prevailing rate payable by the same class of ryots with defendants. This witness stated চর পত্তনি ভাঙ্গা আমার উপরিস্থ কর্ষা হকিয়ত। চর পত্তনি ভাঙ্গা আমি ৭॥০ টাকা নিরিখে মালিককে খাজানা দিয়া থাকি। The other witness of the most unimpeachable character is the witness No. 8, Parbat Chandra Gangopadhya, who is the naib of Baboo Kali Krisna Tagore. But his testimony does not prove anything. This witness does not know any of the defendants or the nature of land held by them. He only stated that within the zemindary of Baboo Kali Krishna Tagore the cultivating tenant pay rent at the rate of Rs. 10 per kanee. Now, most probably the cultivating tenants mentioned by this witness, Parbat Chandra Ganguli, are the tenants of the same class and of the same status with those who hold lands of defendants. This is very strongly confirmed by the testimony of the plaintiff's witness No. 12, Jabaraidd. This witness stated that he is a resident hereditary khoodkhasta ryot, and holds bastoo land of defendants. I here quote his testimony in Bengali ১২৮৪ সনের পূর্ব্বে সকলেই ৭॥০ টাকা ৮॥০ টাকা হারে খাজানা দিত। ১২৮৪ সনের পর জমা বৃদ্ধি হইয়াছে। elsewhere he states বাদিগণের মধ্যে ১৫। ১৬ বৎসর যাবৎ জমি ভোগ করি কিন্তু প্রতিবাদিগণের অধীনে ৪০। ৪৫ বৎসর যাবৎ বসত বাটী ভোগ করি। I hold agricultural land under plaintiff since 15 or 16 years, but I hold homestead land or bastoo land under defendants since the last 40 or 45 years. Now, it will be observed that these defendants, whose status is almost like that of middlemen in consequence of their holding the land from generation to generation, and whose liability to pay rent at an enhanced rate is a matter of grave doubt, were reduced to the condition of mere tenants-at-will by the wickedness of a greedy and rapacious landlord, of whom they hold this land. If the land held by them has been at all improved, if the jungle has been turned into a flowery garden, and the marshes into the green field, it is at their expense alone, and undoubtedly not at the expense of these greedy, avaricious landlords who have no hesitation to employ any means, however foul, to harass and molest these poor, unoffending people.

I have already observed that the rate of rent recently re-adjusted by use of coercion and force cannot be considered as prevailing rate in the sense in which it is used in section 18 of Act VIII of 1869. The expression "prevailing rate" had never been in use before Act X of 1859 had come into operation. The words "*established pergunnah rate*" was used in the old Regulations in lieu of what we now call "prevailing rate." But the expression "pergunnah rate" was found to be so vague and undefined a term that it was thought necessary to change it into the expression "prevailing rate." Now, in order to ascertain the real meaning of the word prevailing rate, it is necessary to analyze the various elements which constitute what was formerly called pergunnah rate. Any re-adjusted rate which is not so adjusted in accordance with any established custom, or in accordance with any particular law, on the subject, was not considered as the established pergunnah rate. Similarly, in the present day no re-adjusted rate can be called a "*prevailing rate,*" unless it is shown that such re-adjustment was made according to law or any custom having the force of law. But how the plaintiffs in these cases re-adjusted the rate? Simply by coercing the ryots to pay rent at an enhanced rate. The witness No. 29, Forman, and the witness No. 30, Goluk Mondal, though undoubtedly false witnesses, yet could not help stating that the ryots executed kabuliyats to plaintiff agreeing to pay rent at the rate of Rs. 10 simply because they found it was very difficult to fight with the landlord. I quote the words of the witnesses here. The witness No. 29 states যাহারা পরে ১০ টাকা নিরিখে খাজানা দিতে সম্মত হইয়া বাদির বাধ্য হইয়াছে তাহারা বাদির সঙ্গে লড়িতে পারে না, এই জন্য বাধ্য হইয়াছে। *i.e.,* those who subsequently agreed to pay rent at Rs. 10 per kanee, they did so simply because they were incapable of fighting any longer with plaintiffs. The witness No. 30 states হাকিম বৃদ্ধি খাজানা চাহিলে আর ছাড়া ছাড়ি নাই। If landlords demand at an enhanced rate, there is no other alternative but to pay it. Then, again, almost all the principal witnesses of plaintiffs stated that in 1286 B. S. more than three-fourths of the ryots combined and formed into a jote, and refused to pay rent at the rate of Rs. 10 per kanee. Now, even if it is admitted, for the sake of argument, that plaintiffs succeeded in raising the rate of rent in 1283 from the majority of the ryots, yet the very fact that those ryots refused to pay rent at that rate in 1286 B. S. creates a break in the prevalence of the rate, thereby utterly destroys

the stability of its nature, which is an essential ingredient of its becoming a "prevailing rate." The case which plaintiffs tried their best to make out is that some of the sharers of this mehal succeeded to raise the rate from Rs. 7-8 to Rs. 10 in 1283, and the tenants continued to pay at the rate till 1286 B. S., when they again refused to pay at that rate. But subsequently in 1287 these tenants once more began to pay at that rate of Rs. 10. Now, I have already shown that it was impossible to suppose that any of the co-sharers ever succeeded to raise the rent to Rs. 10 in 1283. But if for the sake of argument even it is admitted that either Golam Ali or any of his co-sharers succeeded to raise the rate of rent from Rs. 7-8 to Rs. 10 in 1283 B. S., would that help these plaintiffs to set up that Rs. 10 is the prevailing rate of the mehal, when other sharer, such as Jagadamba, receives at the former rate of Rs. 7-8 or Rs. 8-8 from the majority of the ryots? Even the witness No. 60, Gohar Ali, who also holds land within the taluq like the defendants, admitted that he pays rent at the rate of Rs. 10 to Golam Ali alone, and the several other co-sharers of the mehal receive from him at the rate of Rs. 7-8 per kanee. If Golam Ali, who is one of the numerous shareholders of this taluq, and whose share of this taluq is less than one-fourth, has by use of force and coercion, or by employment of variety of unfair and fraudulent means, succeeded to compel the majority of ryots to pay rent at the rate of Rs. 10, would such re-adjusted rate be considered as the "prevailing rate" of the locality? I find that Rs. 7-8 per kanee is the prevailing rate of the mehal, but the majority of the ryots in 1283 B. S. agreed to pay rent at the rate of Rs. 8 and Rs. 8-8 per kanee. To this increase they gave their consent in order that the landlord should cease to molest them any longer. But they were sadly disappointed in their expectation. Of course Jagadamba and other sharers, who were not being oppressive zemindars, were quite satisfied with this increase. But Golam Ali never ceased to trouble these ryots. On the contrary, he has now turned the Civil Court into a sort of machinery for the infliction of a refined torture upon these poor ryots. It is needless to dwell upon this subject any longer. It is sufficient to say that the plaintiffs have totally failed to prove that Rs. 10 per kanee is the prevailing rate of the mehal. And it is found that the rate of Rs. 7-8 per kanee, which had been prevailing before 1282 B. S., is the prevailing rate of the mehal. The plaintiffs are, therefore, declared not entitled to get any increase in the existing rate of rent from the defendants. * *

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CHANDI CHARAN SEN,
First Munsiff of Barisal.

The 1st April 1884.

From—BABU VIPINA CHANDRA RAI, B.A., B.L., Munsif of Baraset,

To—A. P. MACDONNELL, Esq., Officiating Secretary to the Government of Bengal.

WITH reference to your circular No. 9T—R of the 5th ultimo, I have the honour to submit herewith my opinion on the Bengal Tenancy Bill as amended by the Select Committee. I regret that press of official work did not allow me to devote to the subject that amount of time and attention which its extreme importance demands.

2. The Bill has undergone at the hands of the Committee an important alteration in one of its cardinal principles. In the original Bill the maximum rent of the occupancy ryot was fixed at one-fifth of the gross produce in staple crops, (S.75) and that of non-occupancy ryot and the under-ryot at $\frac{3}{16}$ths of such produce (S. 119). Thus the rents of all classes of ryots were what may be called 'arbitrary' or protected rents. In the amended Bill the rent of the occupancy ryot remains a protected rent, *i.e.*, old rent, such rent to which the old rent may be enhanced under its provisions. The rent, however, of the non-occupancy ryot has been altered to a competitive rent. His initial rent is competitive under section 56; and his enhanced rent to be determined under section 60 by the court is to be 'fair and equitable," *i.e.*, to be competitive rent. If the courts interpret 'fair and equitable' to mean anything else than 'competitive,' the landlord will fall back on section 59 and eject him on expiry of lease and put in another at the then competitive rent. Again, the rent of the under-ryot is fixed at 25 to 50 per cent. more than that of the occupancy ryot. This restriction will not avail the under-ryot if such rent be less than competitive rent; for the sub-letting ryot will be sure to demand and exact the difference by way of *salami* or foregift. So in reality the under-ryot will also have to pay a competitive rent. I consider this alteration of the rent of the non-occupancy ryot and the under-ryot from a protected or arbitrary rent of the original Bill to a competitive rent in the amended Bill to be fraught with many dangers: (*a*) With increase of population the demand for land will increase and the competitive rent will go up higher and higher. This will make sub-letting more and more profitable and will thus encourage instead of discouraging it. (*b*) Beginning with an initial competitive rent the ryot, who will in future acquire occupancy status, will have to pay a far higher rent than the present occupancy ryot. As payment of a lower rent than the prevailing rate is retained in the Bill as a ground for enhancement of rent and payment of a higher rent than the prevailing rate is

not a ground for abatement, the rent of all the occupancy holdings will in course of time be levelled up. (*c*) But the most dangerous result of not protecting the non-occupancy rent remains to be considered. A protected rent for the present occupancy ryot and a competitive rent for the non-occupancy ryot, taken with the right of free sale given to occupancy ryots, mean that it is only a question of time when the occupancy ryots also will have to pay either a virtually competitive rent or a rent very much near it. The occupancy ryots of that time will consist of (1) purchasers from the present occupancy ryots; (2) persons who will hereafter acquire occupancy status; and (3) heirs of the present occupancy ryots. I will first take the purchasers. The purchase-money which shall have to be paid for the occupancy holding will include that which is paid for securing a rent lower than the initial non-occupancy rent which is under the Bill a competitive rent. Suppose A wants to sell an occupancy holding on which a rent of Rs. 5 is reserved, but for which the landlord may obtain Rs. 9 from a non-occupancy ryot. A will demand, and B, the purchaser, will pay as part of the purchase-money such a sum which according to them yields an annual profit of Rs. 4. Thus B's virtual rent will be Rs. 9 (the same as for non-occuqancy ryot, *i.e.*, competitive rent), made up of Rs. 5 as payable to the landlord and of Rs. 4, being the annual profit of part of the purchase money. I am aware that the Right Hon'ble Mr. Longfield considers this an incorrect way of looking at the matter. According to him 'to call this (*i.e.*, a reasonable interest on the purchase-money) rent is an abuse of language' (p. 91, Cobden Club Land Tenures). But at another place of his essay he himself looks into the matter in exactly the same way as I have done here. There he says 'the price of tenant-right is often so high that the interest of the purchase-money together with the rent is much more than the fair value of the land.' (p. 39.) A conclusive proof, however, of the error of this eminent writer, in supposing that interest on purchase-money forms no part of the virtual rent, may be had from the consideration of a fact noticed by the Bessborough Commission. In their report, paragraph 22 (quoted by Mr. Justice Field in his book on Landholders and Landholding, p. 315), the Commission observe: "If, however, he (the landlord) waited for a sale of tenant right and then announced the increase (of rent) * * * and the sale went on, and the increase of rent submitted to, the outgoing tenant generally had to bear the loss, in which case it was common to deduct £20 from the purchase-money for every £1 added to the rent." It is thus clear that the tenants fully understand that a part of the purchase-money actually represents that part of the rent, which, in addition to the rent reserved on it, the holding would be liable to pay if the tenant had to bargain directly with the landlord. Thus so long as the rent of non-occupancy is left to competition, the purchasers of occupancy holdings shall likewise have virtually to pay competitive rent.

The next class is that of persons who will in the future acquire the occupancy status. They will under the Bill begin with a competitive rent which will, under the enhancement rules of the Bill, be enhanced as staple food crops increase in price. Their rent will therefore be, if not exactly competitive rent, at least very much near it. On the ground that they pay less than the prevailing rent, the rent of the descendants of the present occupancy ryots will also be enhanced to very much near the competitive rent.

3. It is for the above reasons essentially necessary that the rent of the non-occupancy ryot should be protected and not left to competition. I am not sure if it is still open to urge that the rent of all classes of ryots shold be the same. If it is, I should earnestly request that His Honour the Lieutenant-Governor should again try for the acceptance of that sound principle. It is, I believe, the only true remedy for some of the gravest evils of the Tenancy Law of Bengal. It minimizes (1) the landlord's opposition to the growth of occupancy right, (2) the occupancy ryot's desire to sub-let, and (3) the non-cultivating mahajan and speculator's desire to purchase occupancy holdings. The only objection to the equalization of rent for all classes of ryots from a ryot's point of view is that the value of the occupancy right will be greatly reduced and limited to the price paid for immunity from ejectment and for improvement made by the ryot. It is, I believe, admitted by all that the occupancy holdings have become saleable only in modern times. That its average value has become, within such a short period, so high as 9·2 times the annual rent, almost equal to the value of ryoti holdings on fixed rent, which is 9·5 times the annual rent (paragraph 14 of your letter of the 27th September 1883), has been the result of the rent of non-occupancy ryots becoming a competitive rent under Act X of 1859 and the rent of occupancy ryots remaining almost fixed owing to the want of workable rules for enhancement. The enhancement provisions of the present Bill are quite easy of being successfully appealed to, at least in some cases; the value of occupancy holdings is therefore likely to fall to some extent. But even if that point be wholly kept out of view, I consider that it will be far better for the ryots and for the country to enact such provision as to decrease the price of occupancy holdings than others which will tend to compel all occupancy ryots to pay in the future a competitive rent or something very like it. It will be a poor accomplishment if the Bill before the Legislature only protects the present occupancy ryots. I consider it therefore of the first importance that the rent of the non-occupancy ryot should be protected by fixing the same rent as that of the occupancy ryot, or, if that is not possible, by fixing a slightly higher rent bearing a definite proportion to such rent; and that *salami* or foregift should be prohibited: for, unless *salami* be prohibited, the fixing of the rent for any class of ryots will be only a shadow.

4. The revision of the whole Tenancy law was undertaken on the ground that it will be unfair to grant the landlords easy methods of recovery and enhancement of rent without, at the same time, protecting the rights of the ryots. I fail to see how the ryots are protected under the Bill when the only change in their status is the ease with which the rent of the occupancy ryots may be enhanced. When 90 per cent of the ryots are admitted by the zemindars to be occupancy ryots, surely it is no hardship to the zemindars, if, while the rent of these 90 per cent is changed from an almost practically fixed rent to an easily enhancable one, the rent of the remaining 10 per cent be protected by law from competition. There are only two interpretations of the Regulations of 1793. According to one the zemindars were not at all entitled to enhance. According to the other, though the zemindars had a right to enhance every ten years, they have by their own *laches* made such enhancements impracticable. Under neither of these interpretations can the zemindars claim easy methods of enhancement unless they are at the same time prepared to make concessions. They cannot therefore object if the Legislature limit the rent of the non-occupancy ryot. But if the Legislature do not now protect his rent they will have a generation hence to meet difficulties and complications which will require far more drastic measures to remedy than we can now imagine or anticipate.

5. Having considered the alteration in one of the fundamental principles of the Bill, I will now proceed to consider such of its provisions which I am in a position to comment upon.

Chapter II.—The distinction between the tenure-holder and the ryot is rightly drawn in the Bill by the test of the primary purpose of their acquiring the lands. The purpose of the one is to cultivate; that of the other is to collect rent. But the descriptions of both of them are defective by reason of not including persons who hold land under unregistered lakhirajdars and dependent taluqdars. These two classes do not fall under proprietors as defined in the Bill, nor under tenure-holders, as these never acquired the right to collect rents from the proprietor. I may in passing note that the position of the adverb "primarily" in clauses 1 and 2, section 5, may lead to misconstruction, and therefore should be so changed as to distinctly show that it refers to the purposes of acquisition. The presumption in clause 5, section 5 is only a rebuttable one. As only very few ryots cultivate more than 40 bighas of land, the presumption, to be fair and to be in accordance with existing facts, should be in favour of all tenancies of more than 50 bighas in area. An area of 100 bighas, as in the Bill, is too high for existing facts.

6. The provision regarding the converted tenure-holder (S. 37) is an improvement in the Bill. It will allow the occupancy status to attach to the actual cultivators to whom that status ought to be confined. But in order that it may accomplish its object fully, all sub-letting occupancy ryots, except those who sub-let for necessity (clause *a*), should be converted into tenure-holders, irrespective of the quantity of land and the number of years for which they sub-let. The zemindar's objection to such conversion should be met by making the converted tenure-holders subject to rights of pre-emption and distraint. In other words, the converted tenure-holder should, as regards his landlord, continue to be treated as a ryot. But as regards his sub-lessee he should be regarded as a tenure-holder. This will, better than the provisions in the Bill, discourage the speculators and the mahajans from buying occupancy holdings, The converted tenure should be sold in execution of decrees (*a*) subject to registered and notified encumbrances, and if it does not fetch sufficient price, then only (*b*) with power to annul those encumbrances. I may note here that the right of distraint left to the zemindar may be counteracted by the sub-lessees contracting to pay to the superior landlord direct the rent payable to him and the balance to the sub-lessor. That this is a common arrangement now resorted to is known to every body who has any experience of the internal economy of the country.

7. *Chapter III.*—The disclaimer of the landlord's title by the tenant (tenure-holder or ryot) without any reasonable ground in any suit brought by the landlord against the tenant for the enforcement of any liability of tenancy ought, in my humble opinion, to be added as a ground for ejectment. This will discourage the tenants raising false pleas denying the landlord's title which has become so common and which introduces so much complicity in rent-suits. It will be consonant with case-made law that now obtains in the country. My proposal, it may be noted, differs from the provisions in the C. B. S. 79 and B. B. S. 72 in three points: (1) the suit must be for the enforcement of a liability of tenancy, (2) the tenant must be a party and (3) the disclaimer should be without reasonable cause.

8. *Chapter IV.*—The presumption of paying fixed rent on proof of payment of uniform rent for 20 years should be retained as it is. The objection that the presumption being continued every year renders it less in accordance with facts and also increases the landlord's difficulty of rebutting it is I think met by the restriction contained in the proviso to clause 2, section 64. And the objection that auction purchasers, who do not get any papers from the former owners, find much difficulty is met by the right given to them under section 112 to apply for a record of rights. The presumption could not be removed; for, as observed, it would be equivalent to an absolute bar to every claim of this nature; and to increase the number of years would add to fraud and forgery, because the ryots are generally negligent and do not preserve their receipts at all carefully.

9. *Chapter V.*—Having regard to exceptionally large estates. I think a local limit, as so many miles from the settled ryot's homestead, may be advantageously introduced to restrict his holding on occupancy status. I have no knowledge about butwaras in either Behar or in Eastern Bengal, and cannot give any opinion as to what date ought to be fixed.

Among the incidents of occupancy right, a clause should be added making forfeiture as the penalty of disclaimer (*vide* my remarks under *chapter III*). The question of transferability of occupancy right has been so much discussed that I fear if I enter on it I shall only repeat what has been urged much better by others. I shall therefore restrict myself only to a few points to which I want to draw your special attention. I will not trace the growth of the transferability to its origin. But taking it at a time when it has partly grown, I think it may be asserted, without any fear of contradiction, that the value of occupancy holdings increased to what it has become owing to the provisions of Act X of 1859. If the previous sale laws gave the people an idea of competitive rent, it was the statutes of 1859 that fully developed it. With the increase of value the practice of selling occupancy holdings grew apace, till we now find no district in the Lower Provinces where the practice is not more or less developed. And the present question is whether to leave the growth alone or to legalize it by statute. Now, when we speak of occupancy right becoming transferable by custom, we understand by custom an usage, like mercantile usage, which requires neither antiquity, nor uniformity, nor notoriety ; which may be still in its growth and which may require evidence for its support in each case. This meaning of the word 'custom' is ignored by the advocates of the landlords. They understand it only in the sense of an usage that has obtained from time beyond legal memory. Measuring by a wrong standard, they unavoidably come to a wrong conclusion. That custom, as above defined, has grown in all districts of Bengal is seen from the statistics that have been collected, and under case-made law occupancy holdings are transferable in places where they are so by custom. If then, under case-made law the right is transferable, where is the innovation in incorporating it in the statute law ? It will only tend to diminish litigation and thereby decrease fraud and forgery. But though free sale is unexceptionable in law, it is not so from an economical point of view unless the transfers could be restricted to the actual cultivators of the soil. This can be accomplished only by minimizing the purchasers' profit if they want to sub-let. The best plan to do so is to equalize the rent of all classes of ryots (the korfas included) and to prohibit *salami* or foregift. I do not think that any other plan may be devised which is so free from objections. The next point in this connection is the question of hampering the right of free sale by giving the landlord a right of pre-emption. The grant of this right of pre-emption is objectionable on two grounds ; *1stly*, because it does not protect the landlord from bad tenants being thrust on him, and *2ndly*, because bad tenants may be thrust on him by sub-letting and by sale of other landed interest in the estate than occupancy holdings. I need only consider the first point. This right will be of no use to the landlord when he may really require to avail himself of it. The history of the Mahomedan Huq Shuffa is a history of fraud and chicanery. There is nothing to prevent the ryot to put down in the agreement a fraudulent price. The value of land, even agricultural, to a particular person for a particular reason, may exceed its normal value in an indeterminable measure. It is for this reason that in breaches of contract of sale, while only damages are given in the case of moveable property, relief is given by an order for specific performance in the case of immoveable property. But apart from that consideration, it will be very difficult for the courts to settle the price where the landlord does not agree to the price put down by the ryot. The examples given by the Right Hon'ble Mr. Longfield in his essay, pp. 49-50, show clearly how widely two skilful valuators differed in valuating the holdings. That the courts will be less competent than those skilful valuators, there cannot be the slightest doubt. If, notwithstanding these objections, it is thought proper to retain this right of pre-emption in favour of the landlords, the ryot's right to elect whether to sell to the landlord at the price settled by the court or not (section 32, clause 4) must be retained, as that will be the only way by which he may avoid the compulsion of having to sell his lands at less than a fair price. It ought to be pointed out that the Bill does not provide how the courts are to settle the price. Probably they will have to take evidence, oral and documentary, and examine experts. In that case it has to be provided who will bear the costs and in what proportion. Then there remains another point. What will be the procedure if the civil court and the assessors, who are associated with it, differ in their decision. Again, all gifts not registered and therefore not notified to the landlord are made invalid as against him. The object of this notice, according to the Select Committee, is to enable the landlord to question transactions which are not *bonâ fide*. It is therefore necessary to enact under what circumstances the landlord will be entitled to get rid of the donees. For, even if, in the interpretation of section 35 of the Bill, the maxim 'when one is included, the other is excluded' be not applied, and all gifts which are registered and notified be not adjudged valid against the landlord, yet it is better to have, where possible, positive rules to guide the courts than to allow them to enact rules, each according to its own idea of 'equity and good conscience.'

10. Many important alterations have been made by the Select Committee in the law of enhancement. The foremost of these is the omission of the section limiting money rents to the maximum of one-fifth of the gross produce in staple crops. The objection to that

maximum is (1) that it makes no distinction between the different classes of lands; (2) that it is economically vicious, as it leaves out of view the costs of cultivation; and (3) that it is extremely difficult to ascertain. Now the distinction between the different classes of lands may be recognized by fixing different maxima. It was so recognized in the Hindu and the Mahomedan time. The second objection is not formidable. The greatest part of the costs of cultivation is made up of the wages of labour. Rent is but land tax. And the objection of inequality attaches to all forms of direct taxation. A toils from sunrise to sunset to earn that amount of money which B earns by working two hours. Yet, in paying an income-tax, they pay the same amount. The third objection is the only valid one. But the difficulty is not insurmountable. Instead of taking away the only absolute check on rack-renting, Government should be prepared to meet the difficulty—nay, it is its duty to do so, considering that it admits that it neglected to protect the ryots for a very long number of years. The prevailing rate is retained as a ground of enhancement. But which is more difficult to ascertain—the prevailing rate, or the gross produce of land in stable crops? Undoubtedly it is the former. The gross produce of different classes of land may be ascertained, if not with mathematical correctness, at least with sufficient accuracy to meet the purposes of the tenancy law. Scientific correctness is not wanted. For the second ground of enhancement, the price of the staple crops for different years shall have to be ascertained. The only other factor in the calculation is the average produce of the lands. At harvest time this can be done if the Government has the requisite machinery. Error may creep in. But when the average is struck, say, for five years, a sufficiently accurate result will be obtained. Then, again, the results should also be checked by superior authorities—the Collector, the Commissioner, and the Board of Revenue. With all its errors and shortcomings, this would be much fairer to the ryots than to take away the only check to their rack-rent. If non-occupancy ryot's rent remains a competitive one, if the occupancy ryot's rent is made easily enhanceable and exposed to the risk of rack-rent, wherein is protection afforded to the rent of the ryots? It is therefore absolutely necessary that the maximum should be restored in the Bill.

11. I next come to the grounds of enhancement. If the maximum limit of one-fifth of the gross produce is not restored, the first ground of enhancement—that depending on prevailing rate—ought to be omitted. Rent in India was a certain share of the gross produce. And the first ground meant that if any ryot paid less than this share, he should be made to pay the share. When the prevailing rate cannot be found, and the certain share is not fixed by law, it is anomalous that any enhancement should be allowed on this ground. Then, again, it is not clear to what time should the words "land of similar description and with similar advantages" be understood to refer. I am sure, equitably, it ought to refer to the time when the tenancy was created. For if a tenant has improved his land and turned a sandy spot into a fertile field, should he be made to pay an increased rent because he has put money and labour to his land? When, on this point, I ought to notice that Sir Richard Garth's opinion is that the words should be understood to refer in most cases to the time of suit; and he bases his opinion on the argument of reclamation of waste. But as under the Bill (S. 212) waste land is not affected by its provisions, the words should certainly be understood to refer to the time of the creation of the tenancy. And how is the quality of the land at the creation of the tenancy to be ascertained? It is almost impossible to do so. For this reason also the first ground of enhancement ought to be omitted. It is further necessary, in order to protect the rent of the existing occupancy ryots, which in course of time may be enhanced by reference to that of the majority, *i.e.*, those who will acquire the right in future. This point I have noticed above in paragraph 2. But even if in spite of these objections this ground for enhancement is retained, it must be made clear that it does not apply to cases where there has been an improvement of land by the ryot's agency or at his expense.

12. The second ground of enhancement is the most important ground; for, with the table of prices ascertained, it will be the easiest way to enhance rent. Two points deserve attention in this connection. One is that while, in throwing out the maximum limit of enhancement, the non-calculation of the costs of cultivation has been allowed its full force as an objection, such costs are wholly overlooked in this ground of enhancement. It will certainly be inequitable to the ryots if the costs of cultivation be not taken into account in this ground of enhancement, considering that they have no counterbalancing provision in their favour. If the maximum limit of one-fifth produce be restored, then only will this objection lose its force. If the maximum limit of enhancement be not restored, a deduction should be made for the increase of costs. What that deduction should be, I am not in a position to give any opinion. The Government of India remarks "if one fact is clearly brought out by enquiry, it is the impossibility of ascertaining the cost of the cultivation with any degree of accuracy." Now the ryot may well say: "You have struck out the limit of my rent on the ground that it is extremely difficult to ascertain the gross produce of land in staple crops. You admit that it is impossible to ascertain the costs of cultivation. You should not compel me to pay a higher rent for increase of price without deducting the increase in costs of cultivation. Therefore, as you cannot calculate what increased rent I ought to pay, you must strike out this second ground of enhancement." I am not aware that there is any sufficient answer to such argument. The second point in connection with this ground of enhancement is whether any table of price of staple crops could be ascertained for the last 15 years. The district and sub-divisional records of prices will

be useless in this matter. Sufficiently accurate price-lists may, however, be prepared from the books, where available, of the grain dealers.

13. As to the limits of enhancement, now that the limit of one-fifth produce has been omitted, and considering that in other provinces an increase of 25 per cent. in the course of 30 years is looked upon as considerable, I should think that none, more than that, ought to be allowed. If the period of intervening time between two successive enhancements be retained at 15 years in SS. 41 and 50, the limit of enhancement ought to be 12½ per cent. But I should prefer the longer period of rest, *i.e.* 30 years, and fixing the limit of enhancement on the first and second grounds of enhancement at 25 per cent.

14. The rent which may be demanded from a settled ryot on re-letting land previously held at money rent is under section 42 the old rent or the old rent plus one-fourth more. The previous tenant may be (*a*) an occupancy ryot whose rent has not been changed within the last 15 years; (*b*) an occupancy ryot whose rent was enhanced within such time; and (*c*) a non-occupancy tenant. To be consistent with other sections of the Bill, S. 42 ought to apply only to case (*a*). In case (*b*) it allows a double enhancement, which may be within one year of each other. In case (*c*) it is inconsistent with the spirit of other portions of the Bill. The tendency of the section undoubtedly will be to level up the rent of occupancy ryots. The only way to meet the difficulty fully is to make the rent of occupancy ryots and that of non-occupancy ryots the same.

15. If the first ground of enhancement is retained a similar ground of abatement should be introduced. If the landlord be allowed to claim enhancement on the ground that the ryot pays less than the prevailing rate, is it just and equitable not to allow the ryot to claim abatement on the ground that he pays higher than the prevailing rate?

16. I shall next consider the bastu holdings. When a ryot's bastu is not included in his holding, he takes the bastu on the understanding that he should never be ejected and the rent is almost always a fixed one. If he makes a bastu for himself from some portion of his holding he has to lay out considerable money and labour. If a bastu is part of his holding, he pays a rent for it higher than for all other classes of land. In case where a bastu forms a part of the holding, if the holding is brought to sale, the ryot keeps his bastu and pays its rent to the purchaser; very generally the same rent and in a few cases a little higher rent. A bastu is now generally taken on a mokarari mourasi lease. The provisions about bastu lands should not be left out of the Bill. A code is generally understood to be complete in itself and the omission of all provisions from the Bill is likely to unsettle the mind of the people and may bring about unexpected and dangerous results. If the ryot loves anything more than every other thing it is his homestead, and he would do almost anything to avoid losing his homestead. I will give an example of what happened within my own experience. In two suits for arrears of rent, before me at Diamond Harbour, two men falsely personated the defendants and filed rafanamas, on the day of hearing, admitting the claim. Judgments were passed on confession. The next morning, however, one of the real defendants appeared, and at his instance the plaintiff, his *factotum* and the two men who had falsely personated were brought under arrest that evening. These two men made full confessions before me, and I found that they held their bastu under the plaintiff, a most wicked middleman, and had, from fear of ejectment from their bastu, been induced to falsely personify the defendants. They had nothing to gain, nor had they the slightest animus against the defendants. It was their love for homestead that led them to commit an offence for which, poor men, they got six months' each. There is no reason to doubt that they might have been led to more heinous offences. The ryot's bastu ought therefore to be so protected, that no ryot (occupancy or non-occupancy) should be ejected from his homestead nor his rent enhanced unless it is proved that the landlord is entitled to enhance or eject under terms reserved in a written and registered agreement at the time of the creation of his holding. This will be only giving effect to the implied contract between the parties. In the case of a compulsory sale of a holding, a part of which is the ryot's bastu, he should continue to hold his bastu and pay to the purchaser the old rent or such apportioned rent as may be fair and equitable.

17. *Chapter VI.*—In my remarks on the alteration in the principles of the Bill, I have considered the status of the non-occupancy ryot under the provisions in the Bill. I have there tried to prove that all efforts to protect the rent of the occupancy ryot will be unsuccessful if the rent of the non-occupancy ryot is left open to competition. In this place it is only necessary to call attention to a point of detail. It is not clear whether the "ryots for land of a similar description and similar advantages in the vicinity," mentioned in clause 9, S. 60, mean only non-occupancy ryots or ryots of all kinds. I believe the former is meant. This should, however, be made clear by the introduction of operative words in the clause.

18. *Chapter VII.*—In my previous remarks, I have tried to show that the provision in the Bill fixing the rent of the under-ryots will be no use; and so long as the non-occupancy rent is left to competition, the under-ryot's rent cannot possibly be limited.

The provisions, again, of limitation in the Bill will generally be difficult of application. In holdings containing lands of different classes bearing an aggregate rent, it will be very

hard to apportion rent payable for the plot sub-let. On these grounds the limitation on the under-ryot's rent should be withdrawn, if no limit is put on the non-occupancy rent.

19. *Chapter VIII.*—The provisions in the Bill regarding the appropriation of payments ignore that, without any declaration by the ryot, there may be an implied understanding between the parties. In a recent case before me a landlord who had obtained a decree for the years 1284, 1285, and 1286 claimed some payments made in 1288 for rent due for 1283 which had long been barred by limitation. I think in this case, unless the ryot declared that the rent was paid for 1283, an implied understanding might be presumed that the rent was for some year after 1286. Section 69 should therefore be amended so as to include implied understandings. Another amendment is also necessary to meet cases where the tenant holds more than one tenure. In such cases payments without express or implied-understanding should be applied to the most burdensome rent, *i.e.* what carries the highest interest or is secured by a penalty.

In the form of receipts and accounts given in the Bill a column should be added to indicate the year for which the arrear is paid.

20. The provisions regarding interest on arrears are important. I understand section 79 to give the courts power to disallow interest payable under a contract if it be considered too high. The courts do not now possess such a power, though the late Hon'ble K. D. Pal expressed himself in Council as if they do. Such a power is undoubtedly necessary in the interest of the ryots. Six pie p. Re. p.m. or 37½ p.c. p.a. is a very common interest reserved in leases.

21. The provisions regarding damages to be fair should be the same in the case of rent improperly claimed as in that of rent improperly withheld. But while section 80 allows the landlord damages at 25 p.c. on the rent due in all cases, however exaggerated the claim might be, it only gives damages against him when the suit is without reasonable cause. Clause (2) should therefore be amended, and damages given against the landlord when the claim or any part of it is without reasonable or probable cause.

22. *Chapter IX.*—The presumption of abandonment as contained in section 96 should only be made applicable to non-occupancy ryots. As to occupancy ryots there should be no such presumption, the zemindar having a remedy in the sale of the holding. The zemindars object, that in places where, owing to the sparsity of population and abundance of land, the occupancy holding is unsaleable they have got no remedy. But are there really many places where occupancy holding is now valueless? I have not heard of any such place. Even if there be, it will be of a very exceptional character. To meet such exceptional cases a general risk should not be run of zemindar's making illegal ejectments.

23. There is no reason why the present law should be changed and the zemindar allowed to measure anything more than the external boundaries of lakheraj lands. Measurements ordered under section 101 should actually be made by local standard; and if there is any dispute as to the standard the court or officer should decide the question before ordering the measurement.

24. *Chapter XIV.*—An important modification has been introduced in section 164 (3). When the ryot pleads that rent is due not to the plaintiff, but to a third party, he has to deposit the rent; and unless the third party brings a suit against the plaintiff within three months, the plaintiff will get the money on application. Here, the action of two strange persons is made to reverse the burden of proof in the title-suit. Under the present law, the landlord, whose title is denied, has to institute the suit and has to prove his right. Under the provision in the Bill the third person shall have to bring the suit, and therefore to prove his right. A person ought not to be compelled by the action—fraudulent it may be—of two others, to launch into a complicate title suit. This section should therefore be restored to what it was in the original Bill.

25. No restriction should be placed on the ryots' right of asking a retrial of an *ex-parte* decree. In a recent case before me for accounts and money in the hands of the agent, the accounts filed showed payments to process-servers to *gopana* or conceal summons, *i.e.*, to say, not to serve the summons and at the same time to return the summons as duly served. That this fraud is practiced when considered necessary by the corrupt amla of the zemindars is notorious. In the Diamond Harbour cases, I have referred to before, summons had been served on wrong men, the peon not personally knowing them.

26. Complaint is generally made about the delay in the disposal of rent-suits. I am not sure these complaints have always a sound basis. I find from the returns of my court that the average duration of uncontested suits is 26 days and that of contested ones 41 days. In considering the average duration one fact must be remembered. It is that under a circular order of the High Court, no rent-suit may be disposed of before 14 clear days have elapsed after the service of summons. I am of opinion that the circular should be incorporated in the law. The 14 days given to the ryots should not be reduced; for, owing to their ignorance, they require more time for their preparation. As one step of preparation he may have to get a copy, say, of an old judgment. This takes about seven days. Or he may have to take out some deeds filed in previous cases. When there is any considerable delay in the disposal of rent-suits, I believe the delay may be traced to one or other of the four following reasons: (*a*) there are more cases in the file of the officer

than one man could dispose of; (b) there is a deeply-rooted ill-feeling between the landlords and tenants; (c) landlords are really trying to enhance rent though ostensibly they sue for arrears of rent; (d) or the tenants have combined to deprive the landlords of just dues. I suspect that the complaint about the delay is not always sincere. Section 256 of the Civil Procedure Code allows the landlord in all suits before a Munsif to make a verbal prayer for arrest of the defendant as soon as judgment is passed. In my six years' experience I have never known such an application made.

27. I believe, for the speedy deposit of rent-suits, the following alterations should be made from the ordinary procedure:—

Copies of the plaint and summons should be filed along with the plaint.

Ordinarily the plaint should be at once registered, and summons issue calling on the defendant to appear on the 15th day from the service of summons. Summons shall be returnable on the 7th day of the order. Ordinarily therefore the case will be heard before the 22nd day of its institution, and will be disposed of on that day.

If any postponement is necessary it shall not be of more than 14 days (following the rule about 'warrant cases' in the Criminal Procedure Code).

Execution may be applied for verbally as soon as the judgment is passed.

It is the execution of the decree that is really dilatory and not the suit. Yet I have made the above suggestions in the line of the late Hon'ble K. D. Pal's proposal, for the satisfaction of the zemindars, because I believe the ryots' interest will not be at all jeopardized by the concession.

28. *Chapter XVI.*—Occupancy holdings when brought to sale in execution of a decree is under the provisions of section 179 to be sold with power to annul all encumbrances. Though this is a fair provision against encumbrances made after the date of the Bill, it will be very hard on those who have, like the Jessore under-ryots, acquired a right in the land before the date of the Bill. A proviso should therefore be made saving such encumbrances.

29. Section 209 should be extended to include unregistered lakherajdars and dependent taluqdars, and the modified summary sale procedure should be extended to them after they have been registered. The notice of sale should be served by the civil court in the way in which summons on defendant is served, in the presence of two substantial men of the village, one member of the panchayet, and the chowkeydar.

No. 118, dated Bagirhat, the 5th September 1884.

From—BABOO JAGADISWAR GUPTA, First Munsif of Bagirhat,

To—The Secretary to the Government of Bengal.

IN compliance with the directions contained in your Circular No. 9T—R of the 5th June last, I have the honour to submit the following report on the revised Bengal Tenancy Bill. I beg to submit at the outset that I am perfectly aware that on a subject like the present, in which so many eminent persons differ in opinions, my humble opinion would be entirely valueless; but as I think myself highly honoured by being invited by His Honour the Lieutenant-Governor, and as I am in duty bound to furnish such information as may be in my power, I proceed to express my views with the utmost diffidence. Here I beg to premise that my answers to the various questions raised in your circular to all Commissioners of Divisions are given in the order in which they are treated in the Bill, keeping in view the questions especially referred to me in your circular under reply, the answers to which will be found in the chapter under which they come according to the arrangement of the Bill.

CHAPTERS I and II.

The definition of ryot in section 5 (3) does not cover ryots holding under unregistered lakhirajdars. For the word "proprietor," under whom he must hold, means a person owning an estate, section 3 (2), which again under its definition section 3 (1) does not include unregistered rent-free lands. By making a little addition then to the definition of estate, this defect may be cured.

The presumption provided for in section 5 (5) seems to me to be a very fair presumption.

Coming to the more important question whether the conversion of the sub-letting occupancy ryot into a tenure-holder (section 37) is a workable provision raised in paragraph 4 (e) of your circular to all Commissioners, I beg to submit that no one can doubt that the danger of occupancy rights falling largely into the hands of money-lenders and speculative land-jobbers is a serious danger. But the remedy provided for seems to be of doubtful efficacy. For the provision, as I believe, is based upon the assumption that for fear of bringing his holdings under the summary sale procedure and of allowing his subject to acquire occupancy right, an occupant ryot will be dissuaded from sub-letting it and a money-lender from purchasing it. The fear of exposing the holding to being summarily dealt with for arrears of rent might not be a check at all; on the contrary, the inducement might be

very great to raise the status from an ordinary occupancy holding into a tenure with superior rights and privileges. As to the other ground of allowing under-ryots to acquire rights of occupancy, it is very doubtful whether that would operate as a sufficient deterrent motive. For it might not be unlikely that a ryot with a large occupancy holding would be glad to convert his holding into a tenure, if thereby he could raise a sufficient bonus for himself. As for the mahajans, they would be only too glad if they could purchase the converted tenure for a debt which in the generality of cases is rather imaginary than real, being swollen into a hundred-fold by the increase of various interest. These reasons, together with a consideration of the practical difficulties connected with the ascertainment and registration of sub-leases, raise doubts in my mind whether the provisions embodied in the section will be efficacious or not. But if the Government do not deem it wise to do away with the provision, then a penal clause for non-registration of sub-leases should be inserted.

CHAPTER III.

The provisions of this chapter may be allowed to stand as they are. To remove the difficulty in deciding what holdings are and what are not tenures, the test given, *viz.*, the object for which the tenancy was first created, *i.e.*, whether for collecting rents or for cultivating, will afford great facilities in removing it.

CHAPTER IV.

Under this chapter my opinion is asked as to the advisability of retaining in its present form the 20 years' presumption rule embodied in section 64 (2) of the Bill. On a careful consideration of all the questions for and against the provision, I am of opinion that it should be retained in its present form. In my experience I have often observed that instead of landlords experiencing any difficulty to rebut the presumption, it was the ryots who found considerable difficulties to prove uniform payments of rents. Regarding the objection of auction-purchasers experiencing hardships in rebutting the presumption, I beg to observe that such instances rarely occur. I know of no case, although I have had to decide a great many of them, in which the ryots were found to succeed simply by pleading the presumption.

CHAPTER V.

Occupancy ryots.

This is a very important chapter in the Bill. I shall endeavour to answer all the questions asked to the best of my power.

Regarding the question asked in paragraph 8 of the circular sent to me as to whether I know of any local custom which in any way recognises some right in a ryot to his holding, although he has not held it for 12 years, and so acquired a statutory right of occupancy, I beg to answer that I know of no such custom.

As to the points raised in paragraph 7 of your circular to all Commissioners, I beg to say that, taking into consideration the facts and circumstances of this locality, I do not think that any practical loss would likely result to zemindars by allowing the ryot to acquire right of occupancy in any estate as defined in the Bill; for here there are no estates of any unusual magnitude which may create any hardship to the zemindars. I do not know how the area of any entire estate can otherwise be defined for the purposes of this section without creating great practical inconvenience.

On the second point I am of opinion that estates which have been duly partitioned under the Butwara law should be the area in which the ryot should be allowed to claim right of occupancy.

Incidents of Occupancy Right.

Under this head the important question is that of transferability of occupancy right. In connection with this the point to be considered is whether such right can be given to the occupant ryot without placing any restrictions on his power of alienation. The fear entertained is that lest the mahajans by purchasing such rights reduce the actual cultivators to serfdom. On paying my best considerations upon this most difficult subject, I can come to no other conclusion than that such right should be conferred upon the ryot who, by custom of the country even now enjoys it in many districts. The difficulty of devising a plan to put restrictions in his power is indeed insuperable. I can see no way out of it, and candidly confess that I am wholly unable to suggest anything on this point.

Restrictions on Sub-letting.

I have already expressed my opinion on this point; I need not enter into any discussion of it in this place.

Enhancement of Rent.

(1) *Grounds of enhancement.*

(*a*)—The most important point to be considered under this head is the first ground of enhancement, namely the prevailing rate. In my short experience of this subdivision, I

have observed that enhancement of rent is invariably demanded here on this ground as well as on the ground of increase of land by actual measurement. I can confidently affirm that to prove "prevailing rates," which are properly speaking nowhere in existence in the subdivision, the landlords have had recourse to tutored evidence, and the result has been that, except by adjustment made out of Court, they have never been found to succeed. In fact the prevailing rate ground seems to me to have been an unworkable provision and should be abandoned. I cannot conceive how the abolition of this ground would tell unfairly on the zemindars when they derive little practical benefit by it. On the contrary, if the other grounds of enhancement can be made smooth and workable, they will gladly forego it.

(b)—If authoritative price lists of staple food-crops in each district and parts of district can be prepared, then it would undoubtedly aid the Courts to work out the rule embodied in the second ground of enhancement, *viz.*, rise in the price of staple food-crops. But then it would still be open to the objections pointed out in paragraph 18 of the Supreme Government's letter. I would therefore propose that such price lists be treated only as *primâ facie* evidence of the rise, giving both sides power to rebut it, and that when rent is to be enhanced on this ground the enhancement should not be in exact proportion with the rise in prices, but that some margin should be allowed to the ryot to cover the increased costs of cultivation.

(c)—Regarding the third and fourth grounds of enhancement owing to the increased productiveness of the soil, I have nothing to say, except that it will be very difficult to work out the last rule, *viz.*, when the productiveness would be caused by fluvial action. In connection with this subject, I beg to add that the scheme for registering landlords' improvements which the Bill provides would be sufficient to enhance rents on the ground of increased productiveness owing to such improvements.

The extent of Enhancement.

In order to discourage litigation, enhancements made out of Court should in cases of increased price or fluvial action be to the same extent as in Court.

Enhancement on Re-letting.

The provision of section 42 should be made applicable both to occupancy and non-occupancy ryots. I may add here that I have already advocated to abandon the prevailing rate test, and that I shall have occasion under Chapter VI to propose for the equalisation of rates of rent of both these sorts of ryots. The apprehension entertained on this subject will in my opinion be thus obviated.

Bastu or Homestead Lands.

In answer to the question put to me in paragraph 2 of your circular, I beg to submit that I know of no practice prevailing in my jurisdiction which exempts, under any circumstances, the *bastu land* from sale when such *bastu* is an integral portion of the holding and when the occupancy right to the arable portion of the holding is put up for sale in execution of a decree. No isolated instances of any such practice have ever come to my knowledge. After carefully considering all the points raised in paragraph 12 of your circular to all Commissioners, and after weighing the facts that have come to my experience, I have come to the conclusion that *bastu* land of occupancy raiyats, whether it form an integral portion of his holding or not, should be exempted from enhancement, except on the ground of improvements being made by the landlord.

Reduction of rents and commutation of rent in kind.

I think the provision for reduction of rents are fair and wholesome. I have nothing to say against them as regards commutation of rent in kind. I beg to suggest only that when the average value of rent received by the landlord during the last ten years is to be made the test for commutation, some deduction should be allowed to the raiyat on account of the cultivation charges.

CHAPTER VI.

Non-Occupancy Raiyats.

Under this chapter what I have to submit is that the provisions therein made are in my opinion hardly to improve the status of the non-occupancy raiyats. I think that they are likely to intensify the difficulties for the growth of the occupancy right which it is the policy of Government to facilitate. What I venture to suggest is that in respect of rates of rent and enhancement this class of raiyats should enjoy the same privileges as the settled raiyat, only that they should be liable to ejectment for non-payment of rents, &c., and should not have transferable right in their holdings.

CHAPTER VII.

Under-Raiyats.

From my experience and from the information gathered, I am in a position to say that the limitation imposed by section 62 on under-raiyats' rents would not be effective in practice.

I do not think that any limitations are desirable on such rents. Here in this sub-division there are sometimes a dozen interests under which the under raiyat holds, and still his profits are not inconsiderable. To disturb this state of things would have a serious consequence on the general administration of justice, and would open out fields for endless litigation. I would therefore propose that the rents of this class of raiyats should be what may be agreed upon between himself and his landlord.

The limitation imposed by section 38 on the terms of sub-leases should not also be retained. I do not think that this would have any effect in checking the practice of sub-letting; on the contrary, in the cases of existing sub-leases expiring at the end of seven years from the commencement of this Act as provided in clause (*b*) of the section, it is likely to operate as a disturbing element to the eviction and annoyance of many poor people who would otherwise be allowed by their landlords to remain in their holdings. Thus it would open out a fresh field for harassing litigation.

CHAPTER VIII.

I have already expressed my views as to the advisability of retaining the 20 years' presumption in its present form under chapter IV. I have nothing more to say regarding the various provisions of this chapter than that I consider them to be wholesome.

CHAPTER IX.

Regarding the provision of abandonment contained in section 96, I beg to submit that I approve of the views expressed by the Hon'ble Mr. Reynolds in his memorandum of dissent on this subject, and suggest that the operation of the section be confined only to non-occupancy raiyats. As to the other question raised under this chapter, I submit that it would not be wise to allow the zemindar to measure lakhiraj lands lying within his estate. I think that such a provision if retained would open the door to serious abuses.

The Civil Court Ameen at present measures lands by the standard bigah, and then converts the result to local bigahs if required. I am not aware if any inconvenience has ever resulted from this practice. I therefore approve of the provision for measurement by the standard bigah provided in section 101.

As regards the provisions for appointment of managers in joint estates, I agree with the views taken by the late Hon'ble Kristo Das Pal in his dissent, and think that such provisions without benefiting the raiyat are likely to act hardly against the co-sharers of a joint estate. For the provision made in clause (*c*) of section 73 for deposit of rent will sufficiently guard the raiyat from being harassed in cases of disputes arising among the several co-sharers. I would therefore propose to abandon these sections from the Bill.

CHAPTER XI.

Notwithstanding that there might be difficulties in the way of deciding particular cases as pointed out in paragraph 22 of the Government of India's letter, I am of opinion that the table of rates when prepared will greatly aid in solving the most difficult question of enhancement.

CHAPTER XII.

In my experience I knew no other land than the land defined in section 138 (1), in which the cultivator can ordinarily acquire right of occupancy. The provisions of this chapter seem to me to be very useful and beneficial.

CHAPTER XIII.

Under this chapter the important subject of distraint is provided for. I have known in my experience that the process of distraint is seldom resorted to by landlords, except as an engine to curb the rebellious spirit of their refractory tenants. Up to this time its practical utility has been very little. The practicability of the theory that "in the case of an improvident peasantry a remedy against the crops is a more humane process than a remedy against the land" holds good in cases where the landlord from a *bonâ fide* motive of realizing his dues resorts to it. But such is seldom the case, as has been stated above. Indeed, the abuses of distraint have been very great. These considerations induce me to urge the abolition of the system altogether; but if it be not deemed wise to do so, then radical improvements should be made on the existing system. The provisions of the Bill are no doubt improvements, but more should be introduced to restrict the landlord's power to do anything in this matter independently of the court's intervention.

CHAPTER XIV.

JUDICIAL PROCEDURE.

By clause (*b*) to section 168 it has been provided that there shall be no appeal against decrees passed by judicial officers empowered on this behalf to try suits below Rs. 50, in which there shall be no question of title involved. Again by clause (*e*), section 163, recording evidence in full has been made compulsory. These two provisions seem to be somewhat inconsistent.

The object for which the provision contained in section 168 has been made is, I believe, to secure a speedier and cheaper method of recovering arrears But then if evidence has to be recorded in full, then there will be necessarily greater delay in the disposal of the suit; the court's time will be needlessly wasted; the parties will have to pay more to their pleaders; and, not unfrequently, the suit shall have to be adjourned oftener. To obviate this evil, I beg to propose that the summary procedure like that embodied in the mofussil Small Cause Court Act (XI of 1865) should be given to specially elected officers to try this class of suits. It may be apprehended that the raiyat's case may not be fully heard, and that there may be failure of justice. But when the Legislature has deemed it proper to confer summary powers in Small Cause Court cases without entertaining any such apprehension, I do not think that it would be proper to do so in this instance, especially when provision has been made in this section for motion to the District Judge.

The provision made in section 164 does not seem to be of any practical value, or to fulfil the purpose for which it has been made. For it does not reach the cases, which are by far of most common occurrence in this connection, *viz.*, the case in which a defendant while admitting a third party to be his landlord pleads payment and satisfaction to that party, and files discharges supposed to be granted by him Experience has shown that whenever such defence is set up the raiyat remains in collusion with the latter, and instead of admitting his debt pleads payment. In such cases the section will be of little benefit.

In the cases referred to in the last paragraph, the court determines whether defendant is plaintiff's raiyat; if it find the issue in the affirmative, then it would award a decree against the defendant, notwithstanding he might have paid his rent to the third party. For if he were fool enough to pay his rent to a party not entitled to it, he should be blamed for it. This method seems to me to be not only fair and equitable, but far more simple than the complicated one embodied in the Bill. I would therefore respectfully ask to expunge it.

The proposal put forward by the zemindars that a landlord may be permitted to institute a collective suit against a number of raiyats should in my opinion never be accepted. For instead of saving labour of the court, it will upon the appearance of defendants make the cases a hundredfold complicated.

The summary sale procedure for realisation of rents should not be made applicable to the recovery of road and public work cesses for rent-free tenures. They should be realized, as at present, in the same way as arrears of rent.

With these modifications I fully approve of the rules of procedure prescribed in this chapter.

CHAPTERS XV and XVI.

The provisions embodied in sections 175 to 177, and the other provision of Chapter XV, seem to me beneficial and wise; Chapter XVI is a reproduction of the present putni law. I have nothing to submit regarding these chapters.

CHAPTER XVII.

Taking into consideration the general conditions of the ryots as a class, and carefully examining the provision of section 210, I agree that freedom of contract should be barred in all the cases specified.

I have nothing more to say, except a few words on the question No. 6, raised in the initial paragraph of the Government of India's letter, *viz.*, "whether it would be possible to specify for the purpose of exemption from the pre-emption sections any such transferable occupancy-rights as those in *Gusaruts* and Gora holdings? I have no experience of any other semi-tenures of this nature, except the howlahs and nim-howlahs, &c., which are in existence within my jurisdiction. Regarding them I beg to submit that they have been transferable by custom of the country from generations, and should be exempted from the pre-emption clauses of the Bill. Section 217 saves custom in a general way. If no provisions to the effect be especially specified, then doubts may arise as to the application of the section to these tenures, and thus open out wide fields for contentions. I therefore humbly propose to enumerate all such tenures in a tabular form in the Bill for the purpose of exclusion from pre-emption. As far as the howlahs and nim-howlahs of this place are concerned, they are neither so numerous nor ill-defined as to elude classification.

In conclusion, I beg most respectfully to state that I have avoided to answer questions which do not come within the sphere of my duties, but which can be best answered by the local executive officers, and that I have refrained from touching subjects on which I could form no opinion. I beg to add that although I have striven to perform the duties imposed upon me to the best of my power and ability, still my success has been but little. For I am conscious that I was quite unequal to cope with the task. But considering the vital importance of the subject, and considering that the little experience I have gathered in the discharge of my judicial works might be of some use towards the solution of this most difficult problem, I have ventured to express in the foregoing lines, though poorly clad, what I thought just and proper. I cannot conclude my remarks without expressing deep regret for not having been able to submit my report within the time prescribed to me.

Dated Tangail, the 28th July, 1884.

From—BABOO KHETTER PRASAD MOOKERJEE, First Munsif of Atia, Mymensingh,

To—The Secretary to the Government of Bengal, Revenue Department.

I HAVE the honour to acknowledge the receipt of the Government circular No. 9T.—R., dated Darjeeling, the 5th June, 1884, with annexures, calling for an expression of my opinion on the questions raised therein in connection with the Revised Tenancy Bill, except those referred to in Chapter X of the Bill and in paragraph 4 of the Government of India's letter; and in reply I beg to offer the following suggestions in accordance with the view I take on the said questions.

MEMORANDUM.

CHAPTER II.

1. It seems to me that the definition of raiyat given in section 5 (3) does not cover all classes of raiyats. It does not include those holding under unregistered lakhirajdars. Unregistered rent-free lands do not come within the definition of "estate" in section 3 (1). The owners of such lands do not, therefore, come under the category of 'proprietors' as defined in the Bill. The definition of the latter term should therefore be amended so as to include unregistered lakhirajdars, who are as much entitled to be called proprietors as owners of estates.

2. The presumption in section 5 (5) is, in my opinion, a fair presumption, with reference to existing practice. With the exception of raiyats holding *chur* lands in Government khás mehals, whose holdings in some cases comprise more than 100 bighas, most of the raiyatí holdings in Bengal comprise less than 100 bighas. There are no doubt jotes in Rungpore and tenures in Backergunge which comprise more than that area. But local custom has already recognised such holdings as tenures of transferable character.

3. This question runs thus:—"Whether the conversion of the sub-letting occupancy raiyat into a tenure-holder (section 37) is a workable provision, and also likely to secure the objects for which it was devised." This question does not admit of an answer. After having carefully considered this subject, I can come to no other conclusion than that this provision won't work if other provisions of the Bill, such as sections 56 and 42, which give undue facilities for rack-renting be retained, and unless stringent provisions be made in the Bill for enforcing compulsory registration of sub-leases covering in the aggregate half the area. The land-owners are opposed to the elimination or amendment of section 56 of the Bill, on the ground that, since the legislation of 1859, for about quarter of a century non-occupancy raiyats have invariably been treated as having no right to hold the land, unless they can come to terms with their landlord as to the rent payable for the same. The landlords would therefore look upon any amendment of section 56 as an infringement of their rights. I also think there are other considerations tending to the same conclusion. Recognition of the principle of equality between the maximum occupancy and non-occupancy rates of rent would, in my opinion, diminish the value of the security which the borrowing cultivator has to offer to his banker. Let me put the case thus: A, an occupancy raiyat of land, paying rent at the rate of Rs. 2 per bigha, sells the land to a banker for Rs. 100. The banker not being an actual cultivator himself, is obliged to sub-let the whole of it, and is thus converted into a tenure-holder. If he be not allowed to take from the sub-lessee so much rent as will cover interest on the capital sunk in buying out the out-going tenant, it will be very hard. It is a fact which admits of no question that the less valuable the security which the borrower has to offer to his banker, the more stringent will be the terms imposed upon him. The poorer cultivators, who cannot for a moment live independently of the banker, will in that case eventually be the sufferers.

I have no doubt that the equalisation of occupancy and non-occupancy rates of rent will impose an efficient check on the power of mahajan-purchasers to rack-rent their under-tenants. But then, I beg to submit, will it be fair to the persons who have embarked their capital in the purchase of land; and will it not injure the poorer cultivators, on whom more stringent terms as to rate of interest, &c., &c., will be imposed by the mahajan?

The wealthier cultivators in East Bengal have very little to fear. They are, I believe, independent of the mahajan. The soil is fertile and grows jute, a valuable crop. The lot of the poorer cultivators everywhere is exceptionally hard. For such men no exceptional legislation is, in my opinion, needed. The future of this class may safely be left to economic laws. The raiyats of lands within my jurisdiction are generally at present too ignorant. Lately I had a talk with some of them. They seem to understand very little the meaning of tenant right or appreciate its value. Such men can easily be got into the clutches of the money-lender or the rapacious land agents. Time, patience, and the rise of prices as affected by situation and the opening of railways or roads to better markets, coupled with letting in the day-light of education will, I believe, make the cultivators more and more independent of the mahajan. Mr. Caird, at page 181 of his recently published interesting work on India—the land and the people—says thus about the cultivators of Egypt:—"It was authoritatively stated in the House of Commons, eighteen months ago, that the extortionate demands for interest to which

the landholders had previously been exposed had been superseded by Crédit Foncier, under which they were provided with funds on reasonable terms, and that great advantage and comparative prosperity had been the result." I am for trying a similar experiment in Bengal to make the cultivator independent of the mahajan. When under the circumstances stated above the cultivator becomes independent of the banker, there will then be no necessity for such safeguards against the intrusion of the money-lender as is proposed to be provided by section 37 of the Bill.

As to the difficulty of the registration of sub-leases covering in the aggregate half the area, I have to observe that stringent provisions should be enacted for compelling registration. In any suit for rent between the sub-lessor and sub-lessee, if it comes out that more than half the area has been sub-let, and that the sub-lease is unregistered, it should be provided that his suit must be dismissed with costs. Again, in a suit by the sub-lessor not belonging to the class of actual cultivators, it should be presumed that more than half the area has been sub-let until the contrary is proved. The imposition of some such penalties is, I believe, necessary to compel registration.

As to the difficulty of determining whether the tenant is a tenure-holder or raiyat, I have to observe that, even excluding from consideration the novel provision alluded to in sub-clause (*b*), clause 4, section 5, it is not always easy to determine this question. It will be very difficult to prove local custom, and lots of false evidence will be got up on both sides in suits for the purpose of proving or disproving it. Again, in cases of tenancies of long standing it will be difficult to determine the nature of the right of tenancy as originally acquired. In cases of holdings of long standing, say 20 to 25 years old, it will be very difficult to find evidence to prove the nature of the right of tenancy acquired so long ago. I have already said what I have to say as to sub-clause (*b*), clause 4, section 5. I shall have to say something about it more hereafter.

CHAPTER III.

On comparing the provisions of sections 8 and 10 with the analogous provisions about occupancy raiyats contained in sections 45 to 50 of the Bill, it appears to me that the occupancy raiyat enjoys certain advantages not conceded to the tenure-holders in these respects. I therefore suggest that either the tenure-holder should be placed on the same footing in these respects with the occupancy raiyat, or that clause (*b*), section 37, should be expunged in order to render the provision contained in section 37 more workable.

No cases of enhancement of tenure-holders' rents ever came before me for trial, as far as I remember. I am, therefore, unable to test the practicability of workable character of the provisions in this chapter.

CHAPTER IV.

I am in favour of the retention in its present form of the 20 years' presumption rule, embodied in section 64 (2) of the Bill. If a zamíndár has not from mere dislike of litigation enhanced the rent of his raiyat for 20 years, the burden of proof which the section throws on him will be easy to discharge. No doubt in cases of purchasers at revenue sales the presumption does work hard and stand in their way to enhancement; but taking all things into consideration, it is essentially necessary that the presumption should be retained. Auction-purchasers have in all cases to meet with difficulty in proving their cases, but on that account there can be no special rule or law of evidence in their favour. They do not take these risks into account when they bid for a property, and if they will exercise a little prudence, they will not be losers. The remarks of the Hon'ble Kristo Das Pal in his dissent have no force whatever for reasons set forth above.

CHAPTER V.

In my opinion, the word "estate" in the definition of "settled raiyat" ought to be expunged. The insertion of this term in the definition would work very hard upon the zamíndárs. An estate may extend over hundreds of miles over different districts. If this term be at all retained, then I would suggest that the portion of the estate where it extends over a large tract of country should be limited to the sub-division of a district, and that the estate should be of the extent it was 30 years ago.

The presumption in clause (2), section 26 of the Bill is, in my opinion, a fair presumption with reference to the existing state of things. About 90 per cent. of the raiyats of Bengal have occupancy rights. As leases and agreements between landlords and tenants are now duly registered, practically the zamíndár will have no difficulty in rebutting it.

There is nothing objectionable in section 29 (1). It is only fair and just that the mere fact of a purchaser of rights of occupancy being a fractional sharer in the superior zamíndárí should not prevent him from acquiring rights which any other person could acquire. The case is different with regard to the holder of the entire estate.

As to the incidents of the occupancy right, I think it fit to quote the following remarkable passage at pages 112 and 113 of Mr. Caird's interesting book on "India: its land and the people":—"The land of East Bengal is held under the Permanent Settlement, and as the Government has no immediate interest in the question of rent, the landlords and their

tenants fight that out with the help of the Courts of Law, the tenants making up a common purse for the purpose. The laws' delay, and the difficulty of dealing with large numbers of small tenants, enable these to get the upper hand by uniting against enhancement of rents, and even against any rent, as the landlord is called on by the Courts to show by his books that he has received the precise rent for five years back: otherwise they will not grant him a decree. A large land-owner complained to Mr Caird that from three of his estates, with hundreds of small occupiers, he is unable to get any rent, as in each single case he is compelled to sue; and it has become a question whether it will pay to do so. The circumstances here are the reverse of what Mr. Caird found them in the North-West Provinces. There the Government interfered to protect the cultivator from the landlord by giving him "occupancy rights," which, being transferable, were quickly pawned by the poor man to the money-lender. Here the cultivators, being near good markets, have become so independent that the landlord asks for Government assistance against them. Their united action in withholding rent is a serious matter, especially to the small land-owners, who are entirely dependent on the rent for their living.

The lesson to be drawn from these opposite results would seem to be that "the less the Government and the courts of law interfere in the relation between landlord and tenant, the more likely are they to be satisfactorily arranged by the mutual interests of the parties." The state of things disclosed in this passage is but too true. I am therefore of opinion that there is no harm in giving transferable occupancy rights to the well-to-do cultivators of East Bengal, who are so independent of the mahajan. But the lot of their poorer and less fortunate brethren here and elsewhere is exceptionally hard, as they cannot do without the mahajan. In the case of these poor cultivators my firm conviction is that it is not at all safe in their present state of dependence on the money-lender to give them transferable rights of occupancy. I would in their case leave the law as it is. At present a custom has grown up in several parts of the country of selling occupancy holdings either voluntarily or in execution of decrees Except in cases where the holdings are sold for their own arrears, the landlord has the right of veto on the incoming tenant. The existence of this right, which has been found necessary to enable the landlord to get rid of bad tenants, affects most prejudicially the value of the holding, and in consequence the value of the security which the borrowing cultivator has to offer to his banker, which necessitates the imposition of very stringent terms by the latter upon the former. Giving transferable rights will no doubt enhance the value of the holding. I know of some instances in which big sized occupancy holdings have been put up and sold at almost nominal prices. But while transferability enhances the value of the holding, it has the *mischievous* tendency of introducing or multiplying middlemen who will rack-rent their under-tenants. It will not do to expunge or amend section 56 of the Bill. It is but fair that the persons who have embarked their capital in the purchase of land should get from their under-tenants more rent than they have themselves to pay to their landlord. This increase of rent will represent interest on the capital sunk in buying out the outgoing tenant.

On the other hand, if section 56 of the Bill be retained as it stands, it will gratify most mischievously the rack-renting proclivities of the landlord or the mahajan middlemen. It is most difficult to devise a feasible plan for restricting purchases of occupancy holdings to the cultivating classes only. If Government can manage anyhow to render the poor cultivators independent of the mahajan by the institution of agricultural banks for advancing money to the cultivator on reasonable terms, the case would be otherwise. But in the present state of things I see no way of making both ends meet except by keeping the law on this point as it is. It is desirable, however, to have it declared that occupancy holdings shall be saleable for their own arrears of rent under decrees of court in substitution for the system of ejectment recognised by the existing law.

As to clause (*b*), section 31 of the Bill, I have to observe that by the Hindoo law of sub-division among male children, an estate of 100 acres held by one man may be reduced in three generations to holdings of three-fourths of an acre each. This is also the tendency of the Mahomedan law of inheritance. This circumstance, taken together with the home-keeping proclivities of the people, will carry sub-division to such an extent as to become a serious evil. Bad or slovenly farming, which in England entails forfeiture, will be the inevitable outcome of such a state of things. I am opposed to the extension of occupancy rights on this ground also.

On the subject of enhancement, my opinion is that enhancement of rent is an idea repugnant to the notions of land tenure in this country and to the history of rent legislation. Act X of 1859 for the first time legalized enhancement, and I venture to think that in so far as it did so, it was a piece of legislation *ultra vires*. The ryots are liable to pay no rent in excess of the pergunnah rates of 1793, plus the abwabs of that year. That is a proposition capable of being borne out by testimony of the amplest and most conclusive character, but to which it is inconvenient for obvious reasons here to refer. The ryots should have had by this time a fixed rent—a fair rent incapable of enhancement—the pergunnah rates of 1793, plus the abwabs. However, the mistake has once been made, but that is no reason why it should be repeated. If a rate of rent could not be fixed in 1793, let it be fixed now. Let a fair rate be determined by Government, arbitrarily if need be; only let it be permanent and uniform. I strenuously object to section 41,

clause (1), and to section 42, clause (1). To allow the rent of an occupancy ryot to be enhanced by registered contract would be to afford him no protection at all. Freedom of contract is legitimate and desirable, but there are rights of an inalienable and indefeasible character which no man ought to have freedom to barter away. A passage in paragraph 19 of the circular to the Commissioners is to the effect that "enhancements by private contract have frequently been obtained out of court of such a character as to preclude the belief that the ryots either were free agents or knew what they were doing in agreeing to them." When such is the case, it would not be at all safe to allow rent to be enhanced by registered contract. Government ought to afford protection to the ryot in spite of himself. A perpetually-recurring liability to enhancement would destroy all sense of security, and take away from the ryot every incentive to exertion and all motives to improve the quality of the soil. As I have said already, the Government is at liberty to fix a particular rate as the maximum rate, and no enhancement shall be allowed to extend beyond that rate. It seems to me that one-fifth of the gross produce would be a very fair maximum rate, whether in enhancements under contract or enhancements by suit: the maximum rate one-fifth of the gross produce is the limit which never ought to be exceeded. If enhancement is to be allowed at all, I would suggest that the first ground of enhancement in section 43, namely, "the prevailing rate," should be eliminated from the Bill I fully agree in the reasons set forth by Mr. Reynolds in his dissent objecting to the retention of the prevailing rate as a ground of enhancement. The dangerous tendency of sections 56, 60, 41, and 42 of the Bill, and certain other sections of it, is to gradually increase the prevailing rate, and the only efficient check, the gross produce test, has been abandoned for reasons in which I do not at all concur. I am therefore for eliminating this ground of enhancement from the Bill. I also see no reason why the ground of enhancement, if the land be found on measurement to be larger than was supposed, has been omitted in the present Bill. Increase of area has been recognised as a ground of enhancement from time immemorial. I am of opinion that this ground should be included among the grounds of enhancement, if enhancement is to be allowed at all.

Bastu question.—The rent payable for *bastu* lands ought under no circumstances to be enhanced, and ought never to be higher than double the rent of agricultural land.

I am not aware of the existence of any custom whereby a ryot who is ejected from or who otherwise parts with his holding is entitled to retain possession of his homestead lands, nor have any isolated instances of such practice ever occurred within my experience. It was, I am informed, the former practice. It is not the custom now. In my opinion this custom should now be revived, for nothing operates so harshly upon the cultivator as the being turned out of his humble cottage—the home of his fathers.

Chapter VI.—The chapter should, in my opinion, be remodelled on a sounder basis. The initial rent of a non-occupancy raiyat should never be allowed to exceed a certain limit to be fixed by law. Allowing section 56 to stand as it is would be fraught with serious danger. Let a reasonable maximum limit be fixed beyond which the rent of a non-occupancy raiyat should never be allowed to go, and let that limit remain in force for a certain number of years—10 or 15 years—just on the analogy of similar provisions in the Irish Land Act of 1881. A certain portion of the gross produce should be fixed as the maximum rate.

Question of abandonment.—The provisions of section 96 of the Bill are calculated to promote the exercise of arbitrary power on the part of landlords. For reasons set forth in the last paragraph of Mr. Reynolds' dissent, I am of opinion that this section should apply only to non-occupancy ryots. The landlord should wait a reasonable time after the end of the agricultural year in which the abandonment takes place before he is entitled to re-enter or treat the holding as khas. This reasonable time should be at least three months, on expiry of which, if the ryot does not come back, the landlord should publish notices, one being stuck up on the land deserted, and the other at his mal cutchery, and wait three months more. If the ryot fails to come back within that period, the landlord can safely re-enter.

Additional suggestions.—The non-occupancy ryot should have the right of constructing a well and also of making such excavations in the ground as are necessary for the construction of dwelling-houses. The landlords usually do not allow the ryots to make any excavations in the ground. It is necessary therefore that there should be specific provisions in the Bill enabling ryots to make all excavations which are necessary for the construction of dwelling-houses and for comfortable living therein.

I fully admit the landlord's right to measure all lands within his estate, but the right ought not to exist in respect of *mukurrary maurusi* lands, the boundaries of which are specified in the lease.

Distraint.—Distraint ought to be exercised through courts of law in the way prescribed by the Bill. With regard to the provisions of section 210 regarding freedom of contract, it is necessary to add that no contract shall take away the right of the ryot to get the produce of trees which he or his ancestors may have planted on the land he holds, for he has an indefeasible right to get the *awlat*, as it is called.

In the circular No. 9 T—R under reply, a question has been raised whether local custom recognises some right in a ryot, although he has held the land less than 12 years. In reply to

my enquiries, respectable pleaders of my court inform me, and I have reason to believe the information to be correct, that non-occupancy holdings are often put up for sale in the courts here in execution of decrees. The decree-holders in their lists of attached holdings simply state them as ordinary ryoti jotes without any specification of the character of the holding, or the period for which it has been in existence. This omission is, I believe, due to the difficulty felt by money decree-holders in ascertaining the exact date of creation of the attached holdings. I have reason to believe, on information received from the pleaders, that non-occupancy holdings of less than 12 years' standing are often put up and sold in execution of decrees.

Under the existing law the purchaser of a non-occupancy holding is in no worse position than the purchaser of occupancy holdings. In either case the landlord has the right of veto on the incoming tenant, and the purchaser has to obtain the landlord's recognition of the transfer, often at a heavy cost, before he can call his purchase his own. I am aware of the existence of no other local custom than the one above alluded to.

CHAPTER XIV.

I have read the procedure sections of the Bill most carefully. I find that the scheme drawn up in this chapter is the best that could be devised. The Hon'ble High Court is empowered by the Bill to make such alterations and modifications in the procedure from time to time as it may deem necessary, and this provision is quite sufficient to make the scheme gradually more and more complete in itself. Any provisions that may have now been passed over from oversight may afterwards be introduced under the power vested in the High Court.

I conclude this report with the following suggestions :—

The present bitterness of feeling between the landlords and tenants in several parts of Bengal is certainly most deplorable. This is due, I believe, to the following causes: There is no sense of security in the cultivating peasantry. They cannot have any peace of mind so long as the perpetually-recurring liability to enhancement—this Damocles' sword—is hanging over their heads. From the days of Manu downwards the ruling power is entitled to a certain proportion of the produce of every bigha of land (demandable in money or kind according to local custom).

This right of the sovereign has been transferred to the landowners of Bengal under the permanent settlement—*vide* paragraph 1, preamble to Regulation XIX of 1793. The entire law of enhancement in Bengal ought, in my opinion, to be remodelled on this principle. The landlords have no right to anything in excess of the sovereign's share of the produce. The novel ground of enhancement on account of rise of prices introduced in the Bill is tenable only on the principle laid down in the preamble quoted above. Suppose the value of the produce per bigha is to-day Rs. 20. The landlord should get Rs. 4 out of it, and the remaining Rs. 16 will include the cost of production and the margin left for the support of the raiyat and his family. Suppose the value of the produce 10 years hence becomes Rs. 30. The landlord will get a proportionate share in the increase. He will get one-fifth of Rs. 30, or Rs. 6, or an increase of Rs. 2 only, and nothing more. Any law which allows the landlord to get more than he is fairly entitled to on this principle will authorise an encroachment on the tenant's share in the remaining four-fifths. This encroachment on the tenant's right has been one among many sources of the present bitterness of feeling between the parties to this great controversy. Again, there is another reason why no undue facilities should be given to the landlords for enhancing the rents of their raiyats. I beg to draw your attention to the article on the peasantry of India in the *London Statesman* of September 1880, which discloses a sad state of things, and gives a graphic picture of the wretchedness of the agricultural population. Mr. Knight concludes this article with the following remarks :—

"Under British rule the soil of India is fast passing into the power of land speculators and money-lenders, while the ancient landowners have been converted into half-starved serfs on the fields which were once their own." Mr. Knight clearly shews in this article from quotations from official reports that "the system of illegal cesses has eaten, like an incurable disease, into the social organization of the country. An energetic Government might have grappled with the question and succeeded in abolishing a system which, though forbidden by law, yet flourishes in undisturbed luxuriance."

The question has become a most serious one. Already agrarian strikes exist in some parts of this district. Both parties are anxiously watching with intense interest the progress that is being made towards final and permanent settlement of this much-vexed rent question. I hope and trust that no delay, further than is unavoidable, may be made in arriving at the settlement which is indispensably necessary for the restoration of that peace and order which are at present in some parts of the district sadly wanted.

This report has been drawn up in a hurry. I have had no time to comment on the details.

KHETTER PROSAD MOOKERJEE,
1st Munsif, Atia, Mymensingh.

No. 47, dated Noakholly, the 28th July 1884.

From—Babu Chandra Kumar Roy, M.A., B.L., First Munsif of Sudharam (Noakholly).

To—The Secretary to the Government of Bengal, Revenue Department.

In compliance with the requisition made by the Government circular No. 9T.R., dated Darjeeling, the 5th ultimo, I beg most respectfully to submit my humble opinion on the questions raised by Government in its circular letter No. 3 T.R. of the 24th May last, in the annexed notes on the various sections of the revised Bengal Tenancy Bill.

2. In reply to paragraph 2 of the circular, I beg to state that no such practice of exempting *bastu* land from sale in execution of decree obtains in these districts. The other questions regarding *bastu* lands are discussed in connection with the remarks made on the definition of *settled raiyat* in the notes on Chapter V.

3. The question in paragraph 3 is also replied there. I beg only to add that a raiyat with homestead included in his holding, *i. e.*, what may be called a resident raiyat, receives better and more lenient consideration from the landlord than even the statutory occupancy raiyats created by Act X of 1859. He holds transferable and hereditary right on a lower rate of rent and is never sued for ejectment.

4. In addition to the above, I beg further to submit the following suggestions respecting distraint, summary sale, and general procedure to be adopted in rent suits.

(*a*) If the main object of the Government be to grant facility to the landlords in recovering their dues, and at the same time to protect the tenants from oppression by any abuse of authority granted for that purpose, the first thing to be done is to discourage as much as possible litigation, which has become ruinous to all classes in consequence of their heavy expenses and delay. This result can only be procured by devising summary methods for realization of rent.

The process of *distraint*, with slight modifications, suggested in the notes on Chapter XIII, may be limited to temporary and non-transferable holdings only.

The transferable ones, without any distinction, should be subjected to the operations of summary sales (Chapter XVI, modified also as suggested in the annexed notes) at least three, if not more times a year.

The place of sale in cases of smaller holdings, say with rent below Rs. 100 a year, may be transferred to Courts nearer the homes of the tenants than the Collector's office at the head-quarter. Where sub-divisional system has not been fully developed, Munsifs' Courts will be the proper places for this purpose. These officers should be authorized to receive application, and hold the sales either as such or as deputies of the Collector, duly empowered in that behalf. It will not increase the works of the Munsifs, as it is certain to reduce the number of suits for arrears of rent.

(*b*) The procedure suggested in Chapter XIV, save the provisions of section 168, will not, to any perceptible extent, shorten the duration of, or lessen the expense and troubles in, the prosecution of rent suits. No procedure simpler than what is now adopted in *ex parte* and uncontested cases can be suggested. The suggestion of allowing the landlords to join several tenants of different holdings in one plaint will prove a source of inconvenience, if some of the defendants choose to contest the claim on various grounds. The landlords even now get some benefit of such a joint plaint where it is possible, as in undefended and analogous suits which rest upon the same or similar evidence. They are generally tried and disposed of together, if it so suits the convenience of the parties.

The summary procedure now adopted in petty money suits in Courts invested with powers of Small Cause Court under Civil Court Act may help us in ensuring despatch in the disposal of petty rent suits. I am not for adoption of any summary procedure in suits involving questions of title, enhancement, abatement, and ejectment.

(*c*) It is not so much, however, the delay in obtaining decrees as that in procuring their due execution, which retards and troubles the landlords in recovering their dues. What the landlords ask to do in the plaint may, with no real grievance to complain of, be allowed to be done in applications for execution of decrees. A landlord holding several decrees against tenants of various holdings may be authorized to join as many of them in a single application for execution as will permit the Court to issue processes at the same time through same or same set of its officers. Special provisions for issuing such processes at a reduced rate of court-fees may even now be made, without any alteration of the present Court Fee Act, merely by some changes in the rules framed by the High Court. Such provisions, though at first sight may appear as concessions to the zemindars only, will, in the long run be advantageous to the tenants also. They will, I hope, then prove more punctual in paying rent in fear of summary measures, and shall keep their holdings unburdened with debts and free from encumbrances of any sort.

5. The points on which Chittagong Division will require special law or exemptions from it are noticed in the notes.

NOTES.

CHAPTER I.

PRELIMINARY.

Section 3 (5).—*Rent* as it is defined here will include all *abwabs* or *illegal cesses* prohibited by section 85, if they have been made payable by the terms of the lease under different appellations for then they will become what is "payable or deliverable in money or kind by a tenant to his landlord on account of the use or occupation of the land held by the tenant."

Section 3 (*13*).—The custom of not putting marks with the executant's own hand still prevails, at least in this division, when the executant of a document is illiterate. He directs a literate man to write his name, showing his assent sometimes by touching the pen. The latter puts his own name at the same time below the executant's name, written by him, with the word *bakalam* (through the pen of) prefixed to it. This definition will not include such documents among deeds "signed" by the executants.

CHAPTER II.

CLASSES OF TENANTS.

The definition, or rather the description of "tenure-holder" and "raiyat," given in section 5, will, I fear, rather tend to increase than diminish the difficulties in ascertaining what holdings are tenures and what are not. The Select Committee, it seems, was aware of this, and therefore left the question to be determined by local custom (section 5 (4) (*a*).) This custom*will not be uniform. In this division particularly *talukdars*, *hawladars*, *etmamdars*, and others are by custom held to be tenure-holders, though they themselves cultivate whole or a part of the lands of their holdings. Sometimes lands are leased to them with the express purpose of being cultivated with their own hands or by hired labour. Most of these tenures are even now subjected to summary sale under Regulation VIII of 1819 by special provisions in the lease. Hence the primary test proposed for distinguishing a tenure from a ryoti holding, *viz.*, whether the holding was acquired for the purpose of cultivating the land, or for collecting rent, will not hold good here. On the other hand, the practice of sub-letting sometimes permanently by ryoti has also come into vogue in this division.

The principal divisions of actual occupiers of soil in the Chittagong Division, if not all over Bengal, are not as given in section 4, *viz.*, raiyat, under-raiyat, raiyat with fixed rates, occupancy raiyat, and non-occupancy raiyat, but are (1) raivat, (2) dar or osat raiyat, and (3) jotedar. The former (raiyat) always means that he dwells on the land, which is either wholly or partially occupied by his homestead. Such a holding is generally considered to be permanent and saleable, except when the landlord supplies the raiyat with houses for his accommodation at his own expense. When such a holding is held under a raiyat, it is called dar or *osat* raiyati.

The *jotedars* or *chashas* do not reside on the lands of their holdings, but cultivate them. They may be divided into two classes, *viz.*, those who by the operation of Acts X of 1859 and VIII of 1869 have acquired right of occupancy, which in most cases is sold in execution of decree, and those who have not acquired such right, being either tenants-at-will or for a definite term. Such being the existing state of things, it is easily imaginable what changes the sections 4 and 5 will introduce in them. The difficulties suggested in section 6 of the India Government letter will very probably counteract the efficacy of the remedy suggested in section 87. The definition of raiyat in section 5 (3) does not seem to include the raiyat of the Government khas mehals, unless the latter are "estates" within section 3 (1), which appears doubtful.

The presumption in section 5 (5) has no foundation in the existing practice. I doubt whether there is so large a raiyati holding in this division as to include 100 bighas. No presumption on the extent of area can be laid down here. When a question arises as to the nature of the holding, it must in each case be determined, as it is now done, on its own merit with reference to the various circumstances connected with it.

CHAPTER III.

TENURE-HOLDERS.

Section 7 (1).—The question of "customary" rate will again be a stumbling block in such suits. It may be changed for "*prevailing rate.*"

Section 7 (3).—The limit of 10 per cent. of the balance will be too small for the taluqdars of the Chittagong Division, who now in most cases enjoy more than 50 or 60 per cent. To make any allowance for the risk of collection (section 7 (3) (*c*)) is what is not allowed to the zemindars, who are charged with the duties of collecting road and public works cesses. The word "risk" may be omitted.

Section 8.—This section will induce the tenure-holders who have been holding under no registered lease to understate their former jumma, so that any determination by the Court may not materially affect their real rent. I speak from experience that, even in this very chowki, in numerous suits when landlords had no written contracts to rely upon, and even when they produced their jama-wasil-baki, talab-baki, or other like papers to prove the amount of annual rent, the tenants stated their jumma to be much below the actual amount hitherto paid by them. The poorer and weaker land-holders, who, either from neglect or inability, keep no regular collection papers, suffer in such cases. They fail generally to prove the actual jumma, and are obliged to accept the amount dictated by the tenants. If any tenant unscrupulously choose so to understate the jumma that the amount stated by him be less than half of the actual jumma, and his landlords fail to prove otherwise, the enhanced jumma will never exceed the real rent paid by him. In order to avoid such contingencies, a provision should be added to section 8 to the effect that the enhanced rent shall not be more than double of the rent previously paid, if the latter be determined by unquestionable evidence only.

Section 10.—This restriction should not be extended to enhancement on the ground of increase in area, nor to override written contracts between the parties.

Section 14 (1).—The amount of security should be equal to a year's rent, and not half-year's.

CHAPTER V.

The distinction that is made here between raiyat holding at a fixed rate and the occupancy raiyat, in my humble opinion, should not exist. Every raiyat will be induced to claim for himself the right of holding at a fixed rent, as it is now done in enhancement suits. The presumption of 20 years in section 64 (2) should now be done away with or limited to the date of passing Act X of 1859, which first created it. I very much doubt whether in the Chittagong Division there is a single tenant who has been really holding at a fixed rate from the date of Permanent Settlement. This presumption has really been creating a class of raiyats with privileges which they were in really not entitled to. As the law now stands, the question whether the raiyat has been holding at a fixed rate arises in enhancement suits only. Most of these fail in preliminary ground, *i.e.*, the failure to prove legal service of notice. In a very limited number of cases, therefore, the issue about the fixed rate is judicially determined. But owing to the alteration which this Bill suggests, giving some special privileges to such raiyats over the occupancy raiyats, the question of fixed rent will arise at every step the zemindar or tenant will take in settlement of their affairs in or out of Court and will in consequence flood the Courts with litigation. This chapter really confers on such raiyats the privileges which they never enjoyed, nor expected to enjoy. It would much lessen the difficulty if the Select Committee had accepted the suggestion of the minority, and made a distinction between raiyats holding at fixed rent under written documents and others depending upon 20 years' presumption only. The presumption, being cumulative, will, with progress of time, throw difficulty in the way of the zemindars: more so because the present Bill does not make interchange of leases compulsory at the commencement of a tenancy. The 20 years may be limited, as I remarked above, to the period elapsing before the introduction of the presumption by Act X of 1859, or at any rate Act VIII (B.C.) of 1869 which retained it.

CHAPTER V.

OCCUPANCY RYOTS.

Section 26.—The definition of "settled raiyat" will revolutionize the peasant proprietorship prevailing in the Chittagong Division. In the district of Chittagong most of the estates extend over a number of villages, and not unoften over several thanas. Every village, again, comprises patches of land of several estates. Thus every cultivator in Chittagong district, who merely kept up cultivation for 12 years, though he may not have tilled a single piece of land for two consecutive years, will acquire right of occupancy nearly all over the district; for he will acquire this right in every estate that lies within his village, and again in every village to which these estates extend. The people here have always been regarding the right of the resident raiyat as superior to that of the ordinary cultivators. The word raiyat, in its ordinary acceptance here, implies that he has his homestead in his holding, otherwise he is ordinarily styled a *jotedar* or a *chasha*. The title of the former is considered always transferable with the consent of the landlord, while that of the latter is not under any circumstances, except where he has acquired the right of occupancy. But this definition is no more open to general discussion. The Government only asks whether the right should be limited by area and time. For such a district as Chittagong specially, a change of conjunction "or" into "and" will at once confine the right within so much only of the estate under which the settled ryot holds as will lie within the village, and will not permit him to acquire the right in other estates, though portions of them may lie in the same village, nor in such lands of the same estate as will be lying in other villages. The date in 27 (6) may be brought down to 12 instead of 30 years before the passing of this Bill.

The presumption in section 26 (2) will also operate injuriously to the petty zemindars of these districts, where raiyats are generally stronger than themselves.

BASTU LANDS.

The above remarks on the definition of the settled *raiyat* lead to the consideration of the question raised in the Government letter, paragraph 12, about the *bastu* lands or village sites. The rate of rent of the homestead land varies very much in Chittagong. It is in some places higher and in others lower than that of the adjoining arable lands. In Noakholly the orchards of cocoanut and betelnut trees raise the value of the homestead much higher than the paddy-fields. When it forms an integral part of a holding, it is held on the same condition as other lands in it. Such holdings are generally more highly priced than others of their kinds. Such tenures, whether taluqi or raiyati, are of permanent nature. Raiyats are also sometimes allowed to settle upon bastu lands in houses, &c., made for them by landlords on service tenures, or on other special conditions. They continue on the land so long as they make no breach of these conditions. Such tenures are not transferable No custom of permitting raiyat to hold his homestead, when he is ejected from his holding or has transferred it, obtains in these districts. Nor is homestead exempted from sale in execution of decree when the entire holding is brought to sale. Solitary instances, however, now and then come to notice in which the tenant, having sold his tenure to a third party, holds his homestead, and sometimes with a little land adjoining to it, as an under-tenant of the purchaser.

Section 32 (2).—The provisions of these sub-sections will cause inconvenient delay and troubles to the raiyats in selling their holdings. They will be wholly helpless if the sale be necessitated by any very urgent emergency. Transacting business through Court will not be less expensive also. These incidents will make the privilege nugatory. It would be better if notices were allowed to be sent through the post office, and its certificate considered *primâ facie* evidence that such a communication was sent to the zemindar. The time, six weeks, may be reduced to one month or three weeks. It will not be out of place here to suggest that for the purpose of giving all notices required to be served privately by this or any other Acts, without the intervention of Court or Government office, the Government may be moved to issue postal cards, like the reply cards, having parts and counterparts The notices written on such cards and counterparts, being brought to the post office, shall be compared and the original sent to the addressee; the counterpart, sealed with date stamp, being returned to the sender. This counterpart will be admissible in evidence to prove that such a notice was sent. Sending notices even under registered cover will be less expensive and occasion shorter delay than through Court.

Section 34.—There is no provision in this section for trying the question of *bonâ fide* mortgage transaction, or for the determination of actual consideration paid under the mortgage.

Whatever privileges have been given to the landlords by section 32 will be nullified by this section, if the omission noticed above be not remedied. The raiyat, instead of selling the holding by deed of out-and-out sale, will execute a mortgage deed with short term, and in order to avoid the landlord, as the Mahomedan vendor and vendee now do in order to avoid the pre-emption, insert in the deed a heavy consideration much above the actual price paid. The landlord cannot yet foreclosure in his favour unless he pays this heavy price under the decree.

Section 35 (1).—No gift can now be made except under a registered document (*see* Act IV of 1882, section 122).

Section 35 (2.)—What procedure is the zemindar to follow, should he choose to contest the *bonâ fide* of the gift, or have any other valid objections against it? In order to avoid the procedure in section 32 many a sale will assume the shape of gift.

Section 37.—This conversion of the occupancy raiyat into tenure-holder will cause great anomaly. Will this section prevent transfer of occupancy right to mahajan and rack-renting the cultivating tenants by such purchaser? While mahajan themselves are cultivators, the lands really go from one cultivator to another. The practice of sale of occupancy right has been existing for many years in this district. No complaint of any sort has been seriously made in consequence of it. I do not think any such restriction upon sub-letting is necessary The practice of allowing a ryot to convert himself into middleman is highly objectionable, as it tends to increase sub-infeudation, and is to a great extent detrimental to the interest of the landlords and the cultivating tenants. This must be discouraged by imposing the penalty of forfeiture. It is a very common practice in this district (Noakholly) of selling the ryoti to a third party, and then to obtain an *oast* ryoti from him on an enhanced jumma, thus creating a middleman between the landlord and the tenant at tenant's own will. Such sort of transaction requires legislative check.

It is the aspiration of many raiyats to be taluqdars, or middlemen. This section will give them facility in satisfying their cravings at the cost of their landlords. In such cases I think it will not be wrong to legislate that this converted tenure-holder shall have to pay the customary premium, equal to some multiple or fraction of his annual rent, as the case may be, to the landlord, as the taluqdars pay at the time of obtaining their first lease.

ENHANCEMENT.

It is not at all advisable to hamper voluntary contracts between landlords and tenants The former will then be induced to resort to other means to avoid the law. The terms 7 and 15 years are too long, and may be reduced to 5 and 10 years respectively in (*a*) and (*b*). Longer the period, greater will be the zemindar's pressure to raise the rent to the highest point possible.

Section 41 (2).—It is doubtful whether a Rural Sub-Registrar, who shall generally register the lease, will be a competent person to judge whether the raiyat is *competent* to enter into the contract. The word "*competent*" should be removed. He can register the contract if he finds the raiyat was willing to enter it, understanding its nature. No provision is made what the registering officer should do if he finds that the raiyat, understanding its nature, is willing to execute the contract, but the Sub-Registrar for some other reasons considers him incompetent to enter into it.

My humble notion is that no hard and fast rules can be made that shall be equitable and just for every part of the country. The law of enhancement should therefore better be left untouched. Every case should be tried on its own merits, and the amount of rent to be fixed being left to the discretion of the Judge, as it is now done. The present impediment to these suits is personal service of notices. This obstruction is now going to be removed. Neither zemindar nor the tenants have any reason to complain against the existing law, giving the grounds of enhancement. The law may enunciate these grounds only without imposing any limit.

Section 42 (1).—This section, as it stands, shall apply also to lands previously held by tenants other than occupancy raiyats. Will it be fair to restrict the zemindar to any limit when he is settling the lands for good to a "settled raiyat," from whose hands it shall never come out. He is really parting with a part of his right in the land, and in such cases, if the law be so strict, he will evade it in some way or other, or will take heavy premium as consideration for granting settlement.

Section 43 (6).—Enhancement under this sub-section is allowed on the rise of price of staple food-crop, but no provision is made for lands fit for special and valuable crops, *viz.*, chili, tobacco, potato, sugarcane, betelnuts, &c. The lands for these crops are now practically let out on higher rate of rent than paddy lands without the least grudge being expressed by any party.

Section 45 (*a*).—Much difference in the result will arise in consequence of selection of different quinquennial periods by different officers. The comparison may be made with the quinquennial period which elapsed 12 years before the institution of the suit, or where it is practicable to ascertain date when the rent previously paid was fixed, with the period which elapsed with this date.

Section 50 (1).—The limit of 15 years is too long. It should be reduced to 10 years, when enhacement has been obtained either through contract of Court, and to five years when the suit has been dismissed on merits.

Section 51.—When abatement has been left to the discretion of the Court it is but fair that enhancement should also be so left, as it is now done. The raiyat should also be allowed the option of pleading these grounds for abatement in defending suits for arrears of rent for the period during which the causes for abatement occurred. He shall be thus saved from the expense of bringing suits for abatement.

Section 52 —Much will depend upon selection of areas and accuracy in preparation of price lists. In the district of Chittagong, so much intersected by hills, the price of staple food-crops (paddy) varies great deal within short distances. For every piece of land almost a separate price-list will be needed.

Section 52 (5).—Fifteen days' time will not be enough for people of the villages to come and object to the Collector against the price-list. It is doubtful whether they will ever do it.

Section 53 (1).—This commutation of rent in kind into cash is highly objectionable in Chittagong. It will really undermine what may be called Famine Insurance Fund in that district. All the landlords in the district receive a portion of the rent in kind, generally paddy, a portion of which, after the consumption of a year, is stored by most of the landlords for meeting exigencies in bad years. It is such storage which enabled the people to tide over the scarcity which followed the cyclone and pestilence of 1876-77, and which would have otherwise deepened into a famine. Under the provisions of this section, the raiyat in an exceptionally high-price year will suddenly stop payment of paddy rent, and will gladly pay cash rent at the average rate of the ten preceding years. The landlords shall have that very year to purchase paddy for his own consumption at a price which will be much higher than the rent he shall receive in lieu. Raiyats are never a provident people. They will seldom keep store for future. It is the reserved store of paddy kept by the zemindar which saved their lives in the abovementioned years of scarcity in this division. The commutation contemplated in this section will not be unattended with practical difficulties also. The definition of "settled raiyat" as given in this Bill will scarcely leave in the Chittagong Division a single raiyat without right of occupancy. So all the paddy rent will be liable to be converted into money-rent, creating what may be called a political crisis.

CHAPTER VI.

NON-OCCUPANCY RAIYAT.

The provisions of this chapter, even as it now stands, will substantially benefit the non-occupancy raiyat, who will be made rather a quasi-occupancy raiyat when these provisions will come in operation. Service of notice has always been dangerous rock for ship-wrecking enhancement suits under the present law, and it will be so in all suits for ejectment in future.

Section 58 (*c*).—Will not landlords be permitted to eject a tenant holding for a single year on an unregistered lease? Will it not be very hard for the landlord to require him to give notice to quit six months before the expiry of that very year? Sometimes when the land yields two or more crops a year, leases are granted for shorter period than even six months. What procedure should be followed in such cases? The Bill makes no special provision.

Section 59.—Suppose a zemindar allows a tenant to remain for a year or two after the expiry of the term of his lease. Will he be barred by the operation of this chapter ever afterwards from ejecting him, even through Court.

Section 60 (7).—The term of judicial leases may be reduced. Any non-occupancy raiyat, who, having passed seven years as a raiyat, comes to hold a fresh piece of land under a new landlord will be sure to acquire the right of occupancy in it, whether this new landlord wishes it or not, before the expiry of five years' time to be granted by the Court under this section.

Section 60 (*a*).—The limit to enhancement in this sub-section, if not entirely removed, may be raised to one rupee, *i.e.*, 100 per cent. at any rate.

CHAPTER VII.

UNDER-RAIYATS.

By under-raiyat in this section I think is meant the tenant described as such in section 4 (3) holding under raiyat, described in section 5 (2). If so, the word will not include the thirteen intermediate holders of Backergunge district, but only the cultivators of the soil. In such cases the limit here prescribed about the rent payable by cultivators will be enough to discourage them to hold under raiyats. To allow 50 or 25 per cent. over raiyat's rent is simply to allow the raiyat to rack-rent the cultivators of the soil, to discourage which only the section 37 has been introduced into this Bill.

Section 63.—The remarks about the service of notice under section 59 apply with greater force to sub-raiyats whose tenures may not extend over a year, and who will be often retained by such disabled raiyats as are described in section 38, proviso (*a*) of this Bill.

It should be further noticed that in this Noakhally district the practice of sub-letting under permanent lease by persons holding raiyati pottahs is in vogue. Will these sub-leases be governed by this chapter? If so, it will change the character of these leases which they have acquired by custom, and cause great detriment to their holders.

CHAPTER VIII.

GENERAL PROVISION AS TO RENT.

Section 64 (2).—Comments on this section have already been made in my remarks on chapter IV.

Section 64 (4).—A proviso should be added to the effect "if the land be distinguishable either by area or boundaries from other lands with which it has been amalgamated.

Section 67 (2).—Why the freedom of contract should be curtailed in determining the number of yearly instalments and portions of yearly rent to be paid by these instalments in case of raiyats and under-raiyats? It is made deliberately for the convenience of both parties.

Section 68 (2).—The experiment of paying rent by special postal money-order, and of refunding deposits of rent by the same means, is worth trying, and I think will prove a success.

Section 70 (3).—In case of payment by postal order [section 68 (2)], the receipt given by postmaster, together with the receipt of the payee of the order, will be enough to give the tenant a discharge from the money so sent.

Section 71 (1 *and* 2).—The time, three months, is too short. When the year closes with Choitra, the *punya* or the commencement of collection for the next year by almost all the zemindars in Chittagong Division is made between the month of Ashadh and Assin of the next year. The collection papers of previous year are not made ready till this time; so I think the time in these two sub-sections should be extended to six months at least. Some remarks will be made at the end of this report bearing on the forms of receipt and account in the schedule.

Section 73.—It is evidently meant to discourage such deposits. Eight annas prescribed in sub-section (2) will be too high for small sums to be deposited, especially when such deposit is necessitated under clause (*d*).

Section 76 (3).—Provision should be made for accidental loss of receipt.

Section 79.—It is a peculiarity in this district to stipulate a heavy rate of interest in the lease, it being generally 75 per cent. per annum, and sometimes 150 per cent. per annum. Interest, however, is never taken from any defaulting tenant when payment is made amicably; nor is it shown in the zemindar's account and collection papers, but it is invariably demanded when a suit is brought for arrears of rent. Sometimes tenders of payments are designedly refused for the purpose of charging this extraordinary rate of interest. Some safeguard against such extortion is needed.

Section 82 (1).—Association of at least one assessor should be made compulsory.

CHAPTER IX.

IMPROVEMENTS.

The right of making improvements in all cases ought at the first instance to have been given to the landlords. He is the capitalist, and in most cases his capital will be generally utilized as it is done at present. In case of raiyat with fixed rent, or rate of rent, the landlord should have been allowed the right of calling upon such raiyat to effect the improvements within a reasonable time, in default whereof he being permitted to effect it.

Section 91 ( ).—Landlord and tenant, both ought to have been required to register improvements. The time, 12 months, ought to be extended to two years. Some provisions ought to be made for contesting such application for improvements, for these proceedings shall under section 92 (2) become evidence in civil suits.

Section 92.—No provision for surrender of lease by tenure-holder is made in this Bill. There is none in the existing law too.

Section 96 (3).—The section 9 of Act I of 1877 (Specific Relief Act) is sufficient to give relief to the raiyat if unlawfully dispossessed; the time for bringing suits under this section is rather short, and the title of the parties is not looked into in them. This section, however, permits subsequent suits for establishing title. The provision here made will determine the question once for all, and will thus deprive the parties to try the chance of a second suit for title.

Section 97.—In order to avoid litigation, the *consent* of the landlord ought to be in *writing*. The present law, section 26 of Act VIII of 1869, requires it to be so.

Section 98 (*e*).—Limitation in this section should be extended to six years at any rate.

Section 101 (*1*).—The measurement of land ought to be conducted according to local measure in presence of the parties, who will then be able to check the proceedings of the amin. The result may, if necessary, be afterwards converted into Government standard measurement.

Section 102.—The tenants having been permitted under section 73(1)(*c*) to make deposits of rent in case he is unable to obtain joint receipt of the co-sharers, the provision of sections 102 and 103 seem to be unnecessary. If they be retained in case (*b*), the application should not be made by *any one* but by a substantial number of persons having interest in the estate or tenure. No estate or tenure flourishes well under the management of appointed managers without supervision of the owners themselves. Sometimes an unscrupulous manager fattens himself at the expense of both landlords and tenants. His establishment also absorbs no small part of the assets.

CHAPTER XI.

It will not be easy to frame tables of rates for Chittagong Division, where classes of lands and prices of food-grains vary so much in consequence of the diversities in the physical formation of the country and means of exportation.

To hold these tables good for so long a period, from 15 to 30 years, is also not advisable They may remain unaltered for 10 years.

Lastly, the expenses to be recovered both from occupancy raiyats and their landlords. whether benefitted by the tables or not, will make them unpalatable alike to tenants and, their landlords.

These tables will not enable the court to dispense with local enquiries in enhancement suits if the parties do not agree as to the class to which the lands belongs. When local enquiries are made, and the nature of the lands ascertained, court seldom finds much difficulty in ascertaining the rate of rent.

This chapter presupposes record of rights under the next preceding chapter, otherwise it will not be easy to ascertain the occupancy raiyats and their landlords in order to recover expenses from them.

CHAPTER XII.

Section 137 (a).—The existing law does not require 12 years' continuous cultivation by the landlords.

NOTES.

CHAPTER XIII.

Distraint.

This is the only machinery which the zemindars now possess for speedy realization of rent after the abolition of the notorious *pancham* and *saptam*, to deprive them entirely of it is now, I think, out of question. The law, as it now exists, is seldom resorted to, at any rate in Bengal, and more particularly in this Chittagong Division, except in cases of temporary and non-resident tenants of the *char* lands. Instances of complaints against the zemindars in such cases are very rare. My humble opinion is, where there is no dispute between the landlords and tenants, either about the amount of rent or the ownership of the land, the former seldom seek the aid of the court, nor the sale of the crop in most cases becomes necessary; the tenants pay their rent amicably either from their own pocket or, what is more general, by sale of a portion of the crop with the consent of the attaching landlords or their officers. In a few cases the landlords seek the aid of the court in causing distraint, and in most of these few, suits to contest distrainer's demand on one or other grounds follow with results generally unfavourable to the distrainer. I have seldom heard of distraint of crop of an occupancy raiyat in this district or in Chittagong. I have consulted with zemindars, landholders and legal practitioners of these districts. They agree with me in recommending that the occupancy right which has practically become saleable in these districts be made subject to summary sales. If this be done, the exemption from distraint, which they practically now enjoy, may be legally extended to them. Occupancy right may vary greatly in value, and may be very cheap where population is sparse and land abundant; but I think no permanent and saleable holding is worth existing if its value does not cover one year's rent. Experience has not shown me one. Whether the exemption be legalized or not, I am sure the distraint shall be practically in these districts, if not all over the country, confined to cases of temporary and non-resident raiyats only. The Government of India is satisfied that the process of distraint "can no longer be left to the unsupervised action of the zemindar's servants, and the reference to the courts is an essential safeguard." It now invites only suggestions for still further improving or cheapening the procedure adopted by the Select Committee. In this wise, I beg to suggest (1) the zemindars may be permitted, in a single application under section 140, to join any number of tenants whose holdings are within the same village or in different villages, but at a convenient distance from one another, so that the distraint may be made by a single officer deputed under section 142. (2) The fees payable on this application may be so low as 4 annas, or something like it; the costs of deputation of an officer and fees and poundage for publication of sale notices and sale respectively may also be made very low. (3) This officer should be empowered, on his own responsibility, to leave the property in charge of sureties supplied by the tenants, or in their default by the zemindars. I think the words "some other person" in paragraph 1 of section 142 and sub-section 3 of the section 144 do include such sureties. (4) The certificate to the purchaser under section 151 should be exempted specially from stamp duty chargeable under article 16, Schedule I of Act I of 1879. (5) The costs of procuring a certified copy of an extract of Collector's register, to show that the proprietor or manager's title has been registered under Act VII (B.C.) of 1876 [see section 139(1)], may be dispensed with if the zemindar's statement to that effect, to be made in an additional paragraph (*h*) of his petition under section 140(1), be accepted as *primâ facie* evidence of it.

If all these points are not carefully considered, and if no special provisions of such nature are made, the boon which the law contemplates to confer will be out of the reach of the petty peasant zemindars of this division, and the costs will swell out of proportion in cases of small holdings, ruining the landlords and the tenants alike. As to the delay in issuing process in consequence of various restrictions put on it, it may be avoided by specifying time within which the officer of the court shall be deputed under section 142, and by making it compulsory, and not discretionary with the court to issue *interim* order under section 141 (3) *immediately* after the examination of the applicant, to be served on the raiyats free of all costs.

CHAPTER XIV.

Judicial Procedure.

Section 161.—Some special procedure for stamping the "written authority" is needed if the benefit of this law is intended for the tenure-holders of limited income also, of whom this division abounds. These authorities ought to be treated as something different from general *powers-of-attorney*, otherwise the provisions of the section 37A of Civil Procedure

Code, Act XIV of 1882, render this section quite unnecessary. If it be treated as "*Appointment*" under article 6 of Schedule I of Act I of 1879, the zemindars will try to — I believe they actually now do—evade it without much, if any, chance of detection.

Section 163.—The sections of the Civil Procedure Code, mentioned in sub-section (*d*), are very seldom, if at all, resorted to by the parties in any suit under Rent law. The sub-section (*e*), I fear, will be a dead letter in the generality of cases; but if properly attended to, it will help the court in excluding much unnecessary and irrelevant matters which now find their way into record through the untried pen of the legal practitioners. The sub-section (*f*) alone will give some material relief to the overworked courts. Except this, I do not think this section will much improve the procedure that is now followed in 999 out of 1,000 cases. The sub-section (*g*) seems to be redundant. Section 256 of Civil Procedure Code empowers court to issue execution on oral application when the decree is for money less than Rs. 1,000. Summary execution for higher sum is neither necessary nor recommendable.

Section 164.—This section may be a powerful engine of oppression in the hands of the unscrupulous persons to annoy the neighbouring zemindars and their tenants, and in shifting *onus probandi* on the weak (though rightful) party. The tenant, and the party under whom the defendant falsely sued holds, may be too poor to be able to pay in the rent demanded in the suit. The decree will in that case be made *ex parte* on his face, and he shall stand by quite helpless. The law may be left as it is; the question of title being tried, not by dragging the third party into court in the most undesirable position of a plaintiff, but incidentally in presence of the tenant only. In order to discourage the tenant to raise question of the landlord's title merely to harass the landlord, or cause unnecessary delay for gaining time, or to throw undue weight of evidence on his shoulder in a summary rent suit, the courts may be empowered in such cases to order for eviction of the tenant at its discretion, if the plaintiff moves it to that direction, though no prayer for ejectment was made in the plaint. To eject such a refractory tenant is not against the sound principle of law, equity, or good conscience.

Section 168.—Further provision may be added to this section abolishing all appeals in purely arrears of rent suits when the amount is petty, say Rs. 10, or 20, or 25. The lower judicial courts of all grades may now be considered fully competent to deal with such suits with little chance of errors in fact. Special powers proposed in clause (6) may be given to officers of greater experience and tried merit.

Section 174.—With reference to the remarks of the Select Committee on this section, I beg to submit that mere conversion of plaint into application will not go to reduce to any appreciable extent the expenditure of the litigation which this section will rake up. Much will depend upon the procedure that shall be followed. The cost of local enquiry through revenue officer may alone be simply prohibitory, especially in cases of petty holdings.

CHAPTER XV.

Sales.

Sections 182 and 183.—I think the remarks made by Hon'ble Mr. Gibbon, respecting the distinction that is made between holding with fixed rent and occupancy holding, are perfectly opposite. It will be a source of much litigation and disputes between the parties in execution proceedings. I see no harm in applying the same procedure [section 179 (*a*), sections 180 and 181] to all transferable holdings without distinction. The question whether a holding is held at a fixed rent or rate of rent is not an easy one to be summarily dealt with in execution proceedings. It is one of the stumbling-blocks on which enhancement suits fail.

Section 192.—The time for presentation of old unregistered instruments should be extended to *three* years at least. It is very doubtful whether the change in the law will reach the ears of those for whom it is intended, *viz.*, the rural population, within so short a time as one year.

CHAPTER XVI.

Summary Sale.

Great deal of litigation may be reduced by making the provisions of this chapter with some modifications applicable to all saleable tenures without distinction.

Section 195 (1).—Whether the first day of Baishakh in this section and first day of Kartic in section 196 should still be retained as the last days for making application of putni sales is a matter that requires much consideration. I think these days should be fixed in each district with reference to sunset days for payment of Government revenue in each. It ought to be also a matter of consideration whether the place of making application for sale, and of sale in cases of petty tenures, say of annual rent below Rs. 100, and in district like Chittagong, where head-quarters is not at a convenient distance from all parts of the district, should be transferred to Munsif's courts or sub-divisional court, *i. e.*, to a court nearer to the tenant's home. These petty taluqs seldom fetch proper price in consequence of the great

distance of the head-quarters from these tenures and people interested to buy them. The zemindars may strenuously oppose this transfer of sales to mofussil courts, on the ground that they will be required to keep a general agent in each court; but this difficulty can be obviated if the tehsildar duly authorized be permitted to make the application and represent the landlord at the sales. (2) The date of sale should likewise be changed. The landholders should be permitted to recover money by such sale at least 15 days before the sunset day for the payment of the Government revenue. (3) Notices of sale should be published also by beat of drum, or by any similar local and customary means, in the village or villages where the holding is situated. Extract of such notices should be sent by post to the defaulter, the landlord keeping a post-office certificate to be filed in court before the sale.

Section 209.—The paragraph 26 of the India Government letter shows how anxious it is to provide a "speedier and cheaper method of recovering arrears, provided always that it does not jeopardise the ryot's right." Nothing can answer this purpose better than the extension of the provisions of summary sales with some modifications suggested in my remarks on section 195 to all saleable tenures and holdings of every description. Provision of a special law for registration of such holding, which may be attended with difficulties of various kinds, is, in my humble opinion, hardly wanted for the purpose of making such concessions. Such tenures and holdings, even where no written leases exist, are ordinarily sold in civil courts in execution of decrees both for arrears of rent and other dues. The necessity of production of leases even is seldom felt. Any misdescription, which rarely occurs, is soon corrected—sometimes amicably and sometimes through courts. The crop of suit arising from this source is not large, and may be still more reduced if the landlord be under heavy penalty compelled to describe the holding accurately in the application and the notices for sale. The form of receipts and accounts prescribed in Schedule III, interchange of which is made compulsory by sections 70 and 71, will accurately show the area, rent, and other particulars of the holding to be sold. Law will make filing of accounts indispensable with an application for summary sale.

The object aimed at by compulsory registration of tenure may also be obtained with much less costs and trouble to the State and the people alike, if the interchange of leases in all cases be made compulsory. The extension of Chapter V of Act IV of 1882 (Transfer of Property Act) under section 177 of it will secure this purpose, or a section may be added to this Bill. As for the existing tenures and holdings of which no written engagements are forthcoming, exchange of leases may be made compulsory within three years or so from the passing of this Act. The registering officers may be called upon to keep a separate register for all the registered leases. This book shall of itself become a register of all the tenures and holdings. The disturbance that may arise in few instances in consequences of this law will soon settle of itself.

CHAPTER XVII.

Section 210.—The paragraphs (*e*), (*g*), and (*h*) may not be extended to contracts evading the privileges for sufficient considerations and duly registered. Exemptions granted by sections 211 to 216 will take away many leases from the operation of this section. In this division most of the leases will come under section 211.

SCHEDULE III.

This form is defective in a very important respect. Though the section 69 (1) and (2) is quoted at the foot, yet in the body of the receipt no space is reserved for stating the *year* and *instalment* to which the tenant wishes the payment to be credited. The form is given in duplicate, yet one to be retained by the zemindar is not marked as such, both may then require stamp under Stamp law, Schedule 1, No. 52. The present system is, the zemindar keeps the counterpart of the receipt signed by the tenant and calls it *chalan*. This seems to be a better practice, as it binds both parties to one another; the form on the left hand therefore should be called chalan or counterpart of receipt. Similar remarks apply to form for "account." The one to be granted by the landlord should be called "counterpart, or duplicate, or copy of account," and signed by the landlord, while the account remaining with the landlord should be signed by the tenants.

CHANDRAKUMAR ROY.

The 28th July 1884.

No. 25, dated Dinagepore, the 28th July 1884.

From—The Sudder Munsif of Dinagepore,

To—The Officiating Secretary to the Government of Bengal, Revenue Department.

REFERRING to your circular letter No. 9T.—R., dated the 5th June 1884, I have the honour to report as follows:—

CHAPTER II OF THE BENGAL TENANCY BILL.

(*a*).—The definition of ryot in section 5 (3) does not cover all classes of ryots. "Proprietor" means a person or a number of persons owning an estate. Section 3 (2)—"Estate" means registered revenue-paying and revenue-free lands. Section 3 (1)—There are unregistered

Paragraph 4 of the circular letter of the Government of Bengal No. 2T.—R., dated the 24th May 1884.

revenue-free lands or holders of such lands. Section 5 (3).—Does not include persons holding land under unregistered lakhirajdars and is therefore imperfect.

3. (b).—Persons holding upwards of 100 bighas of land generally sub-let a portion of their holdings. At times they sub-let the whole holding. This, I believe, is the practice of this district. I am not for retention of the upwards of 100-bigha presumption in the Bill; and for the following reason:—(1) When a tenure is created, and tenures are not unfrequently permanent and transferable, adequate consideration is paid to the zemindar, and the presumption throws an unfair burden of proof on the landlord. (2) A tenure-holder is in a much better position than an occupancy tenant as regards the zamindar. The former is exempted from the rules regarding pre-emption and distraint, but the latter is subject to them. The presumption converts a jotedar of upwards of 100 bighas into a tenure-holder, and, while it improves his position by exempting him from the rules regarding pre-emption and distraint, it deteriorates the position of the zemindar to that extent by taking from him those rights. (3) The presumption will work hard against auction-purchasers, who will be unable to rebut it for want of necessary evidence. However, this hardship might be mitigated by record of rights, if that chapter is retained in the Bill. (4) The presumption cannot work in case of division of holding amongst heirs and successors in interest of the tenant. As shown above, I think the presumption is not fair. I am not aware if any presumption of the kind would be a fair presumption.

3. (c).—Section 37 will give rise to frequent disputes for two reasons—(1) It is not easy to ascertain whether more than half of the holding has been sub-let; (2) in consequence of the proviso (a), I fear it will not work well. Besides, I doubt if it will secure the objects for which it was devised. The object of the provision is—(1) To discourage money-lenders or capitalists from purchasing occupancy rights; (2) to give actual cultivator of the soil right of occupancy. The converted tenure-holder is in a better position than the occupancy tenant owing to his exemption from the rules regarding pre-emption and distraint, and with right of pre-emption given to him. As regards his occupancy tenant (sub-tenant), he can buy up the occupancy holdings under him. Besides, in a 100 bigah jote 49 bighas may be in actual cultivation of the occupant tenant. These advantages, instead of deterring the capitalist from purchasing the converted tenure, will induce him to buy it; and when a tenure of the kind is bought by such a purchaser, the probability is that the tenants (sub-tenants) would be rack-rented or made to abandon the holdings.

CHAPTER III.

Paragraph 5 of the Government letter.

4. Under the rules laid down in Chapter II it is difficult to decide what holdings are tenures and what holdings are not. Chapter III lays down rules regarding enhancement of rent of tenures. The law by which the rent of a dependent talookdar is enhanced is contained in section 51 of Regulation VIII of 1793. The grounds of enhancement are—(1) Special custom of the district; (2) the condition under which the tenure is held; (3) the fact of the talookdar having received abatements from his jama, and thus subjected himself to the increase demanded, provided the lands are capable of affording it. When there was no customary rate, section 8 of Regulation V of 1812 provided thus:—"In the case of a dependent talookdar, if the rent of the lands be computed according to the rates payable by ryots or cultivators for lands of similar quality and description, a deduction shall be allowed from the gross rent in the adjustment of the jama of such dependent talook at the rate of 10 per cent. from the talookdar's profit or income, over and above a reasonable allowance for charges of collection, according to the extent of the talook." This section was repealed by Act X of 1859, but its principle has been followed in the assessment of such tenures. Mohamed Aynooddin, 2, Board's Rep. 749, Morgan and Shambhoo Nath Pundit, J.J. In one case the talookdar was allowed a profit of 6¼ per cent. only—*vide* 3 B. L. R. A. C. 270. Thus under the case law the talookdar was allowed a profit not exceeding 10 per cent. of the collections, after deduction of collection charges. But under the Bill the tenure-holder has been given a profit of less than 10 per cent. of the balance which remains after deducting from the gross rents payable to him the expenses of collecting the rents, and also the "risks of collection." Under the existing case law the rent of a tenure-holder can be enhanced up to a reasonable limit, but the limit of enhancement under the Bill is not to exceed double the previous rent. Thus under the Bill, when the enhancement exceeds double the previous rent, the excess, how great soever it be, will go to the tenure-holder. Under the existing case law there is no limit as to the period during which the enhancement allowed will remain in force, nor is there any provision that the enhancement allowed will be gradual; but the Bill provides a limit to the period of enhancement and prescribes that the enhancement decreed may be gradual. Thus it will be seen that much indulgence has been shown to the tenure-holder under the Bill to the injury of the proprietor of the land, and for no adequate reason. In my humble opinion, the present case law should be embodied in the Bill with this provision, that when the enhancement has been solely due to improvement of the land by the tenure-holder, the superior tenure-holder or the proprietor, in the absence of any contract to the contrary, shall not be entitled to get any.

5. The position of a tenure-holder is different from that of an occupancy tenant. There can be no uniform rules to regulate enhancement in both cases.

CHAPTER IV.

6. *Section* (64*β*).—The 20 years' presumption is a very valuable provision, which the Bill contains in the interest of the ryot, but it operates with harshness particularly against the auction-purchaser of proprietory rights, who is unable to rebut it for want of necessary papers of his predecessors in interest. In enhancement suits the presumption is generally and almost invariably pleaded. It is as often disputed, though not as often rebutted. Section 122 of the Bill does not sufficiently restrict the presumption. In order to sufficiently restrict the presumption, I think a provision should be made to this effect, that no tenant whose title to hold at fixed rates is unregistered after a certain date to be fixed by Legislature can claim the benefit of the presumption.

Paragraph 6 of the Government letter.

CHAPTER V.

7. (*a*).—The greater the area of the estate, or portion of an estate, over which the capacity of the settled ryot to hold land on occupancy title extends, the greater is the loss of the zemindar. The loss cannot be sufficiently obviated if the portion of estate within which the settled ryots would acquire rights of occupancy be limited to district or sub-division of a district; but this provision may sufficiently protect the ryots.

Paragraph 7 of the Government letter.

8. (*b*).—Butwarahs are frequent in Behar and Eastern Bengal. When the butwarah of an estate is completed, the tendency of the maliks of the several portions of it, which have been portioned, is to give new land to the tenants at higher rates in that portion of it, in which their dwelling-houses or homesteads have fallen, or to drive out the old tenants if they do not agree to pay the rates demanded. This they can easily do, as each malik has his *separate* portion of the estate. In order to protect the tenants of East Bengal and Behar, I think it would be sufficient to provide that the parent estate of old shall be taken as the area over which the capacity of the settled ryot to hold land on occupancy title should extend.

9. *Section 28.*—I think applies to a case in which the landlord is the sole owner and not a shareholder, for otherwise the doctrine of merger cannot operate.

Section 29 (1)—Contemplates the case of a joint owner, proprietor, or tenure-holder, I think there can be no harm if the latter provision is retained.

10. A provision similar to section 29 (2) may be inserted in the Bill when the occupant tenant buys a share of the estate in which his holding is situate (in order to prevent the merger of the occupancy right). Any occupant tenant cannot lose the occupancy right by reason of such purchase.

11. *Section 31* (*e*).—I think it is fair that the occupancy tenant should be allowed to make improvements on his holding if he is disposed to make any.

Paragraph 8 of the Government letter.

12. *Section 31* (*f*).—Occupancy rights, if made transferable, are in danger of largely falling into the hands of money-lenders, and also of persons who are hostile to the landlord. The former class are rack-renting landlords. Besides, if the money-lenders cultivate any other than food-crops on the holding purchased—and this they generally do—the result will be a scarcity of food-grains and consequent famine. This is nowhere better seen perhaps than in the province of Behar, where a large portion of lands, and the best lands are appropriated to the purpose of indigo cultivation, and where failure of food-crops for a single year or so brings on scarcity, if not famine generally. The plan devised by section 37 to prevent money-lenders from purchasing occupancy holdings does not cure the evil. This has been already submitted by me. The right of pre-emption given to the landlord greatly diminishes the value of the holdings, and no purchaser is expected to offer the full value when the landlord has right of pre-emption. I think the best course would be to leave the question of transferability or otherwise of occupancy rights to local custom, which is the existing law. In this district occupancy holdings are transferable by custom. As there are few speculators here, the evil effect of transferability is not known.

13. (*a*).—The grounds of enhancement mentioned in the Bill are not exhaustive. It is seen that the productiveness of soil increases from other causes than landlord's improvement and fluvial action, though it cannot be ascertained what those causes are. This has been omitted from the Bill.

Paragraph 9 of the Government letter.

14. (*b*).—The prevailing rate has been objected to as a ground of enhancement. But I think the objection is untenable. There are prevailing rates for one class of land in some districts, and in others there are none. Attempts have been found on the part of landlords to create fictitious and high prevailing rates by fabrication of papers, and cases also have been met with in which prevailing rates have been found to exist. I think it would be unfair to abolish the prevailing rate as a ground of enhancement. The Courts should be left to decide the cases according to the evidence before them.

15. As regards the extent of enhancement material changes have been introduced in the Bill. The Bill provides for two methods of enhancement—one by private agreement registered, and the other by suit in Court. The former method has been restricted. But I do not think it would be proper to interfere in the freedom of private contract. I do not remember to have met with instances in which tenants have agreed to pay enhancement out of Court, such as to preclude the belief that in so agreeing they were either free agents or knew what they were doing. I have only heard of such cases, and the number of them is very few.

Paragraph 10 of the Government letter.

16. Equalization of limits of enhancement in and out of Court. Considering the law, limits of enhancement in both cases will tend either to stop enhancement by private contract altogether, or to reduce the limit of such enhancement to a point much lower than the limit prescribed; for when tenants come to know that in a judicial enquiry greater enhancement cannot by obtained through Court than by private contract, they will not come to terms, or they will agree to pay a trifling or nominal enhancement. In cases of private contract I think it is sufficient to provide that the contracts should be registered, and that special care should be taken to ascertain that the tenants in so contracting were either free agents or knew what they were doing.

17. As regards enhancement through Court, there is manifest injustice in allowing 50 per cent. enhancement only on the ground of prevailing rate, for there can be no reason why the tenant from whom the enhancement has been claimed should pay less rent than other tenants who are similarly circumstanced as he is. As to grounds of rise in prices and increase of productiveness due to fluvial action, 25 per cent. enhancement on the old rent has been allowed in each case. When the enhancement is greater, the landlord gets an increase only to that extent, and the remainder of the enhancement goes to the tenant. In my humble opinion, the limits of enhancement should be raised, and in the case of prevailing rate the landlord should be allowed rent at the full rate; and in the other two cases mentioned, the enhancement should be allowed up to a limit not exceeding double the previous rent, and it should be provided that the enhancement decreed shall have a currency of ten years.

18. The ground of prevailing rate is workable. The ground (*b*) is not fairly and mechanically workable always upon the basis of price-lists, even if such lists can be correctly prepared; for the increased cost of cultivation has to be deducted at times, and it is impossible to prove such costs without record. The grounds (*c*) and (*d*) are workable properly after tables of rates are prepared, if the same can be properly prepared. If landlords do not get facility in obtaining adequate enhancement, the result will be, as is now the case, most disastrous to tenants; for the former will try to harass the latter by frequent litigation by means of rent-suits for the different kists of the year—a proceeding which is helped by the Courts Fees Act—and will make them abandon or otherwise part with their holdings. This harassment can only be avoided by the tenant by deposit of rent, but all tenants have not money at hand in time to help them. Hence I think the interest of the tenantry would be better protected if proper facility is given to the landlord in obtaining an adequate enhancement of rent, when the same is obtainable, instead of restricting enhancement, both in and out of Court, as in the Bill.

19. An apprehension has been felt that, as no limit has been placed on rent which a non-occupancy ryot has to pay, the tendency of section 60 (9) and of section 41 (2) will be to increase the prevailing rate to the highest possible limit. But I think there is no good ground for such apprehension always. A landlord cannot settle any land with a non-occupancy tenant at a higher rate than the prevailing rate of the village, for under ordinary circumstances no tenant will ever agree to pay such higher rate when the land is not capable of bearing it. If owing to extraordinary causes the fertility of any village increases to an unusual degree, the landlord may let lands to new tenants at rates higher than prevailing rates, for the tenants will be then willing to take them at such rates. In such cases the pre-emption rules cannot help the landlord, for the occupancy tenants would be unwilling to part with their holdings. But if majority of the tenants die, and owing to superior fertility of the soil they cannot desert their holdings, in that case only the apprehension alluded to may be well founded. But this increase of prevailing rates cannot harm the tenants, for they become the willing causes of it. As the danger apprehended lies in extraordinary cases, or in rare or very few cases, and as the lands are capable of bearing such enhancement of prevailing rates in such cases, I do not think there is any necessity of any provision to meet it.

Paragraph 11 of the Government letter.

20. As far as my knowledge goes, *bastu lands* are held either as a part of the holding or by separate conditions by means of pattahs and kabuliyats. This is the custom of this district also. The former case is very common. In districts of Behar, where batwarahs are common, it often happens that homestead lands of tenants, which form a part of their holding, fall in a different *putty* by partition from that in which the arable portion of the holding is distributed, and the tenants take new lands or holdings from the maliks of the *putty* in which their homestead or dwelling-houses have fallen. The maliks then settle new holdings with the tenants at higher rates, and this they are enabled to do for two reasons—(1) the tenant cannot leave his homestead easily for more reasons than one; (2) each malik, having his *putty* separate, can with little difficulty deprive him of the arable portion of his old holding. It also happens that

Paragraph 12 of the Government letter.

tenants, the arable portion and homestead portion of whose holdings have fallen in the *putties* of different maliks by partition, retain possession of the holdings, including the homestead, and do not take new land at higher rates; but such cases are very rare. Under the circumstances, the tenants have no doubt right to retain possession of such homestead lands as part of the occupancy holdings.

21. I am given to know that in parts of this district the soil is deteriorated in consequence of the appearance of a substance like *reh* on the land. It is whitish and is called *khar or nona mati*. It does not permanently diminish the fertility of the soil. In some years it appears, and in other years it does not. The provision of the section 51 (*a*) includes this calamity (when it permanently deteriorates the soil).

Paragraph 13 of the Government letter.

22. As to commutation of produce-rents into money-rents, I believe the provision of the Bill will affect more the landlords of Behar than those of Bengal. In Behar about one-third of the land pays rent in kind, and in some cases the profit of the landlord exceeds half of the gross produce. The bhaoli system has its advantages and disadvantages. When there is no crop, the bhaoli tenant has to pay nothing as rent, but liability for rent cannot be avoided by the tenant who pays money-rent in years when there is a failure of crop. When there is increase and decrease in the productive powers of the soil, the landlord and the tenant gain and lose equally, the share of each being half of the gross produce. In case of increase of productive powers, there is no necessity for the landlord to bring enhancement suit, and when the productive powers decrease, the ryot does not come to Court to obtain a reduction of rent. I think it would be ruinous to the landlord of Behar if the provisions regarding commutations of produce-rents into money-rents are retained in the Bill. Besides, it is the practice of many land-owning families in the villages of Bengal to let a portion of their lands as produce-paying holdings. The rice thus received as rent forms the stock of their daily consumption (for they do not buy rice in the market), and with the money-rent they receive they pay rent due to the landlord or Government revenue, and manage to meet their ordinary expenses. The advantage of commutation to the tenant is such that it will be his interest to have the produce-rent commuted if the provisions in the Bill are retained. The provisions regarding commutations affect this practice and are revolutionary.

23. Grain rent varies from year to year as regards the amount when the share to be paid is fixed. This is due to two cases—(1) variation in the amount of produce, and (2) variation in price. When the grain rent to be paid is a fixed share of the produce, the rent to be so paid may be considered to be invariable, and the fixed proportion of the crop, notwithstanding rise and fall in price, can be fairly considered with regard to the clause (2) of 20 years' presumption as the natural and equivalent antecedent of a money-rent invariable over a term of years.

24. I doubt if enhancement can be fairly based upon the price lists alone and worked out mechanically always. It is necessary to deduct the increased cost of cultivation when the same has increased. Section 48 of the Bill provides that the Court shall not in any case decree any enhancement which appears to it, under the circumstances of the case, to be unfair and inequitable. When the increased cost of cultivation has to be deducted, it has to be proved. It is difficult to prove it without any reliable record; and so enhancement cannot in all cases be worked out mechanically on the basis of price-lists. It is seen, and the cases are few, that the tenants sell crops to their *mahajuns* at a cheaper rate of price than the current market rate.

Paragraph 15 of the Government letter.

This they do in consideration of the loans supplied to them previously. It is a matter for consideration whether the price-lists can be fairly acted upon in raising the rent payable by such tenants.

25. In the event of rise in price it does not always happen that the cost of cultivation increases, except as regards the seed. Cost of labour increases or decreases according to the state of the market-demand and supply. In many or most cases the cultivators themselves are the labourers, and in those cases I think it is sufficient to deduct the increased price of seed only. In other cases a similar deduction only does not meet the ends of justice.

26. There is a difference in the cost of labour between well-communicated and non-communicated or ill-communicated districts, but unless the average value of labour in those districts for certain years is known, the extent of the deduction which has to be made on account of increased costs of cultivation with reference to those districts cannot be stated.

CHAPTER VI.

27. The provisions regarding the non-occupancy tenant who is in the position of a tenant-at-will under the existing law have been newly introduced in this Bill. They are such that he cannot but acquire right of occupancy in time. The judicial lease which the landlord is compelled to give him under section 60 (7) makes his position firmer and safer in the attainment of right of occupancy. I do not recollect any instance in which a landlord ever attempted to oppose the growth of occupancy right, though I was in Behar for about 12 years in different capacities.

Paragraph 16 of the letter of Government.

Landlords try to dispossess tenants in order to obtain an increased *jama* or enhancement of rent, and not to prevent the growth of occupancy right. This is the result of my experience. The provisions in this chapter materially affect the landlord. They serve to facilitate the growth of occupancy right, but to the injury and loss of the landlord.

CHAPTER VII.

Paragraph 17 of the Government letter.

28. The provisions contained in this chapter will serve to check sub-letting in certain cases and not in others. When the quality of the land is such that by sub-letting it a tenant can derive a profit of more than 50 per cent. or 25 per cent., the rules contained in this chapter will check sub-letting; but when the tenant does not expect to get a higher profit than the above percentage, he would not sub-let his land. Short sub-leases (section 38), and the restrictions put on rent payable by sub-tenants (section 62), check sub-letting to the extent mentioned above. Those sections also affect the operations of section 37; for if an occupancy tenant cannot get by sub-letting more than 50 per cent. or 25 per cent. profit, when he expects to have larger profit by keeping the land in his cultivation, he will not sub-let. That section will, I believe, operate in cases of inferior quality of lands only. Section 62 will not be workable in the district of Backergunge, in which numerous middlemen or tenure-holders intervene between the zemindar and the actual cultivator of the soil. I do not think any limitation on under-tenant's rent, or any limitation of the terms of sub-lease, per section 38, is desirable.

CHAPTER VIII.

Paragraph 18 of the Government letter.

29. *Sections 81 to 83*—Concern the district of Behar particularly. The gross produce of a bhowlee holding in Behar is thus appraised: The quantity of the produce is estimated on the field by men of the landlord, and a value is placed upon it according to the market rate in presence of the tenant. A paper is thus prepared, called *khesra kankutu* or *khesra danabundy*. The landlord gets half the value of the produce so estimated. In the case of *betai* holdings in the same province, the division of the produce takes place on the field in presence of the parties (*e.g.*, the landlord or his agent and the tenant), and each party takes his share, which is half of the gross produce. In this district we have *adhi* holdings only. The tenant cuts the produce and brings it to the place of the landlord, where it is divided. After division, the landlord and tenant each takes half share of the produce. Section 83 (2) gives the tenant the exclusive possession of the produce to be divided, but this is opposed to the practice in this district, as noted above. Sections 81 to 83 include all cases of appraisement or division of produce, and also possession of produce before appraisement or division in Behar.

30. The forms of receipt and account in section III of the Bill are sufficient.

CHAPTER IX.

Paragraph 19 of the Government letter.

31. *Section 90.*—In the province of Behar, where rainfall is scanty, or is not so copious as in Bengal Proper, tenants irrigate their fields by digging wells (*i.e.*, *kutcha* wells) or by excavating *pynes* or aqueducts connected with rivers, navigable or otherwise. This is the practice of the holders of high lands. I cannot say if such *kutcha* wells are dug with the permission or acquiescence of the landlords or without it. But the high lands are such that they cannot possibly yield anything unless irrigated, and there are cases in which irrigation of such lands can be effected only by water from the well. Whatever be the *status* of the tenant, be he an occupant tenant or a non-occupant tenant, the holding would be useless to him if he is not permitted to dig a well for irrigation purpose. It is not necessary to empower a non-occupant tenant to construct a well for the irrigation of his fields, for the landlord cannot but give him the permission; and if the permission is denied, the tenant, as a matter of course, will surrender the field to the loss of the landlord. Irrigation of lands with water from the well is rare in Bengal Proper, and no such provision in that case is necessary.

Paragraph 20 of the Government letter.

32. I think section 96 fairly deals with the case of abandonment of holdings by tenants. Its provisions are liable to be abused, but such instances, I believe, will be rare. The landlord is amenable to criminal penalties in such cases.

Paragraph 21 of the Government letter.

33. As far as zemindars are concerned, I think it is sufficient that measurement of lakhiraj holdings should extend to a survey only of external boundaries.

34. I think it is safer to conduct the actual measurement by the local and not by the English system of mensuration, and then to convert the said measurement into the English measure.

Paragraph 22 of the Government letter.

35. I am against the appointment of managers for management of joint estates. It is of no benefit to the landlord or to the ryot. By appointment of managers the zemindar's responsibility for payment of Government revenue is not a whit diminished, but the risk of punctual payment of

the same is increased. Generally managers enrich themselves at the expense of landlords and tenants alike, and act detrimentally to the interests of the proprietors. When there is a dispute between the co-owners, the tenant is sufficiently protected by section 73 (c) by deposit of rent.

CHAPTERS XI and XII.

36. As to tables of rates, owing to multiplicity of rates in certain parts of the country, it is impracticable to prepare them. But when a table of rates is prepared for any tract of land, it will facilitate enhancement. When an enhancement suit is based upon such a table, the landlord has only to prove to what class or classes of land the holding belongs. This may be ascertained by proper local enquiry.

Paragraph 24 of the Government letter.

37. As to proprietors' private lands, I think the definition given in section 138 (a) of proprietors' private land is not exhaustive. It has been seen in certain parts of Behar that proprietors let their zerát or private land on *munbundee* principle. The tenants cultivate those lands and pay a fixed quantity of produce as rent. The above definition does not include this class of land.

CHAPTER XIII.

38. The Bill abolishes the right of private distraint which the landlords enjoy under the existing law. Distraint through Court is attended with delay. The *interim* order, per section 141 (3), prohibits the removal of the produce pending orders, but it does not prevent delay. When the tenants strike, the only speedy way of realizing rent from them is by using right of private distraint or distraint through Court. It is a fact that the right of distraint has been often abused. But if very heavy penalties are provided in the case of abuse of the right, that is sufficient to bring the landlords to their senses. The saleability of the occupancy right is not perfect security for realization of rent. In places in which there is no demand for land the remedy of sale is inefficacious to realize rent. I think the present law of distraint may be retained for occupancy tenants and non-occupancy tenants alike, with heavy penalties in case of abuse of the right.

Paragraph 25 of the Government letter.

CHAPTERS XIV and XV.

39. It is very inconvenient that a landlord should be permitted to sue a number of tenants by means of one plaint. A suit of the kind may be conveniently and easily disposed of when the defendants do not appear, but difficulty occurs when the case becomes defended, and the different defendants defend in different ways, for each tenant has to be heard separately, and separate judgments have to be written; or in other words, one judgment must contain several findings with respect to the different tenants. When a case of the kind comes on for trial it may happen that some defendants may apply for time to file evidence, while others may be prepared to examine witnesses, and it is some time before it can be taken up for trial. However, the general practice is to try *analogous* rent-suits of the same landlord together, for it is convenient to try them together.

Paragraph 26 of the Government letter.

40. The procedure sections, *e.g.*, 163, 164, 168, 171, 175, 177, 185, and 186 have been read by me. They simplify the judicial procedure. The sections may be retained, except section 185. That section will much diminish the value of occupancy holdings. Section 164 will sufficiently fulfil the purpose for which it has been introduced. I think it would be better to add that the defendant's petitions for appeal and re-trial will not be admitted unless he pays or deposits in Court the amount of the decree money.

CHAPTER XVI.

41. *Section 209*—Is very useful and important. I think the provision of summary sale should be made applicable to all permanent tenures or occupancy holdings with right to hold at fixed rent after they have been recorded and registered.

Paragraph 27 of the Government letter.

CHAPTER XVII.

42. *Section 213.*—*Chur* or *dearah* land has been defined to be land ordinarily liable to improvement or deterioration by fluvial action. According to this definition, I think it will not be easy to ascertain what lands are *chur* or *dearah* lands.

Paragraph 29 of the Government letter.

43. *Section 210.*—I am not for the provisions of this section. Freedom of contract cannot be taken away. In order to protect the interests of the tenant, I think it would be sufficient to provide that in case any such contract is entered into by the tenant, the contract shall not be valid unless registered.

44. So far as this district is concerned, section 227 of the Bill is enough for the purpose.

Paragraph 30 of the Government letter.

45. I am given to know that dependant talooks of the kind mentioned in paragraph 2 of the letter of Government of India, No. 784, dated the 5th May 1884, are not in existence in this district. Since such talooks are permanent and held at fixed rent, the summary sale law may be made applicable to them.

Paragraph 31 of the Government letter.

46. In case the arrears of R. C. and P. C. are very small and trifling the summary sale law may not be made applicable for their realization.

Paragraph 32 of the Government letter

47. *Utbundy* and *hal hasli* tenures do not exist in this district. Lands are taken by tenants for one season, or for one year or two years, at a rate of rent agreed between the contracting parties. When the crop is ripe for reaping, the quantity of the land cultivated by the tenant is measured, and then the rent payable is settled. When land is taken on the above condition, the tenant is called *utbundy* tenant, and the tenure is called *utbundy* tenure. Tenures of this kind exist in Nuddea and 24-Pergunnahs. The ordinary incidents of the ryoti tenure do apply to such tenures.

Paragraph 33 of the Government letter.

48. Howlas, nim howlas, usat howlas, and usat nim howlas of Backergunge are transferable by custom. These tenures are created generally by interchange of pattahs and kabuliyats. The tenures are well known and well defined. I think they can be specifically excluded from the operation of the pre-emption clauses.

Paragraph 34 of the Government letter

49. The *bastu* question has been discussed by me in paragraph 20 of my this report with reference to paragraph 12 of the Government letter dated the 24th May 1884. Here I beg to add, with reference to paragraph 2 of the circular letter of the Government of Bengal under reply, that within my jurisdiction as Sudder Munsif of Dinagepore no custom exists of exempting from sale *bastu* or homestead land when the occupancy right in the arable portion of the holding is put up for sale in execution of a decree. I have not known any instance of the kind. When the homestead land is held under a different engagement from that under which the arable portion of the holding is held, the decreeholder, at his option, proceeds either against the arable holding or against the homestead. But this, I believe, is a separate question.

Paragraph 2 of the circular letter of the Government of Bengal No. 9T.—R., dated the 5th June 1884.

50. As far as my knowledge goes, the local custom of this munsifi or this district does not any way recognise some right in a ryot to his holding independent of the statutory occupancy right.

Paragraph 3 of the above Government letter.

No. dated Gaibandha, the July 1884.

From—Baboo Krishnadhan Chaudhuri, First Munsiff of Gaibandha, Rungpore,

To—The Offg. Secretary to the Government of Bengal, Revenue Department.

With reference to your land revenue circular No. 9T—R, dated the 5th June 1884, calling for my attention to the revised Bengal Tenancy Bill, with the report of the Select Committee and the dissents published in the *Calcutta Gazette* of the 2nd April and following dates, and forwarding to me copy of a letter from the Government of India, No. 784 of the 5th May 1884, and of circular letter No. 3 T—R of the 24th idem, from the Government of Bengal to the Commissioners of Divisions, on the subject of the Tenancy Bill, I have the honour most respectfully to submit the the following report.

2. *Answer to 1st question.*—The revenue officers ought to be empowered to arrange for cutting of irrigation channel, the distribution of water, and the payment of compensation. Otherwise the system of irrigation would be altogether a failure, for some would wish for irrigation of their lands, while others will not consent to it.

3. *Answer to 2nd question.*—It is essentially necessary that the summary sale procedure should be applicable to dependant taluqs. Otherwise the zemindar could not be responsible for the payment of revenue, for the realization of which he is provided with no easy means. Particularly the zemindar has no corresponding interest for his responsibility. Indeed, very great benefit both to the zemindars and the tenure-holders would accrue if the modified putni procedure be applied to these tenures.

4. *Answer to 3rd question.*—The summary sale procedure can be made applicable also to the recovery of arrears of road cess and Public Work cess from rent-free tenure-holders.

5. *Answer to 4th question.*—There is no practise prevailing in my jurisdiction for *bastu* lands. I think the conditions attached to the right of occupancy right to be attached to every *bastu* land. Otherwise no persons would be safe in making a permanent residence. When the defaulters had other property, *bastu* land should not be sold beforehand in execution of decree for arrears of rent. *Bastu* land would be sold only when it is proved that such arrears

could not be otherwise realized. The burden of proof in this case should lie on the landholders. Tanks and gardens adjoining to a homestead should be considered as included within the *bastu*. If the *bastu* is settled along with other lands, in case of sale for arrears of rent, the holder of *bastu* will be entitled to hold only his *bastu* on equitable terms and in the settlement preference should be given to him. The conditions applicable to other *bastu* will then apply to this *bastu*.

6. *Answer to 5th question.*—The provisions contained in section 214 ought to be applied to similar tenures under other names. Otherwise such lands would scarcely be settled and brought under cultivation. The provisions should be applicable to every division, not in Chittagong Division alone.

7. *Answer to 6th question.*—I do not know what is guzashta and gera holdings.

8. *Answer to 7th question.*—It is possible to improve the price list by filing by the local traders of extracts from their purchase and sale-books, and price lists should be prepared from these extracts. Enhancement of rent based on such price list will be much more accurate.

9. Occupancy ryots should remain occupancy ryots, and ought not to be converted into tenure-holders under any circumstances.

10. There should be no difference between the ryots and tenure-holders at fixed rates; the statutory presumption ought to be retained, otherwise in reality there will be no tenant at fixed rates. A certain time should be allowed for registration of the tenures.

11. There is no objection against the definition of "estate," but occupancy right ought to be extended in the same village only, and not to the same estate. The date ought not to be changed, as otherwise the survey records will all become useless.

12. The onus of proving the right of occupancy should lie on the party possessing the right, for it is easier to prove one's own right than to prove the adverse right of another.

13. As regards enhancement of rent, after an enquiry into the gross produce of the land, the price of it should be ascertained from the price list. The cost of cultivation, which should be also ascertained by enquiry, should be deducted from this price, and the remainder should be given partly to the zemindar and partly to the tenant for their respective interest.

14. The provisions of the section 42 have been judiciously made. If without taking into consideration the previous rate of rent, the rate of rent payable by an occupancy ryot let into land hitherto held by a non-occupancy tenant be fixed in conformity with the rate paid by the surrounding occupancy ryots, the zemindars will be unwilling to let them into their lands. This will indeed prove injurious to the occupancy ryots. The provision of section 43 (*a*), about having regard to the rate of rent paid by the surrounding occupancy ryots. When an enhancement is claimed, provision should be made that no regard is to be had, in case of enhancement to the rate paid by such occupancy ryots.

15. As to the grounds of enhancement, the crops grown in particular lands ought to be taken into consideration, and not the staple crops of the district. In enhancement it will be also necessary to call on the local traders to furnish extracts from their purchase and sale-books as stated before. Exceptional cases of good or bad years should be avoided, if the average price for five years preceding be taken into consideration, there can be no reliance as regards accuracy of the price list furnished at present.

In commuting grain rents to money rents, the average price of the grains received as rent by the landlord in five years passed should be fixed to be the money rents.

17. The rate of rent payable by a non-occupancy ryot on his first entry upon a holding should be fixed as what he contracts with the zemindar. Otherwise in such case if there be provisions for fixing judicial rent, it will affect the interest of both landlord and tenant according as the case may be.

18. The protection given to under-ryots in Chapter VIII is sufficient.

19. (Chapter VIII.) These crops may be kept with landlord or tenant according to local custom.

20. As to the question of abandonment by a tenant, the manner in which the Select Committed have attempted to solve it is suitable.

21. The powers conferred or conferable on the revenue officers charged with the preparation of the record of right are, in my humble opinion, sufficient, and the powers which the Local Government is competent to confer upon them under section 223 will be sufficient for the purpose.

22. In framing records of rights, the revenue officer will dispose, in the manner provided, of every class of cases which he is capable of disposing of, and in case of special difficulty or importance, he will refer it to the ordinary civil courts.

23. As regards distraint (XIII), the provisions made in the Bill is not, in my humble onipion, unfair or unjust.

24. To institute a collective suit against any number of tenants belonging to one village by means of a single plaint will not, as I consider, work well in practice. Only in suits for arrears of rents a general reduction in stamp duty is desirable, and when any number of suits are instituted by one plaintiff against any number of defendants belonging to one village on the same date, the same process fee should be chargeable as is now required for any number of defendants in a single suit.

25. As regards service of summons, the provisions made in the Bill are facilitating, but as to the speedier and cheaper method of recovering arrears, I have already suggested about the latter in paragraph 25, and have to say that to press upon the local officer for speedier disposal of suits is the only means for attaining the former object.

26. The provisions of the section 164 should be omitted from the Bill, as otherwise much difficulty will occur and inconvenience be caused.

27. The provisions made in the Bill about the procedure (XIV) are in general sufficient.

28. Right of occupancy should be transferable.

29. The section 78 (*b*) should be omitted from the Bill, otherwise many tenants with an object to harass his landlord will deposit rent on the pretext that he believes that the latter won't take rent and give a receipt.

30. I am unaware as to the existence of any practice which prevails in my jurisdiction of exempting, under any circumstances, the *bastu* land from sale, when the occupancy right in the arable portion of the holding is put for sale in execution of a decree.

31. I am unaware as to the existence of any custom which in any way recognizes some right in a ryot to his holding, although he has not held it for 12 years, but acquired a statutory right of occupancy.

32. In conclusion, I beg to state that the provisions made in section 32 of giving the right of pre-emption to the landlord is not in my humble opinion unjust, but where there is a shareholder of the tenant, the right of pre-emption ought to be given to him.

No. 116, dated, Serajgunge, the 3rd August, 1884.

From—BABOO KAILAS CHANDRA MAJUMDAR, Munsiff of Serajgunge,

To—The Secretary to the Government of Bengal, Revenue Department.

With reference to the Government circular No. 9T—R, dated the 5th June last, calling on me to submit my opinion on the revised Bengal Tenancy Bill, I have the honor to submit as follows:—

CHAPTER II.

Paragraph 4 of the letter from the Government of Bengal to the Commissioners of Divisions.

(*a*) The definition of ryot in section 5 (3) may cover all classes of ryots—those holding under unregistered lakhirajdars as well as under the holders of revenue-paying lands, if the word "tenure" includes all interests in land whether rent-paying or lakhraj (other than estates as defined in chapter I).

This is the form in which the word "tenure" has been defined in Act VII (B.C.) of 1868. To remove difficulties I think that a definition of the word "tenure" should, if possible, be given in the Bill. The description of "tenureholders" given in the Bill does not appear to be clear on the point.

In the case of Nilmony Sing Deo *versus* Chandra Kant Banerjea, I. L. R. 2, Cal., 125 Justice Glover says: "It may be that the defendant has cultivated or does cultivate some part of his holding, but this would not deprive him of his position as the holder of an intermediate tenure."

In the full Full Bench case Shyam Chand Kundu *versus* Brojo Nath Paul Chouduri, 12 B. L. R., 484, "tenure" has been described "to be not the right or interest of any person in the land, but the holding or the interest which has been created by the lease."

In the case of Kristendra Nath Ray *versus* Aena Bewa, I. L. R. 8, Cal., 675, it has been held that the word "under tenure" "is not confined to a tenure intermediate between the zemindar and the ryot, but includes any tenure which, by title deeds or the custom of the country, is transferable by sale."

If the cultivation of some part of the holding by the tenant himself does not affect the position of the holder of an intermediate tenure, I think that the definition of the word "tenure" as given in Act VII (B. C.) of 1868, with certain changes, may cover the classes of tenure-holders, who are the creatures of the present Bill.

I venture to define "tenure" in the following way:—

The word "tenure" includes all interests in land, whether rent-paping or lakhiraj (other than estates as defined in chapter I), which are intermediate between the proprietor and the ryot, and which by title deeds or by the custom of the country are transferable, whether some part of the holding is cultivated by the tenant himself or not.

(*b*) Ryots who call themselves gantidars in the district of Jessore, and the jotedars of these districts with a holding of 50 or 60 bighas, do claim the privileges of a middleman and act as middlemen generally do, although under the existing law they do not possess any right superior to the right of occupancy. These ryots are generally rent receivers, and taking the status of these ryots as my guide, I think that the presumption in section 5 (5) is a fair presumption.

(*c*) To protect the sub-lessees of ryots, sub-letting should be discouraged. The scheme of conversion may discourage sub-letting, but the practicability of the scheme is, I think, doubtful. As provided for in the Bill the status of the converted tenure-holders, with regard to the important question of enhancement, remains, even after the conversion, the same as before, and the converted tenure-holders are put to a worse position when, with their own conversion, their under-ryots are also converted into occupancy ryots.

The disadvantages to which these converted tenure-holders will think they will be put to, if the under-ryots are converted into occupancy ryots, will preponderate, and the advantages with regard to pre-emption and distraint will not be a sufficient inducement to them to see that their status is improved.

In districts where the registration of deeds is not even now resorted to, although the law is well understood by the people for a period of 20 years, if not from before, section 37 will have no effect if the registration is left optional with the ryots.

To make the provision workable, I think that the registration should be made compulsory, and that a penal clause should be attached to the section for its compliance.

CHAPTER III.

In the case of Rani Shurnamoyee *versus* Gouri Pershad Dass, 3 B. L. R., 271 (a suit for enhancement of rent payable by a talukdar), 6½ per cent. was, under the circumstances of the particular case, allowed to the talukdars for profits, but this was not considered to be enough to enable a man to live comfortably and to provide against bad seasons and bad tenants. Under the case laws a reasonable profit is to be allowed to the talukdars, but a profit less than 10 per cent. cannot be held to be reasonable.

From the facts of the case Mohini Mohan Roy *versus* Ichamoyee Dassi, I. L. R., 4, Cal. 612, it appears that there may be circumstances in any particular case under which the enhancement should be gradual. A provision to this effect therefore should find a place in the new law.

Difficulty, however, may rise as to from what date the period—10 years—mentioned in section 10 is to run, if the enhancement be gradual. The portion "during the 10 years next following the date on which it has been so enhanced" appears to be ambiguous. It is not clear whether the 10 years is to run from the year in which the increase of rent commences, or from the year in which the limit is reached.

It will, I think, be convenient if "customary rate or pergunnah rate" (pergunnah rate being more easily ascertainable) is substituted in the place of "customary rate" in section 7.

CHAPTER IV.

With reference to this chapter it is said that section 23 with the 20 years' presumption will tempt ryots to defraud the zemindars of their just rights. In practice, however, this is not found to be the case. In many parts of the country, particularly in the eastern districts, the practice of granting printed rent receipts has not yet become common. True, that in suits for enhancement this presumption is generally pleaded by the ryots, but the ryots seldom plead it successfully. Still there are few ryots who preserve their rent receipts with care, and there are few enhancement cases in which the zemindars have found difficulty in rebutting the presumption, or have failed to succeed simply on this ground. With collection papers, which the zemindars keep as a rule, they come prepared to meet the ryot's case, and it is the ryots who generally suffer. Even now the ryots are as ignorant and careless as they were before. The ryots therefore do stand in need of some protection, and it will operate hardly against them if the presumption is now removed from the Bill.

The currency of presumption is limited in the Bill, so that no good zemindar is likely to suffer if he takes care to have the tenancies registered in the way provided for in the law. To limit the presumption in any other way will be most disastrous to the ryots.

The zemindars are the most intelligent of the classes, and now that the presumption is already in force for more than 20 years, it is easier for the zemindars (who are possessed of better materials) to rebut the presumption than for the ryots to prove their right by proper legal evidence.

CHAPTER V.

According to sub-section (1) to section 25 a settled ryot acquires the right of occupancy in respect of all lands which he may hold in a village or estate, whether belonging to the same or different zemindars.

The right of occupancy has thus been made personal to the ryot, but this change in the law I think will press with some degree of severity upon the zemindars, and give undue advantage to the ryots.

A non-occupancy ryot by buying one piece of occupancy holding in the village or estate will thus become an occupancy ryot with respect to all his holdings; and if the village or estate belongs to several zemindars, which is not unusually the case, all occupancy ryots holding under one zemindar will, under the Bill, acquire the right with regard to all lands which they may acquire under other zemindars.

The sub-section may be modified in the following way without injury to the just rights of the ryots:—"A settled ryot of a village or villages shall have a right of occupancy in all lands in the village or *villages* which he may acquire under the same zemindar under whom he has an occupancy right."

The lands of an occupancy ryot do not generally extend over a pergunnah when the "estate," as defined in chapter I, is a pergunnah or the share of a pergunnah. To give him this right in the Bill will be giving him a right which he cannot reasonably expect to have. A word having a more limited signification should, I think, be substituted for the word "estate."

Sub-section (2) to section 26 is a new legal resumption in the Bill, but this resumption, I think, will operate hardly against ordinary unregistered lakhirajdars and small tenure-holders who do not keep regular account books of the collections they make, and also to new purchasers at auction sales.

In the practice we see that in the case of lakhirajdars and small tenure-holders who are females or minors they are put to the greatest disadvantage when the ryots try to defraud them of their just rights by setting up false defences. The presumption is very wide, but for the good of the ordinary tenure-holders I think that it should be placed under certain restrictions. The section may be modified without injury to the rights of ryots who have real rights of occupancy in lands if it is worded thus—"If in any proceeding under this Act it is proved or admitted that a person holds land as a ryot for a period above six years, it shall, &c."

To make the definition of settled ryot more clear, I think that the case law, I. L. R., 3, Cal. 560, to the effect that "a ryot occupying and cultivating land for more than 12 years under a landlord who has no title to the land, nevertheless acquires a right of occupancy," should be added to sub-section (3) to section 26.

In the case of Sreemutty Alladinee Dassi *versus* Sreenath Chunder Bose and another, 20, W. R., 258, it has been ruled that "a co-sharer in an estate who cultivates a portion belonging to himself and the other shareholders should *pro tanto* be considered their tenant." If a tenant, he may in course of time acquire a right of occupancy in the land he holds. Section 29 (1) provides that this ryot should have a right of occupancy, and I think that this is in accordance with the ruling cited above.

Section 28 applies to the case of landlords who are not part owners, but are the proprietor of the entire holding. The one therefore does conflict not with the other.

The second part of section 29 (2) is in accordance with the case law, 1, W.R., 76, which rules that "a ryot does not lose his right by subsequently taking the land in farm." But to make the first part of the sub-section clear I think that it should be made to accord with the case law, 25, W.R., 503, to the effect that, if before the farming lease the ryot did not acquire any right of occupancy, the ryoti interest must remain unchanged in character during the currency of the farming lease.

I think that the following should be added to section 29 (2) :—

A firm of capitalists cannot by any length of occupation acquire rights of occupancy in a village or estate, I. L. R., 4, Cal., 957.

To prevent unnecessary litigation, I think that section 31 (*a*) should be made a little more definite.

As to the question of transferability of the occupancy holding, I think that when such holdings are, as a matter of fact, daily sold and bought by cultivators in every district in Bengal, to facilitate the extension of this right is simply to embody into law what is a recognized custom in every district in Bengal.

The procedure laid down in the Bill is, however, elaborate, and I think that it will make transfer almost impossible. Under the Bill in every case of private transfer a ryot is to make the transfer through the court; but a ryot who lives at a distance and wishes to sell a bit of land on urgent emergency will not have time to go to court nor to wait for the time prescribed in the Bill.

Under the existing practice the ryots do sell and buy occupancy holdings whenever they wish, but no complaint on the ground that this sort of free transfer affects their interest has ever been made by the zemindars. On the contrary the zemindars do generally recognize these transferees as tenants on receipt of a certain sum as *nuzzur*.

If the recognized custom is embodied into law, free sale should be allowed, and the ryots should have an unrestricted right of sale. I think that free sale may be allowed, and at the same time right may be given to the zemindars to question the sale and to have the sale cancelled, if after the sale the zemindars find that the ryots have acted fraudulently or that the sale does affect their interest in any way. Without this any provision to restrict the right by giving the right of pre-emption to the zemindars before the sale, will, I think, make the scheme practically almost unworkable.

If the pre-emption sections are retained in the Bill, it will be difficult to apply them in practice, if, when the holding is held under several sharers, each of the sharers claim the right of pre-emption severally. When this is the case, how will their claims be decided? The Bill is entirely silent on the point.

If the section 42 remains as it is, the omission of section 56 of the former Bill will, I think, have a serious effect upon the prevailing rate.

The danger is real, and to meet it I think that one or the other of the two following must be provided for:—

(1) If the other provisions are left as they are, the maxima rates of rent payable by the occupancy and non-occupancy ryots are to be made equal, so that the landlord may not have the liberty to let the land which falls into his hands yearly to non-occupancy ryots at rates above the prevailing occupancy rate; or

(2) If the maxima rates are not made equal, provisions should be made to prevent a considerable quantitity of ryoti land falling yearly into the hands of landlords. This may be done if the pre-emption sections are withdrawn and the surrender and abandonment sections made more strict. But with respect to lands which must inevitably fall, it should, I think, be provided that the first ground of enhancement is not to include rates framed under section 42 (1).

The first one is, however, the easier of the two.

With regard to the question of enhancement out of court, I think that to prevent litigation the tenant may be let free to contract up to the maximum limit to which rent can be enhanced in a court, but as in practice it has been found that the tenants are not always free agents in entering into contracts with their landlords, some provision to check the contracts is I think necessary.

If officers who are to prepare the record of rights or officers more responsible than the present rural sub-registrars are vested with the powers of registering these contracts, I think that the contract may be properly checked, and the inconvenience apprehended may be removed. With a proper check on contracts, the provision as to enhancement out of court may work well.

Under the existing law the first ground of enhancement, as explained by the case laws, is almost unworkable in practice.

To make out this ground the facts to be proved are not only the prevailing rate, but that that rate is paid by ryots of the same class for similar lands and with similar advantages; but in very few cases the zemindars can satisfy the requirements of law by proper evidence. Cases are, however, rare in which the zemindars have really succeeded to prove this ground by the production of false evidence. Under the Bill as it stands there will be two classes of occupancy ryots, one holding at the old prevailing rates, and the other holding at rates framed under section 42 (1); so that under the Bill the prevailing rate may to a certain extent be definite and ascertainable, and this being so the abolition of the ground may tell unfairly on the zemindars.

The application of section 46 (6) will be most difficult if the portion— "the increase likely to be caused by the improvement"—is retained in the Bill. This is an uncertain fact which cannot be easily ascertained. If in any case the possibility is the only point to be taken into consideration in determining the amount of enhancement, it will be most unsafe to fix a certain amount simply on the ground of possibility. If this portion is taken away, the portion in rule (IV)—" the ability of the land to bear a higher rent"—which is equally vague and uncertain, is not necessary to be retained in the Bill. To make this ground of enhancement workable, I think that section 46 (6) should be made more certain, and that it should be provided that as a rule the landlords are not to have the benefit of this ground, unless and until some increase has actually been caused by the improvement.

The Bill mentions certain facts which the courts are to be take into consideration in determining the amount of enhancement on the ground of landlords' improvement, but what rule of proportion is to be followed in fixing the amount has not been provided for in the Bill.

The evidence to prove the possibility of increase and the ability of the soil to bear a higher rent will be most uncertain and vague, and on such evidence it will be very difficult for courts to come to a right conclusion.

To remove difficulties I think that a certain rule of proportion should be provided for in the Bill.

In determining the amount of enhancement on the ground of rise in prices the cost of production may be taken into calculation, although by the Full Bench decision in the great rent case no ryot is entitled to any deduction on this account.

The cost of production was taken into calculation in the case of Joment Mundul *versus* Shoorender Nath Roy, 25, W. R., 291, and I think that that this should be done when the cost rises in a greater ratio.

There being more demand at the head-quarters, the fluctuation of prices as head-quarters is not the true index. At these places the prices are invariably high. List of prices are, I think, to be made from the account books of the mofussil mohajuns.

Under the existing law the question of enhancement of rent of bastu lands arises only when the bastu forms an integral portion of the occupancy holding, or is held as a ryoti tenure by persons engaged in agriculture.

The law relating to homestead lands, as it now exists, is as follows:—

In the case of W. G. N. Pogose *versus* Raju Dhopee, 22, W.R., 511, it has been ruled that "where the tenure or bastu is a ryotwari tenure, these bastu lands do come within the operation of the Rent Law."

In 24, W.R., 153, it has been held that, when the principal subject of the entire occupation is bastu land the residue (if any) of the holding being merely subordinate, the Small Cause Court has jurisdiction.

"But when the principal subject of the entire occupation is agricultural land, the building or buildings being mere accessories thereto, the Small Cause Court will not have jurisdiction."

Under the case laws therefore bastu lands in order that they may come under the Rent Law must be accessories to the arable portion of the holding, or in other words, the origin of tenancy with regard to these lands must be for agricultural purposes.

It is when the bastu land lies in a village and forms part of an agricultural holding that it is liable to enhancement under the existing law (3, B.L.R., App. 133).

When the origin of the tenancy can be known the application of the law as it now exists is not very difficult (I.L.R., 8, Cal., 960.)

Difficulty arises when the origin of the tenancy cannot be known, and in course of time the bastu land lying in an agricultural village becomes the principal subject of the entire occupation and the arable portion accessory to be bastu.

In I.L R., 3, Cal., 696, it was laid down that when the tenant did not hold under an express agreement he would be treated as a tenant-at-will, and would be liable to be evicted upon a reasonable notice to quit.

This ruling made the law clear, but by this the ryots were left entirely at the mercy of their landlords. Numerous cases of eviction were instituted and real hardship did ensue after this ruling was passed..

Subsequenly the law was modified by the rulings 10, C.L.R., 25, and I. L. R., 8, Cal., 96 , and as the law now stands a ryot acquires a right of occupancy in the bastu land if it is shewn that the land was originally granted for agricultural purposes and a permanent tenure in it when the land is shewn to have been left for building purposes.

Cases, however, generally arise in which the purpose for which the land was originally granted cannot be ascertained, and for the protection of ryots holding such homesteads I think that there ought to be some provision in the present Bill.

If any local custom is to regulate the incidents of tenancy of these homesteads the existence of such a custom will be a matter of proof, but this the tenants will find it very difficult to prove by evidence. The tenants of these homesteads will thus be as unsafe as they are under the existing law.

Within my experience I have not seen that bastu land forming part of an occupancy holding is exempted from sale when the occupancy holding is sold in execution of a decree for rent. At these sales the entire holding is sold irrespective of the question as to whether any portion of the holding is arable or bastu. The holding cannot be sold by parts because no division of the holding can be made by the zemindars with the consent of the ryots.

At other sales the bastu may be sold separately, but as by recognizing the purchaser a

division of the holding is recognized, the zemindars do not generally recognize the purchaser as a tenant. If they do recognize, they recognize the purchaser as a joint tenant.

If by butwara or sale of the superior tenure the occupancy holding is divided, apportionment of rent is now made according to the principle laid down in the case law, I. L. R., 5, Cal., 902, and the holding which was originally one comes to be held as separate holdings according to the several parts into which the holding is divided by the butwara or sale, but without affecting the conditions under which the holding was originally held.

In these districts the bastu of a cultivator is generally held as accessory to the arable portion. It is not held as a distinct tenure, nor is it held on conditions separate from those which attach to the holding as a whole.

In case of females, minors, &c., it is generally the case that for want of means or of proper men to manage their properties, they, with the consent of the zemindars, surrender the arable portion of the holding to the zemindars and occupy the bastu as a separate tenure, but subject to the same conditions under which the occupancy holding was occupied by them before. In respect of bastu lands held in this state for a long time, the origin of tenancy cannot be easily ascertained, and the ryots holding such homesteads are under the existing law quite helpless.

If the surrender of the arable portion which the zemindars now ordinarily recognize is embodied into law it will be a boon both to the zemindars and ryots, and then the necessity for making some express provision for the homestead of ryots will be quite apparent.

Under the existing law land let for one purpose cannot be used for different purposes without the consent of zemindars, so that, if a ryot converts an agricultural holding into a bastu one, he is liable to ejectment under the existing law.

Unlike the present law, the Bill gives right to occupancy and non-occupancy ryots to erect suitable dwelling-houses, &c., on portions of the holding they occupy. To prevent interference of the zemindars with these sites of the ryot's house, and for the safety of the ryots therefore, some express provision with regard to the rights of ryots in bastu lands should be made in the Bill. To leave this to custom will be most unsafe to the ryots.

CHAPTER VI.

In these districts there is no local custom recognizing any right in the non-occupancy ryots. These ryots are now left entirely at the mercy of their landlords and are without any remedy if they happen to fall out with their landlords on any ground. The law that "where a tenant has not any gozastah right, or any right either of occupancy or of fixed rent, his tenancy may be determined at any time by reasonable notice to that effect" (21, W.R., 268) strictly applies to the non-occupancy ryots of these districts.

In the eastern districts estates are generally let out in ijara. New ijaradars or other leaseholders who have the rights to collect rents try the best means in their power to realize something over and above the legitimate rent payable by the ryots, and whenever the ryots do not accede to their call, they deal with the ryots in any way they like, serve them with notices to quit, and if any class of ryots is the most oppressed under the existing law, it is the non-occupancy ryots.

In many districts in Bengal, if an estate is let out in ijara or in patni the settlement is made at the most exorbitant terms. A certain big amount is paid as selamee, and the *hustabood, i.e.*, the total amount of collection made by the zemindar, is made the jama payable by the leaseholders. *Primâ facie* therefore the bargain is to the disadvantage of the lessees. A lease taken under such terms cannot be made profitable unless something over and above the actual rent is realized from the ryots. What can then be the object of the ijaradars or patnidar in taking leases on terms under which they are no better than mere collecting agents. The object is purely to profit at the expense of the ryots. The non-occupancy ryots are the persons then looked to as best suited to satisfy their object, and the result is that under the existing practise the non-occupancy ryots are dealt with by leaseholders at their discretion.

If the same freedom of contract is allowed in the present Bill, and at the same time the term of tenancy is limited, the position of these ryots will be worse than it is under the existing law.

To improve the status of the non-occupancy ryots, therefore, the power now allowed to the zemindars to deal with the non-occupancy ryots at their discretion must be checked, and a certain limit on rent, not above the occupancy rate, should be provided for in the present Bill.

CHAPTER VII.

Under-ryots are creatures of the present Bill. They have got a certain legal status, which they do not possess under the existing law.

I doubt, however, that section 38 of the present Bill will have the effect of discouraging sub-letting if the provisions of section 37 are not availed of by the occupancy ryots. To these it will be a gain if the leases are to remain valid for short terms only. Limitations on rents payable by under-ryots are therefore desirable.

Although the word tenant, as defined in chapter I, is wide enough to include a talukdar, but to prevent ambiguity I think that section 73, relating to deposit of rent, should be expressly extended to patni taluks, as under the existing law, the sections on deposit have been so extended by the case law, 22, W. R., 431.

In practice it is generally seen that when a certain sum is carried to the payment of back rents, which might remain due for more than one year, the receipts only shew in a lump sum the amount which has been credited as back rent without specifying the particular year or years for which the arrears have been so paid. To make things clear and to make the counterfoils of receipts the best evidence of the jama actually paid by the ryots in the previous years, I think that a clause to the effect that "if the arrears or back rents due be for more than one year, the year or years to the account of which the payment is credited should be distinctly shewn in the receipts," may be conveniently added to section 69 of the Bill.

Section 78 of the Bill is the same as section 52 of the present law. By the case laws, 12, B. L. R., 439, Privy Council and I. L. R. 9, Cal., 88, section 52 has been made applicable to cases where the right to cancel a lease arises under the provisions of the Act, as well as to cases where the right arises under agreement between the parties."

I think it will be convenient if section 78, paragraph 2, is made to apply to the cases of tenure-holders and holders of transferable holdings also.

CHAPTER IX.

To prevent a large quantity of ryoti land falling into the hands of landlords by the abandonment of holdings, and to remedy the malpractice which now exists, the provisions relating to abandonment should, I think, be made a little more strict, and the arbitrary power now exercised by landlords should be checked.

If when the right of re-entry accrues the landlords are made to go through certain preliminaries before they can enter on the holdings, I think that the danger apprehended may to a certain extent be removed.

In the case of surrender the tenant is required to give notice to the landlord through the court, and the land will be taken as surrendered after a certain time prescribed. So in the case of abandonment, the landlord before taking a certain piece of land as abandoned may be required to notify the fact of abandonment to the court, have a notice served on the tenant through the court, and then after a certain time to be fixed re-enter or settle the holding with others.

By this the exercise of arbitrary power on the part of landlords may be checked, and the number of cases of abandonment may be made far less than it is under the existing law.

CHAPTER XII

Under the existing law waste lands lying within a zemindari do come under the head of private lands of zemindars.

CHAPTER XIII.

The law of distraint is a powerful instrument of oppression in the hands of landlords. In practice it has been found that whenever the benefit of this law is availed of by landlords many an act of oppression and many a malpractice are carried on under the authority of this law.

The right of distraint, however, is exercised by landlords in exceptional cases only. This law therefore, although said to be the only sure and inexpensive process for the collection of rents is not availed of by the landlords ordinarily. If statistics are taken from the mofussil courts, it will appear that there are districts in which this method is not at all adopted by landlords for the speedy realization of rent. If in any district there be cases of distraint, the number will be found to be insignificant in comparison with the number of suits instituted for rent. Practically therefore this law has no application. The landlords can and do generally manage without it, and if so, I do not think that the landlords would lose any thing if this law is not retained in the Bill.

Attachment before judgment may serve the purpose, and if this process is adopted instead of distraint, it can protect landlords against any loss that they might apprehend at the hands of designing tenants.

The courts find great difficulty in applying this law in practice. In practice it has been found that in exceptional cases only, *i.e.*, at the time when the ryots turn refractory, that this procedure is adopted by landlords, and that not for the purpose of realizing rent, but for the purpose of ruining the ryots who turn refractory. Now the landlords know it well that as by this process the ryots are ruined and their crops go for nothing, they adopt this as a means of ruining the ryots, and not as a speedy means of realizing rent. The ryots are driven to the

necessity of bringing suits for damages, but they find it very difficult to prove the real facts by evidence.

This coercive measure, therefore, in whatever form it is framed, instead of being considered as a means for realization of rent, is known as a powerful engine of oppression and annoyance in the hands of landlords. If this law is at all retained in the Bill, to prevent it being abused, I think that some provision to safeguard it is necessary, and that it should be placed under certain restrictions. Without this the free exercise of the right is sure to increase litigation and put the helpless ryots into great hardship and inconvenience. Whatever be the procedure laid down it is sure to work evil, if the free exercise of the right is allowed to landlords. From my own personal experience I know that under cover of this law the landlords commit the most daring acts of oppression with impunity, and that the poor and helpless ryots do not get sufficient relief in court.

It is true that in the case "of an improvident peasantry a remedy against the crop is a more humane process than a remedy against the land," but it is true in theory only—not in practice. In practice this remedy has been found to be the most inhuman and oppressive, and no provision in the law can make it better if the relation which now exists between the land-owning classes and the ryots does not undergo any change.

Now the relations between the land-owning classes and the ryots are not of a cordial description, and in this state of things, in whatever form the law is framed, the measure is not to work well without producing some degree of hardship upon the poor ryots.

CHAPTER XIV.

Now, in practice, if a landlord institutes 20 separate suits for rent against 20 tenants residing in the same village, the suits, though instituted separately, are, by consent of the parties, tried together. The evidence taken in one case is by consent admitted as evidence in all, and one judgment governs them all.

If, therefore, the landlords are permitted to institute a collective suit against any number of tenants belonging to one village, it will only embody into law what in practice the courts now do by consent of the parties. Section 28 of the Procedure Code does in a manner support this sort of procedure, and if collective suits are allowed, they can most conveniently be tried in the same way as contribution suits are now tried under the Procedure Code.

With the plaint, the collection papers, particularly the counterfoils of receipts, are to be filed to prove the jama and the arrears due.

Even under the existing procedure the plea of non-service of summons is not very common. To make, however, the service more sure, I beg to suggest the following:—

The summons to be served in the same way as it is now done, with this modification that if the summons cannot be handed over direct to the tenant or his agent, the peon should, in addition to what he now does, bring the signatures of three substantial persons residing in the neighbourhood in attestation of the service having been made on the spot.

If the suit be a simple suit for rent fixed for final disposal, the procedure will be that the defendants will not be heard in defence unless they pay into court the amount (if any) which they consider to be due by them to the plaintiffs at the time of such payments.

In enhancement cases and in suits in which issues are to be framed, the procedure cannot be made shorter than that which now exists.

Written statements should, I think, be allowed in cases like these.

In such suits the defendants are not to pay into court any sum unless their liability is finally ascertained by the court in their presence.

After the suits are disposed of, the decrees will be drawn up in the same form as they are now drawn up in contribution suits.

The certificate procedure cannot be adopted, because in the case of ordinary landlords no liability can be properly ascertained without evidence being gone into in the presence of the tenants, but the case is otherwise when the estates are under the Court of Wards and managed by responsible officers of Government.

CHAPTER XIX.

Under section 222 of the Bill the co-owners of an estate or tenure are to act collectively or by common agent, but there is no provision in the Bill to meet the cases of co-sharers who under the existing law act separately. The effect of decrees obtained by co-sharers in cases in which they act separately is also not provided for in the Bill.

Suits against agents or the sureties of such agents, which now come within the operation of Rent Law, also find no place in the present Bill.

No. 84, dated Calcutta, the 12th September 1884.

From—BABOO PEARY MOHUN MOOKERJEE, Honorary Joint-Secretary, Central Committee of Landholders of Bengal and Behar,

To—The Secretary to the Government of Bengal, Revenue Department.

I have the honor to acknowledge, by direction of the Executive Committee of the Central Committee of Landholders of Bengal and Behar, the receipt of your letter No. 6T.-R. of 28th May last, and submit herewith in a separate cover notes and comments on the several sections of the revised Bengal Tenancy Bill for submission to His Honor the Lieutenant-Governor.

2. The notes have not yet been adopted by the Central Committee at a meeting, and it is probable that a few slight alterations and additions may be made before they are finally approved; but as His Honor the Lieutenant-Governor is about to close his report, the Executive Committee deem it expedient to submit them in their present form. They have every reason to believe they substantially set forth the opinions of the Central Committee on the provisions of the Bill, and indicate also the views expressed by landholders throughout the province at the numerous meetings held for the purpose of protesting against the provisions of the Bill.

3. In thus submitting before Government detailed criticisms on the Bill, the Committee desire to lay before His Honor their respectful but earnest protest against the general principles which underlie the proposed legislative measure. Into a discussion of those principles they deem it unnecessary to enter at present. They feel they would be treading upon trodden ground and indulging in repetitions if they were to undertake the task again, but justice to themselves and to the important public interests confided to their charge demands that they should place before Government their respectful protest against the enunciation of doctrines of landed rights which are wholly unknown in this country and which essentially militate against both the spirit and the letter of the great code which defines their rights and privileges. It is against the repeated interpretations of the same by the Legislature, by the highest courts of justice, and by some of the highest officers of Government.

4. There has been, the Committee very much regret to say, great delay in the submission of their views on the Bill. Your letter under acknowledgment was received by their late lamented Secretary and mislaid during his last illness, and it was discovered only after his death when search was made for his office papers. The Committee beg to tender their sincere apologies for the unfortunate circumstance.

NOTES ON THE REVISED BENGAL TENANCY BILL.

Section 3, Definition No. 5.—The definition of rent should be altered with a view to provide for cases in which the ryot is deprived of the use and occupation of the land by an act of dispossession committed by a third party—a circumstance which does not legally affect his liability to pay rent. Or it may be that a lease is taken, or an engagement of some kind is made, for the use of land, but afterwards circumstances, not due to any act or neglect of the lessor, might intervene to prevent the lessee from using or occupying the land, such as want of capital to build a hut or to cultivate the land, and in such cases the penalty should rest with the party who fails, and not with him who is deprived of the rightful use of his land by the failure of the defaulter.

Definition No 10.—"Transfer" should not include mortgage; otherwise a mortgagee without possession would have the right of getting his name registered in the zemindar's sherista.

Section 5 (1).—For reasons stated under section 37, the words commencing with "and the persons" should be omitted.

(2) The words "subject to section 37" should be omitted; and the title of successors of those who originally acquired land for the purpose of cultivating it to be themselves called ryots should be qualified by the condition of his holding the land for agricultural purposes. A person who has established a mart or a factory on his land, or who uses it for the purpose of brick-making, would, under this definition, be a ryot if his ancestor came into the possession of the land for the purposes of agriculture.

(4) *and* (5) These clauses would simply tend to create confusion as to the meaning of a "tenure-holder" and a "ryot." The definition of the terms given in clauses (1) and (2) is, subject to the observations made above, clear enough, and is consonant to the use of the terms in ordinary practice. It is essential that there should be a clear line of distinction between the two classes, and no inducement should be given to efface that distinction and to create complications by allowing evidence to be gone into of the existence of the alleged custom or of the area of land in a holding which has been sublet. A tenure is, and must necessarily be, a creation of the proprietor or of a superior tenure-holder; and as a ryoti holding is inferior to the interest of a tenure-holder, it would be an anomaly if a tenure could ever be created by an act of the ryot. These two clauses should therefore be omitted.

Section. 7 (1).—The word "prevailing" should be substituted for the word "customary" in this clause. The word used would not only be unjust to the zemindars but would also lead to vexatious enquiries, which may be easily avoided.

Section 7 (3).—The margin of profits proposed to be given to tenure-holders is very larger—much larger than what the courts have been accustomed to give them. Besides, an enquiry into the particulars mentioned in this clause will simply lead to increase of litigation and introduce considerations, as *e.g.* "risks of collection" which have been hitherto reckoned to be altogether foreign to the enquiry.

Section 9.—Provision for gradual enhancement of rent is altogether incompatible with the very nature of the case. When a landholder is declared entitled to get enhanced rent, he should get it without delay. It would be difficult to determine what considerations should influence the court on the ground of hardship to the tenure-holder. It was very properly remarked by Lord Bramwell that he could not see "what could be taken into account really under such a clause as that." This section should therefore be omitted.

Section 15 (3).—Nothing would be easier for a transferer or transferee of a tenure to allege refusal on the part of the landholder to register the transfer and thus to recover from him a heavy penalty. It is due to the landholder that no suit should lie for the recovery of the penalty until after a notice of application for registration has been served through court.

The Bill is altogether silent with reference to an important point connected with registration of transfers. The number of persons, male and female, owning shares in a tenure or holding is often very large. Should the landholder be bound to register the names of all who shall apply to him for registration? It should be remembered that in suits for arrears of rent he would be bound to sue all persons whose names are on his record, and that a rule for registration of names without any limit of number would indefinitely prolong the trial of rent suits, and increase the costs of litigation.

Section 20 (1).—The decree mentioned in this clause is evidently a decree for arrears of rent due in respect of a tenure, and not any decree for money; the language should be made clear and unequivocal.

Section 20 (3).—As provided in section 15 (3) a corresponding provision for recovery by the landholder of penalty from the transferee for neglecting to register the transfer or succession should be made.

Section 23 (a).—The proposal to give ryots holding at fixed rents or rates of rent the privilege mentioned in (*a*) and (*b*) is fraught with incalculable confusion and mischief. If it were provided that the privileges in question would attach to all ryoti holdings, which are by virtue of registered contracts protected from enhancement or which have been declared so by judicial decision, the matter would have been different; but as it is, who is to judge whether a ryoti holding is or is not held at a fixed rent or fixed rate of rent? In 999 suits for enhancement of rent out of every 1,000 the ryots claim their holdings to be protected under section 4 of the Rent Law. No occupancy ryot would be so unmindful of his own interest as to admit his holding without any sort of struggle to be not protected from enhancement by giving his landlord a right of pre-emption when he wishes to transfer his holding. The effect of the provision under notice would therefore be that, with the exception of that inconsiderable number of holdings which have been judicially declared to be not protected from enhancement, all other holdings will be capable of being freely transferred in spite of the landholder. The landholder will have no pre-emption in such cases. He may of course contest by a suit the validity of such transfers, but to what an alarming position would he be drifted if he were called upon without a moment's notice to prove scores, perhaps hundreds, of holdings to be not protected from enhancement? He will not be allowed his own time to decide when he will sue a ryot for enhancement of rent. He must, without any notice, accept a stranger as his ryot, and also give up for ever his right to enhance the rent of a holding, or institute suits to establish his right to enhance with the inevitable prospect of a defeat.

Section 25.—The rights vested in what are called settled ryots are clear infringements of the rights of landholders and they are as such very objectionable. All the evil effects of these new provisions it is not possible to foresee at once. It is clear that one of the effects of the instantaneous growth of a right of occupancy in a settled ryot in regard to all land let to him would be (*see* section 96) to create great uncertainty of title in ryoti land, and therefore to increase litigation to an alarming extent.

Section 26.—This section gives settled ryots rights much larger than those proposed to be given by the original Bill. In joint Hindoo and Mahomedan families the number of co-sharers, male and female, in a ryoti holding is usually very large, and some of them may be living for years far away from their ancestral homes. The extension of this privilege of a settled ryot to each and every one of them would not only lead to great confusion and conflict of rights to the detriment of the ryots themselves, but it would also be a novel and very objectionable encroachment upon the rights of landholders. Again, clause 6 goes much further than the provision contained in section 96. In proposing that after a ryot has ceased to hold land in a village as a ryot he shall continue to be a settled ryot of a village, the clause involves a clear anomaly. A person cannot cease to be a ryot and be a

ryot at one and the same time. But section 96 does not allow the ryot to return to his holding in every case before the expiration of a year. Even if the ryot abandons his residence after the middle of a year and fails to cultivate, &c., the landlord would have a right to enter or let the holding to another. The following clause is still more objectionable: it would lead to results which it is easy to foresee. A ryot may sue to recover possession of land just before the expiry of the period of two years, and the final determination of a suit so instituted may take years, during which time a new ryot, if a settled ryot of the village, has acquired rights and perhaps spent money in making improvements. The proposal to raise a presumption of occupancy in favour of the ryot in every suit or proceeding involves a novel inroad upon the rights of landholders. Nothing is more easy for a ryot than to prove residence in a village or possession of a land for 12 years, not at a remote period, but immediately before suit, and yet the Bill proposes to raise an unjust presumption and to throw the burden of proving a negative on the landholder.

Section 27 (a).—The word "village" should be more accurately defined with reference to its fiscal constitution. It frequently happens that the geographical boundaries of a village contain the lands of a second and third village belonging to a different estate and owner, or separate and defined parts of a village belong to different estates and owners. The definition of the word here given would therefore give as against a proprietor a right of occupancy and that of a settled ryot to persons who had never before held land in the village or estate belonging to that proprietor. This would be an extension of the right which is neither sanctioned by the Secretary of State nor contemplated by the framers of the Bill. Many villages have so grown up as to have combined into one, bearing in such cases a compound of two or three names, and others may do so; some have grown up into towns of considerable size, whereas the principle on which the provision is justified is that the holdings are contained in the same village or part of a village as is owned by a single proprietor. Clause (b) of the section shows this clearly, but with a different object as objectionable as this.

Section 27 (b.)—Considering the purposes to which the word estate has been used in subsequent sections, the definition of the word here given is very objectionable. The arbitrary meaning opposed to the hitherto prevailing acceptation of the term and to its definition in section 3, attached to the word by this clause will lead to great confusion, while the inroad into proprietary rights which it involves is great. The effect of this section would be that a person who has never held any land under A, but who has held land for 12 years under B—perhaps an enemy of A—will be deemed a settled ryot of A's estate, if at any time subsequent to 1853 the two estates formed, or formed part of a parent estate. Some estates which formerly comprised lands in two or more districts have subsequently to 1853 been partitioned, but on that very ground this section would deem a ryot of a village in Burdwan a settled ryot of village in Hooghly, which is more than 60 miles apart, and which he has very likely never seen in his life. The danger of a theoritical rule conceived in utter ignorance of existing circumstances, could not have been better illustrated. What again would be the effect of the interpretation in question with reference to section 25? It would be simply this, that a person who has held land under a landholder for a few days would acquire a right of occupancy if he had held land for 12 years in a distant estate which once formed a part of the same estate as his. An examination of the nature and origin of estates would show how harmful the proposed definition would be. An estate of the Maharaja of Burdwan is composed of villages scattered in five or six districts. The Bill certainly distorts the views on this point of the Secretary of State, who evidently refers to partitions of estates in future when he remarks "it will be necessary in actual legislation to provide that this right is not forfeited by any sub-division of estates and alteration of village boundaries." The bearing of the law in regard to the sub-divided estates called sikmis or lots created by Government will be even more injurious. One great objection to this section, and the portion of the Bill which depends upon it, is that in reality it seeks to give rights to pyecast ryot at the expense of khodcast ryots.

Section 31 (a).—If a ryot establishes a mart on his land or sets up a *surkee* mill upon it, he will not lose his right to the land, because by such act he does not render the land "unfit for the purposes of the tenancy." This is opposed both to existing law and custom. A ryot should not have it in his power to use the land for other than the purposes for which it was let. Again a ryot may use the land in a manner which does not render it unfit for the purposes of the tenancy, but nevertheless, deteriorates the quality and value of the land. For obvious reasons such deterioration should not be allowed.

Section 31 (d).—In omitting to provide for ejectment for non-payment of rent the Bill takes away a remedy which landholders have not only all along enjoyed, but which is necessary for the recovery of their rents. It would be found on enquiry, if one were made, that in a very small number of cases indeed have the landholders availed themselves of this remedy, and that in a large majority of the cases in which decrees were obtained for ejectment, the lands have been re-let to defaulting ryots after some arrangement for the payment of the arrears have been come to. It is the existence of the remedy which serves as a check to habitual and wilful non-payment of rent, and its absence cannot but give rise to mischief.

Section 31 (f).—This section gives ryots a right of free sale of occupancy holdings. This would be as unjust to the zemindars as it would be ruinous to the ryots. It deprives the

landholder of his right of choosing his own ryots. It requires no great experience of mofussil life to see that the learned Chief Justice is quite right in considering this to be "far from a sentimental grievance." A provision which allows raiyats to thrust upon a landholder as his tenants persons who are his avowed enemies, or who are notorious bad characters, and who would therefore in all likelihood create disaffection and combination among his other raiyats, place obstacles in the collection of rent, commit breaches of the peace, and sow the seeds of discord among a peaceful community, affects most materially the proprietary rights of the landholders.

Nor are the evils apprehended or likely to arise from the working of the law to be confined to the landholder only. The raiyat is for certain to suffer from them even more grievously. Whereas now they have permanent tenures which they cannot be deprived of in any way, except by their own default in paying rent, and their sons and grandsons and successors without limit may inherit, and always remain owners of their ancestral fields, under the new law they will be liable to and practically will soon be reduced to day-labourers, and their fields will pass to middlemen, thus defeating the primary and professed object of Government, namely, to better the condition of the ryots. Our conviction in this respect is firm, formed as it is by our thorough personal experience of the country and the condition of the poorer classes. Nor is this belief unshared by the governing classes. Mr. Ilbert, when introducing the Bill, in adverting to the power of sub-letting, remarked:—"The powers of sub-letting which the Bill recognises may in time lead to a state of things in which the great bulk of the actual cultivators would be not occupancy raiyats but under-raiyats, with but little protection of the law" (page 291). The power of free sale will greatly hasten this consummation. Simple occupancy rights are held by persons who are in a majority of cases very poor, and who have no resources to fall back upon in seasons of agricultural distress. The result of such a rule would be that within a few years the holdings will change hands, a number of middlemen will come into possession of the greater part of the holdings of every village, while the original raiyats themselves, who are believed to be the objects of so much tender solicitude on the part of the Legislature, will be reduced to the condition of day-labourers, or of under-tenants paying rack-rents to their superior holders.

The learned Chief Justice has observed "that to give a poor population like the Bengal raiyats the means of selling or mortgaging their tenures at pleasure is a very certain means of making them improvident. I should have thought that the most effectual way of protecting such people, and preventing them from wasting their substances, would be to secure them a permanent interest in their property, by prohibiting the alienation of it in any shape or way." The truth of these observations have been painfully illustrated in a large number of cases. Whatever may be the custom in some of the eastern districts, the sale of raiyati holdings, even with the consent of the landlord, is very limited in the western districts. It is mostly those holdings in respect to which the right of sale is expressly reserved by a lease that are now and then sold in the western districts; but when the landholder neglects his own interests, or when the proprietor is an infant or a widow, or when by reason of long continued litigation among the different co-sharers of property the management is left entirely in the hands of the local agents, it is then that opportunity is taken by money-lenders, traders, and others to buy up raiyati holdings, not for the purposes of cultivation, but for letting the lands, in most cases to their vendors themselves, at a large profit. The purchasers become middlemen and the original raiyats become korfa or under-tenants with no rights at all, and are placed entirely at the mercy of their superior holders. In the Resolution of His Honour the Lieutenant-Governor on the administration of Sonthal Pergunnahs, dated 21st July 1884, and published in the Supplement to the *Calcutta Gazette* of 23rd July last, His Honour remarks—

"The attempts to restrict the transfer of tenancies by cultivators are stated, however, to have been fruitless. On this point the Deputy Commissioner observes that "the evil has attained such magnitude, and constitutes such a real danger, that nothing short of the extension of the prohibition against transfers prevailing in the Damin-i-Koh to all Sonthal land in the district will now cope with it." An interesting account of the origin of this practice is given by Mr. Oldham in paragraphs 34—44 of his report. Previous to 1878, sales of land by Sonthals, or by mere cultivators, except in one pergunnah of the Rajmehal sub-division, were unknown, the reason being apparently that in the Damin-i-Koh transfers were prohibited, while in other parts the cultivators were either mere tenants-at-will, or, if they had rights, could find no purchasers. In the year above mentioned, however, Mr. Boxwell, the then Deputy Commissioner, reported that sales of this kind were taking the place of borrowing. A report was called for; all the old officers who were consulted questioned the correctness of the statement, though admitting that the raiyat's credit had increased. On this ground interference was deprecated, but in 1881 and 1882 it became known that these sales had largely taken place, and that in many cases the Sonthals were working as labourers on lands on which they had formerly held rights. "All these changes," writes Mr. Oldham, "due to the suddenly enhanced credit, have occurred in the years since 1876, all distinguished not only by good harvest, but by prices most favourable to the producers. In the present season, when credit is wanted, there is none, and in my recent tour through Hendue and Passai, I was followed by crowds clamouring for the restoration of their lands, and complaining that they could get no advances. * * * Were the buyers fellow

tenants, or even proprietors intent on merging tenancies, there would be nothing to be said. But they are not. They are all either Bengali traders and money-lenders from Beerbhoom and Burdwan, or the far more dangerous class—Bhagat traders from Bhojpur. * * * It is impossible to describe their greed for land and their daring in pursuit of it." As a proof of the extent to which these sales have been effected, it is stated in tappa Hendue (about 450 square miles) 10 annas of the Southal lands have been sold, and in pergunnah Passai (about 300 square miles) 12 annas. How much is mortgaged has apparently not been ascertained. The statement of the Deputy Commissioner that in these transactions the purchasers are always Bengali traders or money-lenders from other districts is not borne out by the returns now before the Lieutenant-Governor from the Registration Department. These returns would seem to show that, though a considerable number of the sales have been made to mahajans and traders, in the great majority of cases the purchasers are ryots in the Sonthal Pergunnahs. The figures for 1883-84 are 691 sales to money-lenders and 1,932 to ryots. The purchases of holdings by the zemindars themselves are very few. But whatever the facts may be as to the persons who buy the ryot's tenures, Mr. Rivers Thompson is of opinion that it is of the utmost importance to the civil administration of the Sonthal Pergunnahs that the Sonthalis should retain possession of their lands. The growth of a large class of Sonthali labourers working for interlopers on lands once their own must be checked by every legitimate means as being dangerous to the peace of the country and of benefit only to a few individuals who are actuated in their dealings with the people by mere mercenary motives, and who consequently are the greatest obstacles to the prosperity of the country. The question is, however, one of much difficulty.

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The Lieutenant-Governor is therefore not prepared to issue a rule on the subject until the matter has been fully considered in connection with the larger question which has been raised as to the right of transfer of occupancy holdings under the Bengal Tenancy Bill now before the Legislative Council, upon which a final decision will shortly be made.

It is needless to add that small middlemen are worse than useless factors in Indian social economy, and that as a general rule the ryots of large zemindars are much better off than those under small middlemen. The evil would increase a hundred fold if a right of free sale were given to the ryot. If the present law were left untouched in this respect matters would adapt themselves to local conditions and circumstances. The custom which has grown up in some of the eastern districts has nothing pernicious in it. There the holdings are large, cultivation is mostly carried on by hired labour, and the transfer of the holding causes therefore no change for the worse in the condition of the tenant. The lesson given by the Deccan ryots should be a warning to the extension of the right of free sale to other places. "The saleable value of the land greatly increased the credit of the ryot, and encouraged beyond measure the national habit of borrowing, which I have before observed on." Secretary to the Government of India, to the Secretary to the Government of Bombay, dated 29th February 1879.

Section 31 (k).—A provision making right of occupancy heritable like other immovable property is objectionable on many grounds. It would lead to minute divisions and subdivisions of the right to an extent wholly undesirable on all economic grounds. It would create great confusion in matters relating to registration of names and place landholders in great difficulty in suits for recovery of rent by reason of the number of persons, who, as heirs under the Hindoo or Mahomedan law, may claim a share in the land. The provision on this point in the Rent Law of the N.-W. P., 1873, is much more reasonable. Section 9 provides that "no collateral relative of the deceased, who did not then share in the cultivation of his holding, shall be entitled to inherit under this section."

Sections 32-36.—The right of pre-emption proposed to be given to landholders on the sale of occupancy rights is as inappreciable as it would be ineffectual in palliating the wrong done to them by making the right transferable. The right of pre-emption would go for nothing if the ryot chooses to think—it would be preposterous to assume he would do otherwise—that this holding is protected from enhancement and one therefore which under section 23 is not subject to the landlord's right of pre-emption. If the landholder wishes to assert his right of pre-emption, he must go to court prepared to prove the holding liable to enhancement, or that it is a simple occupancy holding, and *that* within six months from the date of sale, gift or bequest. Nothing would be, however, more easy than for the ryot to defeat the landholder's right of pre-emption by keeping the transfer a secret from him for a period of six months, after the lapse of which the landlord would have no right or remedy whatever in respect of the transfer. The case would be much worse if the ryots combine against their landlord at the instigation of a neighbouring and on friendly landholder, and call upon him to exercise his right of pre-emption at once in respect to a large number of holdings. Few landholders in Bengal have the means of meeting such a call. With rare exceptions therefore they will be placed in such a case at the mercy of their ryots. In cases of sales in execution of decrees the Bill does not provide for any service of notice of intended sales upon the landlord, but he is expected to make himself cognizant of all such sales and to bid at the sales—a provision which shows further how worthless is the right of pre-emption proposed to be given to land-

holders. The Bill makes no provision whatever for cases in which one or two of several joint-owners claim jointly or in rivalry to exercise the right of pre-emption in opposition to the wishes of the rest.

Section 37.—The provision contained in this section involves in the first place an inroad upon the rights of landholders. A ryot will have it in his power to convert himself into a tenure-holder, and thus to evade the provisions as to distraint and the landholder's right of pre-emption. The proposals are in the crudest possible state. Great uncertainty will arise by reason of the extent of disability by disease or accident being left as a matter for determination by the court. It is, moreover, indefinite as to whether the converted tenure-holder will lose his right of occupancy as regards the portion of his lands which have not been sub-let, and what rights will accrue to his superior landlord with regard to that portion of the land. Again the dependence of the provision upon the future enactment of a law, of which the vaguest indication has been given in the Bill, will leave the section a dead letter for an indefinite period of time.

Section 41.—The restrictions placed by this section upon enhancement of rent are most arbitrary. In none of the Bills previously framed was the maximum limit reduced to less than double the existing rent, and in none did the minimum currency of the enhanced rent exceed ten years: but this section would limit the maximum enhancement to 25 per cent. of the existing rent and extend the minimum currency to fifteen years.

Section 42.—When any land comes to the khas possession of the landholder, it is usually let to some one of his ryots. It is in rare cases that a stranger comes to rent the land, or the landholder has the inclination to let it to one whose antecedents are unknown to him. For all practical purposes therefore the landholder's right to let will be materially restricted even in respect to land which we have been accustomed to regard as land over which he has absolute control. He would not be able to rent the land at a higher rent than what was previously paid for it, unless by a registered contract approved by the registering officer, who should see not merely that the contract rent is not more than what the law allows, but also to satisfy himself "that it is fair and equitable, and that the ryot in entering into it acts as a free agent." The climax of the evil is reached in cases in which the landholder lets out land which has come to his possession by virtue of the right of pre-emption. Payment of the highest price available for the land does not give him an iota of right in excess of that restricted right he would have in respect of land which has come to his possession by relinquishment, forfeiture or death.

Section 43.—The changes proposed to be made on the grounds on which a landlord may sue for enhancement of rent will make matters much worse than at present. The introduction of the words "staple food crops" will place additional difficulties in the way of the landholder, and make enhancement of rent dependent on what the Local Government or of the Board of Revenue may choose to call staple crops. Again, in proposing that the landlord shall not be entitled to increased rent on the ground of improvement of the productive powers of the land, except on proof that such improvement was effected by the landlord or by fluvial action, the Bill circumscribes the ground on which landholders have been hitherto considered entitled to claim enhancement of rent. There is no reason why the landholder should be deprived of the benefit of all improvements not effected by the agency or at the expense of the raiyats. It is a proposal which strikes at the root of their proprietary title.

Section 44.—The arbitrary limit which this section imposes on enhancement of rent is wholly uncalled for. If a ryoti rent is below the prevailing rate of rent, it should on all equitable grounds be raised to the limit of that rate. It is difficult to understand why under such circumstances the rent should not be enhanced to more than 8 annas in the rupee.

Sections 45 to 47.—The rules in restriction of enhancement of rent contained in these sections are new and wholly unwarranted. They will simply introduce greater complications than at present in investigations relating to enhancement of rent and make the trial of enhancement suits much more expensive both to the landholder and the ryot. The infringement of the rights of landholders which these sections involve are great, and in this respect the revised Bill does them much greater injustice than any of the previous Bills.

Section 49.—When a landholder gets a decree for enhancement of rent, it is on the ground that he is entitled to it by reason of the increase in the productive powers of the land, or of a rise in the value of produce as determined by an examination of the produce or prices of a number of preceding years. The decree is for what the ryot has been withholding from the zemindar. It is not the case of a poor debtor who is unable to meet the creditor's demand, unless the court allows him to pay the creditor by instalments. The provision for gradual enhancement is therefore unjust and uncalled for. Again, section 169 gives the court a discretion to fix the date from which a decree for enhancement shall take effect. The two provisions taken together will give the courts a power to render any decree of enhancement abortive. Progressive rents are necessary only with regard to waste and jungle lands, which cannot be cultivated all at once.

Section 53.—Payment of rent in kind is a method of payment which saves the ryot the trouble and expense of taking his produce to the market, and of contesting the zemindar's claim for enhancement of rent, while it saves the latter the trouble and expense of periodically asserting and proving his claim to enhanced rent. It is a self-regulating system which adjusts

itself to the variations in the price of produce, and one therefore which is best fitted to give to each of the interested parties his just rights without the interference of laws and courts, and is on that account eminently deserving of the support and fostering care of Government. To use the words of a Government settlement officer "it gives the landlord a fair profit in any improvement he may make; the rents are self-adjusting; the tenant is not driven into debt to meet a fixed demand: if he borrows he borrows from his landlord—a less exacting creditor than the village banker; a feeling of mutual inter-dependence and self-interest is created between landlord and tenant; the former is more than a mere rent-collector—his own prosperity depends on that of the cultivator."

The ultimate loss to the zemindars, if such commutation were allowed, would be in other respects very heavy. After the rent has been commuted into money-rent, the ryot need only relinquish the holding, and he or his neighbours would be able to compel the landholder to re-let the land at what the court will consider to be a fair and equitable rent. Payments in kind also secure to poor landholders their requisite supply of food-grain for consumption throughout the year, and it would be a source of great inconvenience and hardship to them if the ryot be allowed to change them into money-rent at his pleasure. It should, moreover, be recollected that it is in respect of lands, which are more than ordinarily subject to the risks of cultivation, and which the ryots do not venture to take at a fixed annual money-rent, that rent is paid in kind. Our legislators should think twice before they recommend a change which may ultimately injure those most for whose benefit they now wish it. It should also be borne in mind that in the two districts of Behar where bhowly rent obtains to a large extent, the cultivation of land is carried on on the co-operative system. Both in Patna and Gya the cultivation of land mainly depends on the landholder. It is with his money that embankments must be raised and maintained, and it is with his money that *pynes* or water-courses must be cut and kept clear before the land can be cultivated. The ryots are altogether powerless to execute and maintain these works, and any measure which would throw the entire responsibility of cultivation on them would be their ruin.

Sections 55-61.—In the face of the great anxiety expressed by the Secretary of State that the principle which allows no right of occupancy to accrue except by possession for twelve years should not be abandoned, and his emphatic declaration that he attached great importance to it, this chapter proposes to give ryots who have admittedly no right of occupancy as good a right of occupancy as that created by Act X of 1859, if not one much more damaging to the landholder. The rent of such a ryot cannot be raised at the will and pleasure of the landholder; he cannot be ejected, except for breach of a condition of a written contract; his rent cannot be enhanced without a notice having been previously served upon him and a decree having been obtained against him; and the measure of enhancement must be determined by court. These are rights much greater than what an occupancy ryot enjoys at present. The whole of this chapter trenches most injuriously on the rights of landholders.

Sections 62 and 63.—These rules relating to under-ryots are altogether new. It is not difficult to foresee that the operation of these rules will bring on great confusion regarding the rights of under-ryots of different grades.

Section 64 (2).—This rule of presumption has placed the zemindars at a great disadvantage, and they have complained of it most bitterly. Sir Richard Garth truly observes that "this section has undoubtedly operated very unjustly against the landholders;" and further on: "But in the case of rent it might well be that for 20 years no ground of enhancing it had ever occurred; or from the fact of the landlord being a minor, or female, or over-lenient with his tenants, any opportunity for enhancement might not have been taken advantage of, and in such cases it would be hard to presume against the landlord that because the rent had not been enhanced for 20 years, it has been fixed from the time of the Permanent Settlement." The experience of the last 24 years has shewn that in 95 per cent. of suits for enhancement of rent, landlords were unable to rebut the presumption thus raised, and how could they? Those who have come into possession of estates and taluks by purchases at sales for arrears of revenue, or rent, or in execution of decrees, did not get a scrap of paper belonging to the former proprietors, while those who purchased at private sales were in no better plight, considering the great difficulty of preserving from white-ants and other causes of destruction, massive collections of papers of a period more than 30 or 40 years old. It is impossible therefore for landholders to adduce evidence, except in rare cases, to rebut the presumption, and it was this consideration which induced Mr. Reynolds to suggest an amendment to the effect that no such presumption should be raised unless the ryot succeeded in proving uniform payment from 1839, *i.e.*, 20 years before the date of the passing of Act X of 1859, which for the first time enacted the rule. The observations made by Mr. Reynolds in support of the change are unexceptionable. "Allowing all due weight to the arguments of the Commission, it is to be remembered," he said, "that the presumption was first introduced by Act X of 1859, and that it was then necessary for the tenant to prove a uniform rate from 1839. It is now only necessary to prove such uniform payment from 1861. As there is reason to think that rent receipts have been much more regularly given and much more carefully preserved during the last 20 years than during the 20 years which preceded them, it seems to follow that the lapse of time has made it more and more easy to raise the presumption, and more and more difficult to rebut it. Nor can it be denied that auction purchasers labour under a special grievance in this matter. If it be said that they may be expected to regulate their bids accordingly, it may be replied that it is

not for the public interest that estates should sell below their value on the ground that the circumstances of the sale facilitate the advancement of fraudulent claims by the tenant." It behoves the Legislature to enquire how very easy it is for ryots with the aid and connivance of former talukdars and their gomastas to produce rent receipts shewing uniform payment for 20 years. The injustice of the rule of presumption is clear from the fact that Government with all its prestige and resources wish to keep clear of it in respect of temporarily-settled estates. The exception which section 20 of the Bill makes with reference to such estates proves beyond all manner of doubt the necessity of a change of the law for the behoof of the landholders. The remarks made by Mr. Reynolds on this head are conclusive. He says: "The exception in the case of tenures in an estate not permanently settled is stigmatized by Baboo Joykissen Mookerjee as an invidious distinction which shews the injustice perpetrated on the holders of permanently-settled estates. A little consideration will shew that the exception is perfectly reasonable."

Section 64 (3).—The money value of rent in kind varies in different years with the price of agricultural produce. Payments in kind cannot therefore be reckoned as uniform payments of rent. The effect of this section would therefore be to extend the rule of presumption to cases where there has admittedly been no uniform payment of rent. This would be most objectionable. It would in that case be in the power of every ryot to prevent enhancement of rent on the ground of a rise in the value of produce which payments in kind secure to the landholder.

Section 67.—Such a variety of objections have lately been taken in the trial of rent suits as to the instalments by which rent is payable, and so many capricious decisions have been passed on the subject, that some simple rule on the subject has become very desirable; instead of that, however, the Bill would make matters worse. In the case of tenure-holders the Bill would give free scope in the first instance to the terms of any agreement between the parties, then to custom, and lastly to such rules as may be framed on the subject by the Government. In the case of a large majority of the ryots, *viz.*, the occupancy ryots, the Bill provides that the number of instalments should on no account exceed four. It is a fact borne out by the Regulations that Government revenue was formerly collected in monthly instalments subject to a penalty of 25 per cent. for default. By the custom of the country the rents of ryots are even now collected by monthly instalments, and all the leases evidencing creation of tenures, putni and other, contain stipulations for monthly payments. A reduction of the number of kists would therefore be unjust to the zemindars and tenure-holders. Mr. Reynolds' Bill effected a compromise in the matter which was acceptable to all. He proposed in his Bill to fix only four instalments, the date of each of which was timed just one month before the dates on which the four instalments of Government revenue are payable. A definite rule like this would be much simpler and more conducive to peace and harmony than a procedure which is sure to cause useless trouble and expense to suitors.

Section 68.—The proviso to this section is new, and it proposes a mode of payment of rent which is wholly unjustifiable. A postal money-order does not state anything beyond the amount and the names of the sender and payee. How is the landlord to ascertain for what year the rent is paid, whether it includes the cesses and interest, and for which holding the rent is paid, supposing the sender to have more than one holding in his possession?

Section 69.—This section ignores a long-established practice. It offers a direct incentive to arrears accumulating, so that after the lapse of the statutory period of three years the ryot may wash himself clean of all liability to arrears. On the other hand it compels the landholder to resort to the civil court for every default, without shewing any consideration to his tenant. In fact it is a premium on hardheartedness and discount on mercy. A zemindar should unquestionably have the right of crediting payments of rent to the account of arrears, if there be any, and the ryot should have no right to demand that it should be credited to a particular year and instalment if the rent of previous years be in arrears. The rule in question, being opposed to the established practice, should be omitted.

Section 70.—In providing for receipts for rent by the landlord, the Bill evidently means receipts by his authorised agents. It would be well, however, if the meaning be made clear. The amount of rent and the amount of arrears would be shewn in the annual account. Why, then, require them to be repeated every time the rent would be paid? It should be also borne in mind that in the case of *utbandi* and some other tenures the annual rent payable on account of a land is not determined till at the close of the year, when the land is measured and the crop on it valued. If the introduction of any change be at all desirable, the Legislature should see whether the *kat-chita* system may not be introduced for the purpose of evidencing payments of rents. It has several considerations to recommend it. But whatever the form of the receipt that might be adopted, it is necessary in the interests of both the parties that the counterfoil of each receipt should be signed by the ryot.

Sections 73-76.—A ryot is at present allowed to deposit rent in court on his verified statement to the effect that the landholder's agent has refused to receive the amount tendered to him, and that the amount is all that is due by the ryot up to the date of deposit. Nothing can be more reasonable than this provision. The Bill, however, proposes changes in the matter of deposit of rent which are unjust to the landholders and quite uncalled for by the circumstances of the case. It proposes to allow deposits of rent to be made if the ryot has

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reason to believe (without an actual tender) that his rent would not be accepted; or if he is unable to obtain a joint receipt from all the co-sharers of a property, or if he entertains a *bonâ fide* doubt as to who is entitled to receive the rent. The Bill would therefore make the ryot the judge of his landlord's title and of his inmost intentions. It would give the ryot power to convert the office of the Collector or such other officer as may be appointed in this behalf into his landlord's kutchery, and to compel his landlord to bring an expensive suit to establish his title against any person of the street whom the ryot may choose to think has a rival title in the property. The proposition is so opposed to all recognised principles of law, and so dangerous in its effects, that in providing for interpleader suits by stake-holders the Code of Civil Procedure has expressly excluded (section 474) tenants from the category of persons who, as stake-holders, may compel rival claimants to interplead in a suit in court. The immediate effect of this would be to empower the officer to assume the functions of a civil court and adjudicate in an informal but quite effective manner regarding rights to one's property on the issue of a few rupees, and put the actual possessor out of possession on the alleged right of third parties. The Bill, moreover, would give a ryot much greater rights than what the Procedure Code gives to any other stake-holder. It would save the ryot from the expenses of a suit, but allow him to compel his landlord to plunge into an expensive and in most cases fruitless litigation. Provisions like these are calculated simply to breed ill-feeling, create animosity, harass both the interested parties, and give rise to endless litigation.

The provision for the service of notice on landholders is anything but satisfactory. In most cases no personal notice would be served, and the landholder, however poor he may be,—and the great bulk of them are poor,—is expected to have an agent always present at all the revenue offices of the district to inform himself of the fact of deposit by any ryot from the notification required to be affixed at the revenue office. The provision for payment of the amount deposited is equally objectionable. The revenue officer may pay the amount to any person he thinks entitled to get it, and then the party aggrieved may recover the amount by a regular suit. In matters like these in which the rights of parties are not involved, and in which legislation may go a great way to foster good feeling between the parties, a provision which will unnecessarily set class against class is wholly unwarrantable. The present law relating to deposit of rent is about as good as a law can be. If a time be fixed within which notice of deposit should be served on the landholder, and if a provision be made for the transmission of the money by a postal money-order to the landholder, all the improvement that it needs will have been made. The party depositing should be made responsible for due service of notice to the party or parties who are believed to be entitled to the money.

Section 79.—The introduction of evidence of usage for determining rates of interest on arrears of rent would prove simply harassing to the parties, and the proposal that interest shall not run until after the expiration of a year is anything but just. The present law on the subject is equitable, and should be retained.

Section 85.—Both Sir G. Campbell and Major Baring classed some so-called impositions under the head of abwabs or illegal cesses which are no abwabs at all. The salamies, for instance, which a landholder gets from a ryot for making excavations and taking earth for making bricks, for hewing trees, for excavating fish-ponds, &c., are not impositions in any sense of the term, but consideration money for special privileges which he is entitled to exact on every equitable ground. These acts of the ryot deteriorate the letting value of the land, and are therefore such as landlords are lawfully entitled to receive compensation for. Such salami or compensation landholders have in several cases recovered by suits in court. Indeed, the words *abwab* and *mathut* used in the section would not have covered them at all but from the fact of some such payments being made annually or at recurring periods, or so long as the special advantages are enjoyed, and because the concluding part of the section declares all additions to the actual rent to be illegal, and the next section imposes a heavy penalty. It cannot and should not be the intention of Government to prohibit special charges for special benefits; and it is necessary therefore that the term abwab should be clearly defined, and exceptions should be expressly made with regard to such compensatory charges. In several places the imposition of abwabs has taken the place and superseded the necessity of enhancement of rent. It is in fact a moral adjustment of rent in consequence of the increased value of produce, and is in that light not so objectionable as it is supposed to be. In many cases it is only a rate added to rent at so much per rupee, and distinguished from the previous rent by a special designation. It is unquestionable that ryots agree to pay these cesses much more readily than enhanced rent. The cry against them arose at a time when it was necessary for fiscal purposes to ascertain the actual collections of the landholders, and is simply meaningless at the present moment. Nay, the prejudice against these moderate increments to rent prevent their being consolidated into *neat* sums which would be so much the more convenient to discuss about in courts of justice. The only other remark which need be made with reference to this subject is that our legislators are evidently ignorant of the fact that what is called the mathut is a village fund raised by ryots for their own behoof, and not a fund raised by the landholder for his own benefit. The fund is made up of small contributions from all the ryots of a village, and is spent under the direction of the Punchayet or Committee of Mundles of the village in Churruck or other poojahs, in paying annual perquisites to the police, in village festivities, &c.

Sections 87-94.—The power which these sections give to ryots not having a right of occupancy of building houses and out-offices on the land without the permission of their landlords,

of compelling their landlords to make improvements, and of making the improvements themselves on default of their landlords, is inconsistent with the very notion of a tenancy. The provisions for the award of compensation for improvements made by ryots are altogether foreign to this country. Improvements are rarely made by ryots. Nothing is more true than what fell from His Excellency the Viceroy on this subject in the course of the debate on the Central Provinces Tenancy Bill. All these provisions should therefore be omitted. These sections provide for the award of compensation to ryots for improvements made by them. In most cases the amount of outlay would be more than repaid by the advantages which the ryots would enjoy by reason of such improvements, and it would in such cases be unreasonable to give them any compensation for exhausted improvements. The limitation prescribed in this respect by the Rent Commission was an equitable one. They suggested that no compensation should be awarded after a certain number of years from the making of the improvement.

Section 96.—This section provides that a ryot must cease to hold land for the full period of one year before his title to the land expires. In the meantime the land will remain fallow, and the landholder will have no security whatever for his rent. Very often pyecast ryots who wish to relinquish their holdings simply absent themselves during the cultivating season, and such absence is reckoned as an act of relinquishment without a regular petition to that effect. It would not be at all unreasonable if it were held that a ryot's title would cease by his absenting himself from the village up to the end of the cultivating season without making any provision for the payment of the rent payable by him. By the Central Provinces Act an absence of 30 days operates to extinguish the ryot's title.

Section 100.—This section provides for cases in which a ryot occupying a land refuses to attend the measurement and point out the boundaries, but the Bill takes no notice whatever of the important class of cases provided for by the present law, in which the landholder, usually a new purchaser, is unable to ascertain the names of the ryots or persons who are in possession of particular holdings in his estate. In such cases a landholder is placed in a situation which entitles him to as much help from a public officer as in any other. It is a situation which purchasers of estates and tenures at auction sales are frequently placed in. The Bill should provide for such cases as well as impose penalties for determined attempts on the part of the ryots to thwart the Collector's attempt at a measurement of the land, as provided for by section 10 of Act VI of 1862 B.C.

Sections 102-109.—A provision which gives the owner of a minute fractional share in a property or a single ryot the right of applying to the District Judge for taking it out of the hands of the proprietors thereof and placing it in charge of a joint-manager would be productive of very great mischief. Such an interference with the rights of private property can be justified only on the ground of public good, which certainly does not mean that if certain tenants of a locality who happen to be opposed to their landlord in questions of private property, and it is only in exceptional cases, as when mismanagement of the zemindar interfered with the well-being of third parties, that is, parties other than landlord or tenant, that a District Judge should be empowered to appoint such a manager, but a provision empowering him to do it whenever a dozen ryots choose to allege that such a course would lead to public convenience, or the owner of $\frac{1}{16}$th share represents that it would conduce to his benefit, would be a most unwarrantable and officious piece of legislative interference with private property. The most objectionable feature of the law is the power it virtually gives to the Judge to adjudicate questions concerning possession in an indirect manner and without due precaution. The proviso attached to the section is intended to serve as a safeguard, but as in all disputes of the kind the real contention will be about possession, either the law must fail, or the Judge must take up the question of possession in an indirect manner. Much of the objectionable character of this provision would be removed if it were provided that no joint-manager should be appointed, unless the owners of more than half the share of the property apply for the same. While upon this subject it may be mentioned that interference of this kind on the part of Government has not been wholesome in the N.-W. Provinces. There the Government makes the coparceners to elect a hereditary lumbardar, and it is now found that the heirs of this common manager having become numerous, the old state of disorder has revived. In Bengal the separation of shares and partition of estates which prevail will on consideration be found to be the natural and best solution of the difficulty.

Section 110.—For obvious reasons no record of rights should be undertaken in any tract of country on the application of landholders and ryots. The first ground laid down in subsection 2 (*a*) of this section should therefore be omitted. If it were allowed to stand, it would be in the power of the ryots of any village to ruin their landlord by compelling him to meet all at once their claims to fixity of tenures and fixity of rents and such other rights as they might choose to claim.

Sections 123-134.—The first attempt made since 1793 to regulate enhancement of rent by the enactment of definite rules has failed, and it requires no great foresight to see that the elaborate rules laid down in the Bill for the preparation of tables of rates would make matters much worse. It is anything but reasonable to expect public officers wholly ignorant of the conditions of the people, of the nature of the soil, of the different kinds of crops, and of the agricultural capabilities of a village would ever succeed in fixing proper rates of rent for different classes of land. They must err on one side or the other. Did not our judicial officers make confusion worse confounded by decreeing (before they ceased to decree any

rates at all) a variety of rates for the same class of land in a village? The most feasible way of meeting the difficulty appears to be the legal recognition of the indigenous system of the country. Let the preparation of a table of rates for each village be entrusted to a punchayet consisting of a number of mandals on one side and the zemindar's gomashta of the village on the other, and some provision made for cases of difference of opinion. A table or jamabundee so prepared would be more satisfactory to the parties concerned than any table prepared by a public officer, and all the trouble, expense, and loss of time to the detriment of cultivation which it involves would be avoided.

A provision for the payment by zemindars and raiyats of the costs of preparation of a table of rates, including the salaries and portions of salaries of officers employed in the work, is under the circumstances unjust and unwarrantable. A suitor paying high institution and other fees is entitled to have his suit tried and decided, otherwise the salaries of Judges and Moonsiffs may with equal justice be made payable by him in addition to what he pays by way of institution and process fees. The payment of the cost of preparation of tables of rates would not relieve suitors of the costs of suit. After they have paid for the preparation of tables of rates, they would have to pay the costs of suit all the same. Again, after a table of rates has been prepared at an enormous cost, what use will it come to? In the adjudication of suits for enhancement of rent the court is required by section 134 not to rely solely on the table, but to adjudge the rate of enhancement on a variety of considerations. The condition of the land, the changes made in it, the persons by whom the changes were made, and the proportion of cost incurred by each contending party in making the change would have to be enquired into, and latitude should also be given to custom and contract to vary the rates mentioned in the table. The great difficulty which officers would experience in preparing correct tables of rates, the enormous expenditure which the work would entail, the double costs which the procedure would throw on landholders and ryots, and the little practical use the table will come to in suits for enhancement of rent are all considerations against the feasibility of this illjudged measure.

Sections 139-158.—Distraint of crops for the realisation of rents is an indigenous institution of the remotest antiquity. It enables the landholder to collect his rents by the agency of his permanent establishment, without adding in the list to his own expenses, or saddling any cost on the ryot. It prevents the ryots on the other hand from cheating their landlords of their just rents, and in so far acts as a check to fraud and improvidence. If in some cases the power has been abused, the fact is so easy to prove, and the penalties for offences committed in connection with it are so heavy that the law might be left safely to vindicate itself. In Bengal at least, cases of abuse of the power of distraint have been very exceptional. It was the majority of the members of the Rent Commission who, labouring under an error, assumed the institution to be an offset of the English law, and suggested a radical modification of it on purely theoretical grounds. The framers of the present Bill have improved upon the alterations in the law suggested by the Rent Commission, and drafted, under the head of distraint, a number of provisions which not only bear no resemblance to the institution of distraint, and amounts practically to a total abolition of the law of distraint, but actually deprives the landholder of even some of the rights which an ordinary creditor enjoys under the law of the land. Distraint has always been understood to be an act of a landlord as distinguished from attachment, which must be act of a constituted authority. But the Bill provides that if a landholder wishes the crops of a ryot to be distrained for recovery of his rent, he must make an application to court for the purpose; that such an application must contain all the particulars required for plaints, if not more; that it should be signed and verified like a plaint; that the amount of arrears should be proved as in suit for arrears of rent; that the court may then either admit or reject the application; and that, if admitted, an officer of the court would be deputed to distrain the crops. Where, in the first place, is the necessity of laying down all these elaborate provisions when it is open to the landholder to have, like any other plaintiff, the crops of a defaulting ryot attached before judgment under section 483 of the Code of Civil Procedure immediately after bringing a suit for recovery of rent? What facility would the Tenancy Act give the landholder over the ordinary procedure of civil courts when he would have to pay the court fee, adduce evidence, and pay the expenses of attachment all the same? What inducement would there be to the landlord to apply for such an attachment in regard to a poor ryot paying a small rent when the cost of suits and attachment are likely to eat up the whole value of the crops? What would the officer of court attach after all costs have been incurred if the ryot has removed or sold the crops in the meantime, and of what benefit would these provisions be to any ryot who would be thus unnecessarily saddled with a large amount of costs? Consistently with the other provisions under this head the Bill provides for heavy penalties and punishments for certain acts in connection with attachment of crops. But why should any penalties be at all imposed beyond what the ordinary law provides for attachments made by order of the court, by an officer of the court, and after proof to the satisfaction of the court of the justice of the claim?

The primary object of an amendment of the rent law, according to the repeated promise of the Bengal Government, was to provide facilities to landholders for the realisation of rent, and the section under notice deprives them of one important facility they now possess, without supplying them with any substitute whatever.

Section 168.—As regards rent suits, it is a great mistake to suppose that suits for small amounts are of no moment. They form the largest number of suits in the courts, and they are often suits of great importance. In suits in which the amount of rent annually payable by a ryot is in dispute, the High Court has held that no appeal lies at that court, inasmuch as no question of title is involved, though the point adjudicated effects matters which in reality give rise to a contantly recurring cause of action. In such cases an appeal should be allowed in the interests of both parties, and the proposal to make the decision of the first court final in suits of the kind for sums not exceeding Rs. 50 should be abandoned.

Section 169.—This section gives the court a discretion to fix the date from which a decree for enhancement of rent should take effect. The Bill provides for so many and so diverse limitations in the way of enhancement of rent that it would be a matter of great difficulty to a landholder to get enhanced rent. Why unnecessarily increase the difficulty by giving the court an arbitrary discretion which will place an additional obstacle in his way? Were it the policy of Government to prohibit enhancement, the various provisions in question would practically carry it into effect without such policy being openly declared; but as we believe such is not the case, we consider the difficulties thrown in the way of enhancement are, as they would practically make it not worth the while to seek it by reason of the trouble, annoyance, and heavy cost, unsound on economic grounds and unfair towards the landholders, who have the right of protection in common with all other classes of the community.

Section 176.—This section is very objectionable. It is an encroachment on the rights of auction purchasers at sales for arrears of rent which they have all along enjoyed. The effect of item (*e*) would be to deprive the purchaser of the right of avoiding a mookururee or other permanent lease created by the defaulting tenant. Such a provision is opposed to the fundamental principles which regulate sales for arrears of rent, *viz.*, that they restore the tenure to the condition in which it was at the time of creation, and give it to the purchasers free of all encumbrances created by the out-going tenant. Section 66, Act VIII of 1869, provides for the sale of tenures free of all such encumbrances. The proposition is also one which would give rise to fraud and litigation, inasmuch as every defaulting tenant will try to make the best of their incumbency by creating mookururee leases in favour of relatives and dependents.

Section 180.—The provision for the sale of tenures for arrears of rent subject to registered incumbrances in the first place and then if necessary free of such incumbrances would simply increase the costs of litigation which will ultimately fall on the ryot, deter intending purchasers from bidding at sales, lead to inadequate prices being offered for the tenures, and thus cause material injury at every step both to the landholders and the ryot. The sale should always be, as at present, free from all incumbrances.

Section 210.—The provisions against freedom of contract in respect to the accrual and to the incidents of the right of occupancy is indefensible on all grounds, rational and economical. The ryot is a free agent in all other concerns of life. He may sublet his lands at any rent, however small, he may borrow money at a ruinous rate of interest, he may relinquish, mortgage, or sell whenever he pleases, and convert himself into a day-labourer, but he must not consent to forget the acquisition of right of occupancy even in regard to land which he requires for temporary purposes, or to pay enhanced rent to his landlord at a rate which he has not the least disinclination to pay. The ryots are unquestionably a much more intelligent class of men than day-labourers, but although the latter are free to contract away their liberties for service in an unknown land for years, the freedom of the former must be restricted in the opinion of our legislators, in matters in which they are the best judges of their own interests. The result of such a restriction would be that landholders would not come to terms with ryots who will fail to compensate by payment of *salamy*, or otherwise his loss in rent, and let out the land to those who would be able to do so. The poorer portion of the ryots would thus be turned into labourers. It is freedom of contract alone which can rescue them from serfdom. The argument drawn from section 58 of Regulation VIII of 1593 in support of the proposed restriction is at best fallacious. That section required the form only of the potta to be submitted for approval once for all, and let the adjustment of the conditions, terms and details to the parties concerned. Section 56 of that Regulation clearly shows that no sort of restriction whatever was intended to be placed in the way of the contracting parties.

The objections to the restrictions to freedom of contract apply with double force to contract relating to rent which the contracting parties with an eye to their own interests will enter into. Whenever a ryot agrees to pay a certain amount of rent for a plot or plots of land he does so after taking into consideration the situation and capabilities of the land and the profits it or they well fetch him. He is the best judge of his own interests in the matter; he has his remedy in all cases in which the least coercion has been used, and yet this section restricts his rights as a free agent and makes the registering officer the guardian of his interests. But will any amount of legislative precaution prevent the parties from entering into any contract for rent they might agree upon? The futility of such attempts was made abundantly clear by the experience of the usuary laws. The result of such a law would be that honest zemindars would suffer, while those whose exorbitant demands for rent it is intended to limit would be able to carry every thing in their own way.

Sections 194-206, 13, 14, schedule.—The attempt to incorporate in the proposed Act the law relating to putni tenures should be abandoned. These sections should therefore be omitted. The present law on the subject is a masterpiece of legislative wisdom. It has stood the test of experience for more than 60 years, and has always been found to be a complete and satisfactory law on the subject.

Section 226.—The proposal to exempt khas mehals and wards' estates from the operation of the proposed law is anything but reasonable. It is but only fair that the rights of all tenure-holders and ryots should be regulated by one code of laws. Nothing would create a greater confidence in the minds of the people in the justness of an Act defining the rights and obligations of landlords and tenants than the fact that it applies equally to Government as landlord and to private landlords. There is no difference in the position and character of the subordinate agency employed by Government and by private landlords in the collection of rent and management of estates, and yet the State has secured to itself a special and summary procedure for the recovery of rent. In the matter of rights and obligations relating to land, however, the people have a right to expect that there should not be one law for private landlords and another for the strongest and most irresponsible of landholders—the State.

NOTES ON THE REVISED TENANCY BILL, 1884, BY THE EAST BENGAL LANDHOLDERS' ASSOCIATION.

CHAPTER I.

PRELIMINARY.

Section 3, sub-section 1.—The definition of "estate" does not include such revenue-free or lakhiraj lands as are not entered in the general registers of the collectorate. This may not appear to be defective *per se*. But it excludes unregistered lakhirajdars from being "proprietors" (sub-section 2). Then if sub-section 3 of section 5 be taken into consideration with the above definitions, it will be apparent that an unregistered lakhirajdar cannot have a *ryot* as his tenant, nor can a tenant have the rights and privileges of a "ryot," even if he holds lands for the purpose of cultivation, when his immediate landlord is an unregistered lakhirajdar. As an unregistered lakhirajdar is not a proprietor, and as he need not be a tenure-holder, the difficulty arises as to whether a tenant holding land under such a lakhirajdar can have the rights and privileges of ryots, even though he be holding the lands for the purpose of cultivation. It is submitted that the proviso contained in sub-section 3 of section 5, taken in conjunction with the above mentioned definitions of "estate" and "proprietor" will preclude such tenants from enjoying the rights and privileges of ryots.

There is a further objection to the definition of "estate" on similar grounds. It does not include such khas mehals as belong to Government and which are not entered in the Collector's general register as revenue-paying lands.

The proviso to this section again expressly excludes also such Government lands as are entered in the general register of the Collector and thereby curtails the definition of estate as given in clause *c* of sub-section 2 of section 3 of the Land Registration Act, VII of 1876, (B.C.).

The effect of this would be that Government will not be deemed a "proprietor" in respect of such lands, and the tenants holding lands for cultivation under Government will be excluded from the right of acquiring and enjoying the privileges of ryots by reason of the above mentioned provision in sub-section 3 of section 5.

The definition of "proprietor" is defective in other ways also. The word "owing" used in the above definition if meant "to be the owner of" in the common and ordinary acceptation of the word, then it is very doubtful whether the definition in question would include trustees and persons having a life-interest only in the property, as well as *mutwallees* of *wakf* properties, *shebaits* of *debutter* estates, and managers of charitable or religious endowments, and such other persons as proprietors.

The definition of proprietor as given in the Bill prepared by the Rent Commission had the word "owner;" and the use of the word "owning" in its place is certainly no improvement. If the word "proprietor" has been used in the present Bill in the like sense as "owner" has been defined in the English Public Health Act of 1875, to which reference was made by the Hon'ble Mr. Ilbert when he introduced the Bill of 1883 in Council, and which says "owner means the person for the time being receiving the rack-rent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at rack-rent," then it is submitted that in order to avoid future doubts the definition of proprietor should be made as clear as is the like one in the English Act. On the other hand, the definition in the Rent Commission's Bill clearly included in the category of proprietors not only a person who was a sharer in an estate but also a person who had "*an interest*" in an estate. Under the present definition it is doubtful whether a single individual out of a number of persons who jointly own an estate would be treated as a proprietor even separately.

Again, a person who as owner holds some specific lands in an estate or in any other way possesses an interest in the estate would have been recognised a proprietor under the said old definition. But it is very doubtful whether such a person may be reckoned as such under the present wording of this definition.

Sub-section 7.—The words "one set of conditions" in this sub-section are indefinite, and may raise difficult questions as to whether various parcels of lands constitute one holding or not though let out at different times.

CHAPTER II.

CLASSES OF TENANTS.

Section 4.—In the classification of tenants it appears that tenants holding lands other than arable lands have been purposely excluded. Yet the provision contained in sub-section 5 of section 5 supposes the existence of such tenants, and gives them certain rights and liabilities.

Again, clause *b* of sub-section 4 makes ryots at fixed rent or at a fixed rate of rent a distinct class of tenants. This is against the recognised *ideas* of the country in the matter of classification of tenants. These numerous distinctions and classifications will only complicate the system of the law without any adequate advantage being gained by any side.

Although the definition of tenure-holders as given in the present Bill is an improvement on what is to be found in the preceding one, yet it is not at all precise. The sub-section 4 of section 5 which tries to distinguish a tenure-holder from a ryot instead of removing rather creates difficulties on that head.

The word "primarily" used in the definition of tenure-holders, although put in to cover cases other than those expressly included by the definition, will ultimately raise many difficult questions and make the definition altogether indefinite.

If the definitions of tenure-holder and ryot as given in the present Bill be admittedly faulty they should be set right instead of leaving the matter to be discussed and fought out in every case with *different* results.

If it be difficult for the Legislature to give a better and more precise definition of the two classes of tenants, it would be more difficult for the courts to apply properly such definitions in contested cases.

For reasons stated in these notes with reference to the definitions of estate and proprietor, sub-section 3 of section 5 should be expunged. The retention of this provision will be very injurious to the interests of ryots.

The presumption *provided* by sub-section 5 of section 5 is most objectionable irrespective of the question as to whether such a class of tenants as is mentioned in this sub-section should or should not be classed as a tenure-holder. The provision for such a presumption will be a fruitful source of litigation between the landlords and tenants. It will do nobody any good, but will on the contrary create more indefiniteness in the status of the tenants. It will further create many anomalies. Some tenants holding more than 100 bighas of land will remain ryots. Some having the same quantity of land will be promoted to the position of tenure-holders on account of having sublet a part of their holdings, while others having the same quantity of land may remain tenants even after having sublet the whole of their holding as the presumption is of a rebuttable nature.

How the presumption may be rebutted it is not easy to determine.

The principles enunciated in sub-section 4 of section 5 for distinguishing a tenant from a tenure-holder will not be of much use. Evidence as to the nature of the right of tenancy as originally acquired will generally be very meagre. Enquiry on this head will generally be unsatisfactory from the nature of things.

This sub-section is objectionable also on other grounds. It indirectly gives authority not only to non-occupancy ryots to sublet their lands, but even to tenants who are not ryots to do the same. Although the present Bill does not intend to give rights of occupancy to tenants holding only pasture and such other lands, yet there is just a chance left for such a tenant to convert himself into a tenure-holder, and thus secure a position above an occupancy ryot if he can obtain a holding of more than 100 bighas and then sublet the whole or a part of this holding.

The creation of a new class of tenure-holders from out of tenants holding more than 100 bighas will be productive of great mischief. It will bring in a state of things wholly unknown in the country and without any advantage being secured to the zemindar: it will encroach upon his rights and privileges.

In short, the presumption is not at all a fair one. It gives an undue advantage even to ryots who have no rights of occupancy and to other tenants who have so long been recognized as tenants-at-will.

Section 11 of the Rent Commissioners' Bill had embodied a most objectionable provision, by which a new class of tenure-holders were created for the country, and though that provision was left out in the Bill of 1883, yet the present Bill again indirectly reproduced it only in a modified though not in a less objectionable form.

CHAPTER III.

ENHANCEMENT OF RENT.

Sections 6 to 22. Tenure-holders.—There is a class of tenure-holders to be found in some parts of East Bengal whose tenures are of a peculiar nature. From time to time various permanently-settled estates were put to sale for arrears of revenue and purchased by Government. When the Government took possession of these estates it found that there were some tenure-holders in the mehal whose tenures did not date so far back as the permanent settlement, but had been created subsequent to that date. In some cases Government collected the rents of the mehal under khas management for some time, and then having made surveys and assessments let out the lands to the tenure-holders for a definite term at a jumma far above their original rent. The jumma put upon these tenures was generally based upon the gross assets, making an allowance of Rs. 10 per cent. as collection charges and Rs. 10 per cent. as malikana to the tenure-holders. In other cases the tenure-holders were never dispossessed, but settlement was made with them on the above principle after survey and assessment. These settlements were renewed from time to time, though not at rents adjusted at the time of the first settlement. Subsequently these khas mehals were sold by Government at public auction and were purchased by persons other than the tenure-holders. These purchasers evicted or tried to evict the aforesaid tenure-holders. The litigation that followed these acts or attempts has generally been decided in favour of the tenure-holder. The High Court has generally held that these tenure-holders have by the abovementioned indulgence of the Government got a status in the mehal, and that though they could have been altogether ousted by the Government as auction purchaser at a revenue sale, yet, they having been retained in possession or subsequently put into possession of their tenures at an enhanced rent, their tenures have not been avoided altogether, but that they have permanent tenures with variable rents. When the Government made settlement with these tenure-holders it did not make any contract as to the principle on which their rents were to be assessed in future; it simply made arrangements for a definite term which were to come to an end after the determination of the prescribed period. There have also been cases in which no allowance was made to tenure-holders expressly by the name of *malikana*. In both these classes of cases difficult questions often arise as to the rate of rent payable by them to the subsequent purchasers of the mehal, and as to the rate to which their rents are liable to enhancement. Formerly section 8 of Regulation V of 1812, now repealed, which provided the allowance of 10 per cent. as profit to such tenure-holders together with a reasonable allowance for collection charges covered the cases of such tenure-holders. The existing law has no definite provision bearing on such cases. At the present time the courts generally decree enhancement to the full extent allowing the tenure-holders collection charges at the rate allowed by Government as also the extra allowance received either as malikana or by any other name.

It is submitted that the present Bill does not make any definite provision to cover such cases, but leaves the law in the same indefinite state that it has been in since the repeal of the above-mentioned Regulation V of 1812. When distinct provision is intended to be made in the present Bill to cover all possible cases of enhancement in respect of all classes of tenures, it is submitted that clear provisions like those in Regulation V of 1812 should be enacted so as to cover all conceivable cases. It is very doubtful whether section 7 of the present Bill will properly and adequately meet such an object. The word customary used in section 7 will be a fruitful source of great dificulty to the landlord. The same difficulties that have to be met with and surmounted in proving a custom will stare the landlord in the face when a customary rate will have to be proved.

Sub-section 3 of section 7—Should fix a maximum limit of profit that may be allowed to tenure-holders. The maximum limit of profit at 30 per cent. under sub-section 3 of section 21 of the Bill of 1883 was rather hard on the landlord. Clause *c* of sub-section 3 of section 7, which requires the courts to regard the "risks of collection" to be incurred by the tenure-holders, adds only an item of indefiniteness with regard to the adjustment of their rents. Such vague expressions are productive of no good, but of contentions most difficult to be satisfactorily dealt with. When the landlords cannot expect to claim any indulgence with respect to the stringent provisions of the sunset law, even when the source of their income is stopped either by flood or famine, or by drought or agrarian disturbance, when no considerations are made by Government towards them on the ground of "risk of collection," although admittedly no facilities have yet been given to the landlords to collect their rents, why then should such considerations be shewn to mere middlemen who are neither *bonâ fide* cultivators nor proprietors of land.

Sub-section 4 is not based on fair principle. "Fair and equitable rent" in such a case is an indefinite expression. In the cases contemplated by this sub-section, the rent to be calculated should be the rent payable by ordinary or at most occupancy ryots to a tenure-holder for similar lands with similar advantages in the vicinity. Sections 8, 9, and 10, which limit enhancement to double the amount of the rent previously paid, vesting the court with a discretion to allow a period of five years for the full fruition, by yearly instalments to be settled by the court, of an enhancement decree, and further imposes a period of ten years as the shortest interval between any two consecutive suits for enhancement, are very objectionable as general propositions meant to govern all cases and all classes of tenure-holders. Why these

middlemen tenants should have these indulgences is not very clear. These restrictions on enhancement, even if they can be defended with some show of reason and fairness in the case of occupancy ryots, can hardly be defended when applied to the cases of tenure-holders. The tenure-holders as a rule collect the rent from their tenants and make a profit out of these collections. Nobody grudges to allow them to have that profit, but why should they be allowed to retain by way of right an extra sum, simply because the landlord did not keep their rent always running in the highest level attainable. Why should the landlord suffer because he allowed the tenure-holder to hold over for some time at a vey low rate of rent? There is no hardship in the case of these tenure-holders at all, if they are asked to pay up the landlords' just share after full allowance is made for their share of the profit. Why then should there be a gradual increase in their case? As these provisions restricting the limit of enhancement of tenure-holder's rent have been embodied in the sections relating to the enhancement of the rent of occupancy ryots, with these differences only that the latter restrictions are more stringent, it is submitted that the remarks that will be made under those sections against the general principle of these limitations may be taken into consideration in deciding the justness or otherwise of the restrictions imposed by these sections on the enhancement of rent of the tenure-holders. At least an exception should be provided to sections 8, 9, and 10 in the case of such tenure-holders as have been mentioned above, and also in the case of those that hold their tenures under a contract which allows them only a prescribed percentage on the gross collections. In the case of such tenure-holders it would be most unjust to curtail the right of the landlord to the full assessment simply because he has been very indulgent and neglected to trouble the tenure-holders every now and then by insisting rigorously on his strict legal rights. No such exception is asked to be made in favour of persons whom the Bill will directly convert into tenure-holders or who just stand a chance of an elevation to that class under the gradual operation of the Bill when passed into law.

There is nothing objectionable in section 11 when applied to these tenures, which are recognized at the present day as permanent and transferable. But if the Legislature means to classify tenants who hold more than 100 bighas of any kind of land for any purpose, and who have been subletting the whole or a part of those lands as tenure-holders and promote other classes of tenants to these grades, it is submitted that then the provision contained in this section relating to the general power of sale, gift, and mortgage given to all permanent tenure-holders is most objectionable.

Again, tenures which are only heritable, but not transferable, are rare in the country. There are also very old tenures which, by the conditions of the contract creating them, are not transferable. Even these tenures are made transferable by one sweeping provision contained in this section 11, and the condition of non-transferability which was embodied in the contract, say, even 20 years before this Bill was made, is swept away and made illegal by section 12.

The unfairness of these provisions is apparent. If the landlord knew that he would not be able to make such a contract to protect himself, very likely he would not have created such a tenure at all. To make such conditions in a pre-existent contract null and void, and to take the landlords by surprise and to cut off the reversion of the tenure to the landlord on failure of heirs, by allowing the last owner to transfer the tenure against the implied or even the express conditions of contract creating it, can hardly be said to be just. It is not unknown that when at the time of the creation of a tenure heritability only is given or a restriction is imposed on its transferability, the landlord forsakes a part of the bonus which he would otherwise be entitled to in full. Under such circumstances to secure to the middleman a right for which he did not pay, and which the landlord would not have yielded even for a consideration, must be said to be subversive of his proprietary right.

The phrase "a condition *consistent* with the provisions of this Act" used in section 12 will be productive of misapprehension and dispute. The Bill does not and cannot give an outline of the principles which may guide the court to determine what conditions are *consistent* with its provisions. It is doubtful whether such conditions as are not forbidden by the Bill can be said to be *consistent* with its provisions.

Again, the wording of the section is such that the onus of shewing that the particular condition solemnly agreed upon by the tenant is consistent with the provisions of the Bill appears to be very unfairly thrown upon the landlord. The just and fair principle is that where an admitted condition is sought to be nullified as being illegal the party who wants to get over such condition on such plea should substantiate it.

As to the consistency or otherwise of a condition with the provisions of the Bill, take the following instance:—A Hindu landlord creates a tenure in favour of a Mahomedan tenant, and it is provided that no cow should be killed or allowed to be killed on the land, and that in case of a breach of this condition the tenure-holder will be liable to ejectment. What is to be said of such a condition? Is it consistent with the provisions of the Bill?

With reference to the above it would be proper to consider the effect of clause *a* of section 31 and clause *b* of section 58. Both these clauses allow the tenant to use the land as he pleases, provided he does not by any of his acts render it unfit for the purposes of the tenancy. Now, slaughtering cows can never be said to render the land

unfit for tenancy; rather on the contrary it may be argued that the blood and bones of the animal, acting as manure on the soil, would improve the land, and render it the more fitted for cultivation. But such an act would not only be most repugnant to the feelings of a Hindu landlord, but would, according to the tenets of his religion, make him liable to expiation. And yet such a condition may not be deemed to be *consistent* with the provisions of the Bill.

To curtail the freedom of contracts and the means of enforcing them by such vague expressions, leaving the parties to grope in the dark, is any thing but fair. The general principles of the law of contract and the valuable rights and privileges of the landlord should not be hedged and fettered in the anxiety to protect the interests of the tenants.

The above remarks apply with greater force in the case of ryots, and therefore it is submitted that the phrase above alluded to, which has been used in section 12 as well as in clause *b* of section 23, clause ii of section 31, and clause *b* of section 58, may be so modified as to make a condition void only when the same is expressly forbidden by the provisions of the Bill.

While on the subject of private contracts, it is proper to state here once for all that the present Bill has in many places embodied provisions which, giving retrospective effect to its stringent clauses, sets at naught legal and fair contracts of long standing. This is not only unjust and unfair in general, but is in the present case fraught with positive mischief, in that the application of new provisions with a retrospective effect to the old state of things would deprive the landlord of his vested legal rights and privileges without substituting any adequate return for their loss.

REGISTRATION OF TRANSFER OF TENURES.

Sections 15 to 22.—Although there seems to be no substantive provisions for the registration of the transfer of shares of tenures in the above sections, yet section 21 assumes the registration of the transfer of shares, and thereby indirectly authorises their registration. But at the same time there is no saving clause as is found in Act VIII of 1869, under which the zemindar is not bound to recognise any division of the rent of a tenure. This omission is likely to create difficulties and raise vexed questions. On the other hand, section 18 may be said to provide indirectly that when a transfer even of a share is registered the landlord will have to look to the transferee only for the due payment of the rent of that share. It is very likely that the present Bill means only to compel the landlord to recognise the transfer of the entire tenure as far as the rent question is concerned. But without the abovementioned saving clause there remains room for a doubt. And in these matters the room for a doubt is always objectionable. While on the subject of the registration of transfer of tenures, it may not be out of place to make some observation on the definition of the word transfer. The word "transfer" in the present Bill is defined to *include* sale, mortgage, and gift. But transfer as defined in the Transfer of Property Act has a wider meaning: it includes under that Act also leases. The present definition is therefore ambiguous. It does not limit the meaning to sale, mortgage, and gift only, and therefore may be said not to exclude leases. It would be better to do away altogether with the word transfer from the Bill, or to define it so that it may only mean sale—voluntary or by court and gift. If it be allowed to include also mortgage, then the use of the word in the sections relating to registration of tenures would not only compel the landlord to register even simple mortgages of tenures, but may also create other difficulties.

CHAPTER IV.

This chapter is very objectionable. It creates a new class of tenure-holders never recognised or even known in the country. Failure on the part of the landlord to rebut the presumption raised in favour of the ryot under sub-section 2 of section 64, will elevate an occupancy ryot into a tenure-holder, and thus secure to him certain distinct rights and privileges not enjoyed by other occupancy ryots. This elevation will go on from time to time to the detriment of the interests of the landlord. What is the principle on which this promotion is based, and what are the advantages to be gained by the inauguration of this system and classification it is not easy to determine. On the contrary, the ryot at a fixed rent or rate of rent will be a peculiar class of tenant He will be a tenure-holder with respect to the transfer of and succession to the tenure, but remain a ryot in all other respects, such as the realisation of his rent. His holding or tenure will not be liable to summary sale, and his crops will be liable to distraint. The landlord will not be entitled to claim a right of pre-emption in the case of transfer of his tenure. Nor will the provision contained in section 35 relating to gifts apply to his tenure. Thus the status of this class of tenants will be a *bundle* of inconsistencies, and create unnecessary complications and invidious distinctions between two classes of occupancy ryots, which it would be hard for the ryots themselves for whose benefit all these pains are being taken to understand.

Section 23, clause b.—This clause gives an undue advantage to ryots at a fixed rent or rate of rent. It has been stated that they are merely a class of occupancy ryots. Why then should they not also be liable to ejectment for reasons mentioned in clause *i* of section 31. If these ryots are allowed to render the lands they hold unfit for the purposes of the tenancy without any penalty for doing so it would not only encourage them to do so to the detriment

of the landlord's interest in the land, but will also tempt all other ryots who have done such acts to set up false claims of holding at fixed rent. The exemption of this class of ryots from suffering the consequences of their unlawful and mischievous acts cannot be defended on any ground whatsoever.

CHAPTER V.

OCCUPANCY RYOTS.

General.

Sections 24 to 31.—The provisions relating to the "settled ryots" are most objectionable. They make very many novel encroachments on the rights of the landlord. It has often been said by high authorities that Act X of 1859 by creating a class of tenants under the name of occupancy ryots had invaded the then recognised rights of the landlord. Yet compared with these provisions it can safely be said that the injury done by Act X of 1859 is indeed very small.

(1) Under Act X of 1859 the payment of rent was a condition inseparable from the acquisition and maintenance of the right of occupancy. The present provisions ignore altogether the necessity of such a condition.

(2) Act X of 1859 gave right only to the specific land which had been held or cultivated by the ryot for a period of 12 years continuously. The "settled ryot" of the present Bill is required only to have held some land or other in a particular village or estate for a period of 12 years, and then he is endowed with a peculiar attribute on account of which he is capable of creating a right of occupancy in his favour in every piece of land that he may get hold of, either of the same village or of the same estate.

(3) Section 7 of Act X of 1859 saved the terms of written contract against the acquisition of a right of occupancy. But section 210 of the present Bill by one sweeping clause (clause *a*) nullifies all such contracts, *i.e.*, makes all conditions against the acquisition of a right of occupancy void *ab initio*.

(4) Under Act X of 1859 it was the ryot who had to prove that he had acquired a right of occupancy. The present Bill, on the contrary, creates a presumption in favour of the ryot which it will be for the landlord to rebut, or in other words it will be for the landlord to prove in every case in which any ryot may choose to set up the plea of an occupancy right that the ryot has *not* been holding the land in question or any part of it for 12 years. This is undoubtedly a preposterous proposition. It sets all the principles of the law of evidence at naught, imposes the burden of proving a negative on the shoulders of the landlord, and allows the person who alone is capable of shewing most satisfactorily how he has made up the required 12 years to remain at ease, and requires the landlord who may be an auction-purchaser of a few years' standing, and therefore quite incapable of hunting out the antecedents of a particular tenant before he came in contact with him, to ferret out and disclose the past life and career of his opponent tenant. The failure to prove such an absurd item is inevitable, and the result is that every ryot who may choose to call himself a settled ryot is likely to succeed in obtaining a verdict in his favour.

It is not easy to determine what object will be gained by this half-and-half measure, how it will "tend to simplify litigation," and what are the state of things in the Lower Provinces, the existence of which warrants such a presumption. The presumption does not cover the whole ground of the acquisition of the right of occupancy as enunciated in the present Bill. The plea of the ryot may be that although he has not held the specific plot or any part of it continuously for a period of 12 years, yet he is a settled ryot of the village or the estate the land of which may be in dispute. In such a case the presumption is worse than useless.

(5) Act X of 1859 never allowed a ryot who had left his holding without making any arrangement for the payment of its rent to come back and claim the same at any time within three years. The courts from the time he left the same have aways looked upon such acts as amounting to abandonment or relinquishment of the holding. The present Bill not only allows the ryot to get back into possession even in such cases (section 96) and not only causes a substantial loss to the landlord in such cases, but allows the ryot even to count the period of his absence to make up his 12 years.

The following illustrations will shew the justness of the above remarks:—

First, take the case of a settled ryot On the 5th of Baisakh a settled ryot of village A, but who resides on the land of a different landlord in village B, leaves his holding in village A, and ceases to cultivate the same. For almost one year, *i.e.*, down to the close of the current agricultural year, the landlord *must* wait and see what the ryot means to do. He cannot enter upon the land and let it out to anybody else or bring it into cultivation himself. Then arises the question whether the landlord can even after the close of the current agricultural year let out the land in the above case. Section 96 says that the landlord can do it when the ryot has voluntarily abandoned his *residence* and has ceased to cultivate the land. In the case supposed the ryot has not abandoned his residence at all. He is still residing where he was. How can section 96 then cover such a case. Taking for granted that this section covers also such a case, the landlord was to go to the expense and trouble of publishing the notice required

by sub-section 2 of section 96, which there is nobody to repay. The year's rent also is wellnigh lost. If the former ryot had cultivated the land, the rent might have been realised by distraint. After the abandonment and after it has been let out to another ryot the holding cannot be sold for the arrears.

Take another case.

The landlord enters upon the land and lets it to a third party and publishes the required notice. The ryot does not stir for about two years, and then files suit. The landlord having been very much annoyed contests the suit, and more than a year and very likely two years elapse before the case is finally decided. So by the time the ryot recovers possession by executing the decree five years elapse from the time the ryot left. The landlord has to remain in suspense for three years and then give up the land and the costs of the suit in the bargain.

Then, again, the fact that the ryot will be able to recover back his land if he should sue within three years, and the chance of any new ryot who might be inducted on the land and who would surely be dragged into the suit against the landlord, losing his labour and costs of cultivation, not to mention costs of suit, will all conspire to keep away all right-thinking people from taking lease of and cultivating such lands, and thus the landlord will be left either to cultivate the land himself or to let it remain fallow and without any return.

As section 96 has been referred to it would not be out of place to state here that sub-section 7 of section 26 coupled with section 96 will give even to the non-occupation ryot a right to remain away from the land for a year and a half before he makes up his mind as to whether he should sue to regain the possession of the land, which he under no circumstances should be allowed to do. Why should he even be allowed to sue for possession after having voluntarily abandoned his holding, and why should the landlord wait for one year for his return without having been paid the rent in advance; and lastly, why should he be allowed to count this period of his *neglect* to till the soil to complete his 12 years? Can there be anything more unjust and one-sided than this provision, which brings about a result so disastrous to the landlord.

Restrictions on Transfer.

So much has been said on this question from time to time by representatives of both the landlords and the ryots' interest that the question may be said to have been argued threadbare, and any attempt to put forward any further argument would be a mere repetition. Yet as some of the restrictions proposed by the Bill of 1883 have been omitted from the present Bill, it has become necessary to say something with regard to matters of detail.

Under the original Bill of 1883 the landlord had a right to buy up at a fair price the holding even in the case of bequest, when the bequest was in favour of a person other than the legal heir (section 55 of the Bill of 1883).

Again, when the ryot made a gift of his holding in favour of a person other than the landlord, the landlord had a right under the Bill of 1883 (section 54) to buy it up if he chose at a price to be fixed by the court.

These restrictions have now been done away with. It is submitted that it would be most prejudicial to the interests of the landlord if no right be reserved to him to annul, transfer or buy up holding in cases of bequests or gifts made to persons other than heirs.

The effect of allowing transfer of occupancy rights to take place unreservedly has been so disastrous in the Sonthal Pergunnahs (*vide* Resolution on the Administration of Civil Justice in the Sonthal Pergunnahs. *Calcutta Gazette,* July 23, 1884) that no argument is needed to be able to see clearly what the consequences would be in Bengal were such practice legalized.

Section 35 of the present Bill reproduces with some minor alterations the provision of section 54 of the original Bill regarding the service of notice on the landlord after registration of the deed of gift. Of what use will this provision be if there remain no clause under which the landlord may object and claim to annul the gift or purchase the holding. The meaning and object of sub-section 4 of section 35 is not clear.

Restrictions on Subletting.

Section 37—Of the present Bill has been framed with the object of restraining (1) non-agricultural classes from buying up occupancy rights; and (2) subletting by occupancy ryots. In order to gain the above object it has been provided that when an occupancy ryot will sublet more than half of his holding he will be converted into a tenure-holder. Not a tenure-holder out and out, but one having some incidents of a tenure proper attached to his tenure.

The first question is whether the status of a tenure-holder is so disadvantageous as to deter the non-agriculturist from buying up any occupancy holding, and secondly to deter the occupancy ryot from subletting.

The only disadvantage threatened is the liability of the holding to summary sale for arrears. Now, is it a disadvantage at all? If it is, all permanent tenures are liable to this disadvantage. An ostensible advantage of a summary sale to the landlord is the

saving of a little time. An occupancy right is made saleable under a decree of a court. In case it is converted into a tenure it will be liable to be sold on a simple petition. But if the tenure-holder contests the demand the Collector will have to raise issues and decide the question as much as the civil court would have to do in case of a suit (section 198). The ryot has an advantage under the summary procedure. He is not harassed so much under this as by a civil suit. His cost is much less than what he has to incur in the civil court. And lastly, whether he defends or not, the ryot is liable to the landlord for much less cost in case of sale by the Collector than in the case of a sale by the civil court. All these are advantages to be gained by the ryot in case of a summary sale. What then is the fear which is likely to deter non-agriculturists from buying occupancy rights or occupancy ryots from subletting.

The proposed conversion of a ryot into a tenure-holder is advantageous to him in more ways than one:—

(1) He is no longer liable to distraint for rent.

(2) He can be ejected for having used the land in a manner which renders it unfit for the purposes of the tenancy.

(3) He can transfer his tenure without having to take the trouble of observing the preliminaries provided by section 82, and without any apprehension of any claim to pre-emption by the landlord which enhances the value of his tenure as it ensures security to the purchaser. From the above it will be clearly seen that section 37, instead of gaining the object and acting as a deterrent, will on the contrary encourage subletting and purchases by non-agriculturists which the Bill proposes to guard against.

Instead of such imaginary checks if it were simply provided that in cases of subletting by occupancy ryots after March 1883, the portion so sublet was to revert to the landlord, and that the relationship of landlord and tenant between such sublessee and his lessor should cease, except in the cases mentioned in clause (a) of section 37, it should stop subletting altogether and effectually check non-agriculturists from buying up occupancy rights.

That the restriction provided by section 37 will be altogether an unworkable provision is apparent on the face of it. It is provided that the holding is to be deemed to be a tenure when it has been so registered under any Act that may be passed for the purpose. Now the question will be whose duty or interest it will be to have the tenure registered. The landlord does not gain anything by the conversion; rather loses some of his rights. Hence it will never be his interest to have it registered. If the conversion be deemed disadvantageous by the ryot he would not do it. The sublessee no doubt has a prospective hope of acquiring a right of occupancy. But being under the influence of the occupancy ryot and standing the chance of being ejected and troubled by his lessor he would not before the perfection of his title take the trouble and bear the expense of having his lessor converted into a tenure-holder.

Then, again, various questions will arise in order to determine whether the ryot had sublet more than half of his holding. An occupancy ryot may have more than one holding. He may be taking lands from time to time and subletting parts of the same. So that the quantity of land which represented more than half the holding in any given year might be under that proportion the next year. In this way cases might arise where it would be a matter of considerable difficulty to determine the period of time at which the line ought to be drawn to find out whether more than half the holding has been sublet.

Enhancement of Rent—Sections 39 to 50.

Often and often have hopes been held out to the landlords that facilities would be given them to enhance the rent of the occupancy ryots to a fair and equitable rate, which, on account of the unworkable nature of the provisions of Act X of 1859, they (the landlords) have not been able to obtain. When the Hon'ble Mr. Ilbert introduced the first Bill in Council, he said "that the two main objects at which our legislation should aim are :—*First*, to give reasonable security to the tenant in the occupation and enjoyment of his land; and *secondly*, to give reasonable facilities to the landlord for the settlement and recovery of his rent."

He also said, in another place, that "Act X of 1859 was a useful and beneficial Act, and if, as must be admitted, its working has not been successful on some important points, this failure is attributable, not to any defect in the fundamental principles on which the Act was based, but mainly to defects of language and expression."

The Select Committee, to whom the Bill, introduced by the Hon'ble Mr. Ilbert, was referred, and who have taken the trouble of revising and re-casting it in the present shape, also say in paragraph 31 of their report—"As regards enhancement by suit, our object has been, while laying down rules which will be substantially just to both landlords and tenants, to devise a system which would avoid those elaborate and difficult enquiries, the necessity for which has made the present enhancement law an almost useless instrument in the hands of landlords."

Now, the questions for consideration are :—

First—Are the provisions contained in the present Bill substantially just, both to landlords and tenants?

Secondly—Has the present Bill removed those obstacles and difficulties in the way of getting a fair and equitable rent in any way, or to any extent?

The present Bill deals with the subject of enhancement under two heads, *viz.*, *First*, enhancement by private contract; *second*, enhancement by suit.

The provision relating to the enhancement of rent by private contract is a novel one, and has no place in the existing law. No such suggestion appears to have been made in the Bill prepared by the Rent Commission. It is submitted that neither the wisdom nor the policy of this addition is at all clear. The ryot having a right of occupancy has a fixed tenure. It is admitted, both by the Bengal Government and the Government of India, that the ryots having rights of occupancy are far more numerous than those that have it not. It cannot be denied that the position of the ryots having occupancy rights is far more strong at the present day than it was even ten years before. Nor can it be denied that such ryots know and understand the privileges and security of their position better at the present day than they did even ten years before. Nor can anybody ignore the fact that the occupancy ryot of to-day wields greater powers to check the landlord's arbitrary acts than the latter has to harass the tenants. Nor does it admit of any doubt that the ryot of the present time is far more able than the landlord to dictate and enforce his own terms. The agrarian disturbances that have of late taken place in different parts of East Bengal show most unmistakeably the spirit of combination which the ryots possess, and which they can and do use with impunity against their landlords. Under such circumstances, can it for a moment be conceived that the ryots will be imposed upon or forced to enter into any contract by undue influence? Why, then, these limitations as are provided by section 41 of the Bill upon private contracts? Terms of a private contract are based upon and determined by the nature of the supply and demand or the likelihood or otherwise of losing something more in any other way than what is given up by private contract. No such circumstances exist in the case of an occupancy ryot. He cannot be ousted, even if he would not accept the terms proposed by his landlord. His rent cannot be enhanced, theoretically, even to anything beyond what is fair and equitable. After subjecting oneself to the delay, trouble, vexation, and costs of a lengthy litigation, involving "elaborate and difficult enquiries," one has only one to hundred chances of coming out successful in an enhancement case. What reason has the occupancy ryot to fear the landlord; what the risk or necessity which is likely to induce the occupancy ryot to enter into a contract so prejudicial to his interest as requiring the active intervention of the Legislature to impose so many restrictions and limitations upon private contract for the settlement of rent? An occupancy ryot is not more helpless than a *purdanaseen* lady, nor is he a more likely person to be unduly influenced than is a debtor by his creditor. Nor does he stand the chance of being more deceived than a ward, who has lately arrived at majority, by his guardian. Nor is his relationship with his landlord one of greater active confidence than that of a client to his attorney. And yet the general principles of the law of contract are deemed sufficiently protective of the interests of such and like other persons. And, then, why cannot a ryot be left to avoid and annul any agreement which he may have entered into under mistake, misrepresentation, fraud, coercion, or undue influence? And, then, why should there be a special legislation in favour of occupancy ryots as a class imposing stringent restrictions and limitations upon private contracts? The restrictions and limitations put upon private contracts at enhanced rates will undoubtedly drive the landlord to a suit for enhancement, even in cases where he might have amicably settled the matter out of Court. Take the instance of enhancement on the ground of prevailing rates. Even with the restrictions made by the Bill on this head, the landlord is entitled to get 50 per cent. increase by a suit. But by a private contract he cannot get more than 25 per cent. Take another instance: the landlord is entitled to the full benefit of the increase caused by improvements made at his cost or agency, and a Court of Law will decree him that. But if he were to make a private contract relating to this very matter, he could not secure more than 25 per cent. over the rent previously paid to him. It is, therefore, submitted that such a provision, which necessarily drives the landlord to seek the assistance of the Law Court, because he cannot amicably settle the matter out of it, however much he and his tenant may be desirous of doing it, is a most dangerous provision subversive of all amity and good feeling between the landlord and tenant.

That these restrictions and limitations are altogether onesided, and forged only in the interests of the tenants, and cannot be said to be "substantially just to both landlords and tenants," is evident. That these, instead of facilitating the settlement of rent, will increase litigation and set class against class is also clear. These, in short, will discourage all contracts and bar all private settlement of rent. On the face of the restrictions and limitations imposed upon enhancement by suit, the chance of getting a private settlement of rent at enhanced rates is *nil*. The ryot, knowing full well how matters stand, and counting his chances in a Court of Law, would be the last person to enter into a contract prejudicial to his own interests. If, over and above this difficulty, there be further restrictions and limitations put upon private contracts, what the fate of the landlord will be can be better imagined than described. When a maximum limit is fixed by law regarding anything, it is not possible, except in exceptional cases, to obtain it. The restrictions and limitations imposed upon enhancement by contract will be obnoxious in another way. These will have a tendency to induce the tenants either to

go to Courts to avoid and annul the engagements they may have made, or to dispute their validity, when they may be put forward against them. Thus litigation ruinous to both parties, and the question as to what was the rent before the contract was made, will open a fresh field of enquiry for the Court and a fresh source of trouble for the landlord in these cases. These restrictions will handicap the landlord and curtail his right of property without any adequate advantage being secured to him in any way, and will give an undue preference to the fancied interests of the tenants to the prejudice of the just rights of landlords.

The duty imposed by sub-section 2 of section 41 on the registering officer of "ascertaining that the contract is in accordance with the provisions of the Act is one of the most unworkable and objectionable provisions of the Bill. It presupposes that the registering officer is fully conversant with the details of the Bill, and is also aware of the various customs which have not been abolished by it, and which in many particulars govern the relationship between the landlord and tenant. It entails an enquiry into the state, conditions, and rent of the holding before the contract was made. What time and trouble such an enquiry will cost it is impossible at present even to imagine. Although clause (*c*) of section 54 provides that certain rules will be made for the guidance of officers registering contracts under sections 41 and 42, but it is submitted that the rules, however wisely and definitely drawn out, will scarcely be able to get over the complications which will necessarily arise out of the provisions above mentioned. Much less will they be able to ensure saving of time and trouble.

The revised section is no improvement on the section which it remodels. The Select Committee say that they have expunged the provision by which the registering officer was required to satisfy himself that the contract was fair and equitable, and that now he will have *merely* to satisfy himself that it is in accordance with the provisions of the Act. It is submitted that this change does not, in the least, lessen the work or responsibility of the registering officer. The present provision not only fully covers all that the registering officer would have had to do if the former wording had been retained, but also something more. The present expression is as vague and indefinite as the one expunged. This provision gives the registering officer a final power and authority of deciding the question as to whether a certain condition is or is not in accordance with the provisions of the Bill. Such a power would not even be allowed to the Civil Courts of first instance if the matter were to come judicially before them. Whether the decision of the registering officer on this subject is to have any effect in the Civil Courts, where the whole question may be fully re-opened, is not settled or known. If the Civil Court will have power to enter into the whole question afresh, then what is the good of encumbering the registering officer with these details and such duties. The provision virtually leaves the matter of registration entirely to the discretion or caprice of the registering officer. No provision even for appeals against his decision has been embodied in the Bill.

Section 42 is not only objectionable in the interests of the landlord, but also in the interests of the ryot. The restrictions hereby put to the settlement of rent on new lands taken by the settled ryot will preclude landlords from letting the same to him. And this will not only eventually deteriorate the value of lands, but will also lessen the chances of the settled ryots getting new land, although in great need for the same. If is inexpedient, therefore, to curtail the power of the landlord in letting out such lands by private contract.

ENHANCEMENT OF RENT.

BY SUIT.

Then as to the provisions relating to enhancement by suit, it is submitted that the provisions of the present Bill, though they are more definite in some respects both as regards the grounds and the limits of enhancement than the provisions of the present law, seem to secure this wherever it has been attained, at the landlord's expense. In other respects the provisions of the present Bill are as indefinite as those of the present law. In some cases "elaborate and difficult enquiries" under Act X of 1859 and the present law so reproachfully spoken of remain substantially the same with only a change as to the mode and process of investigation. Clause (*a*) of section 43 is the same as clause (1) of section 18 of Act VIII of 1869 (B. C.). Instead of the words "same class of ryots" the general name of "occupancy ryots" has been used. This is the only improvement by way of definiteness. All other vexed questions which arise and require determination now under clause (1) of the present law will also arise and have to be determined under clause (*a*) of section 43. What is to be deemed the prevailing rate in each particular locality is one of the most difficult of questions. How far the preparation of a table of rates by the revenue officers as provided for by Chapter XI of the Bill would solve the difficulty, and how far it would be fair and equitable to depend upon such table of rates for determining the question in each particular case will be discussed hereafter in its proper place. Suffice it to say here that the difficulty will remain the same, if not knocked on the head arbitrarily by enforcing a strict adherence to the tables prepared, which it would be hardly fair and equitable to do.

The determination of the question as to whether the land the rent of which is sought to

be enhanced is of a similar description and possesses similar advantages with those lands, the rate of rent of which is put forward in evidence for comparison remains encircled with the same difficulties. Hence, as far as this clause is concerned, no facility whatever has been granted to the landlord for the adjustment of his rent.

Clause (2) of the present law for enhancement has been sub-divided into three heads and placed under clauses (*b*), (*c*), and (*d*) of section 43 of the present Bill. Under the existing law the increase in the value of the produce of the land is the most important ground of enhancement, and this is a ground which is susceptible of distinct proof and substantiation. It allows the landlord a reasonable, fair, and equitable share of the profit made by the ryot in each particular piece of land. The elimination of the word 'value' from the present clause and the substitution of the word 'price' for it is no doubt more accurate and definite. In other respects clause (*b*) of section 43, which is put in the place of this portion of clause (2) of the present law is not only no improvement on the existing provision, rather on the contrary it curtails the landlord's right to enhancement and makes it dependent on the rise of the price of *staple food-crops* only. The Select Committee in paragraph 33 of their report say "that the price-lists of staple food-crops are to be taken simply as indicating a general rise or fall in prices, and without any reference to the particular crop grown on the land the rent of which is in dispute; and our intention is that the price-lists should be worked out very much on the principle on which the commutation of tithes according to average prices is worked out in England." It may be that the price of all other crops has a certain relation and bears a certain proportion to the rise or fall in the price of food-crops. But it is not always true that the rise or fall in the price of food-crops regulates the rise or fall in the price of other crops. It is therefore neither safe nor expedient to adjust the rent of lands producing crops other than staple food-crops by the rise or fall in the price of food-crops. Such a provision is likely to act injuriously both in the interests of the landlord as well as of the tenants. The Bill that was framed by the Rent Commissioners as well as the Tenancy Bill of 1883 provided the regulation of rent according to the prices of the staple crops. The present Bill not only ignores the custom of the country as to the adjustment of rent according to the crops grown on the soil, but even makes a new departure from the lines sketched out by those Bills and very unfairly introduces a restriction unknown and unheard of in the country. It very unjustly excludes from consideration the rise in prices of very valuable crops, whose cultivation has thoroughly and generally been established in particular tracts of the country. It indirectly brings all kinds and classes of lands almost to the same level and makes enhancement under this clause to depend not upon the price of crops actually grown on the soil, nor upon the fitness of the lands to grow such valuable crops, but upon the general rise in prices of food grains to be declared staple by certain authorities. There are places which are particularly fitted for and which do grow high-priced crops, and yet if the lands of such places are not to be fairly assessed on the basis which is the only proper one, namely, the rise in prices of such crops, it cannot but be most prejudicial to the interests of the landlord. It has never been denied, but rather on the contrary it has often and often been admitted, that the principles of enhancement as enunciated in Act X of 1859 are just and fair to the landlord as well as the tenant. Why then is that old principle of regulating the rent of the land according to increase in price of the produce of it to be narrowed and limited to the rise in the price of some particular crops? It is submitted that the principle underlying the proposed provision of this clause is not only unfair but also erroneous. If this encroachment on the right of the landlord and the tenant to have their rent adjusted according to the price of the crops sown on the soil has been made on the ground of a supposed facility for determination of the rise in the price of any particular crop, afforded by the preparation of price-lists of staple food-crops, it is submitted that such price-lists can as well be made of all or at best the principal crops that are usually sown in a particular locality, and the question as to the price of which of such principal crops is to be taken into consideration in regulating the rent of any particular plot of land may safely be left to the consideration of the courts in each particular case.

Clause (*c*) of section 43 is also faulty and one-sided. Under the existing law, and so it was under the old, the ryot is liable to enhancement when the productive powers of the land have increased otherwise than by his agency. The provision under this head has been divided into two parts in the present Bill, *viz.*, improvement by or at the expense of the landlord, clause (*c*), and by fluvial action, clause (*d*). The two heads have been made to exhaust, though they really cannot exhaust, the existing provision. These two clauses do not at all touch the case, where the increase in the productive powers has been effected by the joint agency of the landlord and the tenant. That there are numerous cases of this description no one will deny. Not only did the Bill prepared by the Rent Commissioners, but even the Bill of 1883 did provide by sub-section (2) of section 74 and by clause (*b*) of section 75 for such a case and made a fair provision to govern it. That provision, though embodied in a different form in clause (*b*) of section 134 relating to the table of rates, yet does not find a place in the general principles enunciated by section 43. This is objectionable and is prejudicial to the interest of the landlord.

Then again there are, and may be, cases where the productive powers of the land have increased neither by the agency of the landlord, nor by that of the tenant, or by the joint agency of both and not even by fluvial action. Section 43 does not make provision for such

cases. Clause (c) of section 134 partly covers such a case. The existing law covers such a case by the simple qualifying phrase "otherwise than by the agency or at the expense of the ryot." A principle which would cover such a case should find a place in section 43. As an illustration of such a case take the instance of a canal cut by Government. It was not for purposes of irrigation, in which case a tax would have been paid either by the landlord or by the tenant for the use of its water. This canal may however increase the productive powers of the land even without flooding the adjacent places. Why should not the landlord reap the benefit of such improvement equally with the tenant.

Under the existing law the landlord can enhance, where there has been an increase in the value of the produce otherwise than by the agency or at the expense of the ryot. This ground cannot be said to be fully covered by the ground embodied in clause (b) of section 43, *viz.*, a rise in the average prices of staple food-crops. The landlord may establish a market near the tenant's land or may cut a canal or open a way from the tenant's village to the nearest market, and thereby cause an increase in the value of the produce of the specific land without there being any general rise in the average price of the staple food-crops in the market. Such a case cannot also be said to be covered by clause (c). It does not actually increase the productive powers of the land. As it is not only a possible but a likely case, it should have a place in the general principles of enhancement. It is hoped that it will appear from the above that there has not been any improvement made by the present Bill on the existing law as far as the principles of enhancement are concerned, and that the proposed changes are detrimental to the interests of the landlord and in curtailment of his recognised rights. The present Bill has, in short, merely tried to narrow the application of the existing principles and that only in the interests of the ryot.

Section 44, clause (a), is a new provision inconsistent with the custom of the country and the associations of the people. It is unfair in principle and inexpedient in policy. In olden times the prevailing or customary rate was the general standard of enhancement. No limitation as the one proposed by the Bill was placed on enhancement by Act X of 1859, nor since the passing of it. No such restriction was suggested by the Rent Commissioners, nor by the Bill of 1883. The proposed change punishes the landlord for his indulgence towards his ryots. One of his rights is curtailed because he allowed some of his ryots to hold much below the prevailing rate at a time probably when inclemency on the part of the landlord would cause their ruin. If the prevailing rate of rent is at all a ground of enhancement, other circumstances remaining the same, the maximum enhanced rent ought in fairness to be allowed to come up to such rate. In support of this restriction on the old rule of enhancement the Select Committee say that they have not been able to adopt the proposal to limit the maximum enhanced rent to one-fifth of the average annual gross produce in cases of enhancement on the ground of an increase in the productive powers of the land, because it would be almost impossible to ascertain in each instance the average annual gross produce expressed in staple crops, and because weighty objections have also been taken to the principle underlying that proposal. That they have accordingly struck out the provision to the above effect contained in the original Bill. And that as a set-off against this they have increased the stringency of another limitation contained in the original Bill by providing that, when rent is enhanced on the first ground, *i.e.*, clause (a) of section 43, the enhancement shall not amount to more than 8 annas in the rupee (50 per cent.) and that, when it is enhanced on the second or fourth of these grounds under clauses (b) and (d) of section 43, the enhancement shall not amount to more than 4 annas in the rupee (25 per cent.), and by providing that the court shall not in any case decree an enhancement which appears under the circumstances of the case to be unfair and inequitable. Enhancement on the ground of increase of the productive powers of the land has always been found under the old and the existing law to be most unworkable of all the provisions relating to enhancement, and it appears that the Select Committee were fully conscious of the difficulties that lie in the way of enhancement on that ground. But they say "enhancement on this ground when the increase is caused by the landlord's improvement will be facilitated by the system of enquiry and registration provided for in the Bill, but enhancements on the ground of increase of productive powers caused by fluvial action will still be liable to the same difficulty caused by the absence of any proof of the former productive powers of the soil, as has rendered this ground of enhancement futile in the past years."

The onus in an enhancement case is heavily put upon the landlord; the least flaw in the evidence which causes the mind of the judge to waver exonerates the tenant from liability to enhancement. Rarely can a judge be satisfied of the justice of the landlord's claim in such a case. And the difficulties spoken of are the difficulties of the landlord which thus constitute the vantage ground of the tenant. Under such circumstances it is clear that the landlord has very little hope in this direction. As to the facilities of enhancement on the ground of increase of productive powers by the agency of the landlord, which it is supposed the proposed system of enquiry and registration will afford, it is submitted that it is more theoretical than practical and that it will ultimately prove to be of doubtful good, if not altogether delusive. It is hardly fair to impose so many stringent restrictions as an insurance against the excessive flow of good from the proposed system of enquiry and registration, which at best must for some time be regarded as tentative and uncertain, when such restrictions relate to another and altogether different ground of enhancement, *viz.*, the one based upon prevailing rates so long acknowledged to be the most convenient and the

most easily understood ground. If any one of the grounds of enhancement is more feasible than the others it is this ground. The ground based upon the rise in the average price of staple crops, though more definite than the third and fourth grounds, requires such enquiries relating to the past and present prices that it is not likely to prove so easy of ascertainment as is supposed. Under such circumstances to cut down the rate of enhancement according to prevailing rates by way of set-off for the protection of the ryot against any possible apprehension of hardship in case of enhancement on any other ground is most prejudicial to the interests of the landlords. It is against all principle to impose a restriction on a particular right simply on the ground of a bare possibility of any abuse of another and a quite distinct right. In such a case, if any restriction is really necessary, it should be on the exercise of the latter right. As to whether there is any such necessity or not will be discussed hereafter under section 46.

The injustice and unfairness of this restriction will be apparent in the following illustration:—

A holds 10 bighas of land at Re. 1-4 per bigha and pays Rs. 12-8 yearly.

B holds the same quantity of land of a similar description with similar advantages at the rate of 14 annas per bigha and pays Rs. 8-12 yearly.

C holds a like quantity and at the rate of Re. 1-8 and pays Rs. 15 yearly.

All the three are occupancy ryots.

The prepailing rate for such lands held by occupancy ryots is found to be Rs. 2 per bigha. Suits are instituted for enhancement and decreed.

D, E, F, &c., &c., are all occupancy ryots holding similar lands with similar advantages in the vicinity and all of them are paying at the rate of Rs. 20 for 10 bighas. The decree cannot make A pay more than Rs. 18-12 yearly, B more than Rs. 13-2, and C is made to pay Rs. 20.

What is the fault of the landlord in such a case, and why should such an invidious distinction be made between A, B, and C when their rent is fairly and equitably settled by a court of justice and not by a capricious and oppressive landlord?

In the above case B cannot be made to pay even as much as C had been paying.

Then again the difference once made is likely to remain for ever, and whoever by an accident got into possession of a quantity of land at an unusually low rate will reap not only the advantages of the low rate for the time being, but will be entitled to enjoy the benefit of the accident at the commencement of his tenancy in the shape of immunity from a fair and equitable enhancement, whereas others who came on their lands on a high rate of rent will be required to pay higher and higher.

It may be said it would be very hard on B if he were made to pay at once Rs. 20 in the place of Rs. 8-12 annas. But how is it hard? He should be grateful for the *indulgence* that he had for some time. That indulgence should not be a ground of showing him further indulgence at the cost of the landlord.

Clause D is also objectionable in the general form in which it has been put. The rate of rent based upon landlord's improvement should also be taken into consideration even in ascertaining the prevailing rate of rent in cases where the ryot whose rent is sought to be enhanced has derived benefit from improvement. It may be said that in the case supposed the landlord would be able to enhance under clause (*c*). But it is submitted that instead of going over the same question and the elaborate enquiry necessary under section 46 or any other provision that may be substituted in its place, it would be shorter, safer, and more reliable work if the landlord were allowed the option to have the question decided under clause (*a*) of section 43. The expression "with similar advantages" in the clause would cover the case supposed. On the face of clause (*d*) of section 44, no advantage can be taken of the phrase "with similar advantages." Of course it would be prejudicial to the landlord if the restriction embodied under clause (*a*) of section 44 remain intact and the landlord proceed to enhance rent in the aforesaid cases of improvement under clause (*a*) of section 43 instead of under (*c*). For in that case he does not get the benefit of the whole enhancement in those cases where the rent formerly paid is so low that when raised by 50 per cent. it does not come up to the prevailing rate.

Section 54, clause (*b*).—The restriction imposed in the maximum amount of enhancement made on the ground of rise in the average prices by this clause, *viz.*, of 4 annas in the rupee or 25 per cent., is another restriction imposed by way of a set-off.

The unfairness of the principle upon which this has been based has been already stated. Enhancement on the ground of rise in the average prices has been considered by the Select Committee as one which will be the easiest of accomplishment on account of the preparation of authoritative price-lists by the Local Government. How far this will be attended with success remains to be seen. But this stringent limitation has been unjustly put upon it in anticipation of any possible advantage that the landlord might derive from this provision. Clause (*c*) of this section is more than a sufficient check. Why should there be a further check? Why should not the landlord get proportionately? It was once before arranged that

the limit should be double the amount of the former rent; now it is reduced to its one-fourth on no higher ground than as a set-off against a possible danger.

This curtailment is altogether a novel proposition, never broached before, and has no authority for its support either in practice or in theory.

Clause (a) of section 43 gives a very wide discretion to the courts to compare the prices of the five years' rent before the suit with any other five years. These other five years might include years of scarcity when the prices rose abnormally high from accidental causes such as food, drought, or the like; any comparison with the prices of such years will surely be most prejudicial to the interest of the landlord, and yet there is no provision limiting the discretion of the court in this respect.

Then as to the lists periodically published by the authority of the Government, the clause in question makes them conclusive evidence, and yet everybody knows that no great reliance ought to be placed upon those lists. The statistics are gathered in the most slipshod fashion and there is none to check or test them. They are published as obtained. They should not therefore be made conclusive evidence of the rates of current prices for the time being.

Section 46.—The elaborate enquiry required by this section is rendered useless by one indefinite phrase put in sub-clause IV of clause (b) of this section. The consideration of the ability of the land to bear a higher rent leaves the matter in the greatest possible uncertainty, and the conditional nature of the decree as provided by clause (c) leaves an open sore for continual litigation. Where the increase in the productive powers has been caused by the sole agency of the landlord the whole benefit of the increase should go to the landlord. The tenant is not entitled to share the profits to the smallest extent. Clause (a) of section 75 of the original Bill had such a provision. The same should be retained for purposes of definiteness and certainty. The proposal to limit the enhancement to one-fifth of the average annual gross produce in such a case is most unfair and based upon no principle. The increase is merely a return for the advance made. The ryot gets his costs, &c., necessary for utilising the same and he is entitled to nothing more. If any share of the profit obtained by such outlay were to be allowed to the ryot it would at once discourage such improvements. Although the Select Committee did not adopt this proposal, yet they very unfairly made the greatest possible concession by way of compensation for this proposal by imposing stringent restrictions on the other modes of enhancement.

Section 47.—Has two restrictions and provides an enquiry indefinite and unworkable in its nature. With the restriction provided by clause (c) the further limitation under (b) is unfair and unnecessary.

Section 48.—May be allowed to qualify only enhancements under clauses (b) and (d) of section 43. On no account can the question as to whether the rent is fair and equitable arise where the rate to be fixed is the prevailing rate. Again in the case of enhancement on the ground of improvement by the landlords' agency, the landlord is entitled to the whole of the increase, therefore no such question arises. It is to be declared fair and equitable by the Legislature, and therefore no discretion can properly vest in the courts in such cases.

Section 49.—The provision as to progressive enhancement may, from one point of view, appear to be fair; but with other restrictions it becomes most reprehensible and specially so when applied to the cases under clauses (a) and (c) of section 43. In the case of the prevailing rate being high no such concession should be made to the ryot, and in the case of improvement brought about by the landlord no such indulgence can be shown to the ryot except at the expense of the landlord who is entitled to the full increase. If any such occasion were made to the tenant in such cases, then it would be giving him a share of the profits which came into existence otherwise than by his agency. The landlord having paid for the increase is entitled to the whole of it.

Section 50.—Fifteen years' interval is too long a period. If these restrictions are imposed in cases where there has been a private contract with a slight increase, it will check private contracts and draw parties to litigation, a state of things most to be avoided; or it will oblige landlords to exact the last pice from the tenant and to practise the utmost rigour in his dealings with tenants even when they are otherwise disposed to be indulgent. The above observations, it is hoped, will make it clear that the present provisions are in no way improvements on the existing law. The principal difficulties in working out the theory and principle of enhancement remain almost the same. Instead of one set of elaborate and difficult enquiries another set is substituted, and above all the rights of the landlord as enunciated by Act X of 1859 and re-enacted in Act VIII of 1869 are unfairly encroached upon and cut down without any adequate advantages by way of compensation. Novel checks, restrictions, and limitations are imposed upon the principles of enhancement on the plea of simplicity and definiteness, which however might prove wholly delusive.

PRICE-LISTS.

Clause 5, section 52.—The time of 15 days for making an objection to the price-lists prepared by the Collector is very short. At least a month's time should be allowed.

Clause (b), section 54.—The reasons why the price of crops only should not be the index for ascertaining the rent of a holding have been always put forward. It is therefore submitted that the word "food" in this clause should be struck out.

CHAPTER VI.

Non-Occupancy Ryots.

Sections 55-61.—Why should not a non-occupancy ryot be liable to ejectment when the landlord requires the land *bonâ fide* for his own purposes?

Why should the expiration of the term of a lease be a ground of ejectment only in cases where the lease has been registered? Oftentimes ryots are let into lands for a specified term under oral agreements. Why should verbal agreements be ignored altogether and the ryot exempted from ejectment on expiry of the terms of such contracts. If the rate or amount of rent payable by a non-occupancy ryot can be proved in a court by oral evidence, why should not the term of his lease also be allowed to be so proved? The last sentence of clause (*b*) of section 58 does not presuppose the existence of a *written* contract. When the breach of such a condition as under the Bill entitles the landlord to eject the ryot can be contracted for orally, why cannot the term of a lease be allowed to be contracted for likewise? The provision contained in Section 59, that no suit to eject a non-occupancy ryot shall be instituted six months after the expiration of the term of the lease, is very hard and objectionable. Regarding enhancement of the rent of a non-occupancy ryot the adjustment should have been left to competition. Instead of that he is placed by sub-section 9 of section 90 exactly in the same position and allowed the same advantages with an occupancy ryot, and in a better position enjoying greater advantages than a tenure holder enjoys (*see* section 8).

CHAPTER VIII.

Section 64.—The objectionable nature of this presumption has been so clearly shown by high authorities that a discussion of it must necessarily involve a repetition of arguments more or less familiar. If the presumption were prejudicial to the landlord when it was first enacted in Act X of 1859, it would be more so if it were reproduced without any limitation or restriction now in 1884. To keep the twenty years a constant quantity to be calculated backwards from the date of every suit in which a question of the fixity of rent is raised, would give the tenant an undue advantage over his landlord. If the retention of such a presumption is a foregone conclusion, it is submitted that it may be restricted so as not to prejudice auction-purchasers who, having regard to the peculiarity of their position, would be quite incapable of adducing any rebutting evidence to meet the presumption in favour of the tenant. In this class of cases it is desirable that the 20 years should be calculated back from a definite and prescribed point of time. The most unobjectionable point of time would be the date of enactment of Act X of 1859.

Section 66.—This section applies not to ryots but also to permanent tenure-holders. It allows landholders to impose an additional rent in case of increase of the area of a tenure and entitles tenure-holders to claim abatement of rent in case of decrease of area of the tenure caused by diluvion or otherwise It does not make any distinction in this matter between tenure-holders at a fixed rent and those held at a variable rent. So far the landlord and the tenant are both equally dealt with. But coupled with clause (*f*) of section 210, it becomes an unfair and an one-sided provision. Clause (*f*) favours the tenant and looks to his interests only at the expense of the landlord. Section 210 together with section 66 saves all contracts by which the landlord may have agreed not to impose any additional rent for excess lands gained by alluvion or otherwise But it nullifies all contracts by which the tenant may have agreed not to claim any abatement or reduction of rent in case of decrease of area on account of diluvion or from other cause. Is this fair? Why should not there be a mutuality in contracts? Why should one party be bound by a condition when another condition which is the consideration for the other should be declared null and void. In all cases of tenures wherever there is a condition that there is to be no reduction of rent on account of decrease of area, there is always found a similar condition in order to counterbalance the prospective loss of the tenant by which the landlord binds himself not to claim an increase of rent for increase of area. The landlord foregoes the right only in consideration of the covenant made by the tenant that he would not claim a reduction. The two conditions together ensure the same invariable rent to the landlord at all times and under all circumstances. But the present Bill, while holding the landlord liable on the covenant in favour of the tenant, proposes to grant immunity to the tenant for the consequences of the covenant in favour of the landlord. The retrospective effect proposed to be given to these provisions will undo old and legal contracts, and make uncertain and variable rents hitherto known as fixed and invariable. In short, this provision will ruin the landlords. The existing law on the subject cannot be said to be hard upon the tenant. He can, if he chooses, allow the tenure to be sold for arrears of rent, and if the tenure is a losing concern, it will come into the hands of the landlord and relieve the tenant from further loss.

Section 69.—Is also an objectionable provision. No tenant should be allowed to force the landlord to accept rent of a subsequent period keeping the older rent in arrears. It will cause difficulty in the realisation of rent and produce confusion in the landlord's accounts. The declaration of the tenant accompanying any such payment required by this section may be oral, and this will incline unscrupulous landlords as well as tenants to make false statements in this

matter and be productive of dispute and litigation. What particular advantage this provision is intended to secure to the tenant it is not easy to find out.

RECEIPTS AND ACCOUNTS.

However advisable it may be to force landlords to give unequivocal receipts to the tenants and keep proper and correct accounts, to force them to mention in every receipt all the particulars of the tenant's holding and even the quantity of lands held by him, together with the details about Bunker, Julker, and Phulkar, would hamper the collection of rent and make it a costly affair. The penalty for even an accidental omission or mistake is also very great.

And what is the advantage the landlord gains for all the trouble and expense incidental to such a system of collection? None whatever. He cannot realise his rent as the Government does by issuing a certificate. His demands are as much liable to be contested under the present Bill as they are under the existing law. Not so much as a presumption is created in his favour. Why then all these forms, all these pains and penalties?

Deposit of rent, clause (*b*) of section 73, is very vague and indefinite. It allows the tenants to avoid payment of rent to the landlord and deposit the same whenever he chooses. This will lower the landlord's prestige and make the relationships of landlord and tenant more artificial than it is even at present.

There should be some provision in the Bill by which the tenant would be bound to make a verified application on such an occasion. This might operate as a check on tenants inclined to drag their landlords to court, by resorting to it themselves. The words "payable by the tenant and" in sub-section 3 of section 74 may be the cause of creating some ambiguity in the meaning of this sub-section. The sense would be clearer if those words were omitted. The sub-section as it stands might be contended to mean that the receipt will act as a full acquittance for all the rent that may be payable by the tenant down to the period for which the deposit may be made. While on the subject of deposit, it is proper to make here some observations necessary relating to the limitation of suits for arrears of rent where a deposit has been made.

Schedule IV, Part I, Article 2.—Clause (*a*) provides that a suit for the recovery of any arrear of rent down to date of deposit must be brought within six months from date of the *deposit*. Under the existing law such a suit may be brought at any time within six months from date of the *service* of a notice of the deposit on the landlord. This notice is served upon the receipt of the deposit. The present Bill does away with the provision of serving a notice on the landlord in the first instance. At first a notification is provided to be affixed in the office of the officer receiving the deposit Then if no one appears and claims the deposit within 15 days from the date of the aforesaid notification, a notice will have to be served on those who may be deemed entitled to the deposit.

It is clear that the landlord is not at all likely to know of the deposit until a notice has been served on him. The notification in the office is almost useless. There being no time fixed within which the notice is to be served on him, it may be served a very long time after the deposit. This will undoubtedly prejudice the landlord, who may have to contest the fairness and propriety of the deposit. There seems to be no reason for a change in the existing law and for the curtailment of the period of limitation on the subject.

CHAPTER IX.

IMPROVEMENTS.

Regarding the registration of improvements one observation is necessary. The landlord should not be compelled to register improvements effected before the present Bill is made into law. It would be very hard upon the parties if they were to be forced to have such improvements registered, and that within 12 months, as provided by clause (*a*) of sub-section 3 of section 91, after the commencement of the Act.

The abovementioned clause (*a*) taken with clause (*a*) of section 46 of the Bill will virtually preclude enhancement on the ground of improvement made at any time before the Act. The registration of such improvements will open a wide channel for litigation. Instead of imposing such a heavy penalty for non-registration of improvements made before the passing of the Act, the matter may be left optional with the parties—and the clause relating to the limitation for registration of such improvements expunged.

Section 90, taken in conjunction with section 93, will entitle every non-occupancy ryot to build pucca houses and excavate tanks, and enable him to do so without any risk of ejectment. Now-a-days an occupancy ryot cannot do such things except on payment of a salami to the landlord. These sections, if passed into law without any restriction, would not only take away part of his legitimate gains from the landlord without any adequate compensation, but leave him under a prospective liability to a heavy compensation to the ryot for works done against his will in cases where he wishes to eject him on reasonable grounds. This is undoubtedly very hard on the landlord. A non-occupancy ryot should not be allowed such privileges at the expense of the landlord.

SURRENDER AND ABANDONMENT.

Some provision should be made allowing the court to presume surrender in case of dispute; and voluntary abandonment of cultivation for a year, except in certain exceptional cases as provided in clause (a) of section 87, without payment of rent, should be presumed to be a surrender of the right and interest of the ryot in the holding until the contrary is proved.

MEASUREMENTS.

Why should not the landlord be allowed to measure his own lands at his own cost whenever he chooses? Why should he be restricted in doing it for a period of ten years following one measurement? How is he to ascertain any encroachment that may have been made by a tenant on the surrounding waste lands or on the lands of a neighbouring ryot? Why should an auction-purchaser be barred if he chose to measure the lands purchased by him more than two years after his purchase? The restrictions referred to above are most arbitrary and utterly subversive of the landlord's rights. These restrictions are based upon no sound principle or policy and are altogether unwarrantable.

There are various reasons other than those mentioned in clauses (a) and (b) of sub-section 2 of section 9 which necessitate a measurement of lands by the landlord. To limit the landlord's right to measure to those cases only would therefore be very prejudicial to him.

MANAGERS.

The provision relating to Managers will deal a death-blow to the coparcenary estates of the country. It is well-known that the largest portion of the landed interest in the country is held jointly by co-sharers. The present Bill, instead of facilitating the realization of rent by co-sharers, reproduces some provisions of a Regulation almost obsolete and well nigh forgotten and about three quarters of a century old. With so many provisions in the Bill for protection of the ryot's interest, these provisions about the appointment of managers are perfectly unnecessary. These provisions, if re-enacted, will *desest grabi patio* of the landlords of the management of their estates.

Much has been said on this subject from time to time, so instead of entering into the details a humble protest is submitted against the enactment of these provisions.

CHAPTER XI.

TABLES OF RATES.

Sections 123-134.—There will be found so many varieties in the classes of land and in the rates of rent payable for the same even in adjoining localities, not only on account of difference of soil and situation of lands and such other causes, but also on account of the kinds of crops cultivated in the lands and the classes of tenants holding the lands as well as on account of peculiar customs prevailing in different localities relating to the holdings, that it will be almost impossible to prepare one set of tables covering and governing a large area.

The chief advantage proposed to be gained by the preparation of these tables depends upon their general applicability in all classes of cases. In order to obtain that, either some existing differences and distinctions too difficult to be embodied in a general table must be arbitrarily ignored and done away with, at the expense of either the landlord or the tenant, or numerous sets of tables must be prepared at an enormous cost and with great delay. It is not unknown what a long time the butwarra of an estate takes; and at least one of the causes for it is the classification of lands and their assortment by comparison. How much more difficult, dilatory, and expensive the preparation of the proposed tables will be when made applicable to large tracts of the country it is easy to imagine. For the above reasons it is apprehended that the utility of the tables will not be very great; and the making of these conclusive evidence of the rates will be very injurious, when brought to bear upon questions raised in particular cases.

The preparation of these tables, when made for large areas, will not excite particular interest and invite all the necessary objections, nor their details be discussed with that amount of care and precision as the nature of the case requires. In matters of public and general interest the people of the country are yet apathetic; so these tables will generally be made *ex parte*, published, and confirmed, and their injurious effect known and taken notice of at a time when there will be no chance of any amendment.

The proviso contained in section 125 is not only unfair but will act most injuriously to the landlord when he will have to enhance rents on the basis of these tables. The restrictions embodied in the sections relating to enhancement of the rent of occupancy ryots regarding the maximum limit will then necessarily be super-added to the restriction made by this proviso. The tables will have been prepared after a considerable concession has been made to the ryot, and then when these will be applied to particular cases, another concession will have to be made.

CHAPTER XII.

Record of Proprietor's private lands.

Sections 135-138.—The law and procedure prescribed for the record of proprietor's private lands are unnecessary and expensive. In cases of dispute as to whether a particular piece of land is the private land or not the civil court may be left to decide the question.

A serious objection is taken to the most arbitrary restriction imposed by section 138 upon the creation of khamar lands, and as it is submitted that the landlord should be allowed to retain the right to create khamars from time to time as occasion may arise, the provisions contained in sections 135 to 137 become not only unnecessary but also impossible for being worked out.

It is submitted that the restriction proposed to be imposed upon landlords is most arbitrary and is a distinct invasion upon their proprietary right.

CHAPTER XIII.

Distraint.

Sections 139-158.—Although the realization of rent by distraint is not much in vogue in East Bengal, and although the restrictive measures proposed will not therefore be very much felt by the landlords of East Bengal, yet it is necessary to object on principle to the procedure provided by the Bill.

The only important change made in the present Bill from the original Bill of 1883 is the reduction of the amount of court-fee payable on an application for distraint.

The procedure prescribed is far more lengthy and costly than that under the existing law. The most important right which the landlords had of distraining the standing and ungathered crops, of their own motion and by their own process, is taken away, without giving them any the least facility for the collection of their rent.

In short the object of the law of distraint, *viz.*, speedy and least expensive mode of realisation with the least harassment of the tenants, is entirely lost by the procedure adopted in the Bill. Hence proposed provisions, instead of being any improvement on the existing law, make the very important and valuable right of distraint so long enjoyed by the landlord altogether useless for them.

What is named as distraint is virtually a suit for arrears of rent with attachment before judgment, and with this disadvantage, that while in a regular suit for rent the landlord can sue for the whole arrears, under this process he can sue for only the arrears of the current year.

CHAPTER XIV.

Judicial Procedure.

Sections 159-174.—As already pointed out, it was one of the main objects of the original Bill of 1883, which has been revised and cast into the present shape by the Select Committee, to give reasonable facilities to the landlord for the recovery of his rent. The agitation which led to the consideration of the whole question of the law of landlord and tenant in Bengal, and caused the submission of different measures on the subject from time to time, was also based principally upon this question. The procedure relating to the recovery of rents is therefore *the* portion of the Bill with which the landlords are principally concerned.

Although the Select Committee have bestowed their anxious consideration on the subject in question, it must be said however that no satisfactory result has been obtained.

If arrears of rent must be recovered by a suit only, it is evident that the Legislature cannot make realisation sufficiently speedy, though the procedure for such a suit may be a good deal summarised. In every suit there must be the issue of summons, proof of service where the defendant does not appear, proof of the claim, the framing of the decree, and its enforcement either by arrest or attachment. The defendant may appear and contest service of the summons and the demand, and the suit becomes contentious. Where the defendant appears at the original hearing and contends the demand, evidence on both sides must be gone into and there must be a sifting enquiry before decree. The abovementioned procedure must be followed more or less in detail, and however much may the details be cut short, in practice it will be found to take always more than three months, and very often six months, before a decree is obtained in contested cases. The Legislature cannot sufficiently form an idea of the practical difficulties which hinder the speedy trial of suits. Process after process may be taken for the attendance of witnesses and the case delayed. The Judge adjourns the case from time to time to suit his own convenience, and the party who has his witnesses in attendance has got to drag himself to court from day to day and bear the costs incidental to such attendance. The Moonsifs are heavily pressed with work and much fault cannot be found with them. Knowing fully well that a case will not be taken up at the first hearing, oftentimes the

witnesses do not appear even when they could, and as often the witnesses do not allow parties to take out fresh processes as a matter of course. Whoever has carefully looked into the procedure of suits in a court of first instance will bear out the truth of the statements made above. Then after the decree there comes the appeal against such decree; that also takes up at least three months' time, even in cases of rent suits of the nature of Small Cause Court cases. How then can the landlords be satisfied with only a partial abridgement here and there of the lengthy procedure of a suit. The rules that the High Court may frame under section 159 and the effect such rules may have on the procedure of rent suits it is not possible to conjecture.

Section 159.—Simply avoids the difficulty for the present—and throws the whole burden and responsibility on the High Court.

Sections 164 and 165.—Are the only two sections enacted in the interests of the landlord and which distinguishes the procedure for rent suits from that for any other suit. But the benefit likely to flow from them is nominal. They will not induce the tenant to admit anything substantial.

Then again the effect of the above sections will be well nigh neutralised by section 166, which gives a very wide discretion to the court to allow the tenant to pay even the admitted amount by instalments. There should be some provision in conjunction with section 165, under which the landlord may be able to take out the money immediately after it has been deposited.

The taking away of the right of appeal in rent suits will not mend matters much, and on the contrary may be prejudicial to both parties.

It should however be provided that no application for retrial of a suit decided as *ex parte* nor an appeal shall be admitted when filed by a tenant, until the amount decreed has been deposited in Court.

When the Bill makes such stringent provisions relating to receipts of rent and accounts to be kept by the landlords at a great cost and trouble, it would be fair and an act of bare justice to allow them some substantial advantage in the shape of a speedy method for realization of their rents.

The only two modes now in existence are the summary sale procedure and the certificate procedure. Both these procedures may with certain modifications be made equally applicable to the case of occupancy ryots and the last, *i.e.*, the certificate procedures may be applied to the case of non-occupancy holdings. Very heavy penalties may be imposed upon landlords for the abuse of any of these rights.

Without any of these procedures the realisation of rent will remain as difficult in future as it is now.

Section 170.—Eventually does away with all ejectment suits, and gives an undue advantage to the delinquent tenant.

The requisition on the part of the landlord prescribed by sub-section I of this section is perfectly unnecessary. No landlord is likely to rush into court if there be the smallest chance of settling the dispute amicably.

The words "reasonable compensation" and "reasonable time" used in this sub-section are very indefinite. These, together with the provision relating to requisitions, will undoubtedly raise unnecessary difficulties to the entertainment of a suit for ejectment. And oftentimes these preliminary objections will prove fatal to an otherwise good cause. These provisions will increase the mass of evidence and make cases more lengthy and costly.

If the tenant has forfeited his holding by acting against his landlord, he should not be allowed any indulgence on these preliminary grounds. Sub-sections 2 and 3 will only prolong litigation between the parties and make the relationship between the parties more inimical.

Sub-section 3 and the provision relating to requisitions should, however, on no account be retained.

The words "contrary to local usage" used in clause (*c*) of section 171 at once neutralise the whole effect of the clause, opens a wide door for dispute, and makes the provision altogether indefinite and vague.

CHAPTER XV.

SALE FOR ARREARS UNDER DECREE.

Sections 175-193.—All transferable holdings are hypothecated for their rent. It has been also declared by the present Bill that the rent of such a holding is a first charge on the holding (section 77).

Hence, when a decree for arrears of rent has been obtained against such holding, that decree may be looked upon in the light of a mortgage sale decree passed under the Transfer of Property Act. In execution of such a decree no attachment need be made. It may advantageously be provided that only a sale proclamation shall be needed in such a case. It would save a great deal of time, and be less costly.

If the circuitous, dilatory, and expensive procedure relating to the sale of these holdings be retained, by which in the first instance all registered and notified incumbrances are protected and rendered liable to cancelment at the desire of the auction purchaser only in case of second sale, the first sale failing to fetch the decretal amount, it would be only fair to do away with the process of attachment in order to counterbalance the delay and cost that would be caused by the abovementioned procedure.

The abovementioned procedure relating to the sale of a holding twice over and the provision that the auction-purchaser will have to annul encumbrances by a particular act within a particular time appear also to be unfair. With the provisions embodied in the Bill for the protection of under-tenures, and sub-tenancies by payment of the arrears due, it would not be at all unfair to sell the holdings at once free from all encumbrances, excepting those mentioned in the Bill as protected interests. Such a provision would be in keeping with the existing law both as to sales for arrears of revenue of estates as well as to sales for arrears of rent of transferable tenures. The change in the existing law on the subject will only add complications, and will have a tendency to make the realization of rent insecure and dilatory.

If the abovementioned provision be retained there will be another inconsistency. When a patni tenure will be sold under a decree for arrears of rent, it will be sold subject to the registered and notified encumbrances; when the same tenure will be sold summarily under Chapter XVI, the auction purchaser will have the power to annul such encumbrances. This distinction will be productive of confusion and loss to the parties concerned. No particular object is gained by creating these anomalous distinctions. No particular objection would be taken to section 182, as objection has already been taken to the conversion of occupancy holdings at a fixed rent or rate of rent into tenures.

There is a further objection to the limitation prescribed by section 184 for the annulment of encumbrances One year, from the date on which the auction-purchaser first has notice of the encumbrance is rather short and very indefinite. The question when he had notice will be a matter of hot dispute. Again, where the auction-purchaser is the decree-holder himself, his right may be barred before he becomes the purchaser. He may have received notice of the encumbrance under section 193 more than a year before the tenure is brought to sale. Hence if any limitation is to be prescribed it should be within three years or at least two years from the date of confirmation of the sale irrespective of the question of notice.

When objection has been taken to the general principle of the sale of tenures, once subject to encumbrances and again with power to annul them, it is needless to say that section 185 is very objectionable.

The provision that the landlord is at the most entitled to the rent of only six months out of the period intervening between the institution of a suit for arrears and a sale in satisfaction of a decree in such suit is most arbitrary and unreasonable. It is well known that a tenure or holding is not likely to be sold within this short period of six months. And supposing it is sold within that time it would be at least two months if not contested, before the sale is confirmed. The auction-purchaser's rights and liabilities will commence from the date of confirmation of the sale. Hence, why should the landlord be defrauded of his just arrears, when the security for the payment of the same is lost by the sale. The only just provision that can be made on the subject is that the decree-holder will be entitled to have the arrears that may accrue from the date of suit down to the date of confirmation of the sale.

Section 192 is a most objectionable provision. It will not only act as an incentive to the creation and setting up of false encumbrances but be a license for the same. It will be a fruitful source of dispute and litigation, ruinous to the raiyats themselves, and detrimental to the interests of the landlords.

CHAPTER XVII.

The objectionable nature of the restrictions on contract and of the retrospective effect given to such restrictive provisions have been incidently commented upon. It is therefore needless to repeat what has been said. Suffice it to say that the provisions contained in section 210 are most arbitrary, unfair, and one-sided. In short, the provisions are neither based upon any good policy nor can they be supported upon any sound principle. The raiyat has full liberty to mortgage, sell, and sub-let his holding on any terms he may choose. He can make any terms in case he is granted a permanent mokrari lease, yet he cannot be deemed capable to making any contract that may trench upon some particular provisions of the Bill. This surely is unwarrantable and indefensible.

Section 216—Will not, as is supposed, cover all cases of homestead lands of raiyats.

The Bill is admittedly silent on the question of bastu lands of tenants other than raiyats: nor does it make any provision regarding such lands held by tenure-holders, when the same is not held as part and parcel of the tenure. Perhaps it is understood that this last class of cases falls within the division of bastu lands held by tenants other than raiyats. There are various incidents attached to homestead lands. To leave all these incidents to be settled wholly by local custom may not be very advantageous to the parties concerned.

Dated Furreedpore, the 22nd August 1884.

From—Baboo Ambica Charan Mazumdar, M.A., Secretary to the Furreedpore Peoples' Association,
To—The Secretary to the Government of Bengal, Legislative Department.

Now that a general discussion has been invited on the revised Bengal Tenancy Bill as published in the *Calcutta Gazette* of the 2nd April last, the Furreedpore Peoples' Association desire to offer a few observations on the subject. Their opinion on the Bill was invited by the Commissioner of the Division, but as owing to some untoward circumstances they have been unable to comply with that authority's request in due time, I am directed to submit, for the consideration of His Honor the Lieutenant-Governor, the following expression of their opinion on some of the provisions of the Bill.

2 The Association beg to be understood that they do not enter into the following discussion with any particular sympathy with either one of the two parties primarily interested in the subject—the actual proprietor and the actual tenant. On the contrary, they regard both of them to be important factors in an agricultural country like their own, neither of whom can be safely eliminated from the considerations of a paternal Government sitting to legislate for the peace and prosperity of its people. They believe the interest of both the classes to be co-extensive if not identical, and they are inclined to think that a correct and satisfactory solution of the problem, which has set this Bill on foot, lies only in the establishment of a harmonious relation between the two, and not in setting one against the other of these two contending parties. The Association are grieved to find that, although the Bill has undergone material alterations at the hands of the Select Committee, the main principles of the original Bill, which are so repugnant to the growth of that harmony, remain unchanged. Upon full consideration of the subject, they cannot divest themselves of the conviction that some of the provisions of the Bill are still so violent and revolutionary in their character, that, however much they may be now regarded in theory as conducive to the future welfare and prosperity of the tenantry, they will eventually prove destructive of even those rights which the latter had been slowly, but visibly and without opposition, acquiring under the least obstrusive of all laws—the law of the usages and customs of the country; and in submitting the following, the Association earnestly hope that Government will take the provisions of the Bill to which they refer into its serious consideration before passing them into law.

3. The provisions of the Bill to which they allude, and which appear to them open to serious objections, are the following :—

1st.—The unusual extension of the occupancy right of the settled ryot as given by section 25.

2nd.—The hard presumption for the first time sought to be raised in favour of occupancy right by clause (2) of section 26.

3rd.—Sub-letting of occupancy holdings.

4th.—Transferability of occupancy right and the imperfect restrictions proposed thereto.

5th.—Price-lists ; and

6th.—The absence of adequate provision for the protection and better security of the tenants in their bastu or homestead lands not forming part of an occupancy holding.

4. (1) *Occupancy right.*—The extension of occupancy right of the settled ryot over all lands included within a village or estate, as fixed and demarcated by the Survey authorities, seems to be open to two-fold objections—(1). In Eastern Bengal, and specially in the districts of Furreedpore and Backergunge, almost every such village contains lands of three, four, and sometimes five or six estates, and almost every estate pervades through 10 to 50 survey kismats or villages. These estates mostly belong to distinct proprietors. Now, if the capacity of the settled ryot of a village to hold, on an occupancy title, land of which he has been let into possession, is to extend over such an entire village irrespective of the length of time for which, and the malik under whom, he may hold, it would be productive of the greatest injustice and hardship to many an innocent proprietor, and at the same time prove no less injurious to the tenant. For example, a certain village A contains lands of four different estates—B, C, D and E—belonging to four different proprietors; R is a cultivating tenant holding under B for more than 12 years in this village A. After the end of the 12th year R's demand for land increases with his improved condition or the increase of his family, but B, his landlord, has no lands to supply him, and consequently R applies to C, D, and E, the other proprietors, who have lands of their estates in the same village, and takes from them three parcels of lands separately. The moment R is let into possession of these lands he acquires a right of occupancy in them. Certainly there is no circumstance in the existing state of the country to justify the introduction of such a violent provision of the law. The example cited is neither an imaginary nor an unusual one. In the district of Furreedpore such cases are of the most frequent occurrence, and in the southern part of it the general practice. The consequence of such a violent change in the law will be that either many talukdars and petty zemindars will in total ignorance of the status of the resident ryots of their neighbouring proprietors let such ryots into possession of their lands as payekhast ryots, and after-

wards, when a necessity will arise to provide for their own ryots, find themselves deprived of a valuable right, which deprivation they never calculated upon before, or, what is more probable, the tenants will scarcely find for cultivation any land not belonging to their own landlords, and being thus compelled to depend solely upon what scanty provisions their own maliks can make for them within their own estates, the tenantry will gradually sink in poverty and distress. The payekhast system (by which is understood in this and some of the neighbouring districts cultivation by a tenant resident within the estate of another proprietor), which is widely in vogue in this and in other districts in lower Bengal, and which is eminently suited to the occasional requirements of the agricultural community, will be rapidly extinct, and the tenantry left in a condition of utter destitution. (2) There will be a further and greater evil arising from this provision It is a common practice with tenants in almost all districts of Eastern Bengal to take several *mudaffats* at different times in the same village and within the same estate, and keep them as distinct and separate holdings. They themselves would be unwilling to have them consolidated into one holding, and in many rent-suits the only plea raised by the tenant is against attempted consolidations on the part of the landlord; for the advantages which the tenants derive from this separation are very great. In the event of a sale or ejectment for arrears of rent, they can easily afford to preserve some of them, although they would be quite unable to save all; and in case of their falling into adverse circumstances by deaths or otherwise, they can surrender one or more of such *mudaffats* or holdings, and retain a number of them sufficient for their family requirements. The proposed rule of law, apparently giving them an extended right, would therefore virtually be ruinous to them. The hardship on the one hand, and the mischief on the other, that will certainly arise from an undue extension of this capacity of settled ryots in large estates extending over a large tract of country, or sometimes into more than one district, are easily deducible upon an application of the above process, and need not therefore be particularized.

5. Upon the above considerations, the Association would humbly suggest that in justice to the proprietors, and particularly in the interests of the ryots, section 25 of the Bill ought to receive the following amendment:

Every settled ryot of a village or estate shall have a right of occupancy in all land held by him *under the same proprietor, and in one holding*, as a ryot in that village or estate.

6. The amendment proposed is italicised. It is perfectly true that if a ryot holding a quantity of lands for more than 12 years under one landlord should afterwards happen to take from the same landlord an additional quantity of land in the same village or estate, and enjoy the two together two characters ought never to be attached to different portions of the same holding so constituted. The proposed amendment will completely answer all these difficulties, for it will leave the tenant and the landlord free to choose with equal fairness whether lands subsequently demised should go to form an accretion to the original holding, and be subject to all the rights and liabilities incident thereto, or be treated as a distinct and separate tenure with somewhat diminished rights at the beginning, but with more extended advantages for all time. To guard against possible fraud and violence on the part of the proprietor, a clause may, however, be added to the section providing for a presumption in favour of the ryot, that in the absence of a written agreement all lands in the occupation of a settled ryot in one village or estate under one and the same proprietor shall be presumed to form one holding, unless the contrary is either admitted or otherwise satisfactorily proved.

7. (2). *Presumption of occupancy right.*—The presumption laid down in clause (2), section 26, will, it is seriously apprehended, operate most injuriously to the landlords. In the first place, it is much easier for the tenant to prove an affirmative than for the landlord to prove a negative. In the next place, the tenants have always better means to prove their 12 years' occupation than the landlords to disprove such a fact. Except where tenancies are created by written instruments (and such creations are very rare in Eastern Bengal), the only evidence which a landlord can produce to prove the actual commencement of a tenancy are the *jama-wasil-baki*, *karcha hishab*, and other collection papers of his own sherista. But these are very properly held to be no independent evidence under the law against the tenants. Besides, when a landlord will attempt to prove the commencement of a tenancy within 12 years by these papers of his own sherista, it is always be open to the tenant to say that earlier papers showing the prior existence of the tenancy have been wilfully kept back. But, on the other hand, receipts of rents granted by the landlords, which, if proved to be genuine, would be conclusive evidence against the latter, are always in the hands of the tenants, by which they can more easily and satisfactorily prove the duration of their tenancy. These practical considerations would lead the Association humbly to recommend that the presumption clause of section 26 may be entirely omitted.

8. (3). *Sub-letting.*—It is now quite clear that the Government fully recognize the dangers which will inevitably result to the actual cultivator of the soil from a formal recognition by the Legislature of the power of sub-letting in occupancy ryots, but the remedy prescribed by putting certain restrictions (section 5 (4) (5) and section 37) to such power seems to be quite inadequate. The scheme proposed in sections 37 and 38 for discouraging money-lenders and speculators from purchasing occupancy holdings will hardly prove effective in averting the evils apprehended, and will moreover be unworkable under the existing machinery of administration. If an occupancy ryot can sub-let up to a moiety of his holding,

and yet retain the privilege of an occupancy ryot as regards enhancement of rent, what discouragement would it be to the money-lender and speculator to make purchases of occupancy holdings? If he is assured that his own rents will not be enhanced, except under conditions applicable to his transferor's case, and that he himself can realize from his under-tenants at a rate much higher than his own, any money-lender wishing to speculate on lands will readily buy as many occupancy holdings as he can, and after keeping one-half of them in *khamar*, will sub-let the other half at exorbitant rents, and thereby seek to reimburse himself for what he has spent in making such purchases. It is exactly what the land-jobbers do in localities where transfers of occupancy rights are allowed either by custom or by the tacit consent of the proprietor, and they wish themselves no better, and the greatest number of oppressions are known to have arisen from such practices. Then the difficulty and inexpediency of going through an elaborate process of ascertaining the extent of a holding sub-let in a simple rent suit, in which the nature of the tenancy of the lessor may have to be determined, may be easily conceived. Such a law will largely increase the labour of the courts, retard the progress of administration of justice, and doubly increase the expenses of litigation. The quantity of lands sub-let will have to be in most cases precisely determined after measurement by civil court amins, and it is not too much to apprehend that many of these parties, after a dozen of such rent-suits, will find themselves entirely ruined, while the actual cultivator of the evil will always groan under the heavy pressure of either of the superior combatants. A provision for equality between occupancy and non-occupancy rates of rent, together with a further provision for summarily dealing with the recovery of rents of occupancy tenants, sub-letting may no doubt prove a decided improvement; but even that will not prove a sufficient preventive remedy for the evils apprehended. This Association would therefore humbly suggest that, in attaching the incident of sub-letting occupancy holdings, the law ought to provide that the holders thereof, upon sub-letting any portion of their holdings, will be converted into tenure-holders or middlemen; and the sub-lessees of such ryots shall not, unless they be actual cultivators, acquire right of occupancy in the lands so leased by them. The right of sub-letting herein proposed will no doubt be a restricted one; but if the evil of a rush of land-jobbers is an evil that ought to be avoided in legislating for the benefit of the true cultivator of the soil and improvement of the land, and if it be deemed necessary to provide also against the improvidence and indolence of an ignorant mass, an unrestricted power of sub-letting will be the greatest mischief that can be done to the Bengal ryots.

9. (4). *Transferability.*—The question of transferability of occupancy holding has undergone a most sifting examination from the time of the introduction of the original Bill. This Association will not therefore repeat the arguments already advanced on the subject. They would only observe that, in districts like Furreedpore, where there are large numbers of small estates with unusually long rolls of petty share-holders, the right of pre-emption given by section 32 will rarely be available to the proprietors, and the occupancy holdings will largely fall into the hands of money-lenders. The fate of the *jotes*, *gantis*, *howlahs*, *mourasies*, and such other transferable tenures with right of occupancy, which were no doubt at one time merely occupancy tenures belonging to actual cultivators of the soil, and have now entirely fallen into the hands of money-lenders and speculators, does clearly indicate which way the new measure will tend. The positive evils that will arise from this provision are not far to seek. If a correct census could be taken of the civil and the criminal institutions arising out of questions between landlords and tenants, it would appear that by far the greatest oppressions on the latter have been committed by money-lenders and speculators. They oftentimes advance in accumulated principal, interest and costs of suits more than the ordinary value of the property secured for their debts, and being themselves obliged to purchase such property in auction, they become relentless in screwing the last farthing from the hands of the tenants for the realization of their outlay. It cannot be doubted that this accident of the occupancy holding will create a host of middlemen, whose multiplication is neither desired by the country nor intended by the Bill. Whatever penalties the zemindars may have incurred by their arbitrary and oppressive dealings with their tenants, surely they have not deserved a forfeiture of their proprietary right to be given away in perpetuity to an unborn generation of irresponsible middlemen.

10. (5). *Price-lists.*—The scheme of preparing price-lists through the Collector every year for ascertaining the prevailing value of crops in any local area will, it is feared, be neither successful nor beneficial. Different prices prevail in different markets, and it will be hardly possible for the Collector to fix summarily a correct and fair standard for the same. The determination of the prevailing value of crops may be left to the courts' decisions upon evidence in each particular case.

11. (6). *Bastu land.*—Some adequate provisions are required for the protection of all classes of ryots in the quiet enjoyment of their bastu or homestead lands not forming part of an occupancy holding. Their right in such lands ought, the Association think, to be heritable only. They should be provided with the same advantages and conditions as the occupancy ryot as regards enhancement and ejectment, but their interests in such lands ought never to be transferable.

12. In conclusion, the Association beg to observe that the provision of section 30, as regards *khamar land*, read with reference to section 53, leaves the status of *khamar lands* as known in Eastern Bengal open to misinterpretation. In Eastern Bengal lands let out in what is commonly known as *barga* are strictly recognized as *khamar* lands, and they ought

never to come within the scope of section 53, which seems to have proper application in Behar only.

No. 73, dated Mozufferpore, the 4th September 1884.

From—The Vice-President, Tirhoot Landholders' Association, Mozufferpore,

To—The Secretary to the Government of Bengal, Revenue Department.

I have the honour to send in a separate cover by book-post a copy of the printed notes prepared by this Association on the Bengal Tenancy Bill as amended by the Select Committee for your perusal.

NOTES ON THE BENGAL TENANCY BILL AS AMENDED BY THE SELECT COMMITTEE.

The Bengal Tenancy Bill, as amended by the Select Committee, is not the production which every one expected—and very reasonably and rightly expected—after the several important questions involved in the proposed measure had been so ably discussed and argued threadbare by men best informed on the subject, and quite fitted to judge of the wants and requirements of the country and its people. This amended Bill has not a little surprised and disappointed all right-thinking men, who consider and treat the matter in the most impartial manner, and do not deal with it, as a firm, staunch, and unflinching advocate or partizan. But much of this surprise and disappointment ought to vanish if we, for a moment, reflect upon the peculiar manner in which the Select Committee was constituted, for most of the members composing the Committee were men who went to the Council Chamber to deliberate upon and discuss the many important questions with firmly-rooted convictions, decidedly in favour of one class and against the other. We have very carefully gone through and considered the Bill, and we find that a considerable portion of it is condemnable from the zemindars' as well as the ryots' point of view. At every step we meet with restrictions and restraints upon the existing rights and privileges of the landlords, imposed without any justification whatever, encroachments upon their proprietary rights made without any reason or rhyme, and measures proposed which will surely plunge both landlords and tenants into a flood of litigation, expense, worry, and trouble. The consequences of such a state of things can very easily be imagined; and we do not think we are wrong when we say that some of the results will be, among others, as follow:—

It will prove a heavy drawback to the prosperity of the people affected by the Bill, which is just the reverse of the object the Government has in introducing the measure; it will revolutionize the existing relations between landlord and tenant, and introduce innovations quite unsuited to the ideas of the people, especially the agricultural population of Bengal; it will wholly destroy the amity and good feelings now subsisting between the parties, making the one a determined enemy of the other; will open a wide door to forgery and perjury and subornation of perjury; most injuriously affect customary laws and rights; and, what is worst of all, fetter freedom of contract which has hitherto regulated all dealings, not only here in India, but in all parts of the civilized world, not merely between landlords and tenants, but all classes of people.

We all know that the object in agitating the question originally was to find the means and way for supplying certain wants of the zemindars. But how strange! Since the first agitation of the question, every Bill, one after the other, which has come out of the Legislative anvil, has been peculiarly remarkable in its confiscatory character. Far from simplifying the procedure for the realization of rent and enhancement of the same, and far from compensating the zemindars for the loss, trouble, and inconvenience they have to bear in consequence of the obligation imposed upon them to realise certain cesses for the Government, the Bill has gone far to render the position of the zemindars very much worse; for it places most needless restrictions upon the exercise of their power of distraint, and certainly the provisions of the Bill in connection with enhancement are cumbrous, difficult, and inconvenient.

There can be no denying that in making the provisions embodied in the Bill, Government is actuated by the best of motives, for it has at its heart the promotion of the happiness and comfort of the tenants and the general amelioration of their condition; but at the same time there can be no denying that in carrying out its object, how good and laudable soever it may be, it must trench upon the vested rights and privileges of the landlords, and curtail many a valuable and fondly cherished right which has been indisputably enjoyed by them ever since the commencement of the British rule, and long before such rule commenced. Why we may very safely observe that this Bill is wholly founded upon the assumption that the property in the soil does not belong to any person, and that therefore it is quite in the power of the Legislature to make any law it thinks fit regulating the proprietary right in land, and making any distribution of the same it thinks fair and equitable in its wise, mature, and calm deliberations. One need hardly be told that a Bill, which is built and constructed upon so grossly false a basis, must be rotten in its very core, and

seriously mischievous in its results as far as landlords or zemindars are concerned. The assumption we have spoken of above is a very barefaced one, put forward as it is with full knowledge of its falsity; for we cannot by any means persuade ourselves to believe that those who put it forward are ignorant, that there is ample evidence within our reach to establish that the property in the soil belongs to nobody else but the zemindars and independent talookdars. We need not go far to collect evidence in support of the position we take, for we have ample proof of this in the Regulations and Acts themselves passed by the Legislature from time to time. It appears to us to be too late in the day to agitate and discuss the question now, when from the very valuable and useful work of Dr. Field, we find that this very question and other cognate matters were very seriously and carefully considered and discussed by such great men as Warren Hastings, Francis, Pitt, Fox, Burke, Dundas, Lord Teignmouth, and Lord Cornwallis, before the Permanent Settlement was effected. As the result of such consideration and discussion, we have what we meet with, first of all, in the most important Regulation, that is, Regulation I of 1793, and other subsequent Regulations and Acts passed by the Legislative Council at different times. The very first paragraph of Regulation I, 1793, runs thus:—

"The following articles of the proclamation, relative to the limitation of the public demand upon the lands, addressed by the Governor-General in Council to the *zemindars, independent talookdars, and other actual proprietors of land*, paying revenue to Government, in the provinces of Bengal, Behar, and Orissa, are hereby enacted into a Regulation, which is to have force and effect from the 22nd March 1793, the date of proclamation."

Then the second section is as follows:—

"In the original Regulations for the Decennial Settlement of the public revenues of Bengal, Behar and Orissa, passed for those provinces respectively on the 18th September 1789, the 25th November 1789, and 10th February 1790, it was notified to the *proprietors of land*, with or on behalf of whom a settlement might be concluded, that the jumma assessed upon their lands under those Regulations would be continued after the expiration of the ten years, and remain unalterable for ever, provided such continuance should meet with the approbation of the Honourable Court of Directors for the affairs of the East India Company, and otherwise."

Sections six and seven run thus:—

"*Section 6.*—In the event of the proprietary right in lands that are, or many become, the property of Government, being transferred to individuals, such individuals, and their heirs and lawful successors, shall be permitted to hold the lands at the assessment at which they may be transferred for ever."

"*Section 7.*—It is well known to the *zemindars, independent talookdars and other actual proprietors of lands*, as well as to the inhabitants of Bengal, Behar, and Orissa in general, that from the earliest times until the present period, the public assessment upon the lands has never been fixed, but that, according to established usage and custom, the rulers of these provinces have from time to time demanded an increase of assessment from the *proprietors* of land; and that, for the purpose of obtaining this increase, not only frequent investigations have been made to ascertain the actual produce of their estates, but that it has been the practice to deprive them of the management of their lands, and either to let them in farm, or to appoint officers on the part of Government to collect the assessment immediately from the ryots. The Honourable Court of Directors, considering these usages and measures to be detrimental to the prosperity of the country, have, *with a view* to promote the future ease and happiness of the people, authorized the foregoing declarations; and the *zemindars, independent talookdars, and other actual proprietors of land*, with or on behalf of whom a settlement has been or may be concluded, are to consider these orders fixing the amount of the assessment as irrevocable, and not liable to alteration by any persons whom the Court of Directors may hereafter appoint to the administration of their affairs in this country.

"The Governor-General in Council trusts that the *proprietors* of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands, *under the certainty that they will enjoy exclusively the fruits of their own good management and industry*, and that no demand will ever be made upon them, or their heirs or successors, by the present or any future Grvernment, for an augmentation of the public assessment in consequence of the improvemet of their respective estates.

"To discharge the revenues at the stipulated periods without delay or evasion, and to conduct themselves with good faith and moderation towards their dependent talookdars and ryots, are duties at all times indispensably required from the *proprietors of land*, and a strict observance of those duties is now more than ever incumbent upon them in return for the benefits which they will themselves derive from the orders now issued. The Governor General in Council therefore expects that the *proprietors of land* will not only act in this manner themselves towards their dependent talookdars and ryots, but also enjoin the strictest adherence to the same principles, in the persons whom they may appoint to collect the rents from them. He further expects that, without deviating from this line of conduct, they will

regularly discharge the revenue in all seasons; and he accordingly notifies to them that, in future, no claims or applications for suspensions or remissions on account of drought, inundation, or other calamity of seasons, will be attended to; but that, in the event of any *zamindar, independent talookdar, or other actual proprietor of land*, with or on behalf of whom a settlement has been or may be concluded, or his or her heirs or successors, failing in the punctual discharge of the public revenue which has been or may be assessed upon their lands under the above-mentioned Regulations, a sale of the whole of the lands of the defaulter, or such portions of them as may be sufficient to make good the arrear, will positively and invariably take place."

If we multiplied instances, it would be necessary to produce here the whole of the Regulations, section by section; but we need not do so, as the sections we have given above afford, in our opinion, the clearest evidence that the proprietary right in the land belongs exclusively to zemindars and independent talookdars. For the purpose of indicating how the sections do so, we have underlined in them certain words. The words underlined can leave no doubt in any mind, how sceptical soever it may be, that the actual proprietors of the soil are the zemindars and independent talookdars, not because the Permanent Settlement Regulation made them so, but because they were found to have occupied that position during the Mahomedan rule. All that the British Government did, when it proceeded to make the Permanent Settlement, was simply to confirm the proprietary rights in land of those who have been enjoying them when the country was in the hands of the Mahomedans. It did not confiscate those rights, and we think it did right in not confiscating, having regard to the way and manner in which it obtained possession of the country, for that way and manner was anything, but certainly not conquest.

But for the sake of argument we may concede, as we lose nothing by the concession, that it could confiscate those rights in the exercise of its power as conqueror, and did actually do so there cannot be the slightest doubt; that in the exercise of its sovereign prerogative it has restored them again to those whom they belonged to, their heirs, successors and representatives for ever, satisfying itself with a fixed revenue.

Among the sections we have quoted above, there is section 6, in quoting which our object is to show that by Regulation I, 1793, the British Government meant to convey and confer, and did convey and confer, what proprietary rights it had in the lands.

Here we may very properly notice the argument which is to the effect that the Permanent Settlement Regulation is simply a contract, to which there were only two parties, namely, the Government on the one side and the zemindars on the other, and that therefore the ryots, who were no party to it, cannot be bound by it—a more frivolous and puerile view of the matter cannot be easily conceived. This Regulation, in our opinion, is a Royal Charter whereby the Sovereign Power, in the exercise of its right by conquest, either confirmed in, or conveyed to and conferred upon, certain persons proprietary right in land for a valuable consideration. Certainly the argument cannot come with a good grace from a Government official, for it really amounts to this: Government knowingly and deliberately entered into a solemn contract with a certain class of persons for its own benefit, and that of the class it dealt with, to the detriment and injury of the whole body of ryots.

Again, supposing that it is true that the Regulation is simply a contract, there can be no doubt that the hands of the Government are tied for ever; it becomes then a question who is to legislate in behalf of the much aggrieved class, the ryots? Certainly not the same Government. Who then? This is a question which it is not in our power to answer.

From what we have said above, we hope we have made it clear that the British Government has conveyed the proprietary right in land to a certain class of persons for ever upon a fixed revenue. If it is so, we make no hesitation in saying that it does not at all lie in the power of the Government to make any laws confiscating, curtailing, circumscribing and limiting, in any way, that proprietary right, or the lawful exercise of the same by imposing many needless and unmeaning and irrational conditions. If any illustration in support of what we say here were needed, we have simply to quote one very important instance, and that is to be found in Chapter V of the Bill which treats of occupancy ryots, their rights and privileges. Of all ryots, the most privileged class we know was the *khoodkast* ryots. There is the clearest evidence that to even this class did never belong the rights and privileges which the present Bill aims at conferring upon its new-child—"settled ryots." Still this Bill professes to restore the ancient Land Law!! All that the *khoodkast* ryots were entitled to was to retain possession of their lands so long as they paid the rents demandable from them; but they could not sell or mortgage their holdings without the sanction and consent of the landlords. The latest Legislative enactment on the subject—we mean Act X of 1859—which created for the first time the right of occupancy, could not venture to go further than declaring such right to be merely heritable; but according to the Bill now before us, occupancy right is made saleable and transferable according to the pleasure and fancy of the ryot. It may be contended that the Legislature of the country has the power to make any law it thinks fit, whenever the condition and state of society and the people render it necessary, and that in spite of the fact that one class of the people benefits largely at the expense of another; but we venture to assert that this power can be exercised only in special

cases, and the question is, has any such special case been made out? Has the Government made all the necessary enquiries to satisfy itself and the people, whom the law is to affect, that the present condition of things is such as to justify the introduction of a measure like the one contemplated in the Bill. To our knowledge and belief no enquiry at all, worth the name, has been made. If you say that there are official reports, but these official reports are not unanimous. They differ as widely as possible, and the best and more experienced officers, and therefore the best fitted to give an opinion in the matter, have most strongly condemned the Bill and pointed out very forcibly the mischievous results it will give birth to. Of course some officers, more sentimental than practical, have come forward as supporters of the Bill, but we ask whom, between the two classes of officers, we ought to believe and follow? Certainly not those whose great bias and prejudice against the landlords render their opinion almost quite valueless. It is also worth mentioning here that the same laws which may suit one local area may not be at all adapted to another. This shows the absolute necessity of a thorough and scrutinizing enquiry into the actual condition of things in every corner of this vast Empire, before a grand legislative measure like the one contemplated in the Bill is introduced. If you for a moment consider the very important character of the questions the Bill deals with, you will, we are certain, readily and unhesitatingly pronounce that the hurry and haste with which the Government is proceeding to bring the measure to completion is most reprehensible. Again, conceding everything, conceding that the law is really required, we cannot make ourselves for a moment believe that it will at all benefit the class of people whom the Government so much wishes to help. It is notorious that this class of people is most improvident and thoughtless; they do not think so much of the future as of the present; and a marriage or *shradh* with the power of sale which the Bill confers upon the ryot, will in no time convey wholesale all his lands either to the mahajun or the land-jobber, and one sure result of this will be, that there will be much rack-renting and absolutely hard terms and conditions on which alone lands can be held. Again, the endless litigation which the Bill is sure to lead to between landlords and tenants, though injurious to both, will be the more so to the ryots. A big, powerful, wealthy zemindar may afford easily to defray the expenses of a lawsuit for a time, but it will not be such an easy affair to the ryot. Then again the litigation will constantly keep the ryot away from his home and field, very much to the detriment of agricultural operations, and we all are aware of the unfortunate and disastrous consequences which ensue if such operations are not attended to in proper time. These, and many other thoughts like these, most inevitably lead us to the conclusion that you make the ryot a happy and prosperous man only in the Statute Book, but practically you lead him on the high road to poverty and ruin.

We have said above that a Bill may be most revolutionary, yet if the condition of the country and the state of society demanded it, the Legislature of the place has every right to pass it into law. We will even apply this test to find out how far the present condition of the people and country justifies the introduction into the Legislative Council of the present Bill, which it cannot be denied for a moment is most revolutionary in its character. While on this subject, we cannot better discharge our duty than by quoting here a passage from the speech of Mr. Roper Lethbridge, made the other day at a meeting held at St. James' Hall:—

"We have had Mr. Trevelyan's Bill, which has been already referred to, under discussion, and we have had expression of opinion from Lord Derby and Lord Carlingford on the result of the Irish Land Legislation, and it may be said that we have now before us ample grounds for judging fully of what are likely to be the disastrous results of the introduction of this Bill. Lord Derby confessed last week that the Irish Legislation was a revolutionary measure; but he said it was introduced because of revolutionary circumstances. Now, gentlemen, I ask you, can that plea be adduced for Bengal? Is Bengal in such a state that it must be described as revolutionary? What does the Duke of Argyll say on the condition of Bengal. He said: 'I could not fail to observe, when I was connected with the Government of India, that the portion of the country which has most grown in wealth is precisely that part of it in which the Government has parted with its power of absorbing rent, by having agreed to a permanent settlement.' The most prosperous part of India is admitted to be Bengal! And I would refer to a still higher authority than even the Duke of Argyll, to one whose personal knowledge is absolutely unrivalled on the point, and that is to Sir Ashley Eden, the late Lieutenant-Governor of Bengal. Sir Ashley Eden, after an extended tour in the interior of Bengal in 1877, thus spoke of the condition of the peasantry:—'Great as was the progress which I knew has been made in the position of the cultivating classes, I was quite unprepared to find them occupying a position so different from that which I remember them to occupy when I first came to the country. They were then poor and oppressed, with little incentive to increase the productive power of the soil. I find them now as prosperous, as independent, and as comfortable as the peasantry, I believe, of any country in the world; well-fed, well-clothed, free to enjoy the full benefit of their labour, and able to hold their own or obtain prompt redress for any wrong.' Is that a revolutionary state of affairs? That passage which I have just quoted, it is fair to explain, referred only to Lower Bengal. It has been said that the condition of Behar is not so favourable,—possibly owing to the fact that there has been recently long minorities of the Chief Rajahs and landowners of Behar, during which

the Government of Bengal has had the direct management of those estates. It may possibly be said, and it has been said, that the machine-like heartlessness of Government management has introduced a somewhat worse state of affairs there. But, gentlemen, I again call upon Sir Ashley Eden to bear witness to the state of the peasantry even of this less favoured part of the Lieutenant-Governorship of Bengal. Sir Ashley Eden, in 1881, addressing a deputation of the Behar landowners, thus spoke of the condition of the rural population in that part of the province: 'I can assure you that nothing has given me greater pleasure than to notice, as I have had ample opportunities of doing, the extraordinary improvements in the condition of the people. It is made manifest in a hundred ways daily, even to the most casual observer. I hear the same story from all classes, official or non-official, and it is a matter of general congratulation.' Is that, gentleman, a revolutionary state of affairs to justify revolutionary measure? I maintain, after this statement of Sir Ashley Eden—and I can quote and I intended to quote, but time fails me, other statements from various officials, Commissioners, Collectors, Magistrates, and others, but I will refrain from doing so—that it is an absolutely notorious fact that the position of the peasantry of Bengal is at the present time a good one. I am going to quote in the resolution that I am about to have the honour of moving, some words of Lord Hartington on the subject of this very Bill, or of portions of it. I will ask you to compare those words of Lord Hartington with the legislation of Lord Ripon and Mr. Ilbert, and I will ask you to say, is there not some anarchy of opinion, such as the Duke of Argyll spoke of last week? Is there not anarchy of opinion there? And who are these people on whose behalf I am now calling in the witness of Mr. Gladstone and Lord Hartington and the Duke of Argyll and others to plead before this assembly? They are the most docile, the most quite, and most law-abiding, peasantry in the world. They are also a class of landowners who had proved themselves as loyal and as munificient as any other similar class in any country in the Empire. Why, I ask, what have these people done that we should sow dissension amongst them? Is it the part of a wise Legislature to embitter the relations between the various parts of the country? We have all of us learnt in the Bible that a type of ancient patriot and wise administrator once, on seeing two of his kinsmen striving together, would have set them at one; he said, 'Sirs, ye are brothers, why do ye wrong one to another?' But, gentlemen, our modern administrators do not even wait until they see their kinsmen striving together; they find them living together in peace and amity; they find a condition of affairs in which there is mutual esteem and mutual respect, resulting in well-earned prosperity and contentment; and they apply themselves to set race against race, envenom class against class, and to bring all things into confusion and anarchy."

We will now turn our attention to another portion of the Bill before us, in which the Legislature, on the assumption, which in our opinion has no foundation at all, that the ryots in the country are so imbecile and so poor in intellect and in intelligence that it would be nothing but just, equitable, and expedient, if it interposes its authority in the protection of the interest and welfare of the ignorant and weak class by ruling absolutely that, in all matters of contract between landlord and tenant, whether past, present, or future, as also in all questions relating to adjustment and enhancement of rent, the ryots are to be deemed as quite incompetent and incapable to deal for themselves, lays down that though the landlord shall have to carry out and fulfil strictly his part of the contract, such contract, as far as the tenant is concerned, is not and cannot be binding upon him except under certain special circumstances and conditions, and that all matters of adjustment and enhancement of rent must be made through the Court or under the sanction and approval of some officer of Government. These provisions in the Bill naturally make us forget that we are drawing every day very near the threshold of the twentieth century. It is not certainly a piece of legislation compatible at all with the progress and advancement of the age.

If the Legislature of the country, so far back as the year 1812, considered it safe and prudent to leave the landlords and tenants to enter into whatever contracts they thought best conducive to their interests, we fail entirely to see any force or cogency in the argument which, for the first time now at the fag-end of the nineteenth century, is advanced in support of the proposition that the position of the tenants fully justifies the denial to them of the freedom of contract, not generally however, but only in the particular instance in which they enter into any agreement with their landlord. There are contracts of a graver and more important character to enter into which the capability of the tenant is not questioned at all, and it is quite right that it is so; for man is a free agent, God has made him so, and we cannot find with all our best endeavours to solve the difficulty, anything peculiar subsisting in the relation of landlord and tenant, which makes it desirable, despite all divine laws, that the tenants ought to be by a legal fiction brought down from the class of free agents, whenever there is a contract to be made between him and his landlord.

There is a full recognition by the Legislature of the country of the power and competency of the ryot to enter into any contract he thinks fit with his landlord so far back as the year 1812; for in Regulation V, passed in that year, we meet with the following section:—

"*Section III.*—The proprietors of land shall henceforward be considered competent to grant leases to their dependent talookdars, under-farmers, and ryots, and to receive

correspondent engagement for the payment of rent from each of those classes, or any other classes of tenants according to such form as the contracting parties may deem most convenient and most conducive to their respective interests. Provided, however, that nothing herein contained shall be construed to sanction or legalize the imposition of arbitrary or indefinite cesses, whether under the denomination of *abwab*, *mahtout*, or any other denomination. All stipulations or reservations of that nature shall be adjudged by the Courts of Judicature to be null and void; but the Courts shall, notwithstanding, maintain and give effect to the definite clauses of the engagements contracted between the parties, or, in other words, enforce payment of such sums as may have been specifically agreed upon between them."

Again, why should there be a special legislation in the matter of contracts between landlords and tenants alone? Why should the tenants be deemed incapable to enter into a valid and binding contract with their landlords?

Section II of the Contract Law (Act IX of 1872) says:—"Every person is competent to contract, who is of the age of majority according to the law to which he is subject, and who is of sound mind, and is not disqualified from contracting by any law to which he is subject."

It was proposed to impose certain arbitrary conditions in the matter of contracts between raiyats and indigo planters, as it is now intended to do by the present Bill in contracts between landlords and tenants, and we had in the year 1835 the expression of opinion on the subject from no less a man than Lord T. B. Macaulay. That opinion is so sound, cogent, and forcible, that we cannot resist the temptation of giving here portions of it:—

"The Government have asked whether the Commissioners think that there would be any advantage in declaring invalid all contracts for indigo which shall be for a term longer than one year. I should greatly disapprove of such a measure. It would evidently be opposed to a great general rule, and it is not made out to my satisfaction that the circumstances of this particular case form any exception to that general rule.

"The general rule is this: That grown men, not idiots or insane, should be suffered to make such contracts as are not injurious to others, and as appear to them to be beneficial to themselves. To say that the ryots of this country are mere children and ought to be specially protected is, I conceive, quite incorrect. They are not intellectually superior to the peasantry of other countries. They are as well acquainted as we are with the difference between an anna and a rupee, or between a month and a year. They are suffered to make the most important contracts; and nobody proposes to deprive them of this power, except when indigo is in question. They marry and govern their families. They are treated by our Courts of Justice as persons quite capable of comprehending the nature and consequences of their acts. If they are not so, if they are not able to judge for themselves in matters which concern only themselves better than the Government can judge for them, they will require protection, not in this particular case alone, but in ten thousand other cases. I conclude, therefore, that there is nothing in the intellectual state of the raiyats which renders proper that contracts freely made by him should be set aside. But it is said these contracts are not freely made. Force and deception are employed. The peasant assents to disadvantageous terms from fear of bludgeon-men, or he is tricked into signing some paper which he does not understand. I answer that in all such cases there ought to be a remedy. The law, I apprehend, would even now reach these oppressive and fraudulent practices. If not, the law ought to be altered. In every case of coercion or of deception, the contract should be set aside, and the tyrannical or dishonest capitalist should be punished with exemplary severity. But what is now proposed is that we should attack not the evil, but a circumstance in itself wholly indifferent; not tyranny or dishonesty, but a certain term arbitrarily fixed upon; not unfair contracts, but long contracts. The sound rule is this. If a raiyat has been intimidated or duped into making an agreement for a month, a day, or an hour, cancel the agreement and punish the wrong-doer. But if unterrified and undeceived, he has made a contract for two or three seasons, enforce it. A Government cannot be wrong in punishing fraud and force; but it is almost certain to be wrong if, abandoning its legitimate functions, it tells private individuals that it knows their business better than they know it themselves, and is resolved to serve them in their own despite.

"The proposition now under consideration belongs to a class of propositions which cannot be regarded with too much suspicion. If there be any one political truth proved by a vast mass of experience, it is this, that the interference of legislators, for the purpose of protecting men of sound mind against the inconveniences which may arise from their own miscalculations, or from the natural state of the markets is certain to produce indefinitely more evil than it can avert. It was no doubt a humane feeling which dictated usury laws; laws against forestalling and regrating; laws for raising the wages of labour; laws for lowering the price of commodities; laws for limiting the number of hours during which adults should work; and many other laws of the same kind. But the invariable effect of such laws has been to injure society, and to injure more especially that portion of society which the Government humanely wished to protect. The needy man who could have borrowed at

10 per cent., when cursed with the compassionate aid of the lawgiver, is forced to pay 15 per cent. That which would have been scarcity if prices had been regulated by the avarice of the corn-dealer, becomes a famine when the prices are regulated by the benevolence of the Government. The measure which we are now considering, is a measure of this kind,—a raiyat consents to bind himself to deliver a certain commodity to the capitalists during several successive seasons. If he has been terrified or deluded into making this agreement, the agreement is of course null. But if he has not been terrified or deluded, on what principle are we to refuse him permission to bring his only commodity, his labour, to market in his own way, and to dispose of it on such terms as, in the state of the market, are the best which he can obtain?

"If we cannot prevent the indigo-planter from oppressing and cheating the raiyats, this restriction will evidently be a mere nullity. If we cannot prevent the planters from oppressing and cheating, then no raiyats will make a long contract without what he thinks a *quid pro quo*. And I conceive that a raiyat is infinitely a better judge of what is or what is not *quid pro quo* in such a case than any Government, even the most enlightened, can possibly be.

"I therefore object to this provision and to all other provisions of the same kind which have been suggested.

"On the whole, I am not satisfied that any peculiar system of law is required for the indigo districts. I believe that the evil which exists in those districts differs little either in kind or degree from those which may be found almost in every part of our Indian Empire. There is a bad judicial system. There is a bad police. There is a people accustomed for ages to be plundered and trampled upon, and ready to cringe before every resolute and energetic oppressor. The system of dacoity and the system of thuggee are more malignant evils of the same family. They are evils which never could exist to the extent they exist here, in a country where the tribunals and the police were efficient, or in a country peopled by a manly and high-spirited race."

The above opinion, we all know, did prevail; for in pursuance of it the idea of encumbering indigo contracts with needless and unusual conditions and restrictions was altogether abandoned. The present case is on all fours with that in which the opinion was given; the only difference being that instead of indigo-planters, we have here, as the other party to the contract, landlords.

Last year Baboo Nundun Lall of this Association made the following remarks on the subject of contracts between landlords and tenants :—

"One thing very noteworthy is that, while the legislation of 1859 and also of 1869, in treating of rights of occupancy, fully recognized and upheld the force and validity of contracts made between landlords and tenants, the present Bill takes them away in one sweep, regardless of the reasonableness or otherwise of such contracts. I do not think under the circumstances it will be saying too much if I characterise the present Bill as quite one-sided, for it looks throughout to the benefit and advantages of the ryots. Legislature should mete out justice with an even hand; but the present Bill is an attempt at legislation, which quite overlooks the rights and claims of zemindars, and showers upon the ryots benefits which they themselves never dreamt of. If in making the provisions in the present Bill, liberating without any reason or rhyme the ryots from the trammels of their own voluntary contracts, and holding the zemindars bound foot and hand by them, the Legislature has proceeded upon the assumption that the ryots are a class of people weak in intellect and not quite able to understand the effects of their contracts, I am bound to say that it is an assumption most unreasonable and quite out of place. We all know that, as the age advances, the intellect and understanding powers of men go on improving. If during the time the laws of 1859 and 1869 were enacted, the ryots had brain enough to comprehend the effects of their contracts, they must necessarily be now in a better position to judge of their own acts. Is it not, then, an anomaly that while the other laws held the ryots bound by their contracts, more recent legislation should upset the most solemn contracts, so far as the ryots alone are concerned, on the supposition that they are intellectually a much weaker class of people. One very deplorable consequence of such upsetting of contracts is, that it completely destroys all confidence of the people in the Legislature of the country. This is quite natural. Relying upon the declarations of the Legislature, as set forth in the Acts of 1859 and 1869, the zemindars have minded no trouble and expense in making settlement of lands, in securing written contracts from the people they settled with, expressly waiving all claims to rights of occupancy. Now, according to the present Bill, these contracts will become mere waste paper, so far as the ryots are concerned. A contract is too sacred a thing to be trifled with in this manner."

The above remarks are beyond all doubt just, correct, and proper, and we do not see how any one can reasonably say anything to the contrary.

If the zemindar is the actual proprietor of the land, we do not really perceive how it can be at all in the power of the Government to interfere in any arrangement he may make in regard to his own lands with his ryots, whether in the shape of contracts or adjustment and enhancement of the rents, so long as he does nothing amounting to an offence punishable under the Penal Code. As absolute owner, he is quite at liberty to make any terms he thinks proper for allowing the ryots to occupy his lands. It is entirely a private matter

between him and his tenants, and all interference of the Government appears to us to be quite unjustifiable and improper. Our opinion finds echo in what was observed by Mr. Shore and Mr. Francis, as will appear from the following passage which we copy from a little book by Mr. H. Bell, entitled "the Restoration of the ancient Land Law":—

"But it is said that in prohibiting the freedom of contract between the landlords and the tenants, the Government are merely reviving and restoring the ancient land law of the country. In this ancient land law two principles, it is asserted, are found to be embedded. First, that the resident ryot cannot be ejected from this holding in the village lands so long as he pays the established rent; and second, that it is the right and duty of the ruling power to determine the rent payable by the ryot to the zemindar. No one, as far as I am aware, has ever denied that a ryot with a right of occupancy is entitled to hold the land so long as he pays the rent; but the question is, who fixes the rent, the zemindar or the State? I emphatically deny that the ruling power have ever interfered in Bengal to determine the rents which the ryots were to pay to the zemindars. In other provinces of the Mogul Empire, where, as in Madras, there were no zemindars, the State professedly settled the proportion of the produce which the cultivators had to pay. 'The Institutes of Akbar,' says Mr. Shore, 'show that the relative proportions of the produce were settled between the cultivator and Government, yet in Bengal I can find no instance of Government regulating these proportions.'

"The reason is obvious. In Bengal, the Mahomedan Government assessed the zemindars: in the other provinces of the Empire, where there were no zemindars, the Government professedly dealt with the cultivators. But even where the Government professedly dealt with the ryots, it was found impossible in practice to assess each individual cultivator. It was one of the schemes of Akbar to have a general survey made of his empire; but we are told that at a very early period the scheme of Akbar to assess fields was discovered in practice to be full of embarrassment; and before his measurements even were completed, he was reduced to the necessity of assessing whole villages, and leaving it to the people themselves to distribute the portion payable by individuals.

"Mr. Shore, after stating that he could find no instance in Bengal of Government fixing the rent of the ryots, observes in a subsequent part of the same Minute that, 'the regulation of the rents of the ryots is properly a transaction between the zemindar or landlord and his tenants, and not of the Government; and the detail attending it is so minute as to baffle the skill of any man not well versed in it.' I unhesitatingly assert that there never was a time when the zemindar could not make what terms he pleased with his ryots, and the *pergunnah* rates, or the established rates of which we hear so much, were the rates which the zemindar himself established. How could it be otherwise? If he did not establish them, who did? The Government did not, for Mr. Shore tells us that there is no instance of Government interfering to regulate these rates in Bengal. What were the cesses which the zemindars before the Permanent Settlement were accustomed to levy, but an increase of the rates? 'The cesses,' says Mr. Shore, 'imposed by the zemindar were an enhancement of these rates, and arbitrary at first without being oppressive.' For what object were the lands of the ryots periodically measured, for what object were inquiries made as to the quality of the land and the articles it produced, expect to obtain an increase of rent? 'The rates,' said Mr. Shore 'varied with each succeeding measurement; and when they become too heavy the ryots abscond, or the zemindar allows them a compensation by giving them other lands at a favourable rate.' In the face of these facts, how can it be contended that the zemindar did not fix the rates? The lands were not measured by the Government officer, but by the zemindar's own servants. There was no one but the zemindar who could have fixed the rates. A special officer called the '*halshanah*,' whose special duty it was to measure, was attached to every zemindar's establishment. General measurements, we are told, were made every 10 or 15 years, and the general rates as determined by the measurement would remain in force till the next measurement. These rates would then be the established rates of the village, pergunnah, or other division until revised by a subsequent settlement. But as the rent was fixed with reference to the quality of the land and the nature of the crops grown upon it, there was a great diversity of rates even in a single village. This again shows that the rates could not have been fixed by the ruling power, but must have been a matter of adjustment between the zemindars and ryots. Mr. Francis, writing as a member of Warren Hastings' Government in 1776, says: 'The amount of rent must be settled between the zemindar and his tenant. Government can never descend to the ryots, so as to fix any general assessment upon them, because the rates of land depend on a number of circumstances, such as the quality of the soil, the articles it produces, of which there may be a variety in one village; besides, vicinity to markets or water-carriage makes land of more or less value to the cultivator.' I do not know how it is possible more conclusively to show that the ruling power neither fixed nor attempted to fix in Bengal the rates of rent which the ryots were to pay."

It is clear from the extract which we have just given that the adjustment and enhancement of rent, and the determination of the terms of a tenancy, have always been left entirely to the zemindars and tenants, and there has not ever been any interference in such matters on the part of the Government until the year 1859. In that year a law was made in

which the Legislature for the first time made certain encroachments upon the rights and privileges of the landlords, the principal of which are—

(*a*) creation of occupancy rights; and

(*b*) the rule that the rents of occupancy ryots cannot be enhanced except upon certain specified grounds and after certain formalities have been gone through by the landlord.

We need hardly mention that we are here alluding to Act X of 1859. But this Act even was not so reckless and inconsiderate as the present Bill, for it respected and kept inviolate all contracts between the two classes. It was simply because the Act left room open for contracts that the inconvenience, difficulty, and trouble, which arise from the rules prescribed therein, *quoad* enhancement of rent, were not so generally experienced. Compare the present Bill with Act X of 1859 on the subject of enhancement, and you will see that the proposed legislative measures are extremely hard to the zemindars; while prohibiting contracts, it lays down so many difficult, intricate, and stringent rules in connection with enhancement, that the zemindars must give up all hopes of succeeding in ever securing an enhancement.

We have all seen what little success has attended the attempts of zemindars to enhance under the existing law, the rules of which are ten times simpler, easier, and less intricate than those which the Bill before us contains. We therefore can very safely assert that these rules will never work, and that after all the trouble and expenses that have been wasted upon the preparation of price-lists and table of rates, the whole system will collapse or remain idle and useless as a most unwieldy and unworkable thing.

The result is obvious. There will be no enhancement of rent at all in future, for you cannot enhance by contract or through the medium of the process of enhancement; so the chapter in the Bill about enhancement of rent of occupancy ryots is more illusory than anything else; more a blind than a real means to the attainment of the object which it professes to have at its gift. In other words, it comes to this—Government does not consider it safe and prudent to say at once that it shall not be in the power of the landlords to increase the rents of their occupancy ryots, and therefore what it cannot venture to do openly it does by under-hand means. It gives the right of enhancing to the landlords, but takes particular care to surround it with close-laid and strong thorns, so that no landlord can ever hope to approach it.

Having made the above general observations, we now proceed to examine and notice some of the more important sections of the Bill in detail. We ought to state here, once for all, that it may not be supposed that because we do not expressly make mention of other objectionable sections in the Bill, they have our approval. To notice each and every obnoxious section and comment upon it, and lay bare its pernicious effects, would be a long and heavy task, and this accounts for our selecting the more important sections for our comment.

Section 26. (1). Every person who, for a period of 12 years, whether wholly or partly before or after the commencement of this Act, has continuously held as a ryot land situate in any village or estate, whether under a lease or otherwise, shall be deemed to have become, on the expiration of that period, a settled ryot of that village or estate.

(2). If in any proceeding under this Act, it is proved or admitted that a person holds lands as a ryot, it shall, as between him and the landlord under whom he holds the land, be presumed for the purposes of this section, until the contrary is proved or admitted, that he has for twelve years held the land or some part of it as a ryot.

(3.) A person shall be deemed, for the purposes of this section, to have held land continuously in a village or estate, notwithstanding that the particular land held by him has been different at different times.

With this definition of settled ryots in (1), and the presumption in (2), and the explanation in (3), the Legislature may as well remove from the Bill the chapter relating to non-occupancy ryots and all the provisions connected with them; for it will not be long before all the ryots in a village or estate would fill the position of settled ryots. Who will not try to secure for himself a better position and a higher status, if he knows that he has only to claim it, and then it will come to him very easily? Every single ryot, we are almost certain, will put himself up as a "settled ryot," and his claim will be denied by the landlord, for, as a matter of fact, the ryot squatted on the land only a few years ago. This will take the ryot and his zemindar to a law court for the settlement of the question. There the ryot will have all the advantage on his side, and the zemindar will find his way beset with all manner of difficulties. The ryot has the presumption of law in his favour, and he has in addition another presumption to help him, and that is being the more helpless and weaker party in the contest, the courts' sympathy will naturally be with him. The zemindar has to displace the legal presumption by actually proving that the ryot has not held any land in the village for 12 years. All the evidence he can adduce will be his village papers and the testimony of his village servants. We all know what reception evidence of this kind meets with at the hands of the courts. The court will not believe the evidence; it will say, "nothing is so easy for a powerful and wealthy zemindar as to manufacture such evidence with the aid of his servants for the purpose of depriving a poor and helpless ryot of his position and status of a 'settled ryot.'" The result will be the zemindar will lose the case and a lot of money with it, in the shape of fees to pleaders, barristers, mookteears, and a large number of nameless people in the court, whose good graces must be purchased when a suitor thinks of carrying his case to its termination without all the additional little worry and trouble which it is in their power to inflict.

Far more unhappy and miserable will be the position of purchasers, whether by private or public sales, either in execution of decrees or for arrears of Government revenue. We have spoken above of a hereditary zemindar who has in his possession some sort of evidence. Landlords who will come to the village as purchasers will be quite helpless, for they will have no evidence at all by which they can attempt to rebut the presumption. Some may say that this cannot be true as regards purchasers by private sales. We, however, maintain that it is perfectly true. The utmost a prudent man can do when he purchases, is to secure from his vendor *jamabandi* papers of some years, but he cannot expect to get papers for more than 12 years consecutively.

One sure effect of these provisions will be, that land will find no place in the market if this Bill becomes law. Having some idea of the position to which this Bill reduces the landlords or zemindars, and the rights and privileges it bestows upon the ryots, no man would consider it worth his while to invest money in land, even when such land is put up for sale for arrears of Government revenue. Some people say that this is exactly what the Government really wishes should happen, for then it will have the opportunity of buying itself gradually all the estates settled permanently, and thus smash to pieces the Permanent Settlement.

When we consider the several components which constitute a "settled ryot," we confess we cannot maintain our seriousness, for in spite of all our endeavours, we are unconsciously carried away by the risibility the definition excites by its patent absurdity. Now what are the elements which go to constitute a "settled ryot." They are—

(*a*) The village or estate must be one and the same; and

(*b*) Any land, how infinitesimal soever it may be, say 10 *cottahs*, held in the village continuously for twelve years, will confer upon the ryot the status of a "settled ryot" in regard to say 200 *bighas* of land settled with him only two years ago under a *pottah* expressly providing against the accrual of a right of occupancy.

Can anything be more preposterous than the above. We have done our best, but have failed to discover any logic in this. When Act X of 1859 was passed, creating for the first time a novel right, it defined the right in the following words:—Section 6.—"Every ryot who shall have cultivated or held land for a period of twelve years, shall have a right of occupancy in the land so cultivated or held by him, whether it be held under *pottah* or not, so long as he pays the rent payable on account of the same."

There is some sense in this definition; one can understand it; if a ryot has held a piece of land continuously for 12 years duly paying rents for it, a sort of confidence grows naturally between the parties; the ryot thinks that, if he is punctual and regular in paying rents, his landlord will allow him to continue to hold the lands, and under this assurance he does all he can to improve the land. Likewise the landlord sees that the ryot is a well-behaving ryot and pays his rents regularly, and thus he never thinks of turning him out. Thus you see the ryot becomes attached to the land and the zemindar to the ryot. Under these circumstances, if you confer upon the ryot a right of occupancy, you do a thing which is not and cannot be felt as a hardship. But none of these reasons can apply to the holding of 200 *bighas* to which we have alluded above.

It is a mistake to suppose that fixity of tenure is always a real good and blessing. In illustration of this, we cannot do better than quote here what Lord Bramwell said the other day before the meeting in St. James' Hall. He said:—

"Now, see the mischief of interfering with this. Here are two farms; we will say two pieces of land if you please. Well, they are in the hands of two tenants; we will suppose each pays £50 a year. We will suppose that either of these tenants, if he could, would get both pieces of land, and would be content to pay £150 a year for the two—perfectly possible as you know—because there might be some convenience of water or access to roads, or a difference of soil, or other things which would enable a man to cultivate more profitably. If you treat the peasant cultivator as a man who has fixity of tenure, and whom you cannot turn out of one of these farms in order to join it to the other, what is the consequence? That you have diminished the value of the two farms taken together by the amount of £50 a year. Well, that is not a loss to the owner of that land only, it is a loss to the community. The wealth of the community is made up of the wealth of the individuals who compose it, and it is all very well to sneer at landlords, and to talk about landlordism; but the best thing that could happen would be to take these two unfortunate people and to let the man who had got a personal interest in doing so make the best of his land; because, although the £50 will go into his pocket, it will only go into his pocket because it can be spared out of the pocket of the man who will take the land."

Hitherto the most desirable property in the country has been land. If a man had money to invest, he would more gladly invest it in land than in anything else. But if this Bill becomes law, we can never expect to see any fresh investment in land; on the contrary, we will not be at all surprised if those who have landed property would try to get rid of it as a most unprofitable burden. Landlordism would be denuded of all its charms, and no wonder that it will be so, for in reality it will no longer be an affair of landlord and tenant. You virtually divide the property

between the zemindar and the "settled ryots," who will be considerable in number, and the most unhappy result of this will be, that the zemindar would become more a co-parcener with his settled ryots in the property with very slight differences only, *viz.*—

The zemindar will hold paying revenue to Government, and the settled ryots will hold paying rent to the zemindar.

The zemindar can alienate unconditionally his estate, and the settled ryot can sell his estate, subject to the claim or right of pre-emption of the landlord.

This change will no doubt go very much to reduce the prestige and influence of the landlords, and we may safely predict that it will have a very pernicious and demoralising effect upon the ryots, who will become quite insubordinate and rebellious. The growth of feelings like these would frequently lead to perturbations of the public peace, harmony, and tranquility—a state of things which is extremely undesirable as highly injurious to both the classes.

We have elsewhere pointed out how the many privileges which the Bill confers upon the settled ryots cannot really prove in the least beneficial to them. Well then, we arrive at this result. The ryots will not be at all benefitted, and you most needlessly demolish the landed aristocracy of the country, which has been found upon numerous occasions and in many instances to be very useful to the State and the community in general, and introduce confusion, turmoil, and animosity, and throw everything out of order and system, formed and established gradually in the course of a century. We confess we are not able to find any wisdom in this!!

Section 32. (4.)—We object to the clause in the sub-section (4), which says—"the ryot shall either abstain from selling the land." We do not see why, after the landlord undergoes all trouble and expense, this privilege should be given to the ryot. In our opinion he ought to be compelled to sell when the matter has proceeded so far.

Section 33.—This provision is not in our opinion quite sufficient to meet every case. A man owning large landed estates may not have any knowledge of the fact that the occupancy right of some ryot of his is to be sold in execution of a decree, and he cannot therefore be present to bid at the sale. Again, the language used would make it appear that the landlord himself should bid at the sales. If this is really intended by the Ligislature, then all big zemindars will be necessarily shut out.

Section 35. (1).—We do not see how this alone can possibly protect the interests of the zemindar without some provisions entitling him to object to the transfer. There may be private understanding between the ryot and the ostensible donees, by which the ryot parts with his land for its full value; but in order to avoid and defeat the provisions of section 32 (1 to 6), makes the transfer by a deed of gift. Again, the ryot may solely for the purpose of harassing and causing annoyance to his landlord make a real gift of his occupancy right in favour of a person who is the bitterest enemy of the zemindar.

About the provisions of the Bill relating to enhancement of rent of occupancy ryots, we have already expressed above our opinion. The rules the Bill lays down are so intricate, that we fear that they will be found quite unworkable, and that the landlord who would make an attempt at enhancement under the rules is sure eventually to meet with chagrin and disappointment after he had wasted all his energies and good money upon the proceedings.

We should add here that it will not at all be fair and proper if these rules are made applicable to alluvial lands, and they must apply unless the Legislature expressly removes such lands from the operation of the rules. We should say a few words to show how the rules are inapplicable. These lands upon their first formation are not so productive as they do become in the course of two or three years, when they are capable of yielding and do yield the best and the richest crop. The rent at which the lands are settled upon their first formation cannot be a fair and equitable rent after two or three years, but the zemindar cannot expect to enhance the rent if these rules applied. We need hardly say that we are speaking here of lands being added to the holdings of occupancy ryots by alluvion.

Section 51 (b).—In the matter of enhancement of rent upon the converse of this ground, that is, upon the ground—

"that there has been a rise in the average price of staple food-crops in the locality or at the usual markets,"

the Legislature lays down a limit beyond which the enhancement cannot go. Is it not then, we ask, fair and equitable to prescribe instead of leaving the matter absolutely to the whim and fancy of the court, a limit within which the reduction of the rent of the ryot ought to be confined. But so queer and curious is the course of legislation, that there is, we fear, hardly a section throughout the Bill which one can hold up as quite fair and just.

Section 59 (2).—We confess to our utter inability to comprehend how it will be possible to collect the necessary materials which would enable Collectors to prepare price-lists relating to past times. Of course, if you do not care for accuracy, there will be no difficulty at all in the preparation of such lists. But in our opinion accuracy is of the greatest importance, for these price-lists are evidently intended to be guides for the courts in cases of enhancement.

CHAPTER VI.

We cannot conceal our great surprise at reading Chapter VI, treating of "Non-occupancy ryots." It makes us think that it is the intention of the Legislature to throw every possible difficulty in the way of the landlord, and to make for him a bed of thorns throughout, for otherwise it becomes inexplicable why all the conditions and restrictions even in relation to non-occupancy ryots, as are to be found in this chapter, should at all be thought of much less made the subject of legislation. A non-occupancy ryot means a tenant-at-will, if so, everything connected with such tenant and his tenure should be left entirely to the option of the landlord, and there is scarcely any room for any of the conditions and restrictions which the Bill imposes ! !

Section 68 (1).—But if the tenant does not pay each instalment of rent before sunset of the day on which it falls due, what remedy does the Legislature provide for the landlord? None whatsoever, unless it pleases to call the following provision a remedy :—

(3).—" Any instalment or part of an instalment of rent not duly paid at or before the time when it falls due shall be deemed an arrear."

Compare this with the law regarding payment of Government revenue, and you will see how vast the difference is. We all know what the Sunset Sale Law is. Under that law, if any instalment of Government revenue is not paid by the zemindar before sunset of the day on which it falls due, his estate becomes liable to sale. The source from which the zemindar must draw to be able to pay punctually his Goverment revenue, is the rent due to himself from his ryots. Is it then not fair and proper for the zemindar to ask for some legislative provision, which would fully and completely prevent the ryot's neglecting payment of the several instalments of rent as they fall due.

We hope to be excused if we say anything here doubting the sincerity of the offer of help made to the zemindars by the Government in the matter of realization of rents from the ryots. We cannot easily account for the absence in the present Bill of any provision for facilitating the realization of rents, otherwise than by questioning the reality and sincerity of the offer. It cannot be that the mighty minds who have the law-making of the country in their hands, and who could prepare such a long and elaborate Bill, introducing so many novel and strange phenomena into the country, and providing for such a multitude of things for which there was not the slightest need to make any provision at all, found themselves, as if by some spell, quite unequal to the task of framing a short simple chapter rendering the collection of rents easier and more regular and punctual. We all know to what a trite occasion this stupendous and marvellous work of legislation owes its birth. It is only this—Government was convinced that it lay under an obligation to the zemindars to place within their reach a means and way by which they could realize rents from ryots with facility, and hence it proposed to make a law by which this object could be secured. This was and is a real and serious want; if you do not supply this want, why then legislate at all, and legislate about matters which never were thought of by anybody, whether zemindar or ryot, and in which you were never asked by any one to exercise your brains. It is a great pitty that you have given yourselves so much mental labour in producing a work for which nobody, whether zemindar or ryot, ought to thank you. The zemindars cannot thank you, because you have done them the utmost injury you could : and the ryots should not thank you, because, though you profess to do them a good office, there will soon come to them a time when they will in one voice say, that it would have been much better if you had never thought of them. But wait, let us see if we have digressed, though there should be no surprise if we did, and if there is any contagion in digression. If we have at all digressed, it must be because we have caught the contagion of the digression—the very wide and extraordinary digression—made by able and more powerful minds of which we have been speaking. Those minds were asked to frame a law for helping and improving the position of the landlords ; they sat down to do the thing most needed, but when they rose, they left upon the table a Bill, as the result of their labours, which is a cup of the most malignant poison ! !

Now, what we have a right to insist upon is that you are bound to confine yourself within the four corners of the original proposition, and not budge an inch even out of them. Then the most sensible conclusion at which every right-thinking man will arrive is that the Bill now before us should be altogether shelved, and in its stead ought to be framed a short and simple Bill to facilitate the realization of rents.

It has never fallen to our lot to be connected with the business of law-making, and it is therefore no subject of wonder if, in our first attempt to prepare a skeleton sketch of the Bill, which is calculated in our opinion to answer the purpose aimed at, we bungle a little. Regardless of any ridicule which our rough sketch may expose us to, we have ventured to annex to these Notes an Appendix marked A, which embodies certain rules which, in our opinion, may be safely reduced into a law to render the collection of rents easier and more punctual. As we do not claim for ourselves infallibility and perfection, we should, and we do so very cheerfully, leave full power to the Legislature of our country to adopt them with any additions, alterations, and amendments it may think fit to make.

Section 70 (4).—Is not this a very hard rule. To write and give receipts is, and will continue to be, the business of the village servants. The duty chiefly belongs to the patwari, who holds at the present moment a very singular and anomalous position in the village. He eats the salt of the zemindar, for he is paid by him, but when we come to consider how far the relation of master and servant is agreeable and pleasant between the patwari and the zemindar, we can unhesitatingly say that it cannot be more unsatisfactory and harrowing than it now is. The servant is so secure in his office, that he does not care a pin for what his master may think of him. He knows that it is not in the power of the man, who pays him for the work he does, to turn him out of his own authority, and this knowledge, in ninety cases out of a hundred, makes him quite neglectful of his duty. The zemindar is quite powerless and he has to remain quiet, though he sees with his own eyes that his business is going to the dogs. He does not go to apply to the Collector to get the man dismissed, for upon previous similar occasions, when he did seek remedy in that direction, he found to his cost that he was a fool to do so, for it was a regular fight in which he had to spend his time and money, and then return home with an order in his pockets requiring him to put up with the patwaris he complained of, and in addition their greater insolence and impertinence.

We have given above, in a few words, the nature and character of the man who is to be entrusted with the duty of writing and giving receipts. It will not be at all surprising if this man, from motives of dishonesty, or from a pure desire to injure his master, issues receipts in a manner opposed to the directions of the law. Is it then at all just and proper to punish the master for the sins of his servant? The punishment again may be a very heavy punishment if this kind servant happens to be disposed to inflict it. Let us suppose a case like this: There is a village or estate with a jumma of say Rs. 5,000 a year. This is paid, we will suppose, by 100 ryots. These ryots pay, in the middle of the year, only a very small portion out of large arrears due by them. The patwari issues to every one of these ryots receipts, without inserting in them the particulars which the law requires. The penalty for granting an informal receipt as laid down here is—

"If a receipt does not contain substantially the particulars required by this section, it shall be presumed, until the contrary is shown, to be an acquittance in full of all demands for rent up to the date on which the receipt was given."

Now, whether in the case supposed, the punishment will not be a very severe punishment? The man, guilty of infraction of law, escapes scott-free, and the zemindar is made the scape-goat. This provision in the law would strike any Legislature as extremely preposterous; the case is quite different with our present Legislature, which throughout this Bill has strenuously maintained a most hostile attitude towards the zemindars, and the chief aim of which is to crush down the landed proprietors of the country!!

Section 89 (1), (2), and (3), (*a*) and (*b*).—We fail entirely to see the necessity for rendering the matter so complex as the provisions herein laid down are sure to make it. The simpler course, in our opinion, appears to be this. If any improvement is really needed, the zemindar is the person who should make it. Why then make it the subject of contention between the zemindar and the ryot? By leaving the making of the improvement to the zemindar, you avoid a fight before the Collector between him and the ryot, and you thus save both the parties from a good deal of expense which this fight is sure to bring in its train, and you further leave no room for all the most intricate questions arising, which, as a matter of course, will arise, if you retain in the Bill all the provisions about compensation to be paid to the ryot when his ejectment takes place. But it may be contended that by leaving it to the zemindar, there will be this very evil consequence, and that is, he will never think of making it, though it be needed most. We answer that this is highly improbable, and for the following reasons:—

(*a*) Between the two, the man who can more easily afford to make the improvement is the zemindar;

(*b*) it is the interest and advantage of the zemindar to make the improvement, provided it is necessary, for he will gain by it in the shape of increased rents; and

(*c*) the man better able to judge whether a particular work would be really an improvement is decidedly the zemindar, and not the ryot, whom the authors of this Bill have everywhere treated as worse than mere suckling babes.

Even supposing that the zemindar is so negligent of his duty, and so unmindful of his self-interest that, even when it is really necessary, he neglects to make the improvement, that certainly would be a special case for which the Legislature should provide. But generally we think it more advisable and proper to leave the making of the improvement to the zemindar. We do not at all, as we have already said, object to the Legislature making a suitable provision to meet the special case where an improvement is really needed, and the zemindar, whose duty is to make it, neglects to do the needful.

Being of opinion that the making of the improvement should be left entirely to the zemindar, we need scarcely say that we are opposed to the "prior right" which the sub-section 2 gives to the ryot.

We are strongly opposed to the reference to the Collector, provided for in the sub-

section 3. In the first place, there will be no room for the reference, when our opinion is that the making of the improvement should be left entirely to the zemindar, and in the second place, we are opposed to the reference, if the decision of the Collector upon such reference is to have the finality which the Bill gives to it. The Legislature seems to us not to attach due importance to the questions which may arise in connection with the improvements. It is not difficult to conceive a case like this. Some refractory ryots combine and propose a particular work as an improvement, their object being to injure their landlord. A difference of opinion arises between the ryots and the landlord—the ryots considering that work to be an improvement which the zemindar believes would be highly injurious to his property. The result of this difference will be a reference to the Collector, of course upon the application of the ryots, for the zemindar will be the last man to approach that functionary and invoke his opinion in a matter about which he has made up his mind. No doubt there are many honourable exceptions, but we are, we believe, quite correct when we say that there are men filling this high and important position who are, as if it were, made by nature to view at things from a wrong point. The reference we have been speaking of is made to a Collector of that typical character, and he, in his wisdom, declares the work to be an improvement which the zemindar maintains to the last to be highly injurious to his property. The declaration is made, and the refractory ryots lose no time in executing the work. This work proves actually destructive of the property of the zemindar, and thus the zemindar incurs a heavy loss for which he can hold no one as responsible to him.

Section 93 (1.)—We certainly object to this section as it now stands. It should be so framed as to exclude altogether non-occupancy ryots. We know that the Bill gives such ryots also power to make certain improvements, but what we firmly maintain is that, if they avail themselves of the power which the law gives to them, they can do so at their own risk. They know that their footing in the village or estate is for a time only, and that they are liable to be ejected at any time, and if with such knowledge they make any improvement, they cannot and should not look to the zemindar for compensation when they are ejected.

Record of rights. Settlement of rents. Tables of rates, and Record of Proprietor's private lands.

We need say nothing in particular on the provisions of the Bill relating to the above matters, for we fully and entirely concur in opinion with the (most unfortunately for us, zemindars) late Honourable Baboo Kristodas Pal, Rai Bahadoor, a Member of the Select Committee. That Honourable Member in his Dissent made the following observations:—

"The chapters relating to these subjects are doubtless in accordance with the modern ideas of land administration in periodically settled India, but as far as Bengal is concerned, the rights and interest of different parties are generally well defined, and where there might be disputes between landlords and tenants in matters dealt with in these chapters, common sense would suggest that the application of the law should be left to the self-interest of the parties concerned. But the essence of these chapters is that, while liberty is accorded to both landlord and tenant to move the machinery provided in them, the Local Government is empowered to bring of its own motion the machinery into action. The application of the provisions contained in these chapters will, I fear, plunge the country into a flood of litigation, stir up the worst passions of both the landlord and tenant, open a wide door to perjury and forgery, give rise to endless corruption among the subordinate *amlah*, and throw the agricultural population into a sea of trouble, expense, and loss. This was the lesson taught by the revenue survey. Of course, when the parties will themselves apply for the enforcement of the provisions under notice, it will be their own look out; but I do not see any good or valid reason why the Government should, without any application from the parties, step in and inflict upon the country the evils pointed out above. The work contemplated cannot, I fear, be accomplished in two or three generations to come, and for all this time will run the festering sore indicated above. If the record of rights were confined to those cases in which auction purchasers at revenue or summary sales may not receive *jamabandi* papers for their guide, if the settlement of rents were made applicable to those cases in which the ryots might combine and withhold payment of rent, and agrarian outrages might take place, and if the record of proprietor's private lands were limited to those cases in which the proprietor himself made the application, in all these cases, on the application of parties, it would be reasonable and fair, but to give the wide scope which has been given in these chapters by vesting the Government with unlimited discretion is not only not warranted by the necessities of the case, but will be followed by evils which will be highly detrimental to the best interests, peace, and happiness of the agricultural population. As regards tables of rates, the enquiries which have been made on the subject have made it clear that in most parts of the country they are not practicable, that there are so many variations in rates of rents, sometimes one hundred and odd in a village, owing to various causes—historical, personal, economical, and social—that it is hopeless to discover any typical or uniform rate, or what was formerly called *pargana* rate, in any given area. And yet power is taken by the Local Government to order preparation of table of rates for special areas and to charge landlords and tenants with the cost of this work, though they may not in the least benefit by it. In the same way the expenses which may be incurred by enforcing the provisions relating to record of rights and settlement of rents, will be cast upon the landlords and tenants, though no application had been made by

them. Thus a new cess will be imposed upon the land for purposes of proceedings which may do more harm than good to the landed classes.

"As regards the record of proprietor's private lands which go by the name of *khamar* the definition given is wholly opposed to what is contained in the Permanent Settlement Regulations, and excludes all waste lands. Section 138 declares—

"'*Section 138* (1) —The revenue officer shall record, as a proprietor's private land—'

(*a*) "'Land which is proved to have been cultivated as *khamar, sirat, sir, nij, nij-jote* or *kamat* by the proprietor himself with his own stock, or by his own servants, or by hired labour for 12 continuous years immediately before the passing of the Act; and

(*b*) "'Cultivated land which is recognized by village custom as proprietor's *khamar, sirat, sir, nij, nij-jote* or *kamat*.

(2). "'In determining whether any other land ought to be recorded as a proprietor's private land, the officer shall have regard to local custom, and to the question whether the land was before the second day of March 1883 specially let as proprietor's private land; but shall presume that land is not a proprietor's private land until the contrary is shown.

(3.) "'If any question arises in a civil court as to whether land is or is not a proprietor's private land, the court shall have regard to the rules laid down in this section for the guidance of revenue officers.'

"Section 37 of Regulation VIII of 1793 thus describes *khamar* lands:—

"'Section 37, Regulation VIII of 1793. The above exception (exclusion of *lakhiraj* lands from the general assessment), however, is not meant to include the *malikana* lands in Behar, or the *nankar, khamar, nij-jote,* and other private lands of the zemindars and independent talookdars, or other actual proprietors of land in Bengal and Midnapore, &c.'

"It will be seen by comparing the language of the Regulation with that of the Bill that no such condition as cultivation for 12 continuous years was attached to the zemindar's *khamar* lands under the old law. As for waste lands, it is notorious that they were given to the zemindar to enable him to recoup the loss which inevitably fell upon him under the crushing assessment of the Permanent Settlement."

With regard to the expenses of preparing table of rates, &c., we deem it necessary and desirable to quote here a passage from the speech of Baboo Nandan Lall, a member of this Association. He said:—

"I most strongly object to any portion of the expenses to be incurred in the preparation of table of rates being saddled upon the zemindars. It is clear as daylight that the whole Bill has been conceived entirely in the interests of the ryot. If the Government is so kind to the ryots, and so anxious to ameliorate and improve their condition, it ought, in my opinion, to pay all the expenses to be incurred in the preparation of table of rates. There are two parties before us—one of them is the Government which, out of its boundless benevolence, desires to confer certain benefits upon the ryots at the expense of the zemindars; and the other is the ryots who are to be benefitted the most by this most wonderful piece of legislation. Such being the case, it is not, I believe, unreasonable to make the expenses payable wholly by the Government, the benefactor, or the ryots, the benefitted. Why shall any portion of the costs be charged against the zemindars who are the great losers in the whole bargain?

"Should unfortunately the Legislature turn a deaf ear to what I say, and allow the section to remain as it now is, then it is absolutely necessary that the proportion of the liability for these expenses of the zemindars and the ryots should be clearly specified in the law, and it should further be declared that the expenses will not be a joint and several debt; for if they be a joint and several debt, we all know whom the Government officials will first of all pounce upon for the recovery of the whole amount of the debt. Such officials will not think of recovering anything from the ryots, considering the difficulties they shall have to struggle with in doing so. They will realize every pice from the zemindars, leaving them to recoup themselves from the ryots if they can; and I do not think I am at all exaggerating when I say that the zemindars will not succeed in recovering anything from the ryots."

We will conclude these notes with quoting here the opinion expressed in his dissent by the Hon'ble Maharajah Lutchmeshur Singh Bahadoor on the subject of distraint and realization of rents. That opinion harmonizes so fully and completely with our own that we have thought it better to copy it entire instead of expressing the same sentiments in our own language. This Hon'ble Member of the Select Committee says:—

"It has been admitted on all sides that the zemindars need some more speedy and certain means for realization of rent than they now enjoy, and that the present law is quite inoperative in those cases where all the tenants combine not to pay rents. Such a high authority as Sir James Caird recognizes the difficulties of the zemindars in those estates where the 'no rent' cry is once raised, and even in the Bengal Government's memorandum of January last this difficulty is in a way admitted.

"We zemindars had therefore naturally hoped that, with this object, we would be given some increased facilities for realization of rent. In this, however, we have been greatly disappointed, and this Bill, if passed as it now stands, would leave us in this respect in a worse position than we now are, as instead of providing a summary and inexpensive method for the collection of our legal rents, it practically does away with distraint, the one only sure, equitable, and inexpensive process now allowed to us.

"The present law provides that in those cases where the ryots fall into arrears, the zemindar can by his own agency serve them with notices stating the particulars of their arrears and then at once distrain their crops. This is the only system possible in those parts of the country that lie on the frontier where a large portion of the tenants are not even British subjects, and therefore able to evade the jurisdiction of the British Civil Courts, and also in those vast tracts like the Cosi Dearah in the Purneah district which are inhabited by a semi-nomadic class of tenants who seldom stop in the same locality for more than one harvest.

"Even a day's delay in such cases is fatal. The crops, if the ryots refuse to pay their rent, must be distrained as soon as they are ripe, and the ryots should not have sufficient time to cut them without paying in their rents, as they leave the village for good directly they have gathered the harvest.

"The Bill, however, proposes that in the future the landlords must in every such case apply to the Civil Court, and that the crops should be only attached through that court, thereby giving to the ryot ample time to cut and carry off his crop before the court officers can reach the spot to distrain it. Such a procedure not only throws extra and new costs on the zemindar on account of court fees and legal agency which must be employed, but it will result in the landlord having no power whatever to realize his rents from those semi-nomadic ryots who leave the village directly after they have cut their crops. His only remedy will now lie in a civil suit against a ryot of whose whereabouts even he may be ignorant, and to execute a decree against whom, if he succeeds in obtaining one, will be almost impossible.

"I would specially record that it appears to me to be very strange that a Bill, one of the avowed objects of which was to give to landlords what is admittedly so necessary, *viz.*, some increased facilities for the realization of their rents, should leave the hands of the Select Committee in such a form that instead of doing this, it intensifies their present difficulties and deprives them of the little relief they now enjoy.

"It is the proprietors who are responsible for payments of their share of the Government revenue, which they have to collect from their ryots, and it is not the Government revenue only that they have to realise; they have also of late been made to collect from their ryots their share of certain Government cesses, and if by the sunset of the day fixed for payment of the Government revenue they have not paid in their Government dues, they are liable to be summarily sold up and turned out of their properties, and yet they are not to be given any means by which they can ensure their ryots paying to them what they are bound under such a heavy penalty to pay into the Government to a day.

"The practical working of the law, as it now stands, is this, that a proprietor may be sold up and ejected from his ancestral property owing to no fault of his own, but to his inability to recover his legal rents from his ryots, an inability due to a defect in our existing laws, a defect which, as I have above shown, the proposed Bill aggravates.

"I do not for a moment wish to dispute the justice or necessity of the law that makes it possible for large estates to be sold up for trifling arrears of Government revenue, but what I do wish to point out is that it seems to zemindars a want of justice on the part of Government to reserve to itself this power of summary sale, while it refuses any summary powers to the landlord for the collection of his rents from his ryots.

"The Government itself recognizes the inutility of trusting to the civil courts only for the realization of rents, by having peculiar laws of its own in its own estates or '*khas mehals*,' and if necessary for Government, surely such rules are equally so for us. I do most earnestly hope that this matter will be seriously looked into before any final conclusion on it is arrived at, as it is one which gravely affects the majority of the Behar zemindars."

To take leave of these notes, we must one and all frankly acknowledge "the debt immense of endless gratitude" which we, the zemindars of Behar, owe to His Highness Maharajah Lutchmesshur Singh Bahadoor of Durbhunga. To say the least, His Highness is a gem of wondrous beauty and incalculable value, which every Behar zemindar ought to wear, with pride and glory, in his head-dress. In this Tenancy Bill affair he has, in full appreciation of the importance of the questions which the Bill deals with, minded no personal inconvenience, trouble, and discomfort, and has constantly devoted all his time and attention to this momentous subject, in order to acquire a mastery of it, and be thus fully able to represent Behar in the Imperial Legislative Council. Merely by virtue of his position, as owner of a considerable large portion of the landed property in Behar, he has a thorough and sound knowledge and experience of the land system in the province; but not contented with this, he has, wholly disregarding all the heavy expense he hereby incurred, employed different agents in different parts of Behar, solely for the purpose of

Note.—The Appendix A, hereinabove referred to, will be printed and forwarded as soon as the same is ready.

collecting all available information, to be better able to do justice to the great and important cause he has been called to represent. By the services he has done, he has, we make no doubt, greatly endeared himself to one and all of the zemindars of Behar, and we think we do not at all exaggerate when we say that it is our conviction that but for His Highness, Behar would not have been so ably represented in this all-important affair. May His Highness live long, and may heaven shower upon him the choicest blessings it has in store.

Dated the 2nd June 1884.

From—JOHN SYALKARTT, Esq., *for the "Ryots of India,"*

To—The Hon'ble RIVERS THOMPSON, Lieutenant-Governor of Bengal.

The Government of India, by their letter, from Simla, dated 5th May 1884, from the Secretary, Legislative Department, to the Government of Bengal, desires the further consideration of the Government of Bengal on the Report of the Select Committee on the Bengal Tenancy Bill.

We, the ryots of India, beg that your Honour will, at the same time, as before, take into consideration, and give some answer to the various petitions of us ryots of India "to the Government of Bengal," to the "Government of India," and to the Secretaty of State for India. The zemindars have had the honour of an answer to their petition: up to the present time none of the Indian newspapers, not even the *Englishman*, the organ of the zemindars, have been able to controvert our position—our rights to non-enhancement of the rates of rent or revenue fixed by Government in 1790 and confirmed in 1793.

The ryots assisted to form these rates in conjunction with the zemindars, and that of non-ejectment so long as the ryots pay the fixed demands of Government as above in 1790—1793.

Nor have either of the Governments of India honoured the ryots of India with any answer, consequently we are constrained to believe that our above-stated rights are unassailable.

Your Honour, Warren Hastings pronounced the enhancement of rent by the zemindars to be extortion and robbery: he also provided severe punishment against it, though it benefitted Government, for at that time the whole of the collections were poured into the treasury.

The Marquis Cornwallis, after the Act of Parliament in 1784, in 1790—1793, an interval of twenty years, thoroughly denounced it as making slaves of the people, and confirmed Warren Hastings' decision that it was robbery and extortion, and re-enacted its punishment. If it was robbery and extortion in 1772 and in 1793, it is also robbery and extortion in 1884.

That the zemindars have broken their kabuliyats and taken more than is authorized by law from the ryots has been brought by various Collectors to the notice of the Government, we may say, every decade; but the most extraordinary part of the zemindars' petition is their saying that the Government sanctioned by not punishing them according to law: in other words, that the Government are *particeps criminis* in this robbery and extortion from the ryots for a period of sixty years, and therefore robbery and extortion is their right by custom.

Your Honour, we do not think that the zemindars can prove this, and that we shall, from the Regulations and Acts of Government, do our best to prove the opposite. That from 1760 to 1859 the Government did not sanction enhancement of rent upon the ryot, more especially an enhancement not decreed by the Courts of Law. In 1859 new ideas came in with the petition of the eastern zemindars, when Act X of 1859 was enacted, but so clumsy that it has now become a dead letter, having ostensibly been passed in favour of the ryots, but by the opposite reading ruining them.

We, the ryots of India, have never been recusant like the zemindars, who have often refused to pay the Government demand. We have always paid the Government demand, furnished russud, carts, firewood, &c., although we have not been paid for it; the zemindars seizing the money and getting the credit really due to us. Whatever improvement in the country, embankments, roads, drains, &c., have always been made by us, and even now we pay for it by the Road Cess Act. In all things we have, as a rule, proved docile and humble, and the first battles fought by the late Hon'ble East India Company we assisted side by side with the English soldiers, neither the zemindars nor the present race of sepoys assisting: in fact, they were fighting against the English: therefore, we pray to be graciously heard as follows:—

Battle of Plassey, in which some of our ancestors fought on the side of the English.

1769.	Not increase of rents, and to secure the ryot from all further invasion of his property.
1776.	The permanent and undisputed possession of their lands and payment not more than the pergunnah nerick.
1776 to 1790.	Zemindars were yearly tenants-at-will of the Government.
1786. (Ryots.)	The secure enjoyment of the fruits of their industry—Mr. Shore's minute—by the terms of their leases. No enhancement of rent.

Petition of zemindars to Parliament on their proprietary right not confirmed by the facts discovered by the Select Committee, 1787. Also, again not confirmed by the Decennial Settlement of Lord Cornwallis, 1790, when formal *leases* were given, and then counter-kabuliyats signed by the zemindar agreeing to non-enhancement of rent and non-ejectment so long as the ryots paid the Government demand.

1784.
1787.
1790.

Regulations for the Decennial Settlement confirmed, called the Permanent Settlement; neither enhancement nor ejectment in either of these or the subsequent Regulations—No. 54, Bengal Resolution, section 28.

1793.
1790.

Permanent ease and security of the ryot, in conjunction with the zemindar, to fix *his own* rents, abwabs, and kurcha; fine on zemindar if in this settlement the abwab and kurcha were increased.

To secure to the great body of the ryots the same equity and certainty as to the amount of their rents, and the same undisturbed enjoyments in the fruits of their labours, which we mean *to give* to the zemindars themselves; showing that they had it not.

1872.

Passed for the future ease and happiness of the people, not for the zemindar, who are only congratulated on being hereditary tax-gatherers; lands given only to them in trust, same as before the possession of the country came under the British rule, and in the time of the Mahomedans; confirming the Decennial Regulations, and pottah and kabuliyat of zemindars, the settlement of the land law carried out to this day; instance chur land at Sulkea, new pottah for accretion given out in 1877 and kubuliyat signed in that year, same as 1793. If the Government sanctioned the indiscriminate raising of rent, then why give this pottah and receive this kubuliyat with ryots' names also written in. By the above pottah and kabuliyat the petition of zemindars in 1784 is *refused to this day*.

Regulation 1 to 48.
1793.
44 of 1793.
1877.

No enhancement nor ejectment mentioned; zemindar non-suited if he has given no pottah to ryot; also fines on the zemindars for taking more rent, kurcha, or abwabs.

Regulation 8 of 1793.

Land and houses declared to be the real property of the ryot. No law being passed up, nor can be to the time abrogating the above.

Regulation 17 of 1793.

Confirming the same rates for waste land as the old uzlee land, not a word of higher rates or enhancement. Confirming the Regulations of the Decennial Settlement: these Decennial Regulations should be placed before the public in full.

Regulation 44 of 1793.

"Enacted to put an end to all misconstruction of the previous Regulations forbidding enhancement and ejectment, and continuing the terms and rates for ever, so long as the ryot paid the pergunnah nirick.

Regulation 4 of 1794.

1808. Madras and Benares Permanent Settlement.

Mr. Dodgson, the member for Madras, reiterating the above non-enhancement and non-ejectment for all ryots from Cape Comorin to the most northern parts of India, not impugned by Governor-General nor Court of Directors.

1811.

1812. Report of Select Committee, House of Commons, completely against the zemindars and their petition of 1784 Regulation 5 of 1882.

Where no pergunnah rate of 1793 has been fixed, then authorizing the prevailing rate of neighbouring pergunnahs re-enacted in Act X of 1859, so no enhancement in that year and since for the prevailing rate bowls over every new attempted rate.

1812.

Judgment—*vide* Marshman's Civil Guide, confirming ryots in the possession of their lands so long as they pay the pergunnah nirick of 1793.

1816.

Memorandum of Lord Hastings.

1819 to 1825. Letters of the Court of Directors, correcting the erroneous notions of the Judges, acknowledge permanent settlement of ryots, non-enhancement and non-ejectment.

1815. Memorandum of Earl Moira.

1822. The expediency of maintaining the tenures of the ryots. His Lordship in Council considers it the bounden duty of Government to maintain.

1832. Holt Mackenzie, the zemindar, who is neither an agriculturist nor owner of the soil.

1817. Memorandum of Mr. Canning.

Regulation 7 of 1822. None but the rates recorded in Government jummabundee to be the rules for regulating the rent, even on appeal.

Regulation XI of 1825. Rules for chur land no rates higher than parent tenure.

1830. Letter of Court of Directors directing assessment, but silent on enhancement and ejectment.

1831. Circular order authorising a zemindar to take more than the pergunnah rate only when agreed to by ryot. It is impossible to protect a fool.

A circular order of Revenue Board has not the full force of an Act or Regulation, but it refutes the idea that the Government could ever so have acted against the law as to silently sanction the robbery and extortion by the zemindar. It cannot affect the prevailing rate, as it does not affect the ryot's neighbour : in any year the ryot can withdraw his assent. The ryot can at any time revert back to the prevailing rate of the pergunnah in 1793 by Regulation V of 1812.

1833. Memorandum of Lord William Bentinck.

1841. Answer of Government to Landholders' Society acknowledging that ryots settled after 1793 had khudkhast kudemi rights in consultation on the draft of Act XII of 1841.

1840. Sir J. P. Grant :—" The right to enhance according to the present value of land differs not in principle from absolute amendment of the tenure." Sir J. P. Grant's opinion on the rights of the ryot as proprietor of the soil are too well known. Circular order.—If zemindar refuses to give a pottah to the ryot, the ryot was authorized to take a copy on stamped paper of that page of the Government jummabundee in which his land is mentioned, and that was authorised to be his pottah.

Act XXXI of 1858. Revenue settlement officer *only* to fix the rates of alluvial soil.

1858. Eastern zemindars in their petition acknowledge that they have no right by law to enhance the rates of rent of the ryots, but petition to have it. The outcome of this was Act X of 1859.

1858. Mr. Sconce's memorandum.

Collectors of every decade informed the Government of the malpractices of the zemindars, but by reason of no public prosecution failed to bring them to justice.

In no way have the Government at any time authorized the raising of the rent privately by the zemindars before Act X of 1859 was passed, and it is only by Act X of 1859 that it was attempted to be done by Courts of Law. Both Sir Cecil Beadon and Sir William Grey acknowledged that Act X of 1859 was an infringement on the previous laws protecting the ryots from enhancement of rates of rent and ejectment, and to substantiate this we have the petition of the eastern zemindars in 1858. This Act X of 1859 violates No. 54, section 28, Resolution on the Bengal Settlement, freedom of contract of the ryot. Lastly, we have the answer of the Government of India against the memorial of the Landholders' Association to Her Majesty's Secretary of State for India, dated 12th February 1884 :—" We will not repeat the evidence which has convinced us and *former Indian Governments*" that " the acts of the zemindars have not invariably been the measure of their rights, and that illegal cesses and abwabs presuppose the existence of established rates of rent."

Here we have former Indian Governments not agreeing nor condoning the illegal oppressive acts of the zemindars. Therefore, it cannot be said to be a legally established custom of the country. The former Indian Governments have only followed in the footsteps of the Marquis Cornwallis, who pronounced it a *violation* of the established laws of this country. We trust we have shown that the zemindars' assumption of condonation of the robbery and extortion from the ryot is a might and not borne out by any acts of former Indian Governments.

Your Honour, the whole dispute between the zemindar and ryot is the wish-for-to-be-believed-idea that the Dosala rates are unknown. Therefore, the zemindars ask for enhancement of rates of rent. These rates are well-known ; not forgotten throughout Bengal and Behar. We have the evidence of Mr. Collector D'Oyly to that effect, and we pray that a Committee be appointed to take evidence thereof, and of which Committee Mr. D'Oyly be made President.

The zemindars have desired to be heard at the Legislative Council Board. We ryots also kindly crave the privilege by counsel, and are willing to abide the result.—" God defend the right."

As we ryots are very, very poor, we beg that the Government will graciously and substantially reward the winning Barrister.

Dated 16th June 1884.

From—J. STALKARTT, Esq., for the Ryots of India,

To—The HON'BLE RIVERS THOMPSON, Lieutenant-Governor of Bengal.

Having perused your Honor's instructions to the Commissioners of Divisions, we note that there are many clauses pointed out as dangerous to the rights and liberty of the ryot, rights acquired before under the permanent settlement of 1793 and since. Therefore your Honor desires that the Bengal officials will give all these points their further attention and discussion, so as to eliminate them from the Bill, and renew the guaranteed protection from time immemorial to the ryots with a right and workable effect.

In furtherance of these good wishes expressed by your Honor for the welfare of the ryot, we beg in this letter to point out where the intended Bill presses hard upon the ryots.

In the first place, we beg to bring to your Honor's notice that there is no adequate protection for ryots entitled to fixed rates of rent from being harassed yearly, or every ten or fifteen years, from attempts by lawsuits to dispossess them, or to raise the rents or revenue payable by them. Ryots that are entitled to fixed rates of rents—from sixty to ninety per cent. of the agricultural population—are as well known to the zemindars as to the ryots themselves, and there is not the least reason that every ryot entitled to hold at fixed rates should be at the mercy of the zemindar for a lawsuit when it pleases him. We believe that we have at hand a clause that, if inserted, would protect the ryot, *viz.*, "that every zemindar or his substitute so suing a ryot entitled to fixed rates of rent for every such offence should be fined one thousand rupees; a great many such suits, say 20, would subject him to be removed; and every Judge or Subordinate Judge hesitating to institute such fine should be summarily dismissed from the Government service."

The above may appear a Draconic law, but great crimes require severe measures for their repression, and the same idea, though couched in different words, was the rule of 1772 and 1793. We have good grounds for desiring this repression of crime to be reproduced in 1884, and will lay before your Honor the litigation that has been through 30 years, and for only a small plot of land from 13 to 40 Bengal bighas, over which sums of money by lawsuits, sums not recoverable, have legitimately been expended, approaching near Rs. 10,000 (a like suit to this was borne by Messrs. Burn and Company, who eventually threw up their land). We, Messrs. Stalkartt, ryots of Ghoosery, Sulkea, are in possession of upper and chur land for over a century, a little time longer than Sheik Rutten Bepari; the upper land held under mourusee mokurreree potta at fixed rates of course could not be touched, nor can the chur, as it is protected by Regulation XI of 1825. The zemindars knowing the above well, having skilful lawyers, have tried to dispossess them by law, and to enhance the rates of rent of the chur. They cannot be said to be ignorant of the status of Messrs. Stalkartt as ryots of the première class, consequently their proceeding must have been carried on with a dishonourable intent. We will give a short history of the churs round about Calcutta. Regulation XI of 1825 being passed, the churs were leased out at Rs. 5-5-4, according to Regulation VII of 1822, the rate to be paid by the ryot. At the end of five years, Government attempted to raise the rent to Rs. 20, but after some litigation, the zemindars as well as ryots protesting, it was reduced to its original rate Rs. 5-5-4 in a very able decision by Mr. Thomas Reed Davidson, Commissioner, Jessore, 12th March 1845. The zemindars tried to dispossess Messrs. Stalkartt by giving the land against the law for chur land, Regulation XI of 1825, to one Ameeroodeen Moonshee in 1849. The High Court retained Messrs. Stalkartt in the possession of their land, 1851. Since then the zemindars have been trying—two five-anna and one six-anna zemindar—to raise the rent (by many lawsuits) of this chur land, consequently harassing the ryot against the tenor of the zemindar's kabuliyat to Government—

1st.—By lawsuits before 1759, trying to enhance the rates (the ten-anna zemindar).

2nd.—After 1859 the six-anna tried on all the points of Act X of 1859.

3rd.—Five-anna zemindar thrown out on its being declared in a Municipality.

4th.—Six-anna sued on any or no plea, not even stating equity and good conscience, nor quoting any law in 1879. In 1884 it was ruled that the land came under Regulation XI of 1825, and the same rate settled Rs. 5-5-4, the same as in 1845, by Mr. Thomas Reed Davidson, Commissioner; therefore *res judicata*, on the ground *res judicata*, on all the grounds of Act X of 1859, *res judicata*, the ground of a Municipality.

The last decision of 1884 had to go through four courts, and the costs incurred not permitted by the court over Rs. 2,000, paid by the ryot for being permitted to pay the same rate Rs. 5-5-4 per bigha as decreed by Mr. Thomas Reed Davidson, Commissioner, 1845, just 39 years ago; and the Messrs. Stalkartt are condemned to pay costs to the zemindar Rs. 28, and to receive from him Rs. 132, costs for the decree of Rs. 46, their own legitimate cost Rs. 2,000, less Rs. 104=Rs. 1,896 dead loss.

This suit was only for Rs. 75 per bigha; the previous ones were for Rs 200 per bigha. This might fairly be called keeping the ryot, according to the late Hon'ble East India Company, "in the permanent and undisturbed possession of his property," 1787 A.D. This

is not all; the zemindar having lost the suit in the lower courts has the privilege of taking the suit to the High Court, and the Messrs Stalkartt will have the extreme privilege of paying some more costs, about Rs. 600, which the court will not allow, all for the privilege of paying, as we did before, the large sum of Rs. 46.

In the above calculation the cost and loss of time, travelling, neglect of one's usual business of over four years, four suits before three separate Judges, is not taken into calculation. Could any ordinary ryot have had any chance of being successful, more especially as he could not have paid a tythe of the expenses not recoverable by law. Where are "the secure fruits of our industry" promised to us in 1769, 1776, 1786, 1792, and our "future ease and happiness" in 1793; so that all lawsuits should be eliminated from the Bill. We next come to ryots of occupancy at unfixed rates; this is a misnomer, for all ryots paying the annual demand by Government, not of the zemindars, were by Mr. Grant, Sheristadar to Government in 1787, entitled to occupancy tenure. It is the desire of the new Bill to make the occupancy ryot pay more rent or revenue than the ryot at fixed rates, therefore in the race of life he is more heavily handicapped than the ryot at fixed rates, and the second occupancy ryot or tenant-at-will still more so, for he is literally at the mercy of the zemindar—men who up to this day are not remarkable for good faith or any of the qualities which the Marquis of Cornwallis believed were inbred in them, and which the permanent settlement would bring forth. The Marquis of Cornwallis permitted no tenants-at-will. The permanent settlement was made to firmly attach the ryots to a village, for they had on account of the oppression of the zemindars taken to a roving life, ploughing here and there, and when pressed for more rent flitting to some other zemindari. Having thus far stated their rights to the permanent settlement, we will now turn our attention to the sliding scale of the Select Committee.

This attempt at raising the rates of rent of the ryot, called occupancy ryot, by the Select Committee on the Bengal Tenancy Bill, is a more strange anomaly than all the phases of the Ilbert Bill.

The raising of the rates of revenue for whom? Not for the public good, railways, canals, Government officials, &c., but for the private benefit of a class who are tax-gatherers, and to whom higher rates of revenue than those of 1793 do not belong, acknowledged in this Bill for ryots at fixed rates, that is, for all ryots, there being no distinction of classes in Regulation VIII of 1793 (the law of Settlement).

Let us consider the position of Government: the acumen and knowledge and time of the Legislature are employed to frame traps to catch the unwary poor ryot, and force him to pay more money than he agreed to pay in 1793; *the right is in the man, not in the land,* for no benefit to the nation, and therefore the Legislature should not be employed for the benefit of the few rich to make them richer, at the expense of the many poor to make them poorer.

It is a species of unheard-of thoughtlessness, if not wickedness, not to be found in the present annals of any other nation. Your Honor will, we hope, excuse such free language, for our time is limited to the 14th August 1884. We trust that we shall be able to vindicate our strong language by our critique on the *a, b, c, d* sliding scale for enhancement of rates of rent in the Report of the Select Committee lately submitted to your Honor; any such conduct of the Legislature towards any other private enterprise would be thoroughly denounced throughout the world. The zemindars were before 1793 official Government servants collecting the revenue. In 1790—1793 they descended into private life, and are not entitled to any more than their contract as brokers or commission agents for collecting the revenue, they are paid 10 per cent., but we ryots have, by the Decennial Regulations, the right to ask the Government to charge oppressive zemindars or tax-gatherers.

Apologising for the above forcible language, we now shall attempt the analization of the sliding scale *a, b, c, d*; we prefer to come on the last clause *d* before the others, "that fluvial action has increased the productive powers of the land." This is a difficult question for the zemindars to prove; the mere fact that there is an inundation fluvial action is no settlement of the question. We must wait till the crop of next year is reaped and compared with the returns of former years before any decision can be arrived at.

The alluvial mud of the Hooghly is no better now than in the time of Moses, 3,000 years ago, and even should it have given greater results than last year, the only fact that we can arrive at is that the continual cropping has impoverished the soil, and it is now restored to its former state, when the ryot agreed to pay a certain rate for the land if it continued in that state; if overwhelmed by sand he would certainly throw it up, and the new law would force him to pay enchancement for fifteen years.

An inundation fluvial action does not always bring down beautiful alluvial soil; it very often brings with it so much sand that any improvement is more than exhausted in the first year, and afterwards it is barren, and to puzzle the Judge on infinity of changes can be rung between soil of 1st quality and sand,

ditto 2nd ditto,
ditto 3rd ditto.

The Culna indigo factory, in the district of Burdwan, was shut up for the reason that too much sand was deposited in the first place, and in the second place the land became so high

that not every inundation could overflow the land, it was only a *very* high inundation, which did not take place every year; so that the lands in a very short time were *exhausted*, and the factory in consequence was shut up. The same thing took place in Tirhoot; sugarcane being sown, arrested so much sand that the lands were useless for any crop. How is the ryot to recoup himself for the losses by inundation fluvial action? Will the zemindar pay him for his losses, as he has to receive higher in advance rates of rent? Rent paid in advance of crop. Besides the loss sustained by the ryot, he is to pay rent in advance for the next year's crop. Numerous lawsuits would crop up every year, for lands liable to inundation or fluvial action are so every year. The deposit requires yearly inspection and litigation fresh every year.

The ryot by the new law is to pay his rent in advance. Inundation usually takes place in August and September, so that, when it has occurred, the ryot has paid three kists, and so loses three-quarters of the yearly rental, which by the old law he would not have paid—no crop, no rent; besides losing his crop, most likely his house would be damaged, which he would have to repair, also the bunds of the field next year. From no crops no receipts, he would have to pay the zemindar for the new year his rent at an enhanced rate still in advance, and if he could not, he would be charged interest.

Number of officials have seen the country covered for miles with water, the wretched ryot perched on the roof of his house, because the water was also inside, the house *ruined*, and this man is to pay higher rent next year, and for fifteen years more at enhanced rates.

Supposing no fluvial action inundation takes place for four years, if he had not paid his rent in advance, this little amount of money so saved would perhaps have enabled him to recoup himself. In the fifth year comes another inundation fluvial action which brings him back again to poverty.

When inundation fluvial action took place, it was a good zemindar's cry to go up to Government for remission of rent, but the cry against the ryot is to make him pay more. Government usually remitted the rent, and *never* asked the zemindar to pay higher rent for the next and succeeding years; it was looked upon as a great calamity, and any such demand would be adding insult to injury.

Is the zemindar to refund the rent of the year of inundation with interest?

Our attention will now be given to (*c*), "that the productive powers of the land held by the ryot have been increased by an improvement effected by or at the expense of the landlord" (zemindars). The framers of this clause ought to have had a little more agricultural knowledge. What are the productive powers of the land? The productive powers of the land are not produce. The productive powers of the land may be great, but that is no reason that the produce must be great. It is only by the culture of man (ryot) that the productive powers can be developed. This evidently is the ryot's business, not the zemindars. The productive powers are known only to and made by God, so cannot be increased by any action of the zemindar; it is morally impossible. All means that can increase the crop, such as manuring, draining, ploughing, weeding, sowing, are the province of the ryot, and if the zemindar were to interfere and do these himself for a year only, that he might go into court and so attempt to raise the rent, the ryot would be justified in turning him off the land. In former times the making of the road or a railroad was said to increase the crop, but even that stupid plea is taken away, for there is now a Road Cess Act, so that the ryot now pays for all possible improvements as he did before in the olden times. But what we do learn from this is the reverse of the clause that if the zemindar has made no improvement, then he is not to have any enhancement.

By this reading the zemindar is shut out from scale (*b*), any advantages accruing from the rise of prices, and (*d*) the miscalled benefits accruing from inundation, less the loss to the ryot of that year's crop and rent.

We next come to (*b*), "that there has been a rise in the average of staple food-crops in the locality or at the usual markets;" but it does not say that this rise has been effected by or at the expense of the zemindar. (*c*) infers that if this improvement is not made by the zemindar he is not to have it. Supposing now that this rise is made by the ryots withholding their crops from market, and being in want of money borrowed for their requirements, paying interest thereon (this is now very often done), then the zemindar is to get the benefit of action solely that of the ryots. No reliable statistics of the price obtained by the ryot for fifteen years' back, more particularly by averages, so that the whole of this clause is unworkable.

The intrinsic value of the crop, whether round, well filled up grain (colour, &c., not being recorded, as Englishmen record a tea crop or indigo crop totally distinct from a market demand) would prevent an average public price being defined for years past. In estimating crops there are two points to be considered—first, quality of crop, and second, state of market.

How are the prices of staple crop to be discovered? Take rice for instance. The ryot cannot sell rice to his neighbour, for his neighbour has plenty of it, so he is forced to sell it to his mahajuns. There is no collection of people that one can call it a market; the mahajuns are scattered here and there in the interior of the country, as it suits their

interests. The real market for rice is only in Calcutta, and it has passed through more hands than one before it reaches the Calcutta market, which is excluded by the law. The Inspector of Prices will have to travel miles to inspect mahajuns' books; when placed before him can be read readily the characters of these accounts in Bengali, Nagri, &c.; therefore it will be necessary to attach to this office an interpreter, &c. The inspection of mahajuns' books is a very long affair. Any official who has had to do this in court will know of this difficulty. To get any average to do justice to the ryot, a great many books will have to be inspected, and as some keep two sets of accounts, each one will have to be sworn, &c., and the time to do this will be immense. Before one-half are examined it will be necessary to examine them again, once in the dearest time of the year, and once in the cheapest time; so that it would evidently fall into the hands of the amla of the court, who are at the command of the zemindars, the ryots can put no trust in them. Look at the attempt to boycott the most important documents in the suit of the zemindar *versus* Messrs. Stalkartt, in which one of the native Judges, the amla of the Court, the opposing native barrister, were all implicated. This is not all; the English Judge gave a decree and the amla of the court had to bring it into practice, that is, to define the exact amount in rupees which were due. What occurred; it was only the six-anna zemindar that sued, the amla gave to the six-anna zemindar not only his own share, but the share of the other two five-anna zemindars, and the costs of only one court, whereas it had gone through four courts, therefore four sets of costs should have been calculated. This was brought to the Judge in Bengali, who having faith in his amla signed, and now there must be another petition to the Judge to correct it. If it had been an ordinary ryot, he would have been sold up on the spot. The zemindars as a rule merely require a decree for one bigha for land in the interior, and on the strength of it seize ten acres even of other ryots not parties to the suit. As before, he merely wanted his master's badge, a plea only, not a rupee's wages, not a right, and he can then earn his own livelihood. No wonder that after 20 years of Act X of 1859 the official sent in quest of the prevailing rate could not find it, and asked for a prevailing rate did not know that he had to discover it by calculation from the ryots' receipts. Respecting the costliness of suits to the poor ryot, which your Honor desires to guard against in the new Bill, we have only to bring to your Honor's notice the Government statistics that a very large number of the ryots of Bengal are very poor, and plough such a small amount of bighas that they cannot afford the luxury of a lawsuit, the only panacea that the Government can offer to the poor ryot for all the ills of life before Judges who believe that it is the desire of the Government to enhance the rates of rent at all *costs to the ryots;* the word enhancement is always cropping up, but the word reduction seldom or never. Perhaps it would be agreeable to the Legislature that the zemindar should pay all the costs of enhancing the rates of rent, the ryots' as well as his own, not merely court costs, but actual costs.

JOHN STALKARTT,
for the ryots of India.

The 16th June 1884.

TO—HIS HONOR THE HON'BLE RIVERS THOMPSON, Lieutenant-Governor of Bengal.

YOUR HONOR—

We have a few words more to say respecting fluvial action; perhaps it is intended for alluvion. Now accretions by alluvion are not the province of Act X of 1859: there are separate laws peculiar to this description of land—Regulation XI of 1825, and Act XXXI of 1858. The principles of these Acts are condensed as follows:—Before the zemindar can levy any rent from the ryot, arrangements should be made by Government, *firstly*, for the amount of rent to be paid by the ryot; *secondly*, the percentage thereon allowed to the zemindar for expenses; *thirdly*, the amount of the zemindar's commission agency charges. It appears to us that the Government, in this new Tenancy Bill, do not desire to go backwards behind Act X of 1859, but in this question, as Act X of 1859 is shelved, it cannot be a bar to our ancient rights, which we ryots have not forfeited by any bad conduct, and we have thus to go back to Regulation XI of 1825 and Act XXXI of 1858; by this latter law, it is only the Settlement Officer that can fix the rate for the ryot. These laws clearly show that the English proprietary right for chur land is not in the zemindar, thus backing up Regulations I to XLVIII of 1793, by which laws our rights are continued to us for ever. In our last letter we had the melancholy pleasure of informing your Honor that a costly interminable law-suit was no panacea for all the misfortunes of a ryot's life; we had scarcely written these words, when we find it confirmed in the *Englishman* of the 14th June. An "important meeting of Landholders at Bankipore on the Bengal Tenancy Bill, 13th June." We beg your Honor's careful perusal of the various speeches made by the members of that meeting. His Highness the Maharajah of Hutwa goes over the old grounds which have been refuted so often, that really he should be ashamed of himself if he cannot refute the writings of the ryots and others. Assertions are of no value unless backed up by facts, solid reasoning and law. It is useless giving ideas of a bad state of about-to-be-affairs without facts, and according to the words of the Maharajah, we ryots beg to be excused from believing in the value of the zemindar's irregular summary and *ex parte* proceedings which they desire:—

Extract from the speech of Rai Prakash Lal Bahadoor, Dewan of Dumraon: "What if

you change your laws, would you be able to meet these cases of oppression, I *say No.* I do not like to mince matters, and I will be as candid as I possibly can. A ryot is beaten and his crops distrained, his bullocks seized by one of these *subburdust zemindars* for not agreeing to to pay an enhanced rate of a few rupees. He (the raiyat) goes to the nearest police, and here he finds that the matter is one of the *longest purse.* He goes to one Court, civil or criminal, and has to dance attendance from day to day away from his distant home. In the meantime he spends *his all* in securing the attention of the *amlahs* and mukhtears, and in arranging to get up the preliminaries to a just decision of the case, and what after all if he gets a decree. He curses the day when in a freak of fancy he had chosen to fly for protection from the *subburdust* man to our constituted tribunals. I know of cases, sir, where the recalcitrant raiyat, after playing *the rôle of subburdust ryot,* and winning in legal proceedings every inch of the ground against the zemindar, had ultimately thought it wiser policy to agree to what they thought his unjust demands. The present law is quite ample for all purposes, only, as I said before, it is the *administration that is in fault.*" This is nothing but setting Government at defiance, borne out by the *Indian Witness* of late date. What we raiyats have always said is, that the zemindars consider themselves above the law and act so, and therefore the least that the Government can do is to fine them heavily for a first offence and remove them for a second, strictly according to the established laws of this country. I beg your Honor will consider the style of arguments used; it may be good pleader style to vilify your opponent at the first onset, but with thoughtful men it tells against the speaker. The Dewan of Dumraon Raj describes the zemindars as *subburdust;* to this we agree, for it is true, he next calls the raiyat *subburdust,* so as to make both parties *alike;* but as his speech goes on, we find that the raiyat is not *subburdust,* but that he is a *law-abiding man,* and to the praise of the courts he is successful in his suit; but when he returns to his village his success in court is useless, other pressure is brought to bear, and he is obliged to succumb, and thus he "enjoys scarcely the fruit of his labours" promised to him by the Government from 1765 to 1793 and to 1884 and in future. This Dewan is trying to instruct the Government that their courts and police are useless, and that there is a power in this country superior to the Government, called the zemindari power; if so, no time should be lost in displacing it, as we have said before, and it is our raiyat's right that the zemindar should be changed. We now return to the principles of the Bill, and before passing on to the prevailing rate, we wish to make some remarks, which may assist in describing the prevailing rate and its aspect. Your Honor, Act X of 1859 is to be superseded; being superseded it has no power, and therefore cannot bar our ancient rights. In all descriptions of zemindars and raiyats, every other word refers to ancient rights of 1793, and before. We have said in our petition that the right of pre-emption being given to one man, the zemindar would keep off all other buyers, and the land and house of the ryot would be sold for a song. Your Honor, 95 per cent. of the lands of a village belong *to the inhabitants of that village* called public lands, and only 5 per cent. to the zemindars as nankar or khamar or subsistence land. If any person or persons should have the pre-emption of buying, it should be the remainder of the village community to whom it belongs, and to whom the zemindar could have no objection, and by public auction, then the ryot would stand a fair chance of getting his due. We cannot forget that before 1793 the zemindar made the raiyats remaining in a village pay the rent of those that ran away, so that pre-emption is doubly the ryot's right. The right of distraint that the zemindars' desire is certainly, according to your Honor's memorandum, not a humane proceeding; it is the power of turning a ryot out of his holding, and so bringing on death by starvation, and not according to the declarations of the Government before and after 1793, "and for the future ease and happiness of the ryot," that the ryot "should be kept in the undisturbed possession of his lands and houses." Regulation XVII of 1793 forbids the distraining of the houses and lands of the ryot or any other real property belonging to him—neither his plough, nor his bullocks, nor his seed for sowing next year. By this law he is preserved; the crop being hypothecated for the rent, why should the land be seized; also, is it not more humane to close accounts every year; by so doing there will be no arrears, no other debtor could seize the crop, and so force the ryot to be backward in paying his rent. When a record of land and rates is made, then with the old Regulation XVII of 1793—the law for distraint—the ryot would remain secure in the "undisturbed enjoyment of the fruits of his labour." No crop, no rent as of old, therefore no arrears of rent for after lawsuits, for seizure of the *ryot's landed property.* All suits between zemindars and ryots should not be biassed by native judges and venal amlahs, but by juries; and it would be a good thing introducing the system so as to lead to criminal suits to be tried in the same manner. To introduce the English law of distraint into India, it should be thoroughly understood. Supposing there is a distraint, if there are crops on the land, the landlord must wait till they are reaped (and cannot demand interest on the unpaid rents), if the crops are hypothecated to him, and if English ideas are going to prevail, then why should the native landholder ryot pay interest till his crops are cut and housed; our ideas are totally against the ryot paying interest on kists unpaid of the *current year.* For the rent of an acre or two you cannot sell up the whole of a tenant's holding, you can only distrain to the value of the debt; this would be the means of breaking up a ryot's holding piecemeal, and so make no end of divisions and sub-divisions. Bastu land, on which are the houses and granaries of the ryot, the zemindar can never have a claim to; it is useless to make patched up legislation for rights, and laws will then get mixed in inextricable confusion. The Government have an idea that the zemindars want support in their collection of the rent or revenue, but the zemindars have always collected their righteous dues, and much more, by the law of distraint, Regu-

lation XVII of 1793, for 67 years up to 1859 without complaint, and with very little trouble; so why try to upset the best humane system? it is only unlawful demands that meet with opposition from the ryot. The zemindars are quite sharp enough and have brought suits for arrears of rent at "enhanced rates," and the courts have allowed it. It is this action that brings discredit on the courts. Your Honor, there is not sufficient open discussion on the laws about to be enacted—we mean discussion by the inhabitants of the country (the ryots), not the officials; the officials by their segregation by Government seem utterly unable to understand the wants of the people. Your Honor has desired that the Commissioners of Divisions will collect their subordinate officials and fairly discuss the old (of 1793) and new Bengal Tenancy Bills. We beg that your Honor will permit to be present any ryot so desiring to enter into the discussion, that he be not refused, and all that he has to say be strictly recorded and forwarded to Government, nay not only so, but that many ryots be invited, &c., &c., &c., &c.

I have the honor to be,

Your Honor's most obedient humble servant,

HOPE TOWN:
The 27th June 1884.

JOHN STALKARTT,
for the Ryots of India.

TO—HIS HONOR THE HON'BLE RIVERS THOMPSON, Lieutenant-Governor of Bengal.

YOUR HONOR—

IN this letter we have promised to consider the prevailing rate and its aspect, but before doing so we will quote from the following address, entitled "An unbeliever's description of Christianity," by the late Right Hon'ble Lord O'Neill, so that we may have some axiom to work upon. Now, the very idea of a man having a right to anything involves moral distinctions. For if A has a right, B does wrong if he endeavours to deprive him of it. To do so would be to do him an injury—an injustice. It is something more than merely inflicting pain upon him, which is cruelty. The idea of its being an offence against right is also included. On this account I look upon moral distinctions as having a foundation in nature—in human nature at any rate—and it is because we have no right to injure our neighbour that the precepts of the Decalogue, those of them which inculcate our duty to our neighbour, were given. There are other possessions, external to the individual, the right of which is given by the law of the land, hence the idea of ownership; hence also the general consent of mankind that it is a wicked thing to deprive any one, either by force or subtlety, of what is his own.

The aspect of the prevailing rate is in conjunction with occupancy rights. The occupancy rights of the ryots were spoken of by Mr. Sheristadar Grant in 1787. Ryots had a right of occupancy so long as they paid the annual demands of the sovereign not of the tax-gatherer, his servant. If the demands of the sovereign are limited by Regulation I—48 of 1793, this limits the demands of the tax-gatherer to the same extent, and we do not see how the tax-gatherer is entitled to any more than the rates of 1793, confirmed in 1794, passed to remove all doubts. Then all ryots are entitled to rights of occupancy so long as they pay the rates of 1793.

Ditto the pergunnah rate of 1793.

Ditto the prevailing pergunnah rate of 1812.

The prevailing rate of 1812 must have been in existence before 1812, for we find no new rates were made that year: therefore they must be identical with the rates of 1793, confirmed in 1794, and so transmitted to and by Act X of 1859, for it is the first clause, and overrides the subsequent clauses. We have now to consider the effect of the occupancy right brought to notice in 1787, and carried through all subsequent legislation. The argument consequent thereon has been brought forward by the Duke of Argyll in his speech on the Irish Land Act (certainly a better term than the Bengal Tenancy Act), formed after the model of the Indian law. These arguments are to be found in the newspaper *County Gentlemen*, June 21st, 1884. True extract:—"In a single sentence His Grace set forth the actual state of affairs in Ireland in respect to the land. He said occupancy of land is at its full value, and the ownership of land is destroyed." Add to this that the prevailing rate is a fixed rate in India, the only clause for assessing the land (not for enhancement—a misnomer) to this day that can stand. We have a clear right that the other clauses be abandoned. The right of occupancy being in existence, therefore the ownership of the land did not belong to the zemindar in 1784, 1787, 1793, 1812, 1822, 1825, 1848, 1859, nor since to this day, 1884; therefore the description of the Act should be altered, and called the Indian Land Act, which would mislead neither old nor young civilians. The question arises whether the ryots are to be deprived of the prevailing rate, which will, of course, include the right of occupancy. From the memorandum of Mr. Reynolds it is quite clear that the Government see the drift of this clause it on one side, and the other clauses on the other side, all cannot stand: one must give way to the other. If the prevailing rate is one of the clauses, and it should be so, for has it not come down from 1793, 1812, 1859, 1884, and it is proposed to be continued in the law after 1884. In the list of the Select Committee, marked A, therefore it is *Seniores Priores* to

all the others, and should not be eliminated from the Bill on any account; but undoubtedly the others should be. If the present reign had been Hindu or Mussulman, then on account of the want of the sovereign, and of the British reign the wants of the country, then the taxes might be raised, for a time only the Permanent Settement might be broken, and the amount of the war tax levied by Porus, 25 per cent. of the gross yield might be taken; but as it is legislating for the benefit of the tax-gatherers, it appears to be a questionable state of morality for the British nation to indulge in, especially as they plume themselves *par excellence* as the people of God to do that which is right, and not to leave the people at the mercy of the tax-gatherers. The morals of the Hindus and Mussulmen would not prevent them acting as they pleased, but with Englishmen it would only be dire necessity that would force them to break through the Permanent Settlement for the wants of the country only but this is a question of morals, is undoubted, and from the above quotation from the writings of the late Lord O'Neill we are not singular in our belief in respect to our duty to all men. From the history of the great Akbar, a Mussulman, the taxation of all ryots remained stationary for 140 years, and enhancement of rent by the British Government would not be allowed, and are we, Christians, the salt of the earth, to be less righteous than Mussulmen Mahomedans and permit an enhancement every ten or fifteen years? The morals of the Mahomedans are very low; "thus—make money, but when you do so, give to the church:" compare the above with the tenets inculcated by the Decalogue; are we to be less just than the Mussulmen? What is the idea conveyed by the words "the prevailing rate," it means universal equality. Why do the inhabitants of the Soudan attach themselves to the Mahdi? The very same idea,—justice. The reform of Islam, the establishment of a universal equality, law, religion, and community of goods (*Nineteenth Century*). Nowhere are the natives so contented, peaceably inclined in their relation to the zemindar, paying their rents freely, as when they know it is the old pergunnah rate—*all equal before the law*. By this Bengal Tenancy Act (even the description Tenancy Act is a mistake), it should be Bengal Land Act. There are to be three to four classes of ryots. We, ryots, asked for a reform of the revenue taxation, and we find we are to be more heavily treated and taxed, like the action and speech of Rehoboam, the successor of Solomon, and "whereas my father did lade you with a heavy yoke, I will add to your yoke; my father hath chastised you with the whip, I will chastise you with scorpions:" but not for the benefit of either Queen or nation; this question is distinctly asked by us, the poor. If there is any new assessment, it should be by a jury of the inhabitants, not of the zemindar, or by any Judge. For it was our privilege by section 54 of the Resolution of the Permanent Settlement, to which we have before alluded, and we beg that the old prevailing rate be maintained as our only safeguard, and we, the ryots of India, shall ever pray.

JOHN STALKARTT,
For the Ryots of India.

The 25th July, 1884.

No. 1795R, dated Bhagulpore, the 8th August, 1884.

From—G. N. BARLOW, ESQ., C.S.I., Commissioner of the Bhagulpore Division and Sonthal Pergunnahs,
To—The Secretary to the Government of Bengal, Revenue Department.

AT the special request of the writers I have the honour to forward report of the Bengal Tenancy Bill by Messrs. Eddis and Hennessy.

2. I further send a report by Baboo Soorja Narain Singh, leading pleader of Bhagulpore.

No. 233, dated Purneah, the 11th July, 1884.

From—W. EDDIS, ESQ., Asst. Manager, Raj Durbhunga,
To—The Collector of Purneah.

I HAVE the honor to acknowledge receipt of your letter No. 427G. of 7th June, forwarding me copy of the Bengal Government circular No. 8T.—R of 24th May 1884, regarding the revised Tenancy Bill, and requesting me to give my opinion on the points mentioned therein. I proceed to do so, taking the paragraphs *seriatim*.

CHAPTER II.

2. *Paragraph 4.*—I do not think there can be a simpler definition than "a tenure, as distinguished from a tenancy, may be described as a holding held for the purpose of collecting rent, while a tenancy is a holding held for the purpose of cultivating." The object of section 5 is admittedly to get rid of the self-constituted tenure-holder *as an occupancy ryot*. This section and also 37 are professedly in the interest of the cultivator. The mode of attaining the desired object seems to me to be roundabout. Does it not entrench also upon the zemindar's right of creating a tenure-holder? A simpler way of protection would be to give every resident cultivating ryot paying a fair rent a right of occupancy. The Hon'ble Rai Kristo Dass Paul in his protest contends that these provisions improve the position of the original occupancy right ryot. He had a permanent holding. If he acquires the right of a permanent tenure-

holder he (section 11) acquires the power of transfer, free from the landlord's right of pre-emption, to which as an occupancy ryot he was liable. Mr. Secretary MacDonnell says (paragraph 4, bottom of page 2): "The formal recognition by the Bill of the transferability of occupancy rights may tend to the purchase of such rights by money-lenders (whom it is not the wish or object of the Government to benefit at the ryot's expense), and consequently to the rack-renting of the cultivators holding under such purchaser." Then why give the right? Why interfere with the zamindar's proprietary rights distinctly given by the perpetual settlement? The custom of sale of jamas, more or less prevalent, is working its way, and in time may become "common law" which no one will then dispute. Is it not unwise to forestall the natural process? As to the relation between ryot and money-lender, it is surely wrong to strengthen the latter's power by legislation. The cultivating ryot can best be protected by giving him right of occupancy of his land, and by fixing some limit beyond which he cannot be assessed, thus giving him a chance of acquiring wealth, and discouraging rack-renting. While every one must wish to see the lower classes raised, it must be remembered that small holdings *cannot* support the agriculturist and his family without other means. A five bighas holding even, unless under very exceptional circumstances, will barely support the ryot and his family. There is no good aiming at impossibilities. A large proportion of the agricultural class must be content with the lot of labourers. Cultivators of from 20 to 50 or more bighas of land by the help of paid labour are what is required—not a mass of petty holders cultivating from one to three or four bighas. They must be always from hand to mouth, and one famine season throws them on charity, or they die.

"The ascertainment and registration of sublease" seems to me unworkable and only likely to cause litigation and expense. Sub-letting *will* take place. Protect the cultivating ryot by an occupancy right and by a limit to assessment, and leave the tenure-holders to the terms of their registered leases.

3. *Paragraph* 5.—Would not most of the difficulties vanish if the tenureholders were left bound by their tenures and the cultivating ryot protected by the right of occupancy and a limit to assessment?

4. *Paragraph* 6.—I think the 20 years' presumption rule is unjust. It has no sound foundation, and it is a great temptation to immoral litigation. It is injurious to the ryot, and acts against the fair and in favour of the unfair zemindars. To say that it has been law so long is no argument. The Permanent Settlement has been law much longer, and yet the zemindar's proprietary rights are to be taken away without compensation or compunction.

5. *Paragraph* 7.—As regards occupancy right in land "over an estate," I think the occupancy right of a cultivating ryot should be within a certain limit of the village where he resides. If he took lands beyond that limit he would be a tenure-holder under a lease with an occupancy ryot or labourers under him. I would cut out the words "or estate" from section 26. As to the sections 28 and 29, if the landlord obtains by purchase or otherwise the ryot's right, he obtains the right of settling another ryot, or of himself cultivating the land. Is the question what he will do with the land one for legislation? Such legislation seems to me to be in the direction of Mr. Herbert Spencer's "Coming Slavery," unless under some very exceptional circumstances he would of course settle another ryot.

6. *Paragraph* 8.—Section 31 (*b*), (*f*), and (9) (*b*). Of course both zemindars and ryots should be encouraged to make improvements, but I do not see the need of legislation on the matter. At present certainly the ryot does not make them. Legislation on the subject, and especially regarding compensation for improvements, is forestalling. It is suggesting false claims and inviting expensive litigation. (*f*) I think that legalising transfer is injurious to the ryot. Protection from the mahajun's intrusion would be secured rather by not permitting transfer, except through the zemindar. It is a right that was never intended to be, nor was it in any way, conferred on the ryot by the perpetual settlement. On the contrary it was specially given to the zamindar. A custom of sale is growing up in some districts unopposed by the zamindars. Let it grow. To *legislate* in favour of transfer by the ryot is a breach of faith. Let the custom take root and become common law. At a future time it may be crystallised into "statute law." (*g*) I would leave sub-letting alone. You cannot prevent it, but it need not be encouraged. Petty holdings are a source of misery. A ryot and his family, be the rent what it may, cannot more than barely subsist on a holding less than five bighas. To live, the petty holder must supplement his means by labour. I would strike out (*g*). Leave the matter to custom.

7. *Paragraphs 9 and 10.*—Section 59 of the old is much modified by section 14 of the revised Bill inasmuch as the interference in private contract of the Revenue Officers is struck out. The provision under (2) of clause 59 of the old Bill limiting assessment to not "more than one-fifth of the estimated average annual value of the gross produce of the land," &c., is struck out. This is, I think, a mistake. The principle is sound, and if it can be worked is a great security against rack-renting and over-assessment. It has the merit of simplicity. That there may be difficulty in working it must be allowed. The reasons for giving it up, alleged in paragraph 10 of the Government of India's letter No. 784 of 5th May 1884, may be cogent, but are not, I think, altogether unanswerable. Considering the great gain such a simple guide would be, it is surely worth being attempted. It would be useless for very small holdings and

t might not do alone for any. It may be necessary to work it with other rules, but an effort to retain it as a general guide should, I think, be made. Taking a proportion of the produce of the soil for the Government revenue was ancient custom. It prevailed both under the Hindu and Mahomedan Governments. The custom was reduced to an intelligent system by Todermull, the great Financier of the Emperor Akbar. The proportion taken from the ryot was nominally one-third. The proportion proposed in the last Bill was one-fifth, leaving four-fifths for the ryot. This plan will not work infallibly any more than any other device. The attempts in this Bill to lay down law for every detail must fail in practice. The law will be a dead-letter away from the courts, and near them the legal profession will make fortunes, and the ryot be ruined. It must be remembered that gaining the suit, and costs being saddled on the zamindar, does not bring the ryot off scot-free. The law vultures' exactions are 10 and 20 times the legal costs, and *they* are heavy enough. As to the limits of 50 and 25 per cent., or so many annas in the rupee, I do not think these rules are fair or will work. The question of enhancement should be left to the landlord and tenant, there being some guide as to what is a "fair rent" which will enable the court to limit the assessment. Under the Bill enhancement through the court is encouraged which will flood the courts with litigation. A settlement of rate of rent out of court should rather be encouraged with power of appeal by the ryot to the court against unfair rent. Such suits should be tried by exceptionally experienced officers, with an appeal only to the High Court. The decisions it, may be hoped, would be few, but they would be precedents for large areas. Of course there should also be provision for the zamindar to sue for enhancement. Circuit native officers of experience for local investigation into rent disputes might be useful to assist the court.

8. *Paragraph 11.*—Why should the law recognise difference between rent for the same description of land payable by occupancy and non-occupancy raiyats? As to land falling into the zamindar's hands by abandonment why not leave the thing alone? Every detail hampers future legislation, and is in the meantime only so much gain to the bochas who prey on zemindars and raiyats. A raiyat under bad advice will pay in one suit with the zamindar more than the enhancement asked would amount to in 50 years. I can give a case of which you are cognizant, where a ryot has paid over Rs. 6,000 in trying to escape a moderate assessment barely half the "fair" rent of the land, and to which he had agreed. The simpler the law the better. Nothing can be more vicious than the principle acknowledged in this Bill of legislating carelessly and admittedly with probable injustice, with the expressed intention of correcting mistakes by future legislation, regardless of what thousands, perhaps millions, may have already suffered by the mistake. A wise man says—one who has studied sociology deeply—"To what extent does it happen that the multiplying and elaborating of institutions, and the perfecting of arrangements for gaining immediate ends, raise impediments to the development of better institutions and to the future gaining of higher ends."

9. *Paragraph 12.*—*Bastu land,* homestead, with arable land, is assessed in Lower and Eastern Bengal at say double the rent of the arable land. In Behar it is, I believe, generally held at a much lower rate, and frequently, as in the Purneah district, rent-free. Why legislate about it? The law will not alter the custom, except perhaps in the neighbourhood of the courts—those prime sources of misery to the ryots—and there the ryots will be ruined by litigation. The Government seems to have no conception of what bringing ryots into court means. The zemindars may be fair game, but it should have mercy on the ryots. I think "the importance of the question and its relation to the well-being of the ryot" can be very much rather than "cannot be over-rated." Biltori lands held by artisans and shop-keepers without arable land, if we are to look ahead, might be guarded from the "unearned increment" trouble. The increased value of such lands where a town springs up should belong wholly neither to the occupier nor to the landlord, but to both with a share to the community, whose presence has caused the increased value, for the general good under municipal taxation.

10. *Paragraph 13.*—The question of reduction of rent may, I think, be left generally to the zemindars and ryots. Sufficient causes and remedy for injustice by the zemindar may be left to the court when trying the question of a "fair rent." If legislation on these details *must* be, the grounds (*a*) and (*b*) seem reasonable; but there may be other causes equally so which may be left to the discretion of the court. I do not think the detailed enquiry suggested in paragraph 13 regarding (*a*) of section 51 requires legislation. The matter would come under decision as to "fair rent." As to commutation of grain rents to money rents, I expect the raiyat would gain by the matter being left to private arrangement between him and the zemindar.

11. *Paragraphs 14 and 15.*—The correctness of price lists is very important. Whatever principle of enhancement is adopted, such lists must be useful. They should surely include the price of *all*—not only staple food crops. Paragraph 15 instances jute only as a more valuable crop than the ordinary staple food ones. The Government of India's letter No. 784 of 5th May 1884 (paragraph 13), says: "The Select Committee have restricted the staples to food crops, the objection to the inclusion of other staples, such as jute and indigo, being that they are grown for export in place of food crops, and are subject to such great fluctuations in price as to afford no reasonably stable standard of comparison." This sentence appears to me singularly unfair. Are indigo and jute the only crops grown for exports? What food crop is not grown for export? Where would be the wealth of the country without export? This

objection to making the price of more valuable crops an element in fixing rents is surely utterly untenable. Are not rice and wheat the chief food staples exported as well as cotton, oil-seeds, jute, indigo; every crop in fact more or less? In making the price of crops a guide to fixing rent—and it is a very proper guide—all principal crops should be taken. There is of course difficulty in making price lists. There is indeed so much difficulty in all matters of detail worked up in this Bill that the cardinal question regarding it really is—Is it wise to attempt to legislate on details that are and must be much better settled by custom? That the ryot should be protected from unfair assessment, which means that a margin should be left him beyond bare subsistence, is as much a part certainly of the spirit of the perpetual settlement as the proprietary right given by it to the zemindar; but the Legislature, laying down a few board principles, and giving some general rules as guides, should leave details as much as possible to private arrangement. No doubt prices of produce must be one rule.

12. *Paragraph 16.*—I cannot see see on what principle rent for the same description of land should vary because occupied by ryots with arbitary designations, provided they are resident and pay a fair rent. I feel sure that there is no general desire on the part of zemindars to dispute the ryot's right of occupancy. What frightens them and puts their backs up is the conditions tacked to the right of occupancy, which amount to confiscation of their (the zemindar's) proprietary rights. Nothing can more tend to create ill-feeling between zemindar and ryot than taking the former's right solemnly conferred by the British Government, by a law which has given prosperity to a province and made it the milch cow of India, and giving them to the ryot, especially when these rights are not asked by the latter and still more so when their bestowal to a great extent certainly is a positive injury. I think every resident cultivating ryot—let him hold his land from whom he may—should have a right of occupancy so long as he pays a fair rent. For pykust or non-resident ryots, the rent should be settled by demand and supply, liable to some limit, securing a fair proportion of the produce to the ryot, and the crops should be liable to stringent unfettered distraint. His occupancy, unless fixed by the terms of a lease, should be from year to year.

13. *Paragraph 17.*—On what principle are the provisions (*a*) and (*b*) of section 62 framed? Where there are several holders between the cultivating ryot and the zemindar, how are the accumulated 50 and 25 per cents. to be paid by the unhappy cultivator? If some limit is given to the assessment of the cultivating ryot, the last link—substantial protection— will be given; the intermediate tenureholders will take care of themselves. If their tenures are not worth holding they will throw them up at once if permanent, or at the end of their leases. Tenure-holders—farmers cultivating their lands by the help of labourers—are a boon, becoming a body of substantial yeomen, but not those who merely rack-rent. I do not see the object of the limit in section 38 to an occupancy ryot subletting his holding beyond seven years. If a *bonâ-fide* resident cultivator is settled on land, he should acquire a right of occupancy, and should not be disturbed so long as he pays a fair rent.

14. *Paragraph 18.*—I object in toto to the 20 years' presumption. As to section 83, referred to in paragraph 17 of the Government of India's letter, its provisions are, I think, unfair to the zemindar, tending to foster disputes between him and the raiyats. It would be far better to search for some just means of appraising the produce with the zemindar's help. It would contribute to the solution of the problem how to get at a proportion by which to limit assessment. At all events the section recognises the possibility of appraisement which, in rescinding the one-fifth limit, was considered impossible. (4) Meant to check or punish unfair play on the raiyats' part is on the principle of Mr. Ilbert's paragraph 41 in Statement of Objects and Reasons of the Bill. Sections 83 tends to foster disputes and litigation.

15. *Paragraph 19.*—The Government of Bengal admits in this paragraph that the provisions regarding improvements (Chapter IX) do not appear at the present moment to be of much practicial utility, but it is hoped that in the future they will be found valuable. This is not a right principle of legislation. Why clog the Bill with provisions admittedly not at present applicable? Wait till the ryots make improvements and circumstances arise which warrant interference. At present these provisions only invite false claims. The improvements and compensation clauses of the Bill struck a no less eminent and experienced authority than Mr. Seton-Karr as so ridiculous and uncalled for that he calls them "the mere craze of the philosopher of the cabinet and the pundit of the desk." The attention of the Commissioners and Collectors of Bengal is requested as to whether the "general interests of the country" will not be advantaged by conferring by a solemn Act of the legislature the right on the non-occupancy ryot to construct a well! Who would prevent his making one? If it is feared he will be deprived of his well by ejectment, adopt a broad principle and give him right of occupancy so long as he pays a fair rent. You propose to make him *resident* by permitting him to build a house (section 90). But ejectment or no ejectment let the wells be made without wasting time and money in legislating about it! "The general interests of the country" will undoubtedly be advantaged by the making of wells! This subject of wells is one which has at various times and in different places apparently exercised the Government. If Mr. Seymour Keay is to be believed and I admit his assertion must be received with caution)—*vide* an article in a late number of the *Nineteenth Century*—Government is the only landlord in all India who puts obstacles in the way of ryots making wells. He draws a touching picture of the ryot, his wife and children picking away for years in the hard soil, at last finding water, only to find themselves taxed, because they have found water. If this writer's statements are but partially true, the Govern-

ment of India in its dealings with its ryots in the North-West Provinces and in Bombay merits the exhortation "Physician, heal thyself!" Any way, "in the general interests of the country" let wells be made! Section 90, about a non-occupancy ryot being allowed to make a a house to live in, seems absurd. He makes himself a house, becomes a resident ryot, and should acquire a right of occupancy.

16. *Paragraph 20.*—Why should there be difficulty about the abandonment of a holding? It is the universal practice of the country founded on ancient custom and confirmed by British law that land abandoned by the raiyat reverts to the zemindar. That it does so one would think is self-evident. Why throw in a bone of contention on such a simple matter? If a landlord ejects an occupancy raiyat forcibly to put in another at a higher rate he is doing a distinctly illegal act. It has nothing to do with his right to land abandoned by the raiyat. One or two sharp punishments under the Penal Code would soon stop such illegality. As to selling the abandoned land, it would be a clear infringement of the landlord's rights. The permanent settlement—and the words of the Statesmen who had to do with the passing or criticising of it found over and over again in their minutes and letters—prove that the proprietary right was given, and was beyond a shadow of a doubt meant to be given, to the zemindars.

17. *Paragraph 21.*—Measurement of a village should certainly include lakraj tenures; but I do not see what the zemindar has to do with their details. He has a right to ascertain the quantity of land claimed as lakraj, because any excess must belong to his village. I think the measurement should always be by claim, the cottas marked by the length of the local pole, but brought into English acres, both being recorded. In statistical records it would never do to have the area registered by inumerable different standards.

18. *Paragraph 22.*—If care is taken in the appointment of a manager—if possible one approved by all the shareholders—and if proper control is exercised, there should be no difficulty.

19. *Paragraph 23.*—A record of rights is of course good in theory both for zemindar and raiyat, but can it be carried out? Unless correct, it would of course be worthless. The hearty co-operation of the landlord and tenant are necessary to obtain reliable village statistics. Without this, how are the continual changes to be registered? With the zemindar's co-operation nine-tenths of the difficulties in collecting reliable statistics would vanish, and the great end—to fix proportion of produce as a limit to assessment—might be attained. Under the hal hasilee tenure much of the information was annually collected by the village gomastas.

20. *Paragraph 24.*—It would be better to leave these matters to mutual arrangements. It is quite impossible for any court to manage all the details of the relations between landlord and tenant. The law will either be a dead letter, or confusion worse confounded will arise in every district. If the Bill respected the zemindar's rights his co-operation would remove many difficulties.

CHAPTER XIII.

21. *Paragraph 25.*—Distraint as proposed in the Bill is a farce. Where are the "officers?" What like would they be? Would they be bribe proof? *Bonâ fide* distraint should be allowed (most certainly for pykust ryots) without the interference of the court, abuse being severely punished. Such a simple cutting of the knot will I fear not be allowed, but such distraint was always the custom of the country. It is understood and accepted by the ryot. "It may be, as experience has in some instances proved, that the abuse of the right of distraint is within the power of the executive to suppress, and the Lieutenant-Governor himself thinks that there is a great deal in the statement that in the case of an improvident peasantry a remedy against the crop is a more humane process than a remedy against the land." True words—why not act up to them?

22. *Paragraph 29.*—Without admitting the propriety of other restrictions in this Bill, I think the rate of rent on deara lands should be left quite unfettered as to term or rate. I do not see why a raiyat should not have a right of occupancy as well in deara as in other lands, if he is resident within a reasonable distance of them. As regards contract, I would leave zemindar and raiyat unfettered except as regards the raiyat's occupancy right, which I hold to be as much given by the Permanent Settlement to the ryot as the proprietary right was to the zemindar—certainly in the spirit if not in the letter. The khudkast, *i.e.*, resident ryot had, I am sure, in ancient times, a right of occupancy in the land he tilled, so long as he paid rent, and the proportion fixed by the Government defined what that was to be. This right was acquired by custom, created by circumstances of which it was the natural result. The occupancy of the land was hereditary. This tenure of land was the foundation of society, and even in the old days of lawlessness was as a rule respected. The Hon'ble Justice Field puts it fairly in his "Land-holding, and the Relation of Landlord and Tenant invarious Countries," see pages 423 to 425, paragraph 225. Even were there a doubt, it would be right to give the benefit to the ryot. Justice Field says: "Non-fulfilment of the condition on which the land was cultivated, non-discharge of the Government dues, or non-delivery of the proprietor's share of the produce was the only ground which rendered it necessary to remove a tenant." No doubt when might was right. "Some land-holders conceived themselves to pos sess the power of ousting their tenants in favour of other persons who were

willing to give a higher rent, but in a state of society in which rents were regulated by custom, not by competition, such new tenants did not often present themselves, and so the practical exercise of the power was not frequent. Thus, notwithstanding occasional instances of ouster, it gradually became usual, in the language of a later stage of development, not to evict khudkast ryots so long as they paid their rent. It has been well observed that mankind's notions of right are founded on prescription, and under a Government of absolute discretion, destitute of the modern appliances for legislation, custom was really the sole legislative power." Surely this line of argument is unanswerable. As regards interference with contract generally between landlord and tenant, I think the Hon'ble Rai Kristo Das Pal's words in his protest to the Select Committee's report are very true—"I cannot conceive that if the ryot can fairly be considered a free agent in mortgaging and selling his hearth and home, or his agricultural land; in disposing of the produce of his field, or engaging his labour, and fulfilling a thousand other obligations of every-day life, why he should be considered incompetent to enter into contracts with his landlord." I would just remark the natural way in which the words "hearth and home or his agricultural land" come in as shewing how the right of occupancy is taken for granted. Opponents of the Bill admit that 90 per cent. of the Bengal ryots have occupancy rights, and I do not suppose there is one zemindar in a thousand who would deny the right so long as a fair rent is paid. No educated zemindar would, I think, dispute the fact that such was the existing custom under the native Governments, both Hindu and Mahomedan, and that the perpetual settlement, if it did not positively deny the right, must have admitted it by implication if not in words. I think the legislature is entitled under the provisions of the perpetual settlement to protect the ryot by limiting his assessment to what is fair, but that, while some general rules may be given as guides to determining the point, in cases of complaint that rent demanded is not fair, the zemindar and ryot should be left unfettered to make their own registered contracts.

23. The only other matter of importance on which the circular asks information is regarding the ootbundee and hal basilee systems. The ootbundee* is a tenure prevalent in Krishnaghur and neighbouring districts under which I believe the ryot cultivates part of his jumma leaving other parts to rest, paying only for what is cultivated. This practically decreases the rent the zemindar would receive were all the land properly tilled.

* I am not quite sure about this tenure. It is so long since I was in Krishnaghur.

The hal hasilee tenure prevails or did very generally prevail in Purneah.

Hal hasilee is, I believe, a compound Persian word meaning *hal* now—present; and *hasil* crop. It implies that the rent is calculated on the quantity of land at present under cultivation, and at different rates for the various crops sown. The tenure arose in Purneah probably when large tracts were devastated by the river Kusi, when there was much waste land and few ryots; and the quantity of the land was continually changing by deposit of sand, and its locality by the numerous shifting streams of the Kusi. The ryots cultivated here and there as they got patches of culturable land, and sowed such crops as suited the soil and the season. Every year their scattered holdings were measured and the jumma determined by calculating at the different rates for the various crops sown. This hal hasilee tenure in Dharampore has very generally, as the Kusi receded, drifted into one rate—*nugdi*, locally called *hustaboodi* tenure: perhaps *nugdi* is hardly the name, as I understand that to be a term in distinction to *bhowli*—the one being rent in cash; the other in kind. The rate is now one average one instead of the total of 10 or 12 different rates, though the latter are in the village papers. This hal hasilee tenure, so far as rates on various crops go, is that I imagine on which lands were originally held all over Bengal.

As the villages got more settled, measurement was neglected. If the Mustajir (Dharampore was formerly mostly held in mustajir) measured a holding and found the jumma less than the ryot had been paying, what fell short was added as "kum kast." One would think the ryot would have claimed the decreased assessment, and so he would had he been dealing directly with the zemindar; but the mustajir would represent to him that by still paying the original amount, the jumma would become intact, strengthening or creating, or tending to create, a claim to holding for 20 years at a uniform rate. Thus the mustajir took this kum kast as a favour in the ryot's own interest to the injury of the zemindars. He had salami kharcha and what not over and above. Circumstances have very generally changed the hal hasilee into one average rate—an illustration of how custom works;—but the ryots frequently hold to the old arrangement as proof of the different rates which they should be called on to pay for the various crops sown. This shews that the old custom of charging on crops is recognised and understood. It could no doubt easily be generally introduced and would help to fix a proportion of gross produce as a limit to assessment. Although it may be difficult to get at the quantity of crops, certainly the land under each crop can be ascertained.

PART II.

CONSTRUCTION.

The Commissioner when here said he had been overwhelmed with *destruction*, but nobody offered him construction. Destructive criticism may be negative construction, but no doubt it

is much easier than positive constructive suggestions. Allowing then some legislation to be necessary—on what lines, do I think it should run, I will tell you.

2. There are certain broad principles that should I think be recognised—*1st*, the resident cultivating ryot's heritable right of occupancy, conditional on payment of a fair rent; *2nd*, the need of a limit to assessment, which will leave the ryot of a moderately-sized holding a margin beyond what is necessary for rent and bare subsistence; *3rd*, the zemindar's proprietary right, conditional on payment of a fixed Government revenue as guaranteed by the perpetual settlement; *4th*, necessity of co-operation with the zemindars in any plans for the bettering of the ryots; *5th*, in the attainment of that end, encouragement of private contract between zemindar and ryots; *6th*, discouragement of litigation; *7th*, means of speedy and punctual realization by the zemindar of his rent.

3. The ryot's right of occupancy was certainly recognized by the Hindu and Mahomedan Governments of India. I think the provisions of the perpetual settlement recognise it, as also the duty of Government to protect him from such an assessment as does not leave him a margin, not only to pay his rent and barely live, but to lay by for bad seasons and for the comfort of his family beyond bare subsistence. He should sit at a fair rent. Tenure-holders who hold merely for the collection of rents may be left to the rights secured by their contracts or other documents. Rack-renting should be discouraged. To guide in the settlement of a fair rent among other rules as guides a limit of proportion of the gross produce of the soil might advantageously be fixed, beyond which the tenant should not be assessed. This is the simple rule which guided the old native Governments, and is still recognised by the ryots as just. But the proportion limit will not apply to small holdings. Simple calculation will shew that the produce of a holding of two and three bighas will not suffice for the subsistence of a family and payment of rent. It may be well for the ryots to cultivate a small plot of land, but its produce must be supplemented by the returns of outside labour. In this case the prevailing rate in the neighbourhood might regulate the rent. It can easily be calculated where the proportion of one-fifth of the gross produce, or whatever may be fixed on, can be rightly applied.

4. It is admitted that difficulties [illegible] [illegible]on. They are ably pointed out in paragraph 10 of the G[illegible] of India's letter to the Government of Bengal, No. 784 of 5th M[illegible] I do not think they are insurmountable. Of course the Government of [illegible] letter ignores the greatest difficulty which lies in the ruling principle of the Tenancy Bill, *viz.*, distrust of the zemindar. Section 41 of chapter 5 in the revised Bill is a great improvement on section 59 in the old Bill, inasmuch as the Government revenue officer is dispensed with, if indeed section 117 does not annul what section 41 grants; but the sub-clauses *a*, *b* and *c* of clause 1, section 41, are vexatious, and the suspicious spirit runs, more or less, throughout the Bill. The exchange of registered pottahs and kabuliyats should be insisted on, which of itself would be a record-of-rights. As a rule it is to the interest of both zemindar and ryot (almost *always* to that of the zemindar) that the term should be long. To compare great things with small, constant change is as injurious to peace and quietness of landlord and tenant life as constant worrying legislative change is bad for the country at large. As regards information whereby a proportion of the value of the gross produce may be got at, I do not think that with the co-operation of the zemindar it would be very difficult to get at it. Under the Mahomedan Government, notably under the Emperor Akbar, with the help of his great Financier Todermull, it was not found so. The Canungo worked with the ryots under circumstances more unfavourable to the compiling of trustworthy statistics than would exist now in working with the zemindar and ryot. Between the decay of the Mahomedan dynasty and the rise of British power, the mustajiry farming system came in, on which the perpetual settlement of Bengal with the zemindar has certainly proved a great improvement. The Government should strengthen rather than weaken the zemindar. The aim should be to work with him; educating, coaxing, rewarding, punishing, as may be required. It is idle to talk of oppression. The law should be strong enough to prevent it. It may be that the zemindar would not welcome an attempt at the re-introduction of anything like the old system; but the zemindars would be wise to look facts and the times in the face. Feudal power is of the past. Let them frankly recognise that their and the ryot's interests are one, and heartily co-operate in plans to protect and enrich the ryot. Whatever may be the proportion of the produce of the land left to the zemindar, it will rest with them to enrich themselves by increasing its value by introduction of new crops, improved methods and implements of husbandry, assisting in opening up communication, &c., &c. No doubt it is hard to expect the co-operation of the zemindars when you are worrying, goading, and despoiling them. So pray lift up your voice in the approaching conference that this impolitic action may be dropped. Nevertheless, it is I fear a choice between hearty co-operation with the Government in elevating the agricultural masses and utter spoliation. The latter, while it is ruin to the zemindar, will bring also serious danger to the Government: the former peace, good will, and prosperity all round. To return to the question of needful statistical information. Not long ago I heard an experienced district officer—you know him—suggest that the canungo might be a joint officer of Government and the zemindar, paid by both, with fiscal (the village putwaries being under his control) and certain executive and judicial duties. Such an officer giving status to punchyets, of whom he might be chairman, with summary powers, might be very useful. If possible his humble court should be kept free from the bochas [illegible]

[illegible] of the courts. In calculating the value of the produce of the land, of course all crops should be taken into account." I have gone into this on the destructive portion of this letter, especially as regards paragraph 13 of the Government of India's letter.

5. Regarding the modes of enhancement proposed in the Bill, they would I think all come under the proportion of gross produce limit scheme. Tables of prices and various other statistical information would all be useful if not absolutely necessary.

It must be borne in mind that small holdings will not come under the proportion limit. They might theoretically; but in practice the petty holding ryots would no doubt come off better under contract with their zemindars than under the provisions of the law, which might in application sometimes partake more or less of the heartlessness of political economy. I do not think it can be denied that very small holdings are not favourable to the comfort and advancement of the agricultural masses. There is undoubtedly a limit in the size of holdings below which agriculture will not yield subsistence to a family. All the numerous provisions and restrictions regarding enhancement, &c., &c, are I think useless. No state of society could long endure such interference. The law would be either a dead letter with exceptional spurts of executive, unjust if strictly legal, action, or the people would rise to throw off the insupportable tyranny. Certainly the zemindars would not, if they had the chance, display the loyalty—passive if you like—which they did in 1857.

3.—The Zemindar's proprietary right.

6. The perpetual settlement undoubtedly conferred proprietary rights on the zemindars. Nothing but the most clearly proved necessity for the general good could justify its infringement. This Bill bristles with provisions which invade their rights. Generally and in detail, in the spirit and in the letter, it deprives the zemindars of rights conferred on them by the perpetual settlement of 1793, especially in the transfer provisions and in the 20 years' presumption. Protection of the ryot can surely be secured without such wanton breach of faith.

7. It may be admitted that the ryots need protection; that it is right to legislate on their behalf. If the zemindars have encroached on their rights, whose fault is it? Surely more that of the Government itself than of the zemindar. This being the case, fair play, if not some consideration, surely should be shewn to them. If things had come to such a pass, and abuses had sunk so deeply into the system that they must be violently cut out, it might be necessary to cut them out. But this is not the case. Admittedly legislation was needed as much on behalf of the zemindars as of the ryots. Is it not worth while to encourage mutual good feeling between landlord and tenant rather than the bitter hostility engendered by this Bill? The great object of securing the ryot from over-assessment is admittedly to be most easily gained by statistical information, which it is quite clear can be best and most cheaply obtained by co-operation with the zemindars. Rather than fix a barrier between them and ryots; rather than change their loyality into disaffection to the Government; would it not be wise to see what can be done by some sympathy with *their* troubles, and by acting in co-operation with them see if it is not possible to work out some plan by which village statistics may be compiled and recorded, embracing tables of prices, records, rights, &c., &c.? By pure Government agency this will never be done. Government know well how necessary all this is for efficient administration. Instead of utilizing the most valuable agency in the country, they deliberately alienate it.

5.—Encouragement of private contract.

8. A Tenancy Bill should encourage mutual arrangement between landlord and tenant, reserving only, as being outside contract, the occupancy right of resident cultivating ryots so long as they pay a fair rent. The exchange of pottahs and kabuliyats should be insisted on. Provision should be made for good and sufficient duplicate receipts for rent. The courts would have the power of deciding as to the fairness or otherwise of rent demanded; but this not arbitrarily, but under certain general rules for guidance, the principal one being a proportion of gross produce being the limit of assessment.

6.—Discouragement of litigation.

9. If all rent arrangements were left to the zemindar and ryot, there would be a minimum of litigation. Rent cases should be tried by experienced officers with one appeal only to the High Court. Circuit native officers might assist the lower court in collecting information on the spot, those again being helped by punchyets of head ryots. There would, it may be hoped, be few legal decisions, but carefully given they would form precedents and rule contracts over considerable areas, and the decisions would soon form a useful body of case law. Instances of oppression, abuse of distraint or infringement of the ryot's occupancy right would be duly punished.

7.—Assistance to zemindars.

10. Nothing, I think, would be more likely to maintain good relations between zemindar and ryot than the obligatory exchange of duly registered pottahs and kabuliyats. Where ryots are averse to pottahs, it is generally from some bad motive. The desire to overreach is

not all on the zemindar's side. Sometimes there may be fear that the occupancy right will cease with the term of the pottah. Such fear should be removed by a simple provision bestowing or confirming occupancy right on every resident cultivating ryot paying a fair rent. At the end of the term in 99 cases out of 100 probably a new lease would be amicably settled. If not done within a certain period, say, three or six months, the courts might be empowered to settle the rate: period not to be less than five years, but as far as ten, both parties being willing. The law should make clear duplicate rent receipts obligatory, arrears always taking precedence of current rent. As Government takes rents punctually by sunset of a certain day in four kists from the zemindars, with the penalty of the forfeitures of estate for default, so should the ryot pay punctually in four similar kists, 20 days before the zemindar's kists fall due. If the dates do not suit the reaping of the crops, the pottahs can fix suitable dates.

11. Distraint on the standing crop without interference of the court should be allowed for arrears. Notice that distraint was about to be enforced being filed in court by the zemindar with the ryot's account. Should it subsequently prove that the zemindar had abused his right, he should be punished: the subordinates by simple or rigorous imprisonment: the zemindar by substantial fine. In case he was personally cognizant of the abuse; also by imprisonment; and compensation should be made to the ryot. If the sale of the crop did not liquidate the ryot's arrears, interest from due date at 12 per cent. should be changed. Suits for arrears should be brought within one year succeeding the year in which they became due. The pottahs and the rent receipts would be evidence, and a summary decree should be passed, procedure being similar to that under the Court of Wards and Governmen khas mehals. When the arrears with interest amounted to one year's rent the defaulter should be liable to ejectment if the amount were not paid within three months of date of decree, which decree should carry notice of ejectment, and no further legal process should be necessary. The ejected ryot should be allowed to remove or sell any buildings he had erected on his homestead within 30 days of ejectment. A punchyet of raiyats should fix the price, or, if the raiyat wished, a public auction sale might be held by an officer of the court, who would be paid by a fee to be deducted from the proceeds.

12. I have only in the first part of this letter noticed the points mentioned in the Bengal Government circular. The revised is in all essential principles much the same as the original Bill, though it contains important modifications. My views on the latter are given in a series of letters signed E in the *Englishman* newspaper of the following dates:—

I, 26th	October	1883.	VI, 1st	December	1883.
II, 2nd	November	,,	VII, 6th	,,	,,
III, 9th	,,	,,	VIII, 14th	,,	,,
IV, 16th	,,	,,	IX, 21st	,,	,,
V, 22nd	,,	,,			

My opinions have been carefully considered. They are the result at least of considerable experience extending over upwards of forty years, nearly all of which have been spent in the interior of Bengal, and in constant intercourse with natives of all classes.

I am not a partisan. I desire first the well-being of the millions; but I think that this can be obtained without destroying the rights given to the zemindars by the perpetual settlement of 1793. I think the Bill politically dangerous and that it contravenes recognised principles of legislation. A Bill founded on the principles named in part II of this letter, would I think be more practical and more just.

No. 640G, dated the 21st July.

Memo. by A. WEEKES, Esq., Collector.

FORWARDED in original to the Commissioner. This came too late for me to make use of, but in many things I see Mr. Eddis agrees with me.

Remarks of BABOO SURJA NARAIN SINGH *on the revised Bengal Tenancy Bill, with reference to the circular of the Bengal Government, No. 3 T—R, dated the 24th May 1884, forwarded to the Commissioner of the Bhagulpore Division, in acknowledgment of his letter No. 817R, dated the 29th May 1884.*

CHAPTER II.

1. *Paragraph 4 of Bengal Government Circular.*—I do not think that the presumption in section 5 (5) is with reference to existing practice a fair presumption. It ought to be omitted. In a letter, dated 9th September 1880, which I addressed to the Commissioner, and which is published at page 77 of volume II of the report of the Government of Bengal on the proposed amendment of the Law of Landlord and Tenant, published in 1883 (*vide* paragraph 3 of the letter), I pointed out the objections to a similar enactment proposed by the Rent Commission. These objections were also approved of by Mr. Reynolds who took up the suggestion made by me as to the means of ascertaining whether, in any disputed case, a holder of land was a ryot or tenureholder (*vide* volume I of same report, page 185). For facility

of reference copies of my and Mr. Reynolds' observations are annexed. I may explain that some of the objections taken by me on the former occasion would not apply to the provision now intended to be laid down, for instance, the one based on the difficulty about enhancement, and it may also be said that the present rule is one of rebuttable presumption; but on consideration it would be seen that the course pointed out by me in paragraph 34 of my letter is the only reasonable course to adopt to ascertain whether a holding is a ryoti one or a tenure. The conversion of the subletting occupancy ryot into a tenureholder (section 37) is not in my opinion a workable provision, and is not likely to secure the object for which it was devised. It will be nobody's interest to bring to light cases of such subletting apart from the other manifold objections that apply to the provision. Will the landholders be deprived of the right of escheat which they now possess in respect of converted tenures? By the act of the tenant the old relation between him and his landlord is changed, and the rights of the latter are controlled in a manner which is opposed to custom and law.

CHAPTER III.

2. *Paragraph 5 of Bengal Government Circular.*—I would, in connection with this chapter, invite your attention to what Mr. Kristo Das Pal has said in his minute of dissent (see page 242 of the Supplement to the *Calcutta Gazette* of 16th April 1884 under head tenureholders). I do not see any necessity for or the expediency of re-casting the law relating to tenures and undertenures and introducing changes, the object of Government being to improve the condition of the actual cultivators and not of the middlemen. The existing law as to tenures should only be re-enacted without the introduction of any change affecting the rights of any class.

CHAPTER IV.

3. *Paragraph 6 of Bengal Government Circular.*—There is no doubt that the rule of 20 years' presumption is not only a hard one to the landlord, but it has given an undue impetus to litigation, and has introduced a good deal of demoralisation among the tenantry class. It is thought that the zemindars should experience no difficulty in rebutting the presumption when pleaded or relied upon if it is rebuttable; but zemindari papers are not in most cases credited in the Courts, and auction-purchasers in many instances are unable to produce them. Mr. Gibbon has given very good reasons against the retention of the presumption on the Statute Book. It should be relaxed, and the year 1839, or 20 years before the passing of Act X of 1859, as had been originally proposed by Mr. Reynolds, should be taken as the time from which the presumption might start. The transformation of ryots holding at fixed rates into tenureholders is undesirable. What about the right by escheat and by desertion which the landholders now possess in such holdings?

CHAPTER V.

4. *Paragraph 7 of Bengal Government Circular.*—The definition of settled ryot is justified on its being based on the analogy of rights held by khudkast raiyats, but it can be easily seen that there is not such analogy between them. The occupancy title accorded to a settled raiyat should not extend beyond the limits of the village in which he has acquired that status. There are many estates in this district, the lands of which lie very far, and in several cases in two districts and more than one sub-division. Villages forming an integral part of a single estate are held by different proprietors for half a century or more. It would lead to much complication if a raiyat having acquired the status of a settled raiyat in one of such villages were to be invested with occupancy title in land situate in another village belonging to a different proprietor many miles off. A khudkast raiyat was he who tilled land in the village where he resided. He could not claim to be a khudkast raiyat of the neighbouring village according to customary law, although the land in it might border his own lands in his own village. The existence of a common towji did not affect the question in any way. Why should a different state of things be introduced now and an unreasonable latitude allowed in the acquisition of the occupancy title? Act X of 1859 introduced a period of prescription for the acquisition of the occupancy title. Mere residence without any period of prescription did not, according to the generally accepted common law of the Lower Provinces, confer a right of occupancy, and for this as well as to benefit the *paikhast* tenants who were always tenants at-will according to custom, Act X for the first time prescribed 12 years' occupancy as the shortest occupation which could confer a prescriptive title to occupancy. It is now proposed that a person having once acquired the status of an occupancy ryot should carry it along to lands which he may not hold for the necessary period; but is it consistent with the historical development of the right of occupancy that it should extend over the entire estate? I am also not in favour of increasing the ambit of the estate by going back to any period in the past. I do not think the reduction of the area of estates by butwara is any reasonable ground for widening the extent of the acquisition of the title of occupancy, either by attaching it to the estate as it may exist or as it existed at any period in the past. Section 26, clause 2, introduces a new rule of presumption which is not a fair one. It is said that one of the advocates of the zemindars (Mr. Kristo Das Pal) admitted in Council that 90 per cent. of the ryots have acquired the occupancy title, and therefore the presumption sought to be created is a reasonable one. Apart from the question whether the percentage mentioned is

accurate or not, it is well-known that ryots abandon and desert their holdings, and that in *dearas* and *char* lands, in border tracts, and on the banks of the Kusi there is no fixity of tenure. Ryots move about most freely, and it is certainly a hardship on the landlord if he should have to discharge the burden.

5. *Paragraph 8 of Bengal Government Circular.*—*Section 31 (b)*—Improvements are not generally made by tenants. The landlord should have the preferential right of making them.

Section 31 (f)—While the creation of the right of transfer is objected to by the zemindar as he would have no control over the introduction of tenants into his property, it is a matter for serious consideration whether it is expedient to grant the right knowing how improvident ryots are. There is very little doubt that the effect of the provision would be the improvement of many ryots off the face of the country, and the introduction of mahajuns in their place. What is going on in the Sonthal Pergunnahs would be repeated elsewhere Bequeathing by will is an entirely new feature in the incidents of occupancy right.

Section 31 (a) —I think the sub-section should state that the tenant should use the land only for the specified purposes of the tenancy and not in any manner inconsistent with or opposed to it.

6. *Paragraphs 9, 10, 11 and 12 of Bengal Government Circular.*—The first ground of enhancement provided for in section 43 should not be omitted. It is on the Statute Book ever since the time of the permanent settlement in some shape or other, and is in accordance with the custom of the country. The objections urged to its retention are not such as ought to prevail considering the reasonableness of the ground and the advantages both to landlord and ryot of continuing it. An appeal to this ground precludes the necessity of entering into detailed calculations consequent upon the application of the other grounds. In a discussion of the grounds and extent of enhancement, the customary system of letting land, and the customary mode of agriculture, ought not to be disregarded. When uncultivated land is first let out, a low rent is either fixed or no rent is charged for one or two years. The rent is gradually increased as the capabilities of the land develop, until the maximum village rate for land of the description is reached. Under this system the tenant is reimbursed for extra labour or capital used by him in the cultivation by the lowness of the rate which he enjoys for several years. The Bill ought to recognize and give effect to this custom. The first ground of enhancement is only available to the zemindars for enhancing rent in such cases as well as in those cases where the rents of particular raiyats may be lower than those of the generality of them on personal or other grounds, but fettered as it is with restrictions, it can hardly give him the full amount of enhancement to which under ordinary practice he may be entitled. One can understand the objection to enhancement *per saltum* after the full village rate is reached, but any provision which would deprive the landlord of the benefit of the full rate in cases referred to above are neither reasonable nor fair. Similarly, in *dearas*, where the land is sandy, a low rate is fixed, but in the next year, or in two or three years, the land is quite changed, and the full rate is levied. I am afraid the limitations on enhancement prescribed in the Bill would cause injustice to the landlord in such cases, unless adequate provisions to meet them are laid down. I am aware of the provisions contained in sections 212 and 213 of the Bill, but I do not think them to be sufficient for all purposes

7. The restrictions on enhancement laid down in sections 41, 44, 45, and 47 are not fair to the landlord who is deprived of the full amount of enhancement, although he may be entitled to it. It should be the object of wise legislation not to force parties who stand in the relation of landlord and tenant into Court to adjust questions of rent and other cognate questions, and every facility ought to be given for their adjustment by mutual agreement. The Bill, however, is so framed that at every step of their dealings landlords and tenants have either to appear before the Revenue authorities or the Civil Courts. If enhancement out of Court be not allowed to take place to the same extent as it is permitted through Court, the result will be constant resort to litigation, and such a consummation is neither good for the raiyat nor the landlord. I do not apprehend any danger of the kind contemplated in paragraph 11 of the Bengal Government Circular from the provisions contained in section 42 (I) of the Bill. In the first place, sub-section I is controlled by sub-section II, and in the second place there is already so much diversity in the rents of occupancy raiyats, as is clear from the admission, that except in limited tracts of Bengal a prevailing rate cannot be found to exist; that there is no *a priori* ground for holding that section 42 would have any very disturbing influence on the economy of rents in this country. Zemindars are now at liberty to settle new lands with settled ryots at any rate of rent they may choose. When such is the case, I do not see why his power in this respect should be restricted when land, which has been previously held by a tenant at a money rent, is let to a settled ryot of the village or estate in which it is situate. The circumstances of this district are not such that there is any danger of intricate and costly litigation resulting from the introduction of the provisions occurring in section 42.

8. With rare exceptions bastu lands are generally separate from jote lands, and in a majority of instances no rent is charged for them. The ryots have not any rent-free title to them; the lands are *mal*, but certain castes are excused from the payment of rent, and other castes who have jote lands in many zemindaries pay rent for homestead lands also. There is no uniform rate throughout the district; the practice of charging rent is a varying one. A

ryot by relinquishing jote land does not vacate his homestead land. He may continue to occupy it as before, and he has not to pay rent on ceasing to be a cultivator if he was not paying it before. On leaving the village, the land is the zemindar's, who is free to do with it what he may choose, the tenant possessing no right of transfer or bequest. I do not think the ryots themselves would like any change in the system as it exists. It is no doubt competent to the Legislature to take away the rights of one class of the community and make them over to another, but one hardly sees the propriety of the proposal to deprive landholders of the benefit of an increase in the value of land by fixing the rent of homestead lands in perpetuity, and creating, so to say, a mokurari title in favour of the tenant, contrary to established and ancient custom. The raising of homestead lands above flood-level or any other improvement of them effected by ryots are not of such a character as to entitle the tenant to the privilege of holding at a non-enhanceable rent.

9. *Paragraph 13 of Bengal Government Circular.*—The provision made in section 51 for reduction of rent does seem to cover all cases that would arise with reference to the actual facts existing in this district. It would be impracticable to provide for the operation of any cause tending to deteriorate the quality of the soil until the effect produced by it is visible in a pronounced shape, and when such should be the case the ground of reduction would, in my opinion, apply. With reference to commutation, it will be remarked that if an average extending over a sufficiently long number of years be taken both as to produce and value of it, the risk and burthens referred to by Mr. Reynolds would necessarily be discounted, and no further allowance is required to be made. The average rent which the landlord has received should not in such a case be governed or over-ruled, so to say, by any consideration of the prevailing money rents.

10. With regard to section 54 (3) it is necessary to point out that as the presumption of 20 years is applicable to produce rents, it is worthy of consideration what the effect of commutation (section 53) at the instance of the tenant, or at the instance of the landlord, would be on the power of the latter to seek enhancement in the future. A tenant applies for commutation, but the zemindar is not willing that the produce rent should be commuted in money. The prayer is, however, granted. When produce rent was paid the landlord used to benefit to the extent of his share by an increase in produce as well as as by an increase in prices. The commutation having been made on the basis of prices and produce as obtaining in the past, would the landlord suffer for deterioration in the value of money through the commuted rent being deemed to be non-enhanceable in future, or would an enhancement be permitted? If the produce rent had not been commuted, the landlord would have reaped the benefit of increased prices and increased produce. He should not lose this benefit because the grain rent has undergone commutation in money.

11. *Paragraph 14 of Bengal Government Circular.*—No reliance can be placed on the price lists. In the first place they are not accurate, and in the second place they do not refer to all the local markets. The task of verifying them now would prove a Herculean one, and it would be unsafe to act on price lists so prepared and framed.

12. *Paragraph 15 of Bengal Government Circular.*—To regulate rents with reference only to the prices of staple food-grains would be to upset the whole basis of adjustment of rent as it obtains in this country. By universal custom higher rents are paid for lands on which more valuable articles of produce are grown. Lord Cornwallis, in one of his minutes, prominently referred to the cultivation of the more valuable species of produce as a principal means of raising the rents of land in Bengal and Behar, as the following quotation from the fifth report, page 616, will shew :—

"The rents of an estate can only be raised by inducing the ryots to cultivate the more valuable articles of produce and to clear the extensive tracts of waste land which are to be found in almost every zemindari in Bengal." Minute dated 3rd February 1790.

Moreover, sugarcane and some other valuable articles are produced on lands yielding staple food crops, and the demand for them in the market induces the cultivator to grow them more largely than in ordinary years. For instance, sugarcane is produced both in land where rice is produced and in land in which cold weather crops are also produced.

Extract from letter of Baboo Surja Narain Singh, *to the Commissioner of the Bhagulpore Division, dated 9th September 1880, referred to in paragraph I of the remarks on the Tenancy Bill.*

3. I do not agree in the propriety of enacting section 11, and in this view I think the definition of ryot given in section 3 ought to be amended. The object apparently is to protect actual cultivators who hold under large jotedars, such as exist in Rungpore, and under howaladars, &c., that are found to exist in Backergunge and other districts. It is also probably intended, I think, to encourage the system of *petite* culture. I dare say there is probably some custom in Rungpore and other parts of the country where these large jotedars exist, regulating the status of the holders of them in relation to actual cultivators and intermediate tenants; but if it does not exist, the subject can be provided for by special laws of local application; but there is no reason why throughout the provinces of Bengal and Behar a ryot holding more than 100 bighas (standard) should, against his will and that of the landlord under whom he holds, be converted into a middleman. Whether *petite* culture is preferable to

large cultivation in this country is probably a moot point. At any rate no case has yet been made out for the Legislature to step in and encourage the one as against the other. If we have both side by side, we may hereafter be able to judge of their merits, and as a large number of occupancy holdings in these provinces is probably less than 100 standard bighas, there is no special reason for interfering with those that exceed that quantity.

3(a). The limit of 100 standard bighas is too low. A Hindu living under the joint family system is quite able to cultivate, by the members of his family or by servants or by hired labourers, more than 100 bighas, and Indian Mahomedans are also amenable to that system. The ryots who in this district hold more than 100 bighas (standard) by a single demise to generally cultivate in the aforesaid manner. I know of many cases where ryots hold lands in several villages because they are unable to find enough in their own, and the total quantity thus held would in great many cases much exceed 100 standard bighas. This shews that the assumption that a ryot cannot well hold more than that quantity without the risk of sub-letting is not well founded on fact.

3(b). Occupancy holdings at present revert to landlords on the ryot dying without heirs, and under the provisions of the Bill they would continue to do so, excepting those that may exceed 100 standard bighas, which, under section 11, being converted into tenures or under-tenures, would escheat to Government. This would be an infringement of vested rights.

3(c). If a tenure-holder, made such under section 11, should have no sub-tenants under him, and should cultivate himself the whole of the lands, what will be the standard of enhancement under section 9? If a reasonable rent be calculated, and a profit not exceeding 30 per cent. be given to him, it is not easy to foresee whether his position would be better or made worse. It depends on what is meant by reasonable rent. Does it mean rent paid by occupancy ryots holding under tenureholders of this class, or rent paid by occupancy ryots of the class from which he was raised to the position of a tenureholder, or that paid by sub-occupancy ryots or tenants-at-will?

3(d). The provisions of section 11 will greatly increase the middlemen class. In this district sub-infeudation is not so general and does not go so far down as in some districts in Eastern and Central Bengal. Generally speaking the cultivators here come after the zemindars. In some zemindaries there are farmers and under-farmers but their interests are temporary. In Mahalat Kharakpur, belonging to Raja Leelanund Singh, owing to exceptional causes, mokarraree taluqs are pretty abundant, and in pergunnah Harawat there are some putni tenures; but they are exceptions to the general rule. It will be very undesirable to foster and create middlemen where they happily do not exist by the mere force of legislation. Instead of subserving the true interests of the country, I am afraid the measure proposed will have an opposite result.

3(e). It is well known that a petty landlord is a much greater rack-renter than a big one. The occupancy ryots transformed into middlemen by legislation will prey more upon the next lower class. Section 9 will tend to make their rents easier in time than it would have been if they had remained ryots, and with it there will be a temptation to give up cultivation altogether and act the *role* of a middleman pure and simple. On the other hand, zemindars will refuse to let more than 100 bighas for fear of the creation of tenures under section 11, and ryots who can well afford to cultivate more than that quantity will go without land.

3(f). Landlords will suffer loss, as by the rules of enhancement applicable to occupancy tenures they get more than by those governing enhancement of tenures and under-tenures, and there is no guarantee that the actual cultivator will benefit.

3(g). There is no object gained by the measure when, under section 19, there may be a class of sub-occupancy ryots. It is all the same whether a ryot holding less than 100 standard bighas sublets, or whether one holding more than it sublets. It is true there is more probability of the holder of the larger quantity subletting through inability to cultivate the whole, but the same may happen with the ryot who has the lesser quantity also. Legislation should interfere as little as possible with the economy of the growth of tenures of land; if officiously applied, it may in the end lead to unforeseen mischievous consequences.

3(h). If legislation regulating the extent of an occupancy ryot's holding be deemed necessary, the limit of 100 standard bighas ought to be considerably raised; but I think the difficulties felt in the districts of Rungpore, Backergunge, &c., may be met if the definition of ryot be amended a little and framed to mean only "a person who holds land or who occupies and cultivates land, if such person or his predecessor in title was originally let into possession of such land for the purpose of cultivating it by himself, or by the members of his family, or by servants, or by hired labourers, or partly by some or partly by others of these persons," and a few explanations be added showing that, in determining whether a person is a ryot or a middleman, the court will have to ascertain the purpose above indicated, and that in order to do so it should have regard to—

(1) The description given in the original contract of letting, if any exists;
(2) The description given in the receipts as ryot or middleman;
(3) Any local custom bearing on the question;

(4) Whether the person now in possession of the land whose status is sought to be determined, does or does not cultivate as aforesaid the whole or a reasonably large portion of it;

(5) Whether the area as it was originally or as it is now, if compared with the area of holdings in the locality or at a reasonable distance from it, cultivated as aforesaid by other persons, reasonably leads to the inference that it could not have been a ryot's holding;

and if there are no sub-ryots, or if a reasonably large portion of the land is cultivated as aforesaid by the person in question, and there be nothing in the contract or receipts or local custom necessarily to lead to a contrary result, he shall be adjudged to be a ryot; but if there are sub-ryots and reasonably large portion of the land is not so cultivated as aforesaid, and test No. 5 should be unfavourable to his being considered a ryot, then, notwithstanding that tests 1, 2, and 3 may be in favour of his being considered a ryot, he shall be adjudged to be a middleman, *i.e.*, a tenure-holder or under-tenure-holder as the case may be.

3(*j*). The decision of the question on the above basis does not impose on the Legislature the task of arbitrarily fixing a limit: it gives free scope to contract and local custom, and only controls both when the circumstances of the case would lead to a different conclusion. The question is well worth your and the Legislature's consideration if the Bill be presented before the latter in its present shape.

3(*k*). The rule of enhancement laid down in section 9 is open to grave objection, as it may not under certain circumstances give any enhancement to the proprietor or zemindar, the margin of profit allowed to each successive tenure-holder leaving nothing for him.

Thus if A be the zemindar who has created a tenure at Rs. 500 yearly rent in favour of B:

B an under-tenure of the first degree in favour of C at Rs. 700 rent:

C an under-tenure of the second degree in favour of D at Rs. 1,000:

The gross collections from ryots to have been Rs. 1,500, but since raised to Rs. 2,000.

In this case, deducting collection charges at 10 per cent. from Rs. 2,000, balance is Rs. 1,800, and 30 per cent. of it is Rs. 540: balance Rs. 1,260, which D would pay to C as enhanced rent.

C would pay, deducting collection charges at 10 per cent. on Rs. 1,260 = Rs. 126, and 30 per cent. on the balance as profit to himself = Rs. 340, leaving out fractions, to B Rs. 793, who would similarly pay to A Rs. 500 (collection charges = Rs. 79, leaving out fractions, and profit Rs. 214). A gets no increase, although the rental increased by Rs. 500, and the intermediate persons received more or less increase.

Extract from the memorandum on the Rent Bill by MR. H. J. REYNOLDS *(on special duty), page 185 of volume I, Report of the Government of Bengal on the proposed amendment of the Law of Landlord and Tenant in that Province.*

"The really valid objections to the principle of the measure lie on the surface. It is an arbitrary rule, overriding custom and contract, and placing a number of persons in a position which they never desired or intended to fill. It trenches upon the rights of the zemindars by creating tenures without their consent. It cuts the knot instead of untying it, and sets aside the present law and existing engagements in order to provide for a class of cases which cannot after all be very numerous.

The Government cannot fail to be struck by the fact that, while the zemindars, whose receipts would probably be increased by the adoption of the section, have thus far declined to give it their support, it is regarded with no favour in those parts of the country for which it was supposed to be specially required. In the divisions of Dacca and Chittagong not a voice has been raised in its behalf, and it is alleged that in Rungpore its introduction would lead to consequences prejudicial to the economic interests of the district. The section has accordingly been omitted from the Bill. But as the want of some rule for the guidance of the courts in determining whether a tenant shall be considered to be a ryot or a middleman has been practically felt, a section has been inserted (as suggested by Baboo Surja Narain Singh) in the procedure portion of the Bill, indicating the principle by which the courts should be guided in determining the above question."

Remarks on Bengal Government circular No. 37—R, dated 24th May 1884, by BABOO SURJA NARAIN SINGH, *in acknowledgment of the letter of the Commissioner of the Bhagulpore Division, No. 817R, dated 29th May 1884.*

CHAPTER VI.

13. *Paragraph 16 of the Bengal Government Circular.*—It is very difficult to see how, having due regard to the just interests of the landlords, the growth of the occupancy right

can be facilitated. This policy can only be carried out by trenching upon the just interests of the landlords. A right of occupancy, such as the Bill proposes to create, is a substantial right of property, and every facility given by the law for its creation against the will of the landlord, where it does not exist, cannot fail to affect the just interests of such landlord. If the legislature considers that every ryot should have a right of occupancy at the sacrifice of rights held by the landholders, it would be more candid to give them the right in plain terms than to lead to its creation by legal devices which would foster litigation. Neither the provisions of chapter VI of the present Bill nor those of the original Bill relating to non-occupancy tenants have the recommendation of being just to the landlords or satisfactory in their results. If under-ryots having no rights of occupancy can be tolerated, one does not see why there should be such a great effort made to promote all non-occupancy ryots to the status of occupancy ryots by means of doubtful provisions such as the Bill contains. The non-occupancy ryots are gradually attaining the position of occupancy ryots through the supineness of the landlords, and it is hardly necessary for the Legislature to interfere and enact a law for that purpose at the risk of appearing to deprive the landholders of the rights they now possess, more specially when the definition of a settled ryot would tend to limit the circle of non-occupancy ryots very much. The proposal of the Bengal Government to equalize the rates of occupancy and non-occupancy ryots is opposed not only to the entire scheme of the Bill, but runs counter to the policy which underlies the Rent Law of 1859. That law divided ryots into two main divisions, not only in reference to protection from ejectment, but also in reference to rent. The Legislature then adopted a certain principle, and if it was in breach of the constitutional principle which is relied upon by the Bengal Government, the new principle has at any rate had operation for a long series of years. If, however, we are at liberty to refer to any old constitutional principle, it cannot with accuracy be said that the principle contended for is universally correct. It is a matter of history that in many parts (*see* Hunter's Orissa) of the country the rates of the khudkast ryots were in excess of those of the paikasht tenants; in other parts the reverse was the case, and in some parts there was equality of rates of both. To deduce a particular principle of general application on the basis of such facts, and to legislate on it, would be certainly erroneous, unless statistics were forthcoming to shew that equality of rates was the rule, and the others were exceptions. In other parts of India, the Legislature has recognised a distinction in the rates of the two classes of tenants, and the occupancy tenant has been allowed the privilege of holding in some province at 12½ per cent., and in another at 15 per cent., below the rates of non-occupancy tenants.

14. The produce maxima of the original Bill are open to so many serious objections that the percentage standard of enhancement laid down in the present Bill may be said to be a decided improvement, though it is not free from blemishes. The present standard is by no means so arbitrary as the produce maxima which had nothing for their foundation, but the *ipse dixit* of the proposer. I have already stated that legislation is not needed in respect of non-occupancy ryots; if the Legislature should deem interference to be necessary, then the chapter ought to be modified, and some simpler rules enacted. Do not the provisions of sections 56 and 61 clash a little with those of section 57? The Select Committee say that there is no limit to enhancement by registered agreement, but this ought to be clearly laid down. The word ryots in section 60 (9) is intended for non-occupancy ryots; if so, it ought to be specified. The limitation of 50 per cent. in the said sub-section does not appear to be reasonably fair.

CHAPTER VII.

15. *Paragraph 17 of Bengal Government Circular*.—I do not consider that the provisions of section 37 are workable. The provision of sections 38 and 62 will remain a dead letter in practice, and sub-letting will not be checked.

CHAPTER VIII.

16. *Paragraph 18 of Bengal Government Circular.*—I have already discussed the propriety of the presumption clauses, and of preventing enhancement on commutation in case of produce rents. Instalments (section 67) should be according to contract; if there be no contract then by local usage: the interference of the local Government is not called for and is not desirable. The rules regarding the grant of receipts and statements of account (sections 70 and 71) are somewhat cumbrous, cannot always be complied with, and will not in practice be complied with. Petty lakhrajdars, pundits, and many others own small bits of land which are let out to ryots. It is not likely that they would comply with the rules, nor can they be followed in *bhaoli*, and in those cases, such as *utbandi, hal hasilee, sairbudi, hustabudi*, &c., where the annual rent is only ascertainable on measurement every year or at the end of every harvest. In my opinion the law in this respect should not be compulsory, but only permissive, and some advantages ought to be held out to those who may grant receipts as prescribed in the law in the shape of facility in recovering rents.

17. *Produce rents (sections 81 to 83)*.—The rules do not protect the interest of the landholder. They are well calculated to bring on the abolition of *bhaoli* in time, as the zemindars would hardly be able to prevent pilfering and concealment on the part of tenants.

Remarks on Bengal Government circular No. 3T—R, dated 24th May 1884, by BABOO SURJA NARAIN SINGH *in acknowledgment of the letter of the Commissioner of the Bhagulpore Division, No. 817R, dated 29th May 1884.*

CHAPTER IX.

18. *Paragraph 19 of Bengal Government circular.*—The danger of allowing ryots to make the improvements referred to in section 87 is that as they are in possession of small plots of land, and the landlord is the owner of the whole village and has the interest of it to look to, it is quite possible that what may be an improvement in connection with the particular holding may turn out to be a source of injury to other lands in the village. Besides, the ryot has not the same opportunity of judging of the value of an improvement as the landlord is. The so-called improvement instead of being a blessing might prove a curse. It is true there is some provision in section 89, sub-section 3 (*a*), bearing upon the objection taken above, but in the first place this provision does not come into play in the case of ryots holding at fixed rents or at fixed rates of rent (section 88), and in the second place it does not appear to be quite adequate for the prevention of mischief pointed out above. Before a tenant of any class is allowed to make any improvement, the objections of the landlord should be heard, and a decision should be made whether the objections are valid or not. No improvements affecting prejudicially other lands in the neighbourhood should be permitted to be made, and the landlord should have the preferential right of making them, except very minor ones, such as enclosure, clearance, and the sinking of cutcha wells. It has already been remarked that a ryots' dwelling-house is not generally a part of his jote land, and that in quitting his jote he is not evicted from his house. Such being the case compensation for dwelling-house is not generally required to be given on eviction from jote lands. The universal custom of the country is that a tenant does not build a dwelling-house for himself and his family even on his own jote land without first obtaining permission from the landlord, and it is expedient that this custom should be observed, for a tenant might build on the best land he has, and thereby subject the landlord to loss in future by creating difficulty in the way of his recovering enhanced rent on such land on the basis of crop land. I do not see any harm in allowing the non-occupancy ryot the right of constructing a cutcha well, provided the zemindar is first asked to construct it himself and he declines, and his objection to the tenant constructing it is found to be untenable. The finalty accorded to the Collector's decision (section 89, sub-section 3) is open to much objection. The Collector may take an erroneous view and allow the tenant to make such improvements as might seriously injure the landlord. An appeal to the civil court from his decision should be allowed. Facility should be afforded to zemindars to acquire lands under the Land Acquisition Act for improvements connected with irrigation; but at the same time the zemindar whose lands are acquired should be protected from indirect or future loss caused by the works. I am, however, not in favour of empowering Revenue Officers to interfere in the manner suggested in clause (1), paragraph 2, of the Government of India's letter. Over-zealous officers may cause incalculable harm to one zemindar by cutting his irrigation channels and distributing water to a neighbouring landholder. As, however, the general creation of the right of occupancy and the introduction of stranger tenants by the creation of the right of transfer would tend to weaken the power of landlords, it would be desirable to empower the Revenue Officers or any other authority to arrange for the cutting of irrigation channels in lands held by ryots at the instance of their zemindar or at the instance of any ryots as against *his* zemindar or *ryots under the same zemindar* after the objections of the latter have been heard and finally disposed of by the said officers or authority and on appeal by some appellate authority. It would strike a blow to all notions of exclusive property if Revenue Officers were to allow other zemindars or ryots or such zemindars to participate in irrigation works constructed by a different zemindar or his ryots. This apprehension, however, is not applicable with the same force in the case of irrigation works constructed by a zemindar on his own land or by ryots under the same zemindar. The Land Acquisition Act may be resorted to if sufficient safeguards are laid down to secure the zemindar whose lands are taken from eventual loss by the bursting of the banks of the channels or their widening by the covering of the land with sand or from any other cause not taken into account at the time of acquisition owing to its not having come into play, and the present Land Acquisition Act may be modified for such a purpose. Provisions should also be enacted whereby the zemindar whose lands are taken, instead of receiving the value of them, should have the option of participating in the benefits of the works and also for the construction of works at the joint expense of several zemindars on the basis of an agreement made before the construction of the works or on such other basis as may be deemed equitable; but no power should be vested in Revenue Officers or any other authority to interfere with existing works or such works as might be constructed in future by zemindars on their own account without recourse to the provisions of the proposed Act.

19. *Paragraph 20 of Bengal Government circular.*—The danger apprehended from the abuse of the provisions as to abandonment on the part of landlords is imaginary and not real. Landholders may have expelled ryots or may in future expel them without having recourse to any legal formalities whatever, but there are hardly any cases where a landlord has falsely

set up the plea of desertion and taken possession of the lands of the ryot. False pleas of surrender of jotes are not unknown, and in order to guard against them, some facility of proof of actual surrender other than a registered deed, which is generally expensive, ought to be provided for, or if a registered deed be deemed essential, then the cost of registration should be cheapened. The provision contained in sub-section (3) of section 96 is open to objection. Instead of allowing the ryot to re-enter as is therein provided, it would be better if landlords were required to give notice of abandonment at once to any constituted authority who might hold an enquiry and declare the holding to be an abandoned one. After such declaration the landlord's right to re-entry should be indefeasible. In order to prevent loss to the landlord through delay in making the declaration, the law might enact that the enquiry and declaration must be made within a specified period from the date of application or the enquiry and declaration might be made after re-entry in urgent cases when delay would lead to loss to the landlord.

20. *Paragraph 21 of Bengal Government circular.*—The landlord should have the power of measuring all lands comprised in his estate or tenure, lakhraj or holdings not excepted. It is impracticable for a landlord in many cases to detect whether a lakhrajdar has encroached on his *mal* land, unless he makes a measurement. There is no harm done to anybody if a survey of internal details is even allowed to be made. A survey of only external boundaries might not in some cases afford all requisite information, but this measurement and survey should only be confined to ascertaining the area, the names of the ryots, and the lands held by each, and, if the lakhrajdar should desire, be made in the presence of or through some public servant or amin appointed by the civil court or the Revenue Officers as the Bill may provide. Measurements should be made by the local standard, as this is better understood by every body concerned.

21. *Paragraph 22 of Bengal Government circular.*—The difficulties which are supposed to arise from shareholders' disputes not have been felt in this district, and no managers of joint estates have been appointed. Under the present law, so far as I am aware, those difficulties have to a large extent been minimised by the Land Registration Act. The manager of a joint estate appointed under authority of the existing law, or any law that might be passed in that behalf, would be a title despot, and would play the *rôle* of King Stork of the fable. No attempt should be made to keep on the Statute Book the provisions relating to managers in joint estates. They tend to deprive landholders of the control of their property, make them slothful—a quality in which they unfortunately are not wanting—estrange the landholders and ryots from each other, and cause much harm to the interests of most of the shareholders, especially the poorer ones.

Remarks on Bengal Government circular No. 3T—R, dated 24th May 1884, by BABOO SURJA NARAIN SINGH, *in acknowledgment of the letter of the Commissioner of the Bhagulpore Division, No. 817R, dated 29th May.*

CHAPTER X.

22. *Paragraph 23 of Bengal Government circular.*—To the ascertainment of existing rights and facts and their record in a given form there can be no objection in theory, but the question is a grave one from a practical point of view. Any one having any experience of the country would hesitate long before he recommended the preparation of a record of rights for tenancies in the Lower Provinces. One ought to realise the stupendous nature of the work before he should commit himself to recommending it. Imagine for a moment the number of amins, amlas, peons that would be let loose over the country; the state of unrest that would be created, and the expense that would entail to the State and to both landlords and ryots in feeding and feeing the men that would be let loose. Whatever the results of the adoption of such a course may be in the distant future, it is hardly an exaggeration to say that as long as the machinery would be at work the common run of both landlords and tenants would probably have been effected. The host of claimants that were invited by the Land Registration Act is quite familiar to those who watched its operations. This Act, however, only applied to registration of proprietary interests, whereas the provisions of the Bill would apply to tenancies, the number of which is legion, and the enquiry is a much more detailed and complicated one. The peace and harmony that subsists between landlords and tenants would be rudely shaken, and every inch of ground would be fought by both. Is it expedient that such operations should be started when a complete record of rights and tenancies can be quietly obtained by encouraging the interchange of written leases? The road cess returns also afford some means of preparing a record of tenancies. For instance if periodical returns are made, a comparison of them would shew the length of time a ryot or other tenant has held land in the village, and if in future returns a few columns are added for the supply of some further needful information, the record would be of great value for administration purposes.

To the particulars mentioned in section 111 I would add the classes of land held by a ryot, the crop grown thereon, the average yield thereof, and whether the lands are irrigated, and how. It would be desirable that after all the trouble and expense incurred in preparing the record, it should have finality for a specified period instead of being liable to be disputed

in respect of undisputed entries. To guard against the objections taken to according finality to the record, it might be enacted that all undisputed entries should be signed by the parties concerned, and that if any party should not, on receiving notice to sign, appear within a specified period and sign or object to the entry, a note of the fact should be made against his name, and the entry shall be presumed to be conclusively correct. It would be well if in the enquiry leading to the preparation of the record, selected arbitrators were to act with the revenue officers.

23. *Settlement of rents* (*Government of India's letter, paragraph 21*).—The association of selected arbitrators consisting of landholders or law agents and ryots having an experience of agricultural matters in the vicinity, but not belonging to the village or estate, coming under the operations should be provided for both when the revenue officer is engaged in settling rents and also when the appeal is heard by the special Judge. If an arbitration court sits in each case, the power of the High Court may remain limited as it is in the Bill; otherwise it is not desirable to restrict the powers of the High Court in the manner proposed in section 118 (6). Why should not the High Court sit in judgment on the question of the propriety of the rates? I fail to see the propriety of barring enhancements for fifteen years when the rent is only ascertained and not settled (section 120). The reasons urged in paragraph 21 of the Government of India's letter for the adoption of this provision are not conclusive. It is quite possible that at the time of the settlement of rents, the grounds of enhancement might not be applicable and they might well apply five or eight years after. For instance, a ryot's rent had been enhanced by mutual agreement or by order of court within seven or fifteen years, as the case may be, previous to the commencement of the settlement operations. How could the landlord apply for an alteration of the rent? The result of the provision in question would be to deprive the landlord of all enhancement for a much longer period than it is contemplated in the Bill. The cost of the preparation of the record of rights and of settlement of rents should be borne by the party moving the revenue officer: if the operations should be started at the instance of the local Government, then by the State.

CHAPTERS XI AND XII.

24. *Paragraph 24 of Bengal Government circular.*—In my opinion chapter XI should be altogether omitted. It is now seen that it is not practicable to lay down tables of rates which would be of any value for any purposes of enhancement. The Bill should not contain any provisions which might afford temptation to the local Government to make an experiment. Although the omission of the provision that all lands shall be presumed to be ryoti from chapter XII takes away the pungency which adhered to the provisions of the original Bill, the very same result is attempted to be attained in milder language by the presumption prescribed at the end of section 138 (2). Suppose after making a record of the proprietor's private lands, the proprietor were to cultivate any waste and jungle lands and were to lease them out as provided in section 30, will this land be deemed to be his private land or not? The broad distinction between ryoti lands and private lands of the proprietor according to the custom of the country and the law of the permanent settlement lies in the fact of whether the land is in the possession of any ryot as his jote land or not. All besides this is the proprietor's private land. The introduction of any new distinctions would curtail the rights of proprietor, and as the provisions of the Bill now run would benefit nobody. On the contrary, if it be the intention of the Legislature to bar an increase to the area of the private lands of the proprietor after the preparation of the record, which intention does not seem to be clearly expressed in the Bill anywhere, the results would be withdrawal of all incentive to the cultivation of waste or other unoccupied lands on the part of the proprietor—a result which is very much to be deprecated. Chapter XII should be omitted, for a proprietor can increase the stock of his kamat as stated above. The chapter would introduce an unnecessary complication in the village economy.

CHAPTER XIII.

25. *Paragraph 25 of Bengal Government circular.*—Distraint is a means to an end. If the end be not attained it is useless to provide for distraint. The apprehension that if distraint be made a process of court, the end would not be secured, and the crops would be removed is not groundless. The remedy by an *interim* order is not likely to be efficacious. The distrainer will have to come to the court to make his application and by the time the *interim* order may be made and served on the ryot or the officer of the court reach the spot and distrain, the crop may be removed. The enable the court to supervise the action of the zemindar's servants, it might be enacted that within a specified period of making the distraint notice thereof should be given to the court by an application, and that the court would depute an officer to take charge of the distrained property. After this the matter might be entirely under control of the court. The remark that a remedy against the crop may be a more humane process than the remedy against the land is truly applicable to this country. The right of distraint may in some instances have been abused, but the same may be said of every other kind of right. The abuse is within the power of the executive to suppress, and it does not seem reasonable to alter the law materially and divest the process of distraint of all its utility by making it a process of court from the very commencement. The delay in a Bengal munsif's court, as was truly remarked by a high functionary, who is now a strong

opponent of the zemindars, and an advocate of tenant right, is proverbial. Very few zemindars would resort to the procedure laid down in the Bill for distraint when they come to find that the application would be infructuous.

CHAPTERS XIV AND XV.

26. *Paragraph 26 of Bengal Government circular.*—On the question of simplifying the procedure in suits for arrears of rent, I beg to make the following suggestion which has also been made by the local Landholder's Association. I quote with slight modifications what had been written by the Association elsewhere on the subject.

The present procedure for recovery of rent is dilatory and inconvenient, and ought to be simplified. The rules regarding grant of receipts and submission of annual accounts as contained in the Bill will be found to be impracticable in many cases. The annual rent is not in many cases ascertained until at the close of the year after a measurement of the lands. In some parts of the country rent varies with the crop. It would be impossible in such cases to state the annual rent in every receipt when the amount of it is not even known. Then there are small proprietors who would find it extremely difficult to observe literally the provisions laid down in the Bill. These provisions will practically remain a dead letter, and the landholders shall be held up to as execrable persons for not complying with the provisions of the law, as is now being done in the case of *abwabs*. Legislation opposed to the genius of the people and their inverate habits is hardly acted up to. The law on this point ought to be permissive, and some advantages should be held out to those who comply with its provisions. A landlord's rent suit ought to be decreed on the day the plaint is presented on production of registered kabuliyat and counterfoil receipts and proof of the claim by necessary oral evidence as in an *ex parte* case, and also on proof that a copy of the plaint had been served on the tenant by post or otherwise at least a week before the institution of the suit. Immediate execution should follow, and if the tenant should apply for a re-hearing, it should be incumbent on him to deposit the decretal amount before the prayer is granted. This procedure with necessary modifications might be extended to other cases also when there may not be registered kabuliyats but only counterfoil receipts; but in these cases no *ex parte* decree should pass if the tenant in reply to the notice should serve a counter notice denying the validity of the claim.

The provision occurring in section 164 is good. Chapter XV contains a cumbrous procedure which is likely to retard the speedy realisation of rent decrees. The property should be once for all put up to sale free of such encumbrances as are not protected.

CHAPTER XVII.

27. *Paragraph 29 of Bengal Government circular.*—Freedom of contract should not be barred at all. In deara and chur lands, and also in lands newly reclaimed from waste, the restrictions on enhancement should not apply until the full village rate is reached, and the right of occupancy also should not accrue till then; and if the whole of the village be newly formed, not till the lands have attained to that maturity which such lands ordinarily do. The period of 12 years prescribed in section 212 cannot always be a safe guide; the duration may be longer in some cases though generally it is not likely to be so. Whether deara lands have reached the stage of maturity or not, it is the custom here for zemindars to take *khas* possession of such lands as became fit for the cultivation of melons, water melons, &c., and this right should be preserved unto them.

28. *Paragraph 30 of Bengal Government circular.*—There are no special rights of pasturage, and special provisions are needed for it.

29. *Paragraph 31 of Bengal Government circular.*—I have already offered some remarks regarding landlords, irrigation channels, homestead land, and some other points touched in this paragraph. In my opinion it would be better to separate the taluks referred to in this paragraph from the control of the zemindar, and bring them on the Government towji direct.

30. *Paragraph 33 of Bengal Government circular.*—Besides *utbundi* and *hal hasilee*, there are *sairabadi* and *hustabudi* holdings possessing like characteristics.

31. *Paragraph 34 of Bengal Government circular.*—I have already stated my views personally regarding *gorabundi* holdings. As at present used, the term is convertible with holdings described in section 3 of the rent law. There are no distinct tenancies called *gorabundi* having any special characteristics irrespective of the provisions of the rent law.

Notes on a few of the Sections of the Bengal Tenancy Bill, published in the Gazette of India, *5th April 1884.*

CHAPTER IV.

Section 23 (b).—Where there is a registered agreement between an indigo zemindar and a ryot, the latter is liable to be ejected for non-performance of his contract to sow indigo. Will this section apply? I do not refer to agreements taken since March 1883, but those hat can be traced back for a number of years.

CHAPTER V.

Sections 25-26.—If this means that a settled ryot, who may have held, say, 10 bighas for the last 12 years, and new lands for the last two or three years, acquires a right of occupancy in all the lands in his possession on the passing of this Bill, it would be conferring a right on him which he never dreamt of claiming. The Bill does not propose to give such a right to the landlords for their khamat lands, as will be seen by reference to section 138 (*a*), as there they must show cultivation for 12 continuous years before the passing of this Act.

This section, I presume, is meant to nullify the action of those landlords who shifted their ryots to prevent their acquiring rights of occupancy. In doing so they were strictly within the law. But if the Committee are determined to change the same, would it not be sufficient if the ryot was allowed to have a right of occupancy in the land in his possession on the passing of this law on his proving he had *that area* for the last 12 years, although he might have been shifted from one plot to another?

Section 27.—"Estate" ought to be more properly defined. I have an estate paying revenue in Purneah, and comprising villages in three districts—Maldah, Purneah, and the Sonthal Pergunnahs—and some of the villages are over 30 miles from each other. Many other landlords are in the same position. It never could be intended, a ryot holding land in one of these villages would be a settled ryot in all the others. I would suggest "estate" to mean the villages of an estate contiguous to one another, or within a certain distance.

Section 28.—If the latter part of this section means a landlord cannot make use of the right of occupancy, as any other purchaser of the same, that is, he would lose it if he settled the land with a settled ryot, what would be the use of his purchasing it? He will have to pay for something from which he derives no benefit. It is a mistaken idea to think the landlords are going to purchase all the holdings in the market to make them nij-jotes. It will only be made use of to keep out objectionable tenants or neighbouring landlords.

Section 29 (2).—I understand by the latter part of the paragraph (2) of this section an izardar or farmer cannot acquire a right of occupancy by purchase during the tenancy of his farm. I may be mistaken, but it ought to be clear. Anyhow, he ought not to have the power without the consent of the landlord during his lease.

Section 30.—My experience is, the yearly lease is understood without a written agreement, and so the tenants of the nij lands were never supposed to acquire rights of occupancy; but if the yearly lease, or the lease for a term of years, is to be a registered one, the only remark I may make is, it is entirely against the custom of the country. It was always considered sufficient evidence of the nij-jote if the lands were entered as such in the jummabundi papers of the village, and whatever was collected in the way of kind or money from the under-tenants was kept by the landlord separately, and had nothing to do with the village papers.

Section 31.—Will a ryot, by settling ryots on his land, *i.e.*, allowing them to build houses on it, come under the definition (*a*) of rendering the lands unfit for cultivation? This ought to be properly defined. It is against the custom of the country. I may mention here of the custom of landlords settling a village on any suitable piece of land in the event of the old site being diluviated, without paying any compensation to the cultivators, as it was for the benefit of the whole community. This is so well understood that the saying is first "bastu," then "chass." Under this law a ryot would refuse to give up his land for bhast, although on a chur, if he had been in possession for over 12 years. This would put the whole village to great confusion, and I would therefore suggest custom ought to be allowed to prevail.

Section 31 (*g*).—A tenant is not allowed to sell a part of his holding, but he can sub-let a part. The first part will be evaded by giving a sublease, so that an obnoxious neighbour may be brought in. I know of several instances where the zemindar having objected to the new purchaser, the old tenant has allowed his name to be kept in the jummabundi papers, the rent being paid by the new purchaser, and receipts taken in the name of the original holder. To keep out outsiders, or those objected to by the landlord, I would suggest the sub-leasing should be to resident cultivators. They are always ready to take up land.

Section 31 (*f*).—I am against the right of transfer, as I have seen the evils of it. Hangers about court, money-lenders, amlahs, &c., are very often the purchasers, and my experience has been they have taken more than four times the rent payable by them in kind and money. We may try to stop this rack-renting, but it is simply impossible, as the under-tenants are a very poor class. In districts where the right of transfer has never been recognised, it should not be introduced; but where it has been so, it should be with the consent of the landlord, which has always been recognised. If the Committee is determined to give them the right, then I would suggest they should only be sold to resident cultivators, to which no well-meaning landlord would object. The great object of the Government seems to be to keep the land in the hands of the actual cultivators, and not to create a class of middlemen who will oppress the cultivator ten times more than the actual landlord.

Section 32. Latter part of paragraph 4.—I think the Court once having fixed the price, the tenant should be made to accept it, if the landlord tenders it.

Section 32 (5).—Would the landlord be obliged to pay the price paid or supposed to

be paid by the purchaser, or would he have the right of asking the Court, assisted by the assessors, to fix the value of the same? This is not clear, and ought to be made so. It is a well-known fact fictitious prices are entered in a deed of sale; and without the right to apply to the Court for a valuation of the holding, the landlord would be treated unfairly.

Section 35.—Deeds of sale will be drawn up as gifts to deprive the landlords of the right of pre-emption, so the right the landlord had of purchasing under section 54 (3) and (4) of the first draft Bill ought not to be omitted. It is only those who have had business dealings with the natives of India know how cleverly they manage to evade the law.

Sections 41-42.—If rents are not to be enhanced, unless under a registered contract, Government may at once take from landlords the power of enhancement in so far as it respects certain districts. In some districts the tenants, on no consideration, will go before a registering officer to register their leases; and one cannot be surprised at it, especially where the holdings are small, and the ryots live 20 and 30 miles from the station. In the Maldah district I have had the greatest difficulty in inducing a few tenants to register their leases, and in those instances I have had to pay all charges.

I have had a statement drawn up of the number of my ryots in the Muthrapoor property in Maldah, Purneah, and the Sonthal Pergunnahs, and the following is the result:—

Out of a total of 9,885 ryots—6,700	pay under Rs.	5 a year.		
1,669	" " "	10	"	
684	" " "	15	"	
336	" " "	20	"	
285	" " "	30	"	
97	" " "	40	"	
41	" " "	50	"	and only
43	" over "	50	"	

Most of these ryots live over 20 miles from the registry office, and how can it be expected they will go there for every settlement. Their expenses would be more than the annual rent paid. I have given these figures to show I have not exaggerated the difficulties of the case.

If the law provided that all settlements for a hundred bighas and over for a term of years, or for an annual rent of Rs. 50, should be registered, it would be practicable. If the landlord and tenant come to a settlement between themselves, so long as the rental is not more than a certain percentage of the estimated average annual value of the gross produce, why should there be any interference? There might be a written agreement between the parties for rents under Rs. 50 a year witnessed by the head ryot or the punchayets of the village to prove the validity of the agreement, and as the landlord is bound to give the ryot an account of his holding, according to schedule III of the Act—*vide* section 71, when an acquittance is given—it would be further proof of the agreement come to.

There being no registered lease does not destroy the right of occupancy of the tenant. I can see no objection in enforcing registered leases in small holdings, unless to harass both parties. In limiting the increase to two or four annas in the rupee will benefit the landlord who has not scrupled to harass the ryots with periodical leases; whereas the lenient landlord will suffer by not receiving his full rents for the next century. I have no hesitation in stating a good many of my tenants do not pay as rent one-fifteenth of the value of the crop, and the reason is the rents are low, because I get an equivalent by their sowing indigo for me; but by this section, if they refused to sow indigo, I could only receive from 12½ to 25 per cent. increase on the present rental. The tenants quite understand they would have to pay fair rates if indigo cultivation was given up; but beyond the few registered leases—about 20 at the most, referred to previously—I have nothing but petitions from the ryots which I accept, stating they will pay certain rates on the condition of sowing indigo, and I give them an umnulnamah stating I have agreed. They are paid for the indigo at the end of the season, and take new advances for the next year. This has been going on since 1816, and I am happy to state there has never been a single case in our indigo factories in Maldah or Purneah for damages for breach of contract. I would be very glad to have these agreements or umnulnamahs registered, but the ryots will not do it. It is not from want of trying, for I did my best one year to induce them to do so, and they all combined, and would not put a plough into the indigo lands till I gave in.

When Mr. A. Money was Commissioner of Bhagulpore, he ordered pottahs to be given to, and kabuliyats taken from, all the ryots of Havalee Kurruckpore, belonging to the Maharajah of Durbhunga, then under the Court of Wards, which was accordingly done; but although he offered to pay all the expenses connected with the registration, they all refused to go, and he had to give up the idea. When a Government official of his position could not have his orders carried out, it is not likely a landlord can do so against the wishes of his tenants.

Even if there was a registered contract, the indigo landlord, by section 41, could not take the full rate he was entitled to, but only get either 12½ or 25 per cent. increase, and the consequence would be indigo cultivation would be stopped. This is no exaggerated statement, for I have gone through the ordeal at Rajmehal, where the factory was closed for three years without the slightest dispute between myself and the ryots. In 1880 Mr. Browne Wood, the Settlement Officer of the Sonthal Pergunnahs, fixed a nominal increase of rent in my properties,

which even then were half of what my neighbours collected. I explained to him the rate fixed by him was half of what *he* had settled in 1862 in the adjoining property of Jumnie. He said he knew it, but could not increase the rents more than he had, as it would not look well; but as I was on good terms with the ryots, and did not really want an increase, as they sowed indigo, it was all right. I told him the consequences would be serious to me when they knew I could not get higher rents, and what I said was verified within the week by the ryots stating they would pay the nominal increase, and refusing to sow indigo. I challenged the tenants to state any act of unkindness or unfairness to them, and they one and all said they had no grievance; but having had their rents fixed very low they did not see why they should not take advantage of it. These facts are well known to Mr. G. N. Barlow, the Commissioner of Bhagulpore, and it was only when my property was exempted from the settlement by the Hon'ble Sir Ashley Eden, the Lieutenant-Governor of Bengal, and I had my rents fixed by arbitration, they came to a settlement. However, it was three years before they took to sowing indigo again, by having their rents reduced, as they found it more advantageous.

Section 42.—I consider this section as a modified one of section 56 of the former draft Bill, for if the landlord purchases the right of a ryot, he will not be able to let the lands to a settled ryot at more than an increased rent of 25 per cent., and that only under a registered contract, so that if the under-tenant of the land be a settled ryot of the landlord, and has been paying the middleman 50 per cent. above the landlord's rent, the landlord would have to decrease the rent by 25 per cent. This section if passed will cause landlords not to give the lands to settled ryots. Suppose a landlord buys a holding paying a fixed rent, or a mokurree tenure in his own estate; would that holding come under his khamat, or would he have to take the same rent if leased to a settled ryot, or only get the 25 per cent. increase under a registered contract?

Section 44 (*a*).—The court has the power to give an increase of eight annas in the rupee, whereas the landlord and ryot can only come to a settlement of four annas in the rupee. Is this consistent? Moral points the courts will not give more than 25 per cent. The indigo agreement would be void as I stated before and the indigo zemindar would get at the most 50 per cent., although it may be one-fourth of the prevailing rate.

Section 47 (*b*).—This is very unfair to the landlord, and ought to be omitted. Section 47, paragraph (*c*), protects the ryots sufficiently. I have reduced rents to one-fourth of what the ryots usually paid on account of lands becoming fallow through the failure of an inundation, and in many instances have let off the rents altogether. Under this section, if there was a deposit of mud, the court could only give the landlord an increase of 25 per cent.

Section 50.—This section should not apply to chur or dearah land.

Section 51.—If rents are reduced under this section, what will be the landlord's enhancement when the lands increase in value through various causes? Will it be 25 per cent. on the reduced rent, or 25 per cent. on the original rate?

CHAPTER VI.

Section 57.—The same remarks as I have made with regard to sections 41 and 42 apply to this section.

Section 59 (*b*).—The court having the power to determine the rate between the landlord and tenant as fair and equitable would simply give the tenant the benefit of an occupancy right rent, especially as the five years' lease granted, if after a continuance of seven years, would give the tenant a right of occupancy.

CHAPTER VII.

Section 62.—This section will be evaded by the middlemen, as the under-tenants of small holdings are a poor class. They will never register their contracts, and to save themselves they will either divide the crop or take the excess rent as a salami. If the under-tenants refuse, they will eject them under section 63 by giving them notice.

Where the rent paid by the under-tenant is at present double and treble what is paid to the landlord, I see no provision for a reduction. Either the landlord should be allowed to increase his rent to within 25 per cent. or 50 per cent. of the rent taken by the middleman, or the extra taking of rent ought to be punished in some way. The policy of the Government and of all well-meaning landlords is to keep the land in the hands of the cultivators.

Section 63.—Should a landlord purchase the right of the middleman, and the under-tenant be a settled ryot of the landlord; will the latter become a settled ryot in respect of that holding? This will occur very often.

CHAPTER VIII.

Section 64 (2).—1839 ought to be the presumption, as in Act X of 1859. How few zemindars there are who can produce papers of 20 years. The poorer ones have not the means of keeping them, and in many of the districts, like Maldah, Dinagepore, &c., owing to the

damp climate, they are eaten up with white-ants. In taking copies of records from the courts of 30 or 40 years, you often come across portions marked illegible, as having been destroyed by white-ants.

Section 70 (3).—This is simply impossible on receipts given during the year. The landlord may have to measure the lands every year, and do a good many other things, not knowing the annual rent payable by the tenant. Let there be a counterfoil of every receipt. I quite agree with an account being written on the back of the farkuttee, as shown in schedule III of the Act, to which the ryot is entitled as soon as he pays all his rent. If there is a dispute about the account, the ryot has a perfect right to apply to the court for the same. Nothing is here said about the receipt to be given to the under-tenant. I think he requires more looking after than the others, being generally more ignorant than the others; so section 71 ought to apply to him and paragraph (2) of section 70.

Sections 85-86.—With such a heavy penalty as a fine of Rs. 500 for taking an illegal cess, such as abwab, &c., I think it ought to be properly defined. Six months is a long time for limitation. Two months ought to be quite sufficient to prevent combination with regard to illegal cess. I wish to put the following two or three cases which some may think illegal and others not. For example:—Certain ryots for years pay an extra rent for their lands to certain shareholders, but do not take receipts, as they do not wish to pay the same to the others, and have a hope of not paying it in the event of the property changing hands. Would that be an illegal cess? Again, I have known of instances where the lease of an estate has been taken for a number of years, and the ryots have agreed to give an increased rent during the term of the lease, but would not take receipts, as they did not wish their farkuttees to show an increased rate. Was that an illegal cess? And lastly—would a landlord after purchasing an occupancy right on settling the land with a settled ryot, or with an ordinary ryot, be guilty of taking an illegal cess if he took a bonus to recoup himself for the money laid out in the purchase? I should scarcely think the latter case would be considered illegal, but there are a good many who think the two former are. By all means punish severely all oppression of the cultivator, but let the illegal cess be properly defined.

CHAPTER IX.

Section 89 (2).—If it had been a fact the occupancy ryot made all the improvements and the landlords none, I could understand the ryot having the prior right, but such not being the case. Why place him before the landlord?

Section 95.—Can a ryot surrender a part of his holding? This is not stated in this section, and ought to be settled.

Section 96 (2).—On whom is the landlord to serve the notice if the ryot has left the village?

(3) No tenant will take the land if he finds he can be turned out within two years. A man may give up his land for want of means to cultivate it. He would claim it within the two years if he found it well cultivated. If the occupancy right is valuable, as Mr. Reynolds seems to think, the ryot would sell it. It is only where the population is very great and rents are very low the occupancy right is of any value. In some districts, like in the southern parts of the Monghyr and Bhagulpore districts, where rents are very high, you never hear of any one receiving a price for his holding, although, I should say, 90 per cent., if not more, of the ryots have occupancy rights. In some parts of Maldah, Purneah, and North Bhagulpore, the difficulty is to get ryots. Six months ought to be the limit of time for bringing a suit for recovery of possession. The real hardship a ryot has to undergo to recover possession of his holding is the heavy expense he is put to at present, and it well merits the kind consideration of a Government who wishes to benefit the poor classes especially. The ryot ought to be allowed to apply for possession on an eight-anna stamp paper. At present he has to pay a stamp duty of 7½ per cent. on fifteen years' rental. For example:—If a ryot wishes to recover possession of 25 bighas for which he is paying Rs. 4 a bigha, he has to pay a stamp duty of 7½ per cent. on Rs. 1,500, and 5 per cent. on the same to the pleader as fees, besides other charges; so one can imagine the hardship entailed on a tenant. The same applies to a landlord if he wishes to eject a man who is a trespasser. It is a common habit in Bengal for ryots of another zemindar, who lays no claim to the property, to take forcible possession of newly formed chur lands, knowing the owner is bound to come to settlement with them on account of the heavy expenses incurred n cases of ejectment. This has been my experience in Maldah.

Section 97.—This can be evaded by sub-letting a part of the holding.

Section 99 paragraphs (*a*) *and* (*b*).—These paragraphs respecting measurements show the impossibility of granting receipts according to form schedule III as stated in section 70.

CHAPTER X.

Section 110.—If the Government were empowered to act upon the application of the landlord and tenant, as stated in (2) of section 110, this would be advisable; but as it is,

under the first paragraph, the Government are allowed, of their own motion, to put this section into action, thus causing ill-feeling and promoting litigation.

Section 121.—A percentage ought to be charged on the rental; for, as at present stated, it would be ruinous to all parties. What was the expense of Government in the settlement of the Sonthal Pergunnahs?

CHAPTER XI.

Section 133.—The same remarks applicable to this section as to section 121.

CHAPTER XII.

Sections 135, 136, 137.—Under these sections no landlord could have a khamat on new chur lands, and if he had, after a survey how would he have to act? This would prevent an indigo landlord from having a neez cultivation on a new chur. What is to be done with any waste lands the landlord may have taken up within the last 12 years and planted trees on them? From these sections I presume a landlord could not turn a holding he purchased into a neezjote, even if he cultivated it himself, or turned it into a garden.

CHAPTER XIV.

Section 162 (c).—I would suggest with the summons a copy of the plaint should be sent to the defendant.

Section 162 (d).—If a summons is sent through the post, and the tenant does not accept it, the head ryot or one of the punchyets ought to sign the receipt.

Section 162 (g)—The manner of the execution of a decree ought to be left to the discretion of the decreeholder, and not as at present, where you are obliged to take out execution at first against the person of the judgment-debtor, then against his moveable property, and finally, against his immoveable property, thus swelling up the amount of the decree with costs to four or five times the original amount; whereas, if the decreeholder had been allowed to execute his decree as he thought best, he would have attached the immoveable property, and realized the amount. This has been my experience in Bhagulpore Why cannot there be a summary sale of the holding after decree is given by the court like the putni tenure sale, especially if the ryot is one year in arrears. I would suggest all sales to be held in the village or estate at the mal kutcherry or some prominent place, to enable the resident ryots to bid. Cultivators do not care to go to courts 20 or 30 miles away on the chance of purchasing a holding, so jotes are likely to fall into the hands of the hangers-on about the court.

CHAPTER XVII.

Section 213.—By this section can the ryot and landlord come to an agreement without a registered contract? I presume not, according to sections 57 and 60. It very often happens the land, although over 12 years in the possession of a tenant, is liable to improvement or deterioration by fluvial action. A high inundation may make the greatest difference to the land; whereas, if the high lands for three years or so are not submerged, they become fallow, and are scarcely fit for anything. These lands very often have been 15 and 16 years in existence. All chur lands ought to be exempted from the Act, and the landlord and tenant allowed to make their settlements without being obliged to have a registered contract. The ryots, owing to the fear of the land cutting away, or deteriorating through the action of the river, will not go to the expense of registering their leases. On churs in Muldah there are all kinds of rates; one for boro paddy, another for jetkur cheena, a third for kalia, a fourth for scattered seed crop, a fifth for mustard, a sixth for melon, a seventh for indigo, and so on. Another custom is for the headmen of the village, when a new chur forms, to put in a petition for the lands and then divide the same among all the ryots according to the number of their ploughs, the headmen settling the rent. Under this law a registered contract would have to be taken, which is simply impossible, as next year the land may be in the bed of the river. I mention this as my experience, after living on the banks of the Ganges for the last 25 years, and seen the river change its course within a distance of six miles three times during that period.

JAMES HENNESSY.

EDINBURGH,
2nd July 1884.

No. 1848 R., dated Bhagulpore, the 14th August 1884.

From—G. N. BARLOW, Esq., C.S.I., Commissioner of the Bhagulpore Division and Sonthal Pergunnahs,

To—The Secretary to the Government of Bengal, Land Revenue Department.

I have the honour to forward a copy of a report upon the Bengal Tenancy Act by Mr. H. Reily of Chanchal.

Note on the Bengal Tenancy Bill.

1. At the threshold of the endeavour to regulate and prescribe the conflicting rights of landlord and tenant by legislative enactment, lies the difficulty involved in arriving at some definite conclusion upon which the proposed provisions of the law shall firmly rest. No one who has given the subject serious attention can for a moment doubt, that a searching and comprehensive revision of the present law has now become a matter of absolute necessity. It should, however, occasion little surprise that the gradual elaboration of this new scheme of rent law, from the time of its ruder beginnings to the moment when we have the finished details embodied in the form of a Bill, has been accompanied by varying gusts of opposition, often losing themselves in a whirlwind of wild invective. On theother hand, the advocates of the Bill as originally drafted exhibited, I think, something more than a suspicion of injustice in attributing all opposition raised to the leading principles of the Bill, to a wild and unreasoning prejudice in favour of the rights of the zemindar. The matter, however, is not worth further notice in detail, in that a large proportion of the questions which excited these hostile comments has now been definitely abandoned. At the same time, speaking for myself as one who offered a sustained and persistent opposition to some of the leading principles of the Bill as then drafted, I can most conscientiously assert that the considerations which provoked this opposition were not founded, so far as I am aware, upon any leanings which may be supposed to sway my mind towards the zemindar's view of the question; but were excited quite as much by the feeling that many of the provisions in the law, as then framed, would not give effect to the benevolent object which had procured their insertion. My action was prompted quite as much by my desire to secure the real and lasting benefit to the ryot, as by my anxiety to preserve to the zemindar rights which I considered justly his due. The fact that the attitude assumed by me in this matter has more than once been made the subject of official comment, must be my excuse for alluding at such comparative length to a question of a purely personal nature.

2. The Bill, in order to justify its existence, must necessarily handle with unsparing impartiality cherished beliefs, and with equal candour and firmness set aside customs and observances of suspicious origin; but entrusted nevertheless with the dignity attributable to extreme old age. Without, however, wasting time in an unprofitable endeavour to adjust the precise proportion of merit attributable to each of the contending influences in the noisy controversy, it may, I think, be asserted with safety that the verdict which will ultimately apportion the proper modicum of praise or dispraise to the efforts of the framers of the new Bill, will not to any great extent be attracted by the influences which lie for the moment nearest the surface; but on the contrary gain vigour and force according as it is seen how far this Bill endeavours to rectify injustice, and to mitigate the sorrows of those who are peculiarly susceptible to the tyranny of harsh treatment.

3. In an attempt to criticise the sections of this Bill it would, I think, be absurd to hope that the remarks of each critic, however conscientiously delivered, would not to some degree be tainted by his own predilections. In the great body of opinion which will soon be at the disposal of the Government, this evil will neutralize itself, and those charged with the duty will have little difficulty in estimating the true value of opposing opinions. For my own part,—and I mention the matter more particularly now, as my own views lead me to dissent from one or more of the leading principles of the Bill,—I do not pretend to bring to a consideration of the subject any thing more than a mind stored in some measure with a practical knowledge of the ways and habits of a people among whom a large portion of my official life has been passed. I have enjoyed the further advantage of a long familiarity with the method in which the existing land-laws were worked throughout those districts which were under my immediate observation: armed with this special knowledge, which I may remark, only extends to that part of Bengal where land is greatly in excess of the demand, I may be deemed in some small measure to be in a position to arrive at some definite conclusion on the practical results which await the passing of the Bill in its present shape; and the conclusion forced upon me is, that the Bill in many of its provisions will not fulfil the object it is intended to serve,—a defect conspicuously apparent in a large proportion of the sections professedly inserted with the object of ameliorating the conditions of the ryots. My confession of faith as regards the proper status of the ryot may, I think, fairly be summarised as follows :—" It is but fair and right that some ready means should be given to the ryot to enable him to resist illegal distraint, illegal enhancement, and illegal cesses, and to prove and maintain his occupancy-right." But I should have the right of occupancy kept as far as possible in the hands of the *boná fide* cultivators, and would discourage, if I could not altogether prevent, sub-letting by occupancy tenants. In my view it becomes a question of some importance whether the Legislature, in a matter which must affect the well-being of over 60 millions of people, should not confine itself to removing acknowledged difficulties and to the granting of those requirements which have been found to be necessary under altered conditions caused by ever-changing circumstances; rather than embark on the open sea of abstract principles with no more reliable guarantee for the rectitude of its course than can be extracted by the learned from a vast superincumbent mass of purely theoretical knowledge.

4. With these preliminary remarks, I would now pass to a more detailed consideration of the points noticed in the Government of Bengal Circular No. 3T.—R., dated 24th May 1884.

5. With respect to questions raised in paragraph 4 of the Government letter, whether the conversion of a sub-letting occupancy ryot into a tenure-holder is a workable provision, I am on the whole of an opinion that it would be very difficult to give practical effect to the provisions of the law. I do not see how a tenant so sub-letting is to be forced to make the fact of such assignment public. In the estate under my charge there are twenty-nine thousand tenants; unless the law comes to my assistance, and furnishes me with the right to obtain such information, how will it be possible for me to discover when the ryot by his own action has stepped over the border line which separates him from the class of tenure-holders; nor am I at all certain that the provision will in any way secure the object for which it was devised. The money-lender could easily avoid the restriction attempted to be placed upon him. Among others, the following illustration will support this assertion:—An occupancy ryot, holding a *jote* of 100 bighas, becomes indebted to the local *bunnia* for a sum of Rs. 500; to avoid a suit for the money the ryot is forced to assign 49 bighas of his most fertile lands to his creditors for a sum of Rs. 250. The ryot still retains his legal status as an occupancy ryot, as the amount sub-let is less than one-half of his *jote*; but is left nevertheless to pay the rent of the entire arrear of his original holding out of the margin of profit secured to him by the cultivation of the 51 bighas of inferior lands. It may be taken as certain that the *bunnia* with a debt of Rs. 250, and a large interest accumulating monthly, never pays a penny of rent to the unlucky ryot. It is not necessary to follow out through its further stages the process which will enable the *bunnia* to swallow up the whole *jote* and step into the ryot's shoes, and himself become an occupancy ryot, duly registered in the zemindar's rent-roll.

Government letter, paragraph 4.

6. I have more than once expressed a very decided opinion, that occupancy-rights, to be productive of any real benefit, should be accompanied by severe restrictions against the evil of sub-letting; untrammelled by such limitations, the existence of occupancy-rights must infallibly lead to sub-infeudation. The occupancy tenant will escape rack-renting; but if the holding is large, and the rent he has to pay is lower than that paid by the tenant-at-will, he will probably sub-let and rack-rent his under-tenant. He will have no difficulty in most parts of this province, and in Behar especially, in finding persons who are willing to accept sub-leases from himself, and he will let the whole or the greater portion of his *jote* at rates which would leave a margin to his own rental sufficient to maintain himself and his family. The ryot would thus be able to gratify two predilections,—a love for idleness, and a fondness for having dependents at his back and bidding. It therefore follows that on the one hand, the landlord would enjoy only a small percentage of the rent value of his property, while on the other the actual cultivator would be rack-rented and scarcely able to extract a bare living from the soil; while a band of middlemen fatten on the joint contribution of landlord and cultivator, handed over to them under the direct provisions of the law. If, however, it is found impossible to prevent sub-letting, I am of opinion that under-tenants, whether of tenure-holders, or tenants with rights of occupancy should themselves be permitted to acquire rights of occupancy. The actual cultivator is the only person who should be considered worthy of protection, and I certainly think that under-tenants should be allowed to acquire rights of occupancy. Hitherto the under-tenant has been merely a tenant-at-will, and has been rack-rented and scarcely able to extract a bare living from the soil: an attempt might, however, be made to reduce the evil effect of sub-letting, by enacting that the landlord of every tenure-holder or occupancy ryot sub-letting any portion of his holding should, when the time arrived for the next revision of the rental of that particular *jote*, be entitled to ask the Court to fix such rental, calculated, as far as the portion of the *jote* sub-let was concerned, at a rate of only ten cent. less than the amount paid by the under-tenant.

Sub-letting.

7. I would omit this section (section 8). There are many instances in this district where a tenure-holder (under the new definition) pays only two or perhaps four annas a bigha, and has sub-let his lands to under-tenants who are paying him 12 to 14 annas per bigha. I do not see why the tenure-holder should only be liable to have his rent raised to four or eight annas per bigha, as the case may be, when he can raise his under-tenants' rates from twelve annas to Re. 1-8 a bigha. I fully appreciate, however, the motive which would make enhancement gradual, and I would direct that in no case should the enhancement payable in any one year be more than four annas in the rupee. But I would make no limit to the enhancement except that stated by me in paragraph 24. I can conceive no reason why any hard-and-fast rule should be adopted as to the percentage up to which enhancement should be allowed. If the courts are to be trusted, I think the only limit to enhancement should be a fair and equitable enhancement, as determined by the court. The provisions of this section would simply allow a tyrannous landlord, one who has exacted the uttermost farthing, to enjoy the full benefit of his rapacity; whereas a zemindar who has treated his tenants with consideration will be at a positive disadvantage. As a matter of fact, the harsh landlord busying himself continually with enhancing his rents to the full turn of the screw would, by

Government letter, paragraph 5, chapter III, section 8.

such process, preserve his estate comparatively unimpaired; while the pattern landlord, keenly alive to the comfort and interest of the tenants would, by his very philanthrophy, indirectly bring about a serious diminution of the rent-roll. This section simply means a confiscation of an important portion of the landlord's rights; the legal machinery set in motion to enforce this view being calculated to work with greater cruelty on the most deserving of the class of landlords, while the rack-renting, evicting zemindar comes off comparatively free, and escapes punishment altogether. If the restrictions laid down in section 8 were omitted, and enhancement permitted to the full amount obtainable under the provisions stated by me in paragraph 26 of this letter, I would feel inclined to direct that rents once enhanced may not be altered for 25 instead of 10 years, as laid d[illegible] section 10. Another objection to this percentage being fixed at a hard-and-fast limit is, the difficulty of calculating the percentage in cases where land is held below its real letting-value in consideration for service rendered, or the growing of a new produce. How are we to determine what the money-value of such service is, or what the proper enhancement should be, in cases when the ryot got his land at a low rate for the purpose of the introduction of these new crops? The present arrangement is perfectly unworkable; whereas if the enhancement were to be "a fair and equitable one," every one of these considerations would have its due weight.

Government letter, paragraph 6, Chapter IV.

8. In the Maldah district, the few instances in which suits are brought, the 20 years' presumption is almost invariably pleaded *pro forma*, but never persevered in; the reason of this is, that the frequency with which ryots alter the sites of their holdings in districts where so large a margin of uncultivated land exists, renders the success of such a claim impossible. There can be no doubt whatever but that the presumption would be a grossly unjust one if it were advanced in the manner indicated in the section. Mr. Reynolds, however, stated the case so clearly in the remarks which accompanied his draft Bill, that words of mine would be superfluous in support of his contention.

Government letter, paragraph 7.

9. I am decidedly of an opinion that material and practical loss would result to zemindars if the power to acquire rights of occupancy by a ryot were extended to all lands comprised on an "*estate*" as defined in the Bill. The whole difficulty which surrounds this and many other questions connected with the Rent Bill would, in my opinion, vanish if the attention of Government were directed to reinstating not some imaginary class of cultivators, but the class which has hitherto been recognised both by the zemindar and the ruling power: I allude to which the "*khud-khast*" ryot. If the "*mouzah*" were made the unit within the area of go upon. We occupancy rights can be obtained, we should have something definite and tangible to difficulty as to the [illegible], moreover, have a limit which is understood by the [illegible] uole and are mapped out; estates on the [illegible] "*estates*" &c. would disappear [illegible] are well defined mapped. The substitution of the "*mouzah*" as the unit within which the 12-years' right should alone accrue will, I think, avoid all difficulties and furnish a successful solution to a problem which has proved invincible up to the present time. I would, in fact, restore the "*khud-khast*" ryot to the status which he occupied before the Permanent Settlement, with, however, certain additional rights which I now proceed to specify. In the first place, I should give a ryot who has once obtained occupancy-rights of lands within a *mouzah* the right to hold all lands he may subsequently obtain *in that mouzah* as an occupancy ryot, and this not only in the *mouzah* in which he has his homestead, but also elsewhere, so long as he has laid the nucleus of this right by holding lands there for a period of twelve years. For instance, a tenant residing in *mouzah* A, and cultivating land there for upwards of 12 continuous years, would hold any lands in that *mouzah* he might hereafter lease as an occupancy ryot. The same privilege would accrue to him in regard to lands held in any other "*mouzah*" so long as he had cultivated land in that "*mouzah*" for 12 continuous years. By this means not only the "*khud-khast*" but the "*pykast*" ryot would in time acquire rights of occupancy. In "*dearah*" country, where lands are liable to be washed away and yet from their peculiar fertility attract ryots this precaution is absolutely necessary.

Government letter, paragraph 8.

10. With regard to the remarks contained in paragraph 8 of the letter under reply, I would here repeat what I have before said with greater or less emphasis. I would enact that the sale of a *jote* in which occupancy-rights had accrued shall not convey such rights to the purchaser, except in those cases where the *jote* is sold for arears of rent due in respect of the lands which comprise that *jote*. Unless some such respective rule be adopted, my own sincere opinon is—and I am sustained in this belief by a large majority of those conversant with the subject—that in a very few years the present occupancy ryot will have disappeared. I cannot too strongly protest against the mischief that is presumably about to be perpetrated against the interest of the cultivating ryot in the very effort ostensibly made to ensure his welfare. It must be remembered that more than 50 per cent., if not a higher proportion, of the tenants are hopelessly in debt to the money-lender. The magnitude of this debt is to a great extent owing to the flimsy nature of the security afforded by the tenant. The motives which have hitherto restrained the money-lender from selling up his debtor is traceable, rather to his knowledge of the fact that more is to be gained from his hesitation, than to any actual regard for the interest of the wretched ryot. The passing of the Rent Bill

immediately imparts the right of occupancy to an enormous number of tenants hitherto considered mere tenants-at-will. The same law also furnishes the ryots with the power of selling their rights. Under these circumstances will it not infallibly follow, that the local *bunnia* throughout the province will immediately see the advantage of forcing the ryot to transfer his *jote* in part payment, probably of an old debt. It should not be forgotten that the interest charged on the original debt was calculated on the supposition that the ryot had little or no security to offer in return; by this Bill the Legislature proceeds to confer on the ryot a right in the nature of an extremely valuable security, presumably with the only ostensibly purpose of ultimately bettering the position or adding to the usurious gains of the money-lender. In my opinion, five years after this Bill comes into force, more than half the present holders of occupancy rights will have been sold up by the money-lender, and the original occupancy-holder relegated to a position comparatively little better than a serf. In connection with this subject, I ordered enquiries to be made, and a statement was prepared showing the number of tenants indebted in 15 of the villages in the Chanchal Estate. I had not the establishment to make a detailed enquiry over the entire area of this estate, and therefore selected two villages in each circle to enable me to form some idea as regards the proportion of tenants indebted to money-lenders. The investigation extended to 1,849 families, consisting of 9,408 persons, or between 4 or 5 souls per family; these families cultivated 30,249 bighas of land. The average holding, therefore, per family is little over 17 bighas or nearly 5 acres. They owed at the time of enquiry Rs. 6,764 for rent, or about one-fourth of one year's demand. The annual average rent is Rs. 7-8 per family, or Re. 1-6 per acre. As nearly as could be ascertained, 1,155 or ⅝ths of these tenants were in debt, and some of them hopelessly so, to the money-lender. About 90 per cent. of these would probably obtain occupancy rights under the new Bill. Hitherto the right has not been deemed transferable in this district, but the moment it is made liable to sale in the same manner as other property under a decree of Court, a large proportion of these debtors will be sold up; or what is much more common, the tenant will be induced to hand over his holding to the money-lender in part payment of his debt, on the promise that he will be allowed to remain in possession of the land on the *adhi* or *metayer* system. The money-lender, once he is let into possession in this manner, soon finds an excuse to dispossess the original holder bit by bit, and eventually the occupancy-holder is reduced to the possession of a serf or a paid servant, who is given just sufficient to keep body and soul together, while the bulk of his earnings go towards paying off an ever-increasing debt. In going through a list of tenants in pergunnah Rokanpore, where the average rent paid for land is less than six annas a bigha, I found 133 tenants who, though their names appeared in the zemandari papers as tenants, no longer occupy the lands comprising their holdings. They had long since made them over to the money-lender in part payment of their debt, and had either disappeared from the village or were serving the money-lender in the capacity of a servant, or had sub-leased the holding from him on the *adhi* or *metayer* system. Ts I have a lender had avoided the necessary mutation of names by continuing to pay the rent in t at name of the original occupier.

11. The argument which would transfer to the occupancy ryot the rights of free sale is, as I understand, based on the contention that such rights being an ordinary incident of a tenant in most countries, it does not seem to be equitable arbitrarily to exclude a ryot in Bengal from the enjoyment of the privilege appertaining to such incident. The danger, however, attending so radical a change in the existing law should, I think, prevent the innovation. It should be remembered that the occupancy ryot, in accordance with the suggestion made in paragraph 32 of this letter will, to all pratical purposes, enjoy the right of sale. He has only to fall into arrears to force a sale, and such sale being for arrears, must carry to the purchaser the occupancy-right. In a subsequent paragraph I have suggested that the landlord should be allowed to eject an occupancy tenant who failed to pay the amount decreed within 15 days of the order; I should however, permit a ryot desirous of selling his occupancy-right by falling purposely into arrear, to deposit the amount decreed within the 15 days, and yet have the right to insist upon the sale; the deposit in these cases being simply made with the object of preventing ejectment by the zemindar.

Government letter, paragraph 9.
Prevailing rate.

12. There is practically no such thing as a universal "prevailing rate" in the corner of Bengal in which I have local experience. It is true the tenant will tell you on enquiry that lands of certain quality pay certain fixed rates of rent, but on investigation this assertion has always proved illusory. In the Maldah district, and I believe in the neighbourhood, suits for enhancement of rent of an occupancy ryot on the ground of the "prevailing rates" are conspicuous by their absence; a suggestive proof of the difficulty of working a suit to a successful issue under this clause of section 18 of the Bengal Rent Act, 1869. I have never heard of a single instance where the manufacture of fictitious rates have been utilized with the object of raising the rate of rent of an occupancy ryot in a court of law. The only case known to me of a practice similar to the one indicated here, is where the zemindar, dealing with a body of refractory tenants, induces, generally by illicit means, a dozen of the more leading ryots to make a pretence of holding their lands under rates fixed by the landlord; the body of villagers usually follow the example of their leaders, and the agitation for the moment is allayed. But this process could not even give temporary validity to the "prevailing rates" so created, for none of the tenants would dream of having a *pottah* registered in which

these fictitious rates found a place. Even the leading ryots originally cajoled into an acquiescence would show the same aversion in spite of the pecuniary inducement which procured in the first instance their agreement to the terms of the zemindar. Fictitious rates of this class could be successfully eliminated from the consideration of a Judge if it were enacted that no Court should accept any evidence of a "prevailing rate" other than which may be gathered from rates specified in a *pottah* which had been duly registered.

13. There can be no doubt, however, that the existence of a number of holdings in a village or *mouzah* paying rents respectively on registered *pottahs*, must, in process of time, create a "prevailing rate" within such limits; and as the registration of *pottahs* is made compulsory under the Bill, it follows that the "prevailing rate" in a year or so will be a fact easily ascertainable by investigation by the Court: under these circumstances, I think the clause making the "prevailing rate" a reason for enhancement should still be retained in the Bill. The utility of retaining the clause is, that it furnishes the landlord with a recognised standard of rates on which he can base an application for raising the rents of tenants who pay abnormally small rents in contrast to the rates paid by the great majority of the tenants. Though there may be no such thing as a "prevailing rate," yet rents in every village or *mouzah* range themselves under different groups varying generally, it may be, from two annas to a rupee a bigha; for the larger proportion of the tenants paying at the higher rates. The existence of the clause on "prevailing rates" would enable the landlord to raise the rents of the small minority of tenants' holdings at two (2) annas a bigha to an approximation of the rates paid by the majority.

14. I am in favour of making no difference in the terms obtainable by a zemindar by amicable settlement, and those which may be afforded him by a suit in Court. In the first place, the registration of these private contracts made compulsory by the law will, to a great extent, prevent ignorance of the ryot being unduly utilized to his disadvantage. But the main reason for my opinion lies in the fact that in practice, when enhancement on a systematic plan is determined upon by the zemindar, he, as a rule, brings half a dozen test cases in Court, and on the result of those cases the enhancement of the rental of the entire village or group of villages would be carried out without the further assistance of the Court. The marked difference in the advantage to be gained by a recourse to the Court under the provisions of the Bill, as now framed, would prevent the landlord entering into any amicable arrangement with that portion of his tenants whose rent he is desirous of raising (possibly with their consent) beyond the limits fixed by the Bill, as applicable to private contract alone.

Government letter, paragraph, 10. Enhancement by private contract.

15. What the letter of the Secretary to the Government of Bengal objects to as a fictitious, varying, and [illegible] standard of rate, I look upon as a true in[illegible]essful [illegible] of the real letting-value of land and the true [illegible] of prevailing rates. The true letting-value of the land is, in my opinion, the only standard it would be safe to go by, and which is sufficiently elastic to suit all parts of the country. Section 42 deals with the rights of the "*settled ryots*" in respect of the occupancy lands leased to him which have come into the hands of the zemindar either through the pre-emption clauses or through the falling in of tenancies owing to a ryot's death or desertion of the holding. Under that provision, such "*settled ryot*" obtains occupancy rights the moment he enters into possession of the lands. And it is further laid down that he is not bound to pay for lands so leased to him any rent higher than that paid by the previous tenant, unless such higher rent has been fixed by a contract in writing; and all contracts made under this section (42) are made subject to the provisions of section 41: this contract, however, must also be registered and approved by the Registering Officer. In order to judge of the practical effect of these new provisions should they become law, I propose to apply them to a case that lately came under my notice in the estate under my management. Not long ago a tenant enjoying occupancy-rights died leaving no representatives to whom his rights, under the present law, would descend. During his lifetime he paid an annual rental of Rs. 84; shortly after his death I received applications from various tenants on the estate for a lease of those lands. The rental offered in each case was greatly in excess of that paid by the late tenant, and on enquiry, I discovered that the deceased had sub-let his entire holding to several sub-tenants, and was at the time of his death in receipt of an income of Rs. 156 a year for those lands. Under the existing law I found no difficulty in transforming these sub-tenants into direct tenants of the estate, leaving them in the possession of their respective *jotes* with a prospect of acquiring occupancy-rights in due course. Now, assuming for the time the rôle of a zemindar, let me sketch out the procedure I would in all probability adopt had I to deal with this case under the law as laid down in the new Bill with this difference, however, that in the present case the tenant must be taken to be desirou, of selling his holding. In the first place, I would have to decide whether it was worth while to exercise my right of pre-emption. This decided in the affirmative, the next question would be the amount to be paid for such purpose. The law as it stands is somet what hazy as to the rules to be adopted by the Civil Court under which the amount to b- paid by me is to be calculated. On the one side I would naturally seek to depreciate th

Chapter V, paragraph 11, enhancement on re-settlement.

value of the property, urging on the notice of the Court that it had hitherto only paid a rental of Rs. 84 a year; that under the law the right of occupancy in respect of these lands, if let to a "settled ryot," will immediately accrue to the tenant to whom I re-let them; that under the severe restrictions placed by the law (section 41) my right to enhance the rent of an occupancy tenant, I could not hope to add much to the rental paid me by the late tenant.

16. Here let me pause for a moment to show that I am not forgetful of the fact that the provisions of the Bill enable me to lease these lands to a "non-occupancy" ryot at their full letting-value. This alternative would, however, in this particular case, be valueless. Where, for instance, could I turn to in search of a tenant who would not at the same time come under the definition of "settled ryot"? For any tenant who might possibly be induced to lease these lands would, under the definition of the Act, be a "settled ryot," already holding lands in the estate in which these lands are situate. Practically, therefore, I should have no choice in the matter, and be forced to have recourse to illegitimate means for the purpose of securing to myself the full rent which would be obtainable by me (the zemindar) could I let these lands unhampered by the restrictions placed on my actions by the provisions of the new Bill.

17. On the other hand, another intending purchaser at the sale, anxious to secure the property to himself, might fairly urge upon the Court the fact, that although it might be true that the land if purchased by the landlord (myself) would be worth to me little more than a rental of Rs. 84 a year, yet to a stranger, unhampered by the restrictions as to occupancy rights, which bind the zemindar alone, purchasing these lands they would be worth a great deal more, *viz.*, the difference of value as shown between Rs. 84 paid to the landlord, and the Rs. 156 paid by the sub-tenants to the occupancy tenant. With these facts before it, the Court would have to arrive at some decision. It is impossible to say to which side the mind of the Court will lean in estimating an equitable amount as the purchase-money of the property. On the one side, it might fairly be urged, that as the zemindar had the right of pre-emption reserved to him by the law, and by the same law his right to enhance has been restricted to almost infinitesimal proportions, that the amount of purchase-money should be calculated in accordance with these considerations; on the other, the fact remains that the power of pre-emption preserved to the zemindar is optional and not compulsory—a fact sufficient to enable the Court to fix the purchase-money calculated on the real value of the property as represented by the rental paid by the sub-tenants at the time of sale. Probably the decision arrived at would be a compromise between these two adverse considerations, and I, the landlord, supposing I considered it advisable to exercise my right of pre-emption, will find myself called upon to pay a larger price for this privilege than would be considered at all just or equitable.

18. The right of pre-emption given to the zemindar has, I confess, a specious appearance of generosity; but as I have attempted to show, it only requires a determination on the part of the Court to fix the amount of the purchase-money in accordance with the real value of the land, ignoring the somewhat anomalous position into which the unfortunate landlord is relegated by the law, to make the value fixed prohibitory as far as the landlord is concerned, and render this much lauded privilege an useless and empty formality. Another matter in connection with this right of pre-emption merits attention. At the time of sale the Revenue Officer or Civil Court, as the case may be, in calculating the amount of purchase-money, will, as a matter of course, have to take into consideration the so-called ryot's improvements on the land, and this will form, I take it, an appreciable proportion of the sum ultimately settled upon by him as purchase-money; it being but fair that the outgoing tenant should be repaid for any improvement effected in the land at his own cost. The zemindar, should he deem it advisable, or as it will often occur, find himself compelled to exercise his right of pre-emption, will find himself burdened with the payment on account of these improvements; but will under the provisions of the present Bill (clause *a*, section 41) be precluded from reaping any advantage from the extra outlay. At present it is true there is nothing to prevent the zemindar from retaining these lands in his possession, and farming them himself or leasing them to a non-occupancy ryot. But should the land be situated at a distance from the zemindar's residence, it would not always be possible for him to undertake to cultivate these lands himself. It would in many instances be difficult for the landlord to find a non-occupancy tenant if the definition of the Bill, that all tenants holding lands for 12 years in any one village of an "*estate*" gives them a right of occupancy over all lands comprised in that "*estate*," be retained. There are many instances in the Chanchal Estate when the entire lands for some miles round would belong to the one and the same "*estate*," and in these tracts it would be impossible for the landlord to find a non-occupancy tenant to whom the newly acquired holding might be leased.

19. Another difficulty in the way of the zemindar exercising his right for pre-emption suggests itself. Take for instance the case (and they are numerous in this estate) where tenants are holding at the rate of two annas a bigha, but who obtain at the rate of a rupee a bigha from the under-tenants. Here, on being afforded the opportunity of exercising my right of pre-emption, I should have to consider the fact whether it would be worth my while to purchase the *jote*, when at the most I could obtain under the law (section 41) would be no more than 2½ annas a bigha from a settled ryot for lands which had in fact yielded a rupee a bigha. Again, suppose a ryot during the continuance of his tenancy has improved

his property to the extent of Rs. 200 by digging and making a brick-well; in the exercise of the right of pre-emption, I, the landlord, would have to count upon having to pay at least Rs. 150 for these improvements. In attempting, however, to re-let these lands after purchase to a "settled ryot," the law places a severe restriction on the amount of rent I can claim. The utmost sum so attainable would not be fixed, or indeed be influenced by the fact that I was out-of pocket to the extent of Rs. 150 for improvements, which moreover, my new tenant would enjoy. These two illustrations, I think, clearly show how illusory is the benefit supposed to be imparted to the zemindar by assigning to him the right of pre-emption.

20. Now to continue our illustration, let us suppose the zemindar to have exercised his right of pre-emption and the jote for the time being his, he may keep the land in farm himself or re-let it again to a tenant known under the Bill as a "settled ryot" or to a non-occupancy ryot. In the former case the in-coming tenant is assured of his right of occupancy. The restriction placed by the provisions of the Bill for calculating the rent to be paid to the zemindar by the "settled ryot" is so stringent, as in my opinion to make the prospect of a settled ryot ever obtaining these lands impossible. The zemindar will, therefore, have recourse to any expedient rather than accept a settled ryot as his tenant under the term imposed by the Bill. Is it, I may ask, expedient that the Legislature should make it the interest of the landlord to keep resident ryots out of acquiring the holdings that may come into his hands, and in this manner increase the area of their small holdings? In the statement given by me (see Appendix), it will be seen that out of a total number of 29,000 tenants in the Chanchal Estate, over 17,000, or 58 per cent. hold less than 5 bighas or 2½ acres of land. If sections 41 and 42 are retained, the zemindar exercising his right of pre-emption over any one of these *jotes*, or when the lands revert to him by death or relinquishment, will naturally be extremely averse to permit any of the neighbouring tenants, or indeed, any "settled ryot" from leasing the lands in question, and thereby affording the tenants the opportunity of increasing the limits of their already liliputian holdings. The mischief, therefore, in this instance works equally to the detriment of the ryot and zemindar. The result may, I think, be safely predicated. The zemindar, in order to free himself from the restriction placed upon his actions by these sections, will probably seek either to recoup himself for the loss suffered by him with the demand of a large bonus, or *salami*, or he will naturally prefer a stranger non-occupancy ryot to one of his own tenants, or again—and this will be the more usual course—he will find a dummy tenant, a creature of his own, who under his directions, will sub-let to a "settled-ryot" at the full rental, and thus defeat the object these sections have in view.

21. The zemindar having paid an appreciable sum for the re-purchase of his own land, in reletting it he would naturally look to obtaining a return for his outlay with a margin of profit. The law, however, as I have attempted to show, skilfully interposes a series of obstructions formulated with the avowed object of making the zemindar part with his property at a loss; in this dilemma the zemindar will naturally look about for some method of obtaining his desires, or, as he would consider them, his rights, and would not be averse to adopting any expedients, in themselves questionable, or at least not authorized by the law, for the purpose of gaining the object he has in view. One obvious method would of course be the exaction of a *salami* from the in-coming tenant, and it would be paying a very poor compliment to the ingenuity of the native of the country could we not assume that a hundred similar dodges will crop up like mushrooms, to be utilized for the purpose of evading the law.

22. One of the results growing out of the kind of legislation I have been discussing is, that it puts a zemindar and ryot at arms length at once. The zemindar purposely crippled by the law, fights at a disadvantage, and naturally has recourse to any weapon that may first come to hand to ensure himself the victory. He is powerless theoretically to injure his opponent under the provisions of the Bill. He nevertheless can, as I have attempted to point out, obtain a show of victory with the aid of questionable or illegal expedients.

23. It may perhaps be as well to note the fact that there is no provision in the Bill under which the costs occasioned by a reference to a Registration Officer by a zemindar or a ryot are to be paid. Is the zemindar to bear the whole amount of the additional expense, or is the ryot, who, it must be remembered, forces the zemindar into the field by his desire to part with his holding to pay his share of the necessary charges? In many parts of Bengal, 75 per cent. of the tenants have occupancy-rights. Therefore the services of the Registration Officer, made imperative under the Act, will be in constant requisition. Again, it is during the rains, when the entire country is under water, that the ryot is specially busy in making arrangements for the acquisition of land for the coming agricultural year; the very time when the difficulty and expense of seeking out the requisite Registration Officer, who alone can give validity to any leases, have been enormously increased. The head-quarters of this officer may be 30 to 60 miles distant, and accessible only at the busiest time of the year by four or five days' boat journey over an inundated country. I have much doubt whether, in spite of the provisions of the new Bill, should they become law, the ryot, or for the matter of that, the zemindar, will trouble himself about a visit to the Registering Officer, entailing, as it must infallibly do, additional expense, loss of valuable time, and what is more potent in his eyes, an infinity of trouble, which the ryot at any rate will consider

unprofitable and unnecessary. The ryots will very soon begin to see that it is to their interest that the lease should *not* bear the the Registration Officer's signature, and the result will be, that the zemindar will be called upon to pay for each lease made with a "settled ryot" a fee that may amount in travelling expenses alone to four or five, and it may be ten times the amount obtained as an enhancement.

24. It will be useful, I think, at this stage to describe at length the counter-proposals I am in favour of introducing in supersession of that portion of the Bill dealing with the vexed subject of *enhancement upon the re-letting*" of lands; and this seems to be the more necessary as my suggestion will, in some measure, meet the difficulties mentioned in the concluding sentences of the latter portion of paragraph 11 of the Government letter. In the first place, I would place no restriction on any contract between the landlord and tenant, save in such manner as I shall point out presently. The contract once entered into would, as provided by the Act, make registration compulsory. Further, I would restrict the discretion of the Registration Officer simply to ascertaining from the ryot his knowledge of the contents of the document. As to the contract itself, I would not give a ryot the power to contract himself out of the privilege secured to his status a a ryot, given under the Bill; but the restriction should not, in my opinion, be made to extend to any supervision over the agreement he may be willing to enter into with his landlord as to the rates of rental. In making the registration of contracts compulsory, I am not forgetful of the difficulty involved in securing easy access to the Registration Officer mentioned by me in paragraph 23 of this report; it will be incumbent, I think, on the Government if it insists on making registration compulsory to ensure the appointment of a sufficiently numerous body of officers, which will effectually minimise the danger I have indicated. The foregoing remarks, as will be seen, are intended to apply indifferently to occupancy as well as non-occupancy tenants.

25. I now proceed to deal with each class of these ryots separately. First as to *non-occupancy ryots:* I should leave this class of ryots to make their own terms with the zemindar, unhampered by any restriction whatsoever. Now as to the *occupancy ryots:* as has already been stated by me, I would place no restriction upon the occupancy ryots as to the rate of rent he may contract to pay the zemindar upon any amicable arrangement the parties may arrive at out of Court; the registration of the *pottah* in the manner indicated by me being, in my opinion, a sufficient precaution against undue oppression or fraud. If this liberty be not accorded, it opens the door to much confusion, and invites both the zemindar and the ryot to have recourse to illegitimate means for practically carrying out their own wishes which they are precluded from giving legal effect to with the aid of the Court. A hundred reasons may be conceived where an occupancy ryot, without undue pressure being brought to bear upon him by the zemindar, may be desirous of obtaining the lease of the lands in question at rates higher than could be demanded by the landlord under the provisions of section 41 and 42. If this amicable arrangement be not recognized by the law, it will probably follow that the zemindar, either by the extraction of a large *salami* or by a covert agreement for the payment of an illegal cess, or some other indirect means, will obtain the object he has in view; and this, be it remembered, with the consent of the ryot, who not deeming the demand unjust, is naturally willing to agree to the terms which eventually put him in possession of the holding. It may be urged that the ryot once let into possession under these illegal terms could thereupon ignore them and set the zemindar at defiance; in the first place, this mode of procedure if once successful would naturally be productive of ill-feeling between zemindar and ryot, an evil which it should be the endeavour of the law to mitigate than encourage: and further, it may be taken for granted that a trick of that kind would only be played but once upon the zemindar, the insertion of a dummy middleman between the zemindar and the actual cultivator, as already explained by me, would defeat the possibility of a ryot playing false, and moreover leave him in the comparatively unenviable position of an under-tenant, when forsooth he would have been willing but for the restriction placed upon him by law to lease those lands as a direct tenant and enjoy in regard to them the privilege of an occupancy tenant. To make my reasoning more clear, let us suppose the following instances:—(A) A ryot relinquishing his holding which lies contiguous to the holding of B, an occupancy ryot; (B) applies to the zemindar for a lease of the relinquished holding, and with his experience of the disadvantage attendant upon having a neighbour so close to his holding, is willing to pay the rental fixed by the zemindar for the lands. But if this rate happens to be in excess of the rates which the zemindar can, under the law, demand from B both B and the zemindar are powerless to give effect to their united wishes. The zemindar will naturally prefer a stranger, from whom he could demand a higher rent, or create a dummy middleman, one of the numerous hangers-on about his house; and the occupancy tenant will be let into possession as an under-tenant of the creature of the zemindar, paying probably a rack-rent.

26. It may be here objected that these suggestions instead of meeting rather tend to emphasise the difficulty pointed out by the Government letter in paragraph 11, which notes the possibility of a tendency to level up rents to the highest point. I am aware of the danger, but am prepared to meet in the following way:—In the first place, I would leave an "occupancy ryot" in quiet possession of his holding after enhancement for a period of 25 years. If this suggestion be adopted the Government may well afford to be careless about

the exact nature of the "prevailing rate" which might be utilized for the purpose of assessing the enhancement of rent; the prospective injury done to the ryot would be amply compensated for by the permission to hold at the rate fixed upon for 25 years. It may, however be again suggested that the scheme I advocate would possibly meet the circumstances of the ryot holding lands in districts where *jotes* may be had for the asking, and where, therefore the "prevailing rate" is low but would work excessive hardship on tenants holding lands in the more populated districts in Bengal, and especially in Behar. I have, however, anticipated this difficulty in the following suggestion:—When a zemindar institutes a suit for enhancement of rent on the ground of "*prevailing rate*" or "*rise in prices,*" I would in either case give the ryot the option to insist upon the zemindar calculating his enhanced rent in one of two ways; either on the "prevailing rates" of land in the vicinity, or upon the value of the "gross produce" of the land in question. Should the tenant insist upon the latter of these two alternatives, the Court should be directed to restrict the amount of rent, included the new enhancement, to five-sixteenths of such "gross produce." Putting this suggestion to a practical test, let us see the result. In the Maldah district, where lands are plentiful and ryots few, the tenant will infallibly choose to be enhanced under the "prevailing rate;" any *injustice* which he may suffer from the causes hinted at in paragraph 11 will be amply compensated to him by the privilege of holding his lands free from further enhancement for 25 years. In Behar, however, the tenant would naturally have recourse to the second of the two alternatives, and insist upon his rent being raised no further than five-sixteenths of the "gross produce" of his *jote*; such produce to be taken on the staple crop of the district in all cases where no particular crop is mentioned in the lease. If, however, the registered leases mention the area of the land held under sugarcane, mulberry, jute, tobacco, &c., the Court should calculate the "gross produce" on these crops if the zemindar so wishes it. The danger indicated in the possibility of "occupancy rates" being in time levelled up to "non-occupancy rates" will not make its influence felt in the Maldah district, for it is a fallacy to suppose that the "non-occupancy" pays a higher rent than the "occupancy" ryot. In this part of the country it is just the reverse the occupancy ryot pays from Re. 1 to Rs. 2 per bigha for lands over which he has a right of occupancy, while in respect of the new lands, over which he has yet acquired no right of occupancy, he seldom pays more than six or eight annas a bigha. And there are thousands of non-occupancy ryots in this district whose entire holding is held at a rental of 1 to 1[illegible] annas a bigha. *Competition* not *custom* regulates the rent. When land is plentiful and ryots few, rates are necessarily low; when, on the other hand, the population has begun to press upon the average of the country, the rates of rent for the fields that have been longer under the plough are generally higher. In districts like Maldah, where there was more land than cultivators, the "prevailing rate" would be in favour of the tenant, and with a 25 years lease it would be all that the tenant could expect, and all he would himself ask for. In Behar, however, where the "prevailing rate" might, owing to the pressure of the population be raised to a rack-rent, the tenant would protect himself by demanding that the rental fixed by the Court should not exceed five-sixteenths of the value of the "gross produce."

27. Five-sixteenths of the estimated average on the annual value of the "gross produce" of the staple crop may be a very reasonable proportion, taken with the object of protecting the tenants from a rack-rent in some parts of Bengal, especially in Behar; but in this district it would simply be useless, as it would confer no benefit on the ryot at all. The staple crop in this district is paddy, lands of the first quality yield two crops, *viz.*, paddy and mustard-seed The value of the *gross produce* would be as follows:—

5 maunds paddy, at Re. 1 per maund=Rs. 5;
2 „ mustard-seed, at Rs. 3 per maund=Rs. 6;

or Rs. 11 in all. Five-sixteenths of this sum would be Rs. 3-7. I have purposely placed the prices and the yield from each bigha as low as possible in order to get an average which will be beyond cavil. In this part of the district the highest rent paid by occupancy tenants is Re. 1-4 per bigha. It will be seen, however, that as far as this district is concerned, five-sixteenths of the gross produce would not only be useless, but worse than useless; while in Behar, on the other hand, the "prevailing rate" might be in excess of five-sixteenths of the *gross produce*. A grave objection against the practical working out of this suggestion lies in the difficulty which accompanies the attempt to ascertain the "gross produce" of each field The gain, however, to the ryot holding lands at an abnormally high rent in the choice left him to have such rent re-settled on the "gross produce" standard is so obvious, that some effort, I think (possibly based on the principle acted upon by the Irish Land Commissioners), might be adopted to minimise the effect of the difficulty indicated by me.

28. The Bill, as at present drawn, does not seem to have made any provisions for cases where an occupancy ryot holding lands in some distant part of the "*mousah*" (and this remark applies with additional force if the word "estate" be preserved), has only non-occupancy ryots as his neighbours in respect of those outlying lands. This is a circumstance frequently met with, and obviously the calculation for an enhanced rate must be made on the "prevailing rate" furnished by those non-occupancy holdings. The law at present would not permit this, some modification, therefore, seems necessary.

Government letter, paragraph 12. *Homestead or Bastu Lands.*

29 I have on more than one occasion reported that homestead land and lands in its immediate vicinity should not, in my opinion, in purely agricultural villages, be enhanced. These lands have been raised above flood-level and otherwise improved entirely at the ryot's own expense; and I deemed it but just that he should be allowed to enjoy the fruits of his own labour. So long as it is rendered impossible for the zemindar to enhance capriciously the rates payable for homestead lands, he cannot, while the land for culturable purposes remains in excess of the demand by tenants, bring undue pressure to bear upon his ryots: once the margin of exaction is overstepped, the ryot can relinquish his arable lands on the estate of the exacting zemindar and seek better terms elsewhere. Secure, so far as his homestead lands are concerned, he can do this with impunity, and thus indirectly prevent his zemindar from pushing his exaction to the point where the ryot's answer to his appeals for further contribution may be the reluctant relinquishment of his land. As was the case in this estate prior to his coming under the management of the Court of Wards, many of the ryots, impatient under the exaction of illegal cesses forced upon them by the late proprietor, sullenly refused to lease lands on the estate and constituted themselves "*pykast*" tenants of the neighbouring zemindar. The late proprietor had a remedy for this difficulty; taking advantage of the affection which is inherent in many ryots for his homestead lands, he arbitrarily raised the rates of these recalcitrant tenants in respect of their homestead lands to rates sometimes as much as four or five times in excess of the amount paid for these lands for the previous year, the object being to recoup himself for loss sustained by him through the fact of such tenants not choosing lands for cultivation within his estate.

30. The matter is of extreme practical importance in connection with ryots holding lands in this part of Bengal. For such ryot, his right of occupancy once assured in respect of his homestead lands, is emancipated from the necessity of submitting to exactions from his zemindar. Land is so plentiful that the ryot, leaving his homestead in security, might prefer to go out as a "*pykast*" tenant, and so cultivate lands under a more accommodating zemindar. Keeping this fact in view, I am strongly in favour of giving *all ryots* occupancy-rights in homestead lands after a residence of *three years*; this step, if adopted, would do more for the protection of ryots than any other provisions in the Bill. I would limit the right to enhance *bastu* lands to the sole ground that the original area held by the ryot has been increased. This precaution is necessary, as the ryot is often addicted to surreptitiously encroaching either on the surrounding waste lands or on an abandoned homestead lying contiguous to his own holding. Further, it might be a matter for consideration whether the right to enhance should not revive in the case of a ryot sub-letting a portion of his homestead lands.

Chapter , section 52, paragraph 14. Price-lists.

31. With regard to price-list. I see very many difficulties in the way. They are now prepared by the police, but assuming that they were perfect indices of the prices prevailing at the "hâts" or various local markets they would not, I think, be anything but misleading. It would, in my opinion, not be safe to attempt to collect the prices of every local market in the district. All these local markets feed one big market, and the prices of these local markets are ruled by the prices ranging in these big grain marts. It would be sufficient if the prices at these large markets were taken, and they would give a much better test as to any *general* rise in prices in the neighbourhood than those of the local markets which are influenced by temporary fluctuations owing to local causes. In this district, Rohanpore in the south would give an accurate indication of the prices current throughout the entire south of this district, while Hyatpore or Kiddergunge would furnish similar returns for not only the north of this district but the south-western portion of Dinagepore and the south-eastern portion of Purneah. In the same manner, Revelgunge, in my opinion, would meet the requirements for nearly the entire Patna Division, while the large grain mart at the mouth of the big Kusi river would answer for the entire west of Purneah and the east of Bhagulpore. It will be necessary, however, to make it quite clear that the calculation to be made by the Court with the aid of these *price-lists* should be based on the lowest prices indicated for each year. For it must be remembered that a tenant sells his crop at harvest-time to enable him to pay his rent, and prices at that time are at zero.

Chapter V, section 31.

32. Before leaving Chapter V, I desire to make a few remarks on the subject of ejectment, which, I note, has been omitted from the list of incidents given in section 31 of the new Bill. A ryot apparently under this section (31) may not be ejected from lands in which he has a right of occupancy for arrears of rent. This provision is based on the erroneous fact that the sale of all occupancy-tenures will enable the landlord to cover at least one year's rental; but it is notorious that this is not so, and I am only surprised how the Select Committee could have overlooked this fact. Out of 29,000 holdings on this estate, I have not the slightest hesitation in stating that if you were to put up 20,000 for sale to-morrow you would not get a year's rent—not even half year's rent for them. And if 12 years' residence is to entitle a ryot to right of occupancy in all lands held in that "estate," certainly 20,000 out of the 29,000 holdings would have to be treated as right of occupancy holdings. It seems to have been taken for granted that provisions which are suitable to one part of the country are equally suitable to all, and no greater mistake can be made as to Bengal. I have not the slightest doubt that

there are many districts in Bengal, especially those near Calcutta, where an occupancy-tenure would fetch 3, 4, or even 5 years' rental. I am aware that even in this district there are occupancy-tenures that have been valued and sold at 3 years' rental; but this is an exception and not the rule, and it stands to reason it must be so. In a district like Maldah, where there are large quantities of culturable land still unoccupied, what inducement would there be to a tenant to pay even one year's rental for a holding in those villages where there is still a large margin of unoccupied land when he can get as much land as he pleases with equal advantages as to situation and fertility for the mere asking, and almost invariably at a much lower rate? I attempted to realize decrees for arrears of rent by the sale of holdings on the estate, but I was forced in self-defence to resort to a body-warrant and other means open to me in execution of a large portion of the decrees obtained under the certificate demand (Act VII of 1880). A considerable number of the decrees are for small sums, and the costs often exceed the amount in arrear. In the 86 cases in which an attempt was made to realize the decree by the sale of the holding itself, the amount they fetched at the sale was not sufficient to cover even the actual out-of-pocket costs in the case. In the 86 cases mentioned above the actual arrear amounted to Rs. 463 and the actual out-of-pocket costs amounted to Rs. 349, while the sum realized by the sale was only Rs. 178. Mr. Reynolds states in his dissent attached to the report of the Select Committee, that the sale of tenants' holdings is "ample security" to the landlord for his rental. However true this may be for districts in Eastern Bengal, it is notorious it is not so in Maldah, and for the matter of that, in any district or portion of a district where the culturable land is in excess of the demand. Another and a very potent reason for the holding not fetching a higher price is, that these sales under the law must take place at the sudder station, it may be 20, 30, and even 60 miles away from the village where the lands are situate. The most likely purchasers of the *jote* are the resident cultivators of the village where the land is situate, and these are the very men who, it would be to the interest of the landlord, and for the matter of that the community at large, should purchase these *jotes* and thus enlarge the area of the existing holdings. But the sale takes place at a considerable distance from the village; the date of the sale is not advertised in the village where the lands are situate, and intending purchasers resident in the locality would hardly, if ever, be in a position to attend the sale, and so the holding is knocked down for a trifling sum far below the value set upon it in the village where the lands are situate. Thus, not only is the tenant deprived of the full value of his tenant-right, but the landlord is unable to realize his arrears. In cases where the holding is situate within a reasonable distance of the place of sale (the sudder station), the sums offered often exceed the amount in arrear. For instance, in 132 cases where the holdings put up for sale were within a distance of eight miles, or a day's journey of the sudder station, the amount realised at the sale of 64 cases amounted to Rs. 912, or sufficient to clear a year's rent and the costs of the suit; but in 68 cases the amount realised was only Rs. 52, or insufficient to cover the amount in arrear. I would retain the right to eject in the case of non-payment of rent; but I would allow no ejectment except in cases of arrear where some portion of the balance has been due for over 12 months. When a decree for arrears is given the landlord should be alllowed to claim an order for ejectment if the arrears are not paid up in 15 days from the date of the decree. The tenant, however, might claim a sale on depositing the amount of the decree in Court; this procedure would not only permit a tenant obtaining a full value of his holding, but would in many instances obviate the intolerable delay now attending the execution of a decree; and would effectually hinder a recusant tenant keeping possession of his holding, pending such execution, and by this means prevent the landlord from re-letting the lands to a more solvent ryot.

33. The only ground on which ejectment is permitted in the case of an occupancy holding, is for breach of registered contract. I am of opinion, and I hope I have now made the matter clear, that in respect of this part of the country, ejectment must be permitted for non-payment of rent. I am also of opinion that ejectment should be permitted for breach of contract. With respect to the proviso that such contract must be registered, I take it, the Bill refers to all future contracts that may be entered into subsequent to the passing of this Bill; it would act very unjustly on existing contracts if this were not so. Unless ejectment is allowed for breach of existing contracts, whether registered or not, what remedy has an indigo planter in the case where he has permitted his tenants to acquire rights of occupancy; it may be at a very much lower rate than that prevailing in the neighbourhood, on the understanding that the tenant sows a certain portion of that holding in indigo, and on his failing to do so he must relinquish his holding; and supposing after the passing of this Act the tenant refuses to sow indigo any longer? Then, again, it is the custom when a *Hari* or *Dome* (both low caste Hindus) wishes to settle in a village, that a clear understanding is come to that they are not to keep pigs unless the pigs are secured within an enclosure. This is found necessary not only to prevent damage to the tenant's crops, but on account of the Mahomedan tenants, who naturally object to the pigs coming about their homestead. A *Hari* and *Dome* disobeying such order is forthwith ejected from the village, but it will be difficult, if not impossible, to do so unless ejectment were allowed in cases where there is a clear breach of contract.

34. Some provisions will, I presume, have to be introduced into this Act, giving

the landlord, or it may be a body of tenants, the power to take up lands for the purposes of a new road, drainage, or other local improvements. Under the present law the right of the landlord over his own property is placed under such severe restrictions that it would be always possible for a ryot with the new privileges given him by the Act to interpose a successful opposition to the desire of his landlord or the larger number of his co-tenants to carry out these improvements when land for the purpose has to be taken up from ryot's holdings: some such procedure as directed under the Land Acquisition Act seems the best calculated to meet this difficulty. At present, a landlord can of his own motion provide lands for roads, drainage, burial grounds, sites for markets, and other local conveniences; he would probably find this impossible after the passing of the present Bill.

Government letter, paragraph 18, Chapter VII, section 61, clause 13.

35. An instalment of rent, or part of an instalment, not paid up on the due date, is under this section to be considered an arrear of rent. I have in a previous paragraph of this report (32) recommended the retention of the right to eject a tenure-holder or an occupancy tenant for arrears of rent. I would restrict the right to eject in suits for arrears of rent to those cases only where the balance due has been over 12 months in arrear. One of the causes which, in my opinion, has conduced to forcing many of the cultivating tenants into the hands of the money lender is the power granted to landlords to sue for instalments of rents. The capabilities of the tenant to meet the demand are seldom taken into consideration when fixing the dates on which each instalment should be paid. The dates fixed upon are, in most cases, determined solely to enable the landlord to meet the Government revenue payable on the 28th of June, 28th of September, 12th January, and the 28th March; and the dates fixed were determined on at a time when nearly all rents were paid in kind, and all the tenant had to do was to hand over a fixed portion of each crop as soon as it was reaped. Though the tenant in these days are expected to pay their rents in four instalments, arbitrarily fixed to enable the landlord to meet the Government demand, practically the tenants are only able to pay their rents in one, two or three instalments according to whether the lands occupied by them yield one, two or three rent-paying crops, and the most convenient date on which these instalments could be paid depends entirely on the rent-paying crops sown in any particular tract of country. In the generality of cases the dates on which the instalments of rent should be paid were fixed at a time when the tenant could only look to the local markets for the sale of his produce, and his entire rent was paid from the surplus produce of his rice-lands. But as new lines of communication have been opened up each year, and facilities for export created, the tenant is now able to raise crops to meet the demand of more distant markets. Such crops as jute, tobacco, oil-seeds, and wheat, which in former days were only sown, if at all, for home consumption, are now cultivated for export, and are the chief crops from which the rent is paid. For instance, a tenant who had hitherto paid his rent by the sale of his surplus produce of winter-rice, would find it most convenient to pay his rent in January or February; but if this same tenant had now placed the larger portion of his holding in wheat or oil-seeds, he would not be in funds till March, or it might be in April, some two months later than was previously the most convenient date to him for meeting his landlord's demand. Moreover, a tenant would much prefer to pay his rent from the sale-proceeds of such crops as jute, wheat, tobacco, mustard-seed, &c., &c., because for such crops there is at all seasons a demand and a fixed market-rate, while for rice the demand is confined to such seasons as will permit of the produce being exported by the cheapest means of export, *viz.*, boat traffic. Should the tenant be forced to sell during the dry season, he would have to carry his produce to a local money-lender, who would be able to make his own terms, owing to there being no competition. The tenant of the present day, therefore, pays the whole or the greater portion of his rent from such crops for which he can find a ready market, and keeps the produce of his rice-lands in stock, selling small quantities at each market-day to enable him to purchase his daily wants; and delays to dispose of the bulk of the crop till there is a rise in the market owing to competition of itinerant buyers who come up in boats when the floods are out.

Section 69, clause 2.

36. I would, in the interest of both landlord and tenant, insist that no payment be applied to any arrear above two years standing. Ryots, as a rule, never dream of appropriating their payments to any particular arrear of rent, and the zemindar naturally sets off such payment against a debt which may have already been barred by limitation; the insertion of a clause, such as I have suggested, will ensure accounts being made up every other year.

Section 69, clause 2.

37. I am decidedly of opinion that the word "shall" should be substituted for "may" in this section. I should make the award of damages compulsory instead of discretionary, the reason being that the Courts never exercise a discretion in the matter but invariably refuse to grant damages. If this matter were taken out of the discretion of the Court, and made imperative, it would facilitate the collection of arrears and thus indirectly give the zemindars a chance of getting in their arrears without difficulty. I speak from some experience in the matter, for I know numerous instances where a Court being induced in one or two suits to grant damages, the whole village has immediately paid up its arrears. I may also mention the case of an estate where the arrangement between the ryot and zemindar

that if the ryot paid up regularly he would be entitled to a receipt in full of all rent due under the registered *pottah*, although, as a matter of fact, the actual money was one-fourth less than the rent specified in the "*pottah*;" the result of this arrangement was, that throughout a period of seven years, the papers examined by me did not show arrear balances of more than five hundred rupees on a total demand of thirty-one thousand rupees.

Government letter, paragraph 28, section 88. Illegal cesses.

38. The question of cesses is a difficult one, and in the determination of which actual facts more than abstract ideas should be taken into consideration. At the time of the Permanent Settlement, the system introduced by Toder Mull of a measurement and re-settlement of lands held by each individual tenant or occupier after certain intervals of time, was in full force. After the Permanent Settlement, however, no necessity existed for the Government to trouble itself further in the matter; the duty was left to the zemindar, who was either too apathetic, or found it an easier task to increase his rental by the illicit imposition of "*abwabs*" and cesses to make it even desirable or politic himself to enforce a rigid re-measurement of the holdings within his property and establishing a periodical revision of the "*nerikbandi*." In fact, the desire to encourage periodical measurements and re-assessements of rates was absent from the zemindar as well as his tenant. The former, as has been already explained, found it easier to increase his rent-roll by the manner already indicated; and the latter was just as anxious to prevent the discovery of the excess quantity of lands which he had gradually added to the area of his original holdings. It is curious, and somewhat instructive, to remark how, throughout the long series of years since the Permanent Settlement, the system of extorting "*abwabs*" and cesses has flourished in spite of the folios of regulations directed by Government against the practice. If criticism may be regarded on this subject, I might point out that if some of the energy which expended itself so liberally in the manufacture of legislative enactments had been directed towards securing the appointment of some speedy and cheap Court, constituted possibly on the lines of the present Court of the Land Commissioners in Ireland, with the object of settling what should be a *fair* and *equitable* rent payable according to circumstances by each tenant to the zemindar, the imposition of "*abwabs*" would never have flourished and become, as it has done, one of the settled institutions of this country, overgrowing and, indeed in most districts, choking out of existence the ordinary and legitimate law relating to enhancement of rents. The zemindar's portion of the *unearned increment* has hitherto been obtained in these cesses. Any sudden determination on the part of the tenants to refuse payment of cesses that have been paid by them hitherto without demur, would deprive the landlords of a large portion of their rental, and force them to seek a remedy in a measurement of individual holdings, and assess the excess area it was known these tenants have hitherto enjoyed in consideration of "*abwabs*" and cesses paid by them. These measurements and consequent suits for enhancement will doubtless lead to a certain amount of friction between landlord and tenant, and will have to be carefully watched. The rates of rent in this district are, in my opinion, exceedingly moderate, and even if the cesses are taken into consideration, can in no way be looked upon as a rack-rent. Few zemindars, I believe, would object to a revision of rents by Government assessors, for there can be very little doubt that lands in most parts of Bengal Proper are not rack-rented, and a considerable average advance in the rental would be obtained; and I feel confident that a free use will be made of the provisions of Chapter X of the new Bill. It is not difficult to imagine what, under these circumstances, would be the result if all holdings were re-valued by disinterested authority. In the majority of instances, probably in nine cases out of ten in Bengal Proper, the rent would be increased in a large portion of the older holdings, giving rise to an amount of disappointment or discontent it might be awkward hereafter to deal with. The Government, I take it, has foreseen, and is prepared to meet this difficulty. I am, however, of the opinion that in cases where the landlord elects to have the rates fixed by the executive authorities under Chapter X, and a regular settlement is come to, that the rates so fixed should be binding (section 120) not for 15 years, as proposed in the Bill, but for at least 25 years, and I would be inclined to say 30 years. I do not see that the Government is called upon to incur all the odium, as it most assuredly will incur, in making a settlement of this kind, unless the settlement is to last more than 15 years.

Government letter paragraph 29, Chapter IX, section 88. Improvement.

39. I notice the law is very careful to lay down rules for the guidance of the Court for granting compensation for all improvements made by the tenant, who is to have full authority to make any improvements he may deem necessary without the least hinderance on the part of his landlord. But I do not observe any provision made in the law for cases where the tenant either *bonâ fide* or *mala fide* should, under cover of effecting improvements, destroy the face of the land or reduce its selling value and then relinquish his holding. If it is right, as I fully admit, that the tenant who has laid out money or labour on his holding and materially augmented its value, should be repaid for the permanent or unexhausted amount of this augmentation, according to an equitable scale, on receiving notice to quit, it is but a correlative and obviously fair proposition that the tenant who, on surrendering his holding shall have been found to have greatly deteriorated his landlord's soil, ought to be called upon to repay him for this deterioration. If I let a tenant 15 bighas of good rice land, and he destroys its character and impairs its value by digging it up

for mulberry field, and returns it to me after a number of years' occupancy overrun with weeds, the soil utterly ruined by the exhaustive nature of the crop, want of manure and a vicious system of husbandry, have I not an indefeasible claim against him for the damage done just as if he had actually annihilated a portion of the area instead of merely injured the whole area in quality? And is it not the case that instances of deterioration are at least as frequent in Bengal as instances of important tenants' improvement.

40. It is urged that as all improvements and reclamation of lands are habitually made by the tenant and not by the landlord it is unjust to permit the owner of the soil, at his pleasure, to dispossess the tenant before he has had time to reap the benefit of the labour and capital he has expended on his holding; granting the premises, the argument in the eye of justice is irresistible. There is, however, one class of expenditure on improvements wholly incalculable, but unquestionably very large, which has been strangely overlooked, yet with which many of the landlords of Bengal ought obviously to be credited, *namely*, the outlay of occupants who hold under "improving rents." The case is a very common one, and the equity of the matter is very clear as soon as it is stated. Two landlords in adjoining districts or pergunnahs, it is indifferent which, lease their lands on two distinct systems. The one follows the English plan; clears the land of jungle; raises a bund or cuts the drain, charging as rent the full estimated value of the holding: in a word, he does all the improvements and gets credit for them. The other, adopting the system which has prevailed in Bengal from time immemorial and which, for obvious reasons, is the only one suitable in districts where there is more land than cultivators, leaves his tenant to undertake all the outlay, *but fixes a lower rent in consideration of his doing so.* The former proprietor lets the land at Rs. 3 per bigah, the latter is content with Rs. 1-8 a bigah. It is clear, however, that the latter has virtually expended Re. 1-8 a bigah yearly on the land, or paid his tenant for doing so, and the former has probably done no more. Yet, not only is the one man praised as an improving landlord, and the other blamed as a stingy, grasping, or neglectful one, but in the latter case the tenant gains all the credit of the improvements made virtually with the landlord's capital, and it is now proposed to permit him to put forward claims for compensation on account of them if he is ever required to surrender his holding. Now this is no ingenious supposition; any one who has had any practical knowledge in the management of estates in Bengal knows scores of instances of under-rented lands of which no other explanation can be given, and the comparatively low rates mentioned in old leases were obviously, and sometimes avowedly, fixed on the understanding that the tenant, and not the landlord, should be responsible for the necessary expenditure of reclaiming the lands.

Government letter, paragraph 25, Chapter XIII. Distraint.

41. I would allow no distraint in the case of resident cultivators, as I am of opinion the landlord would have sufficient security in these cases in the right to eject for non-payment of rent and the sale of holding; but I would retain the right of distraint in the case of non-resident or "*pykast*" ryots. In the case of non-resident tenants, the crop on the ground is the only security the landlord has for his rent. There are, for instance, some non-resident ryots who come from a very great distance to cultivate land. They are locally known as "*dolewars*" or "*gangotees*." There are about 1,800 to 2,000 of these men who cultivate lands on the Chanchal Estate; some of these come from Bhagulpore and even from Durbhungah. They drive their cattle down as soon as the rivers begin to fall, buy their ploughs at the nearest market, and run up a small hut with the reeds growing on the bank of the river, and cultivate the newly-formed lands. Directly the river begins torise, these men return to their homes to cultivate their high lands for paddy. The only security landlord has in these cases is the crop on the ground, and unless the landlord is on the spot, he will lose his rent, as these men sell the produce to *mahajans* who come almost to their very fields in boats, and are away and out of the district without having paid a single pice of rent. I would, however, insist on a verified statement of the arrears due being filed in the Munsiff's Court at the same time as the distraint is made, and I would allow no distraint without an account showing clearly for what arrears the distraint is made. I would make a distraint without the filing of these accounts penal. Prior to the distraint an account must be served on the tenant showing the total amount due from him, and also the amount of current rent for which distraint is made. The notice of distraint to be in writing, and to contain the amount in arrear; the current and arrear balance shown separately; the number and boundaries of the field to be attached for the payment of such arrears. A duplicate of such notice to be posted to the Munsiff having jurisdiction on the same date on which the notice is served on the tenant.

Government letter, paragraph 28, Chapter XVII, section 213.

42. I think this section, as at present drafted, will work unfairly aginst the interest of ryot. If the "*mouzah*" instead of the "*estate*" be accepted as the unit within which occupancy rights may accrue, I do not see why any difference should be made between *decrah* as opposed to other lands in the matter of status or privileges of an occupancy ryot. It is more than necessary that when possible the ryot cultivating *decrah* lands should enjoy rights of occupancy. It is on lands of that class that the zemindar and indigo planter are specially anxious to secure a hold, and much of the oppressions suffered by the ryot through this cause is attributable to the weakness of his position as a tenant-at-will. The *decrah* ryot has never at time a very pleasant time of it, through in the

and he is in the some measure comforted by the richness of his crops. He has to struggle against evils of enforced labour as demanded from him by the planter; the oppressions of the zemindar; and the exactions of the *ameen* who comes twice a year to measure his crops: in addition, he has to submit to the wayward caprices of the river on whose banks his lands are situate, often being compelled to follow large slices of his fugitive holding to their even then transitory resting place on the further bank. These considerations ought, I think, to point to the absolute necessity for giving the *dearah* ryot the power to establish his right of occupancy over any future portion of the land forming part of the *mouzah* on which he had already secured a holding which had given him the status of an occupancy ryot. It would also tend greatly towards placing the ryot in a position to protect his interest, if the Bill were to make it perfectly clear (what I believe to be now the existing law in regard to tenures) that all accretions to the holding of ryot should be considered a part of his original holding over which he, if he so choose, may exercise the right of possession.

43. The necessity for an unmistakeable statement of the law in the manner indicated will be apparent from the following illustration:—The original holding of a ryot reaches down to the extreme verge of the river; the absolute edge of this holding is unculturable, but the soil nearest this narrow strip of useless land is the most valuable portion of his holding: as he proceeds further away from the edge, the land proportionately decreases in fertility, till you reach the further limit of the holding, which may be a barren ridge of sand. Both the zemindar and the indigo planter have no difficulty in discovering from the set of the stream on which side of its bank the river is likely to reform. All the ryot's holdings therefore which happen to comprise this strip of the bank become a keen object of attention. The *modus operandi* by which the zemindar or farmer secures his object, namely, the possession of the first, and as I have shown, the most fertile strip of land nearest the river, is as follows:—The ryot, who generally completes his sowings by November, lays down his crop as near the water edge as he can conveniently go; as may be supposed, however, between that time and the following June, when the river first begins to rise again, the gradual recession of the river has left a fringe of land for the time uncultivated. The landlord in due time steps in and scatters a few seeds on this unoccupied fringe; this is not done with the object of obtaining a crop, for the first rise of the river will destroy his plants, a fact very well known to him, and duly calculated upon. His intention, however, becomes apparent in the following year, when a further recession of the river leaves what was last year's lowest strip high-and-dry, the best portion of what would have been under ordinary circumstances the ryot's holding had not his landlord stepped in in the manner indicated and cut the ryot off from his right to enjoy the accretion to his own holding. The ryot with right of occupancy, and with the knowledge of the fact made clear to him by the law, that such accretion should belong to his holding, would be then strong enough to resist this act of high-handed oppression which, as things now stand, is constantly practised by many planters. The evil is a wide-reaching one, and the adoption of some remedy, similar to the one I have suggested, will do much to mitigate the injustice of what is an undoubted source of much discontent. I omitted to note in its proper place what is an important fact connected with this subject, and that is the gradual deterioriation which constantly is at work on the original holding of the ryot cut off from the river bank. Unless the ryot be allowed to follow the recession of the river year by year, and thus acquire new and fertile lands, he soon discovers that the original site of his old holding has lost its productive powers, and is no better than a waste of sand, useless till the next change in the course of the river covers it once more with a thick layer of fertile deposit. It, therefore, follows that the action of the planter or zemindar in cutting off the ryot from the river frequently results in eventually starving out the ryot from his original holding.

44. Under the *halhasilah* tenure, the tenant pays rent for only such lands as he may cultivate each year. The land is held year by year and the rent is regulated by the quantity of land cultivated each year. In earlier times the entire holding, with the exception of homestead lands, were relinquished and allowed to lie fallow every three years. The whole village acted in concert under the authority of the "mandal" or head-man. For instance, the lands to the east of the village were cultivated for three seasons, while the lands to the west lay fallow, and were used as a grazing ground for cattle. After a lapse of three years the land to the west was brought under cultivation, while the land to the east lay fallow, and so on, alternately. It is manifest that such a system can exist only where there is more land than cultivators, and must necessarily disappear where there is a greater demand for land, owing to the increase of population. Hitherto the quantity of culturable land lying fallow has made it a comparatively easy process for the tenants in this portion of the district to choose different plots of land for cultivation every three years. Each year, however, the demand for land is increasing, and the old custom of choosing varying sites for cultivation is being perforce discontinued or restricted to a very great extent, the tenant being in no way certain that the portion relinquished by him will not be occupied by another before the year is out. Gradually, as the population increased, it became necessary to retain some portion of the land under cultivation continuously, and as it may be supposed, the most advantageous qualities of land, either as to situation or fertility, were the first to be picked out. In this manner the more distant or the less fertile lands being exchanged as heretofore every year. The margin of land it is possible to exchange has been gradually decreasing each year, while the portion that has to be kept continuously

Paragraph 33, sections 213 & 214.

under the plough is increasing in equal proportions. The rent is generally paid in a lump, that is to say, Rs. 20 for 40 bigahs of land, giving an average rate of eight annas a bigah all round, and no attempt is made to assess each particular field. Consequently the tenants' *furruks* (annual rent-receipts) show clearly that the rental has fluctuated, if not every year, certainly every three years. And as the leases give no boundaries, nor make any attempt to identify the land, it is not possible for the tenant to show, except by parole evidence, what portion of his holding had been continuously in his possession for over 12 years; though it is evident from the description given above, that his homestead lands at least, has been in his possession continuously since the time when he first settled in the village, it may be 30 or 40 or even 60 years ago. And he would continue to hold a larger area of his holding continuously as the population increased each succeeding year. Eventually the position of the tenant would be much as follows:—In a holding of, say, 20 bigahs, he would have held two bigahs of his homestead lands, say for upwards of 30 years; another 5 bigahs he would have held for upwards of 12 years, while the remaining 13 bigahs he would have held for periods varying from 3 to 10 years.

45. The incidents of a *halhasila* tenure, however, vary according as the land, the subject of such tenure, is situate on the immediate banks, or remote from the proximity of a river. In the former case riparian holders never relinquish altogether their rights to the lands they cultivate year by year, the arrangement being that the tenant, in return for the privilege given him of retaining a lien over that portion of his holding he finds it inconvenient to cultivate, has to pay his landlord a small rental on each bigah of the unused lands, usually calculated on the supposition that the land has yielded a single crop during the year. The following illustration will convey my meaning more clearly. A riparian holder for the first year cultivates, say, a hundred bigahs of land; his rent for that land would be calculated on the fact as to whether he has taken one or more crops off his fields during the year. In the following year the tenant only cultivates 60 bigahs of his entire holding, leaving 40 bigahs fallow. If the holding were situate inland, and exposed only to the spill of the river, the zemindar in this case would have the right to possess himself of the 40 bigahs relinquished by the tenant, and to let them, if he could arrange to do so, to some other tenant; while on the other hand, if the holding comprised part of the bank of a river, the zemindar would be debarred from exercising this right, but as a recompense for the loss of this right he would be entitled to demand a rental for the unused lands, equal in amount to what the tenant would have had to pay had he reaped a single crop from these lands. It does not follow, however, that the incidents of a *halhasila* tenure, as already explained, are subject to no modification. In a variety of instances the custom which generally holds good in respect to riparian holdings is found existing further inland. A result which might naturally be said to accompany a tenure, in itself necessarily transitory, and affording ample opportunity to the zemindars and ryots to vary the nature of the implied contract between them in accordance with the circumstances of each case; giving an opportunity to the one or to the other to insist upon terms which it would be dangerous to refuse. When, for instance, the candidates for leases are plentiful, the zemindar can, and often does, insist upon a tenant, whatever be the situation of his land, paying the full rental for the entire holding held by him, whether under cultivation or not; while on the other hand, when tenants are scarce and the slightest pressure may drive a ryot out of the estate altogether, the zemindar, often in the case of riparian lands, has to accept such rent as the tenant chooses to pay; an amount generally limited to the number of bigahs in actual cultivation.

46. These being the principal facts connected with the *halhasila* form of tenure, it remains to be seen how they are affected by provisions of the new Rent Bill. Section 214 affords a concise answer to this question, and if I interpret the intention correctly, lands held on either of the systems known as the *utbandi* or *halhasila* tenures are excluded from the operation of the Bill altogether. The question naturally arises, if this be the case, under what law will the respective rights of zemindar and ryot in districts where the *halhasila* system prevails, be adjudicated? For instance, how is the question whether a *halhasila* ryot can obtain occupancy rights to be definitely settled. In connection with this subject I will quote some remarks made by me in a previous report which, although confined to the cases of ryots holding lands under my management, give a sufficiently clear description of the difficulties attendant upon establishing the ryot's legal position under the present law:—"The facts already stated point, I submit, to the conclusion that the *halhasila* ryots belong pre-eminently to a class of cultivators to whom the privilege of right of occupancy should be extended. In the position of original holders of the soil which they may have probably reclaimed from jungle, their rights, when secured, should be preserved to them with the most jealous care. But unfortunately, owing to the peculiar tenure under which they hold these lands, and furthermore from the custom of paying their rents in the lump, thus necessitating their holding being treated as a whole, and the fact that their annual rent receipts or '*furrucks*' show on the face of them constant fluctuation owing to the very nature of the tenure under which they hold their lands, making it difficult, if not impossible, to prove what portion of their lands has been in their continuous possession, it has come to be considered a matter which admitted of no argument, at least as far as this district was concerned, that under the *halhasila* system no right of occupancy could accrue. If under section 6 of Act VIII (B.C.) of 1869 (which defines the status of an "occupancy ryot") can be included tenants who lease lands under the *halhasila* tenure,* it

* Since these words were written I have recieved instructions from the Board of Revenue to consider *halhasila* tenants as capable of acquiring rights of occupancy.

may be roughly stated that at least two-thirds of the tenants of this estate have already obtained occupancy rights over a large portion of their holdings. There remains, of course, the initial difficulty which the ryot would have to meet in proving to the satisfaction of the Court the identity of the lands over which he asserted he had acquired occupancy rights. The rent-receipts obtained from the late proprietor would not avail him for this purpose; nor will the rent-receipts, obtained from the Court of Wards previous to the year his lands were measured and re-settled, help him in his difficulty. Receipts subsequently to this period granted by me bear on the face of them the numbers of each respective plots of the land held by the tenant, and those receipts might probably be utilized as evidence corroborative of his assertions. As a rule, however, the tenant is singularly careless in the matter of accumulating evidence with this object in view. He neglects, and even refuses when offered, to receive a written lease, generally asserting that he is quite satisfied with a parole engagement. Efforts have been made from time to time to remedy this defect, but it has been found impossible to induce the majority of the ryots to adopt the suggestion of the Court of Wards in this matter, and latterly I have, under instructions from the Board, desisted from all attempts to force upon the ryots the acceptance of a *pottah*, or the giving in return a *kabulyat*. I adopt the precaution, however, of insisting upon the ryots' signatures being invariably appended to the jamabandi papers. But as stated before, the yearly receipts contain the numbers of several plots in the occupation of the tenants for that year. A reference to the several yearly receipts would show clearly that plots had been in the tenant's possession for over 12 years.

47. These remarks, it should be remembered, were only intended to apply to tenants holding under the Court of Wards. The difficulties and dangers which assail the tenants' interests, in the manner already described, are intensified in the cases of ryots not holding under a landlord inspired by the benevolent solicitude which may fairly be said to characterise the policy of the Court of Wards towards their tenants. This difficulty will not be met, if indeed the subject is not further complicated, by the introduction of section 214 of the new Bill; the respective rights of zemindar and ryot being left in greater obscurity than before.

48. Although it may be asserted that these tenures carry in themselves the stamp of ultimate dissolution, it is nevertheless equally certain that throughout a large portion of the districts where this tenure prevails the amount of waste land still awaiting cultivation forbids the hope that the *kalkasila* system will not continue in vigorous existence for many decades to come. Further the modification of this system, peculiar to riparian lands, will probably continue as long as the rivers occupy their present sites. It therefore, I think, should be a matter for serious consideration whether an additional chapter in lieu of sections 213-214 should not be inserted into the present Bill, with the object of legislating in greater detail on the rights and customs of *kalkasila* and *utbandi* tenures. It is not easy to indicate the precise nature of the legislation requisite to meet the circumstances of the present case; I therefore make the following suggestions with hesitation. In the first place, I should not exclude *dearah* and *kalkasila* tenures from the operation of the Act (sections 213-214). Further, I should give every *kalkasila* ryot right of occupancy over lands which he cultivates; this, indeed, seems to have been in the minds of the framers of the Bill when they inserted clause 3 of section 26; and for my part the difficulty seems to be met by the simple process of striking sections 213-214 out of the Act. The third clause of section 26 ought, however, in my opinion, to be altered, so as to prevent any right of occupancy continuing in respect of lands relinquished by the tenants under the *kalkasila* system; that is, in all *kalkasila* tenures the right of occupancy should be made concurrent only with the period during which the tenant cultivates the land himself, and that the right determines so soon as the lands are relinquished. The following example will illustrate my suggestions more clearly.

49. A resident ryot, we will say, shortly after the passing of this Bill, takes a *jote* of 60 bigahs under the *kalkasila* system; the following year he only cultivates 30 bighas of the holdings, practically relinquishing the other moiety, which under the custom in vogue in regard to these tenures would revert back to the zemindar; but under the provisions of the Act such resident ryot would have already acquired a right of occupancy in those unused lands. The zemindar, therefore, could not get possession of them, though he might have a tenant at hand willing to lease those lands. The illustration, I hope, will make it clear that rights of occupancy, so far as *kalkasila* lands are concerned, should only be permitted to accrue in respect of those lands actually cultivated by the tenant, and that a relinquishment of a portion of the lands previously cultivated will destroy the right of occupancy in respect of the lands so relinquished.

50. In concluding this report I have only to add, that I have confined my remarks to such portions of the Bill where I considered my practical experience might possibly afford some assistance to the framers of the measure. I do not, however, desire to have it understood that my suggestions arise out of, or are meant to, apply beyond the local necessities of the districts in which I have passed a larger portion of my official life. I am aware that careful revision of this somewhat bulky report would enable me to exclude some unnecessary repetitions, and present my remarks in a more concise form. Time, however, being short, I have been in a measure compelled by press of work and other reasons to send in the report exactly in the shape in which I originally drafted it. One of the most prominent features discernible in the policy which has directed the constitution of the present Bill is, in my opinion,

an undue desire to lay down rules generally applicable to every part of the province. This determination has, however, been found to be impracticable, with the result that, in the attempt made to persevere in the original intention, tenancies in themselves most important, but subject to local customs, opposed as a rule to the ordinary incidents of ryoti land, have been unfairly excluded from the operation of the law. The justice of this remark is conclusively shown, I think, in the manner in which the right of *dearah* and *kalkasila* tenants have been practically ignored by the framers of the present Bill—rights, it should not be forgotten, inherently valuable to an important and widely ranging class of tenants, but peculiarly susceptible to the exaction of zemindar and planter, and therefore the more worthy of the protecting vigilance of the Legislature.

HERBERT R. REILY.

CHANCHAL ESTATE,
District Maldah.

APPENDIX A.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
		Holdings of more than 100 bigahs.			Holdings of more than 50 but less than 100 bigahs.			Holdings of more than 20 but less than 50 bigahs.			Holdings of more than 5 but less than 20 bigahs.			Holdings not exceeding 5 bigahs.					
[illegible]ERS OF PERGUNNAHS.	Total number of mouzahs.	Number of tenants.	Area of land.	Amount of rental.	Number of tenants.	Area of land.	Amount of rental.	Number of tenants.	Area of land.	Amount of rental.	Number of tenants.	Area of land.	Amount of rental.	Number of tenants.	Area of land.	Amount of rental.	Total number of tenants. (*vide* cols. 3, 6, 9, 12, 15).	Total area of land. (*vide* cols. 4, 7, 10, 13, 16.)	Total rental. (*vide* cols. 5, 8, 11, 14, 17.)
[illegible]ndáh . .	214	13	1,919	1,691	145	8,951	6,907	1,070	29,611	28, 74	6,159	65,817	48,681	5,785	23,405	20,521	13,172	1,29,703	1,06,674
[illegible]band . .	51	4	1,295	1,481	9	683	398	122	3,963	2,901	1,654	18,692	9,789	1,796	6,589	4,386	3,585	31,222	18,955
[illegible]npore . .	134	11	3,033	1,475	27	2,475	1,396	308	10,735	5,424	2,790	29,458	15,068	9,442	27,311	17,230	12,578	73,012	41,195
TOTAL .	399	28	6,247	4,647	181	12,109	8,701	1,500	44,309	37,201	10,603	1,13,967	74,138	17,023	57,305	42,137	29,335	2,33,937	1,66,824

It will be seen from the statement given above that out of the total number, 29,335 tenants, 17,023 or 58 per cent. hold less than 5 bigahs of land.

The 6th August 1884. HERBERT R. REILY.

Dated Camp Moorligunge, the 13th July 1884.

From—RAJAH HURBULLUB NARAYAN SINHA, BAHADUR, of Sonbursa,

To—The Private Secretary to the Lieutenant-Governor of Bengal.

I beg most respectfully to submit my memorandum regarding the Bengal Tenancy Bill, as revised by the Select Committee, for the information and kind consideration of His Honour the Lieutenant Governor of Bengal.

Memorandum by the Rajah Bahadur of Sonbursa regarding the Bengal Tenancy Bill.

I HAVE carefully read the Tenancy Bill and the report thereon, as settled by the Select Committee, which were submitted by them to the Government of India on the 14th March last. I dissent from the provisions of this Bill, on the simple ground that the present Bill, far from being like the former one, is harder than it was.

The object of the Tenancy Bill is twofold: *first*, to improve the status of and to define more clearly the rights of the ryots; and *secondly*, to improve the procedure for the collection of rents by the zamindars.

As regards the first, no necessity nor emergency has been shown, nor any political occasion has occurred, which would justify the changing of the present law (which has been in force since a number of years, alike liked by the zemindars and ryots, and by which the rights of the latter have been maintained), and enacting in its stead a law which is nearly like the Irish law (though the circumstances which necessitated its enactment do not exist here) for the helpless, loyal and empty-handed zemindars, who are not so trained up as the Irishmen are. In this Bill the rights of the ryots have been considered without the least attention being paid to those of the zemindars. It has been provided that nothing can be done by the zemindars mutually with the ryots regarding the settlement and collection of rent, except through the courts. Thus the rights vested in them by Regulation I of 1793 have been upset, and the status of the zemindar and the ryots, as settled under Regulation VIII of 1793, has been altogether nullified.

In Regulation I of 1793, it is distinctly stated that the zemindar, with whom the settlement has been made, shall enjoy exclusively the profits of the land and pay revenue for it to Government.

Regulation VIII of 1793 was passed to explain more clearly Regulation I of 1793, by which the status of the zemindar, dependent talookdar, jagirdar, khodkhast ryot, &c., has been fixed.

It has been said that this Bill may be made the law of the land in order to protect the ryots from the oppressions of the zemindars. Are not the rights of the zemindars mixed

up with those of the ryot? The right itself has originated from prescription, and this is alike acknowledged by all the nations in the world having religion or without any religion. In that part of the Bill where the rights of the ryots are considered, these have been recognized on account of their lengthened existence, since hundreds of years have not been so acknowledged. Granting even that the rights of the ryots have been in existence since a long time, yet those of the zemindars must have existed before the formation of the rights of the former.

There are many zemindars in Behar who trace their descent from about the Hindu Raj, and in such families there exist sunnuds granted by Mussulman Emperors. In my own family there is a firman granted by Emperor Arungzebe, in which occur the following words :— "That through the former sunnuds the rajgee and zemindari of the place are vested in Raja Kissen Singh's family," as stated in my note regarding the last Tenancy Bill. A copy of the sunnud in full, with translation, is annexed to this memorandum. Raja Kissen Singh was my ninth ancestor; why then have the rights of the ryots only been preferentially considered? Certainly both the zemindar, and the ryot's rights should have been equally considered in the Bill under notice.

It is said that custom, which is inconsistent with the Bill, is not to be recognized. Has the law no concern with custom? Is it to be simply the repository of orders? Can there be any law for the alteration of custom in force in any country? The Bill under notice has been framed in an extraordinary way. So far as regards the rights of the ryots, custom has been retained, and not so done as regards the rights of the zemindars.

It is a matter of regret that nothing has been said clearly regarding waste lands. Were not these lands settled at the time of the Decennial Settlement with the zemindars? It is said in the Bill that, if the zemindars fail to prove the other lands to be theirs, these will not be theirs. This appears to be very strange. What better proofs zemindars can give regarding them than the papers showing the quantity of jote lands of the ryots, and pointing out such cultivated lands of the ryot; and any lands which are other than these are to be called waste lands of the zemindar. Can it not be said by inspection which lands are waste? As said by Raja Siva Pershad in his speech regarding the subject in the Legislative Council, what is deposited in the Bank may be doled out to any number of men. I say by the above process something is given to a man's share, whereas by the procedure under comment complete destruction of the zemindar's right takes place. Even the malik of the land will not be able to get it after much fighting and litigation under the proposed law.

I do not understand why the law of contract, which is held to be proper, equitable and customary, has been partly maintained and partly abolished regarding the same man. In my opinion the rules regarding contract may remain in force, which may bring in amicable settlement of tenantry questions between the zemindar and the ryots, thus doing away with unnecessary lawsuits and waste of time, and allowing them to pursue each other's work honestly. If this is abolished, the complicated procedure prescribed by the proposed law will increase suits, and consequently both the zemindar and ryot will be ruined. Government abolishes contract on account of the lawlessness of the zemindars, *i.e.*, that the kabuliats are so worded that the occupancy rights are destroyed. Is it possible that a zemindar can take kabuliats by force from thousands of ryots and get them registered? Why did the ryots pay rent as fixed therein without objection? Why did they not sue the zemindars, and why did they keep quiet? Unless settled amicably and mutually, no kabuliats can be executed and registered.

At present the feelings of the zemindars are against the Bill, and so much injury is being done to the zemindar's work since the introduction of the Tenancy Bill, that if the zemindar wants to sell any portion of his estate he cannot get purchasers for the same.

The subject of the rent law has been before Government since the last 10 years. Good many reports on it have been sent to Government by many officers of Government and outsiders; nevertheless it appears from the Government letter that sufficient information has not been placed before it. I think it quite impossible to have the matter settled through reports. Under these circumstances, and without any parties asking for a law, a new law is to be passed, which has the object of kindling the fire of dispute between the zemindars and ryots to benefit the mahajan, the middle class ryot and vakil, and not the *asul* ryot and the zemindar. My own opinion, as well as that of all the Behar zemindars under the circumstances, is that there is no necessity for a new law, and the law now in force may be allowed to stand if the Government think it proper to make a new law. I would respectfully suggest that in each zilla of Bengal and Behar a commission be appointed, consisting of half zemindars and the other half officers of Government, to make enquiries and to take depositions of zemindars, and then to submit a report to Government together with the original depositions. Government will then be in possession of full details on the subject. Thus every man's right will be settled, and injury will be done to none.

At the request of the Select Committee the Government has called for information on the following points :—

2. *Firstly*, whether, with reference to landlords' improvements, it is desirable to empower revenue officers to arrange for the cutting of irrigation channels, &c., and the payment of compensation.

3. *Secondly*, whether the Summary Sale law for the putni tenure can be made applicable in cases of talooks.

4. *Thirdly*, whether the same procedure can be applied in cases of recovery of arrears of Road cess and Public Works cess of lakhraj tenures.

5. *Fourthly*, about the bastu or basdee lands.

6. *Fifthly*, about utbundee and hal hasilee tenure.

7. *Sixthly*, about the exemption of garu and guzasta holdings from pre-emption clauses.

8. *Seventhly*, about the improvement of price-lists for the last 12 years, and the effect of the enhancement to be based thereon.

9. About the first point, I beg to say that in cases where the zemindar constructs a canal, arranges for the storage of water and for the opening up or damming up the courses of water, giving powers to revenue officers would be tantamount to interfering with the profits of such person, and in this there will simply be wasting of time of the Government officers. The zemindar and the ryot will thereby be ruined, and there will be another evil, which is this, that the persons who used to do these works in consideration of the profit arising therefrom, will, on account of the untimely deputation of officers and the expensive procedure, be discouraged from undertaking such kind of work; but if the zemindar wants to construct similar works by borrowing money under the Land Improvement Act, in that case it would be proper to give so much authority to revenue officers as to see that the work for which the money was advanced has been done.

10. Second point. In the Behar portion of this division, there exists no talookdari system.

11. Third point. If the lakhraj tenures are summarily sold on account of the arrears of Road cess and Public Works cess, under the Putni law it would not only defeat the purpose for which this kind of tenure was created, but at the same time interfere with the proper discharge of the functions attached to such tenure. At present a lakhrajdar is faithful, and in consideration of service is subordinate to the zemindar. The proposed procedure, instead of simplifying matters, would give rise to another powerful class between the zemindar and ryot for the subversion of the zemindari right.

12. Fourth point. About the homestead lands.

It appears that in consequence of different customs in different parts of the country, the Select Committee have done away with the chapter regarding it from the present Bill. I am to say that in certain places rent is taken for such lands, and in some places the zemindar assigns a particular spot for the purpose, and it rests with the zemindar either to take rent or not, and therefore section 216 would not be sufficient. A chapter giving the detailed provisions regarding the same should be inserted in the Bill, as the taking of rent or not rests upon the will of the zemindar. It would be necessary, in case of dispute for the recovery of rent, for the non-paying ryot, if not settled amicably, to have recourse to the courts. The court shall allow rent to be taken according to the local custom. It would not be proper to give occupancy right to the ryot who does not pay rent, and if any ryot's right in any jote becomes extinct, it would not be proper to allow him occupancy right in his bastu lands. If in these cases occupancy right be allowed, it would make the ryot a sharer of the zemindar.

13. Fifth point. Utbundee and hal hasilee tenures. I do not understand which tenure is called utbundee, and this is not clear from the Government letter. I believe hal hasilee is that kind of land which has come out of the water and accreted to the jote of the ryot. Additional rent is taken for it as if from a new ryot, and in it that ryot has no right so as to prevent its being settled with him or some other ryot. I do not know whether I am right. I do not consider it proper to write anything more regarding it.

14. Sixth point. About guzasta or garu jotes. It is said that these jotes ought to be exempted from the pre-emption clause. Why in these cases right of pre-emption is not to be allowed if it is at all allowed. The pre-emption clause has come from the Mahomedan law, and in that law no exception has been made regarding any kind of right. It is held to be good with reference to any person with whom there is any concern, and therefore it is necessary that Huq suffa should hold good with reference to these jotes.

15. Seventh point. With reference to the price-lists for the last 12 years, I beg to say that these have been prepared through uninfluential and irresponsible men, and this is a guess-work: what trust can be put upon them. The price of grains is not now the same as it was five years ago, and if in first six months the price is Rs. 2 per maund, in another six months it is one rupee. Under such circumstances, if there be enhancement and decrease of rent, it would simply cause the waste of time and money of zemindars and ryots, bringing no good. I do not find any procedure for the correctness of such lists. If a zemindar, in order to enhance, says that so and so crops is Rs. 5 per maund, the ryot would say Rs. 2 per maund, and the court would be required to send officers to enquire and settle the point; their reports would contradict each other, as the value of crops is ever changeable.

16. As regards paragraph 4 of the letter of the Government of India, this will be settled by the Revenue officers, but thus far I say that, in consequence of heavy work, it is proposed to

been taken possession of by a ryot before 12 years, and therefore occupancy right has been allowed to him; then why he shall have the same right in all the pieces of land in the village or estate which have been settled at different times for some term less than 12 years, or for one day before the passing of this Act, and at different places, and why these should be considered as one holding.

28. *Clause 6, section 26.*—It is said that a person shall continue to be a settled ryot of a village or estate as long as he holds any land as a ryot in that village or estate, and for one year thereafter. But it has not been stated under what circumstances this will be done. On seeing paragraph 14 of Select Committee's report, it appears that any time the ryot is put out of possession he will continue to retain his right after a year. The ryoti settlement is made for rent; if the ryot without making arrangement of rent abandons it, then from whom the zemindar shall take rent it his right is continued? The zemindar will not be able to settle the land, nor anybody would take it. If the ryot takes back his land, his objection to non-liability for rent on account of non-cultivation would be good. This will be injurious to the zemindar.

29. *Clause 7, section 26.*—It is said in section 26 that, if a ryot abandons his jote, and recovers it after more than a year by suit, his right as settled ryot shall continue. If according to the provisions of the law, he has abandoned the land and the zemindar settled it with some other person who has improved it, or kept it in the same state as it was before, and if in consideration of improvement or some other cause or enmity with the zemindar and the new ryot, he, the old ryot, recovers this land after suit, would such a proceeding be proper by which two persons shall be put to trouble? If occupancy right be allowed to such a man again, it would unsettle the zemindari affairs.

30. *Section 27, Village and Estate.*—It is said in clause (*a*), section 27, that a village means the area included in a revenue survey map having fixed boundary. Where it is not procurable, the local Government is to settle it by deputing officers, and in clause (*b*) it is stated that, where two or more estates have been created by one or two butwarrahs, the area of the parent estate shall be deemed to be a single estate notwithstanding the butwarrah.

31. It would be better to retain village in lieu of estate, for the village has a definite boundary and known to all, whereas the estate may mean a large pergunnah or a talooka of large extent.

32. *Section 28*—It is said that, if the zemindar gets occupancy right of the ryot anyhow, it will be as regards mere contract, then it would be superfluous to give the zemindars the first right of bid in a sale or the right of pre-emption.

33. *Section 31.*—By clauses (*e*) and (*f*) of section 31, the ryot is empowered to surrender, or transfer and bequeath by will, his right of occupancy. With reference to this, if no provision is made in the law to take the consent of the zemindars, and freedom is allowed to the ryot, it would be injurious to the right of the zemindar, for the right of occupancy is in the land in which the zemindar has a malikana right, and therefore without the latter's consent no transactions of this kind need take place by which his work would be properly done and would put him to no trouble.

34. *Section 32.*—The object of giving the zemindar right of pre-emption is that this will save him the trouble which the free sale would entail upon him, *i.e.*, the bad ryot, mischief-making mahajan and men of some other profession, or outsiders taking lands in a village would be injurious to his interests. I find no advantage to the zemindar if he purchases the occupancy right out of fear, and there will be other concomitant evils, namely, out of every 100 zemindars, 95 are sunk in debt, and consequently they shall find difficulty in getting ready cash. Much more so in cases where 100 of the ryots unanimously ask the zemindars to buy their rights. The money thus spent would not fetch a profit, but generally loss. Again, under section 28 the zemindar does not get this right in full, and these disgusting proceedings will be before him over and over. If the ryot knows beforehand that certain land of his is likely to suffer on account of fluvial action and other causes, he with others numbering hundreds fix upon a tenure purchaser, and thus put the zemindar to trouble, or the ryots find out under the cover of this clause of law some other way of profitting at the expense of the zemindar, or making his relative or friend as a Furzee purchaser, reap himself the benefit of thus putting the zemindar to trouble. As I said over and over last year, the zemindar being the malik, why he shall take upon him the burden of the evil arising from the purchase of this kind.

35. *Sections 37 and 38.*—Restriction on sub-letting, as mentioned in sections 37 and 38, have already been commented upon in my remarks regarding chapter III. It appears to me that the shikmee would interfere with the right of the zemindar for distraining crops, notwithstanding the benefit of section 156. Shikmee pottahs under the circumstances stated in clause (*a*) may stand, but what advantage there is in creating such ryots who sub-let more than half their lands to tenure-holders. It is now the policy of Government to frame a stringent law for the few zemindars who have been stigmatised as oppressors. When the tenure-holders will be augmented in numbers, it will hereafter be troublesome task for the Legislature to enact great many laws for their lawlessness.

36. *Sections 39 to 50.*—Enhancement rules are stated in sections 39 to 50. Much restriction has been put in even as regard enhancement by private contract. It cannot be

expected then to have enhancement by any other way specified in the law through courts. It may be feasible to have an increase of rent on account of improvement of land and increase of productive powers by fluvial action, and much injury will be done by the restrictions; as an instance, there is a piece of waste land settled with a ryot under two consecutive terms or under special circumstances at 4 annas per bigha. According to the enhancement rule, not more than 5 annas will be increased, though the land is worth more than Rs. 5 or Rs 10, and the case of the adjoining lands being the same, the zemindar will be the loser by this rule. There is another point, *viz.*, that in matters of enhancement, the custom of caste is to be regarded where it is in vogue. Though it is not mentioned in any law since 1793 in Bengal, Behar, and Orissa, yet it may be expected that hereafter, in consideration of the high caste of the zemindars, it may be considered necessary to alter the same law as regards them, or the Encumbered Land Estates law may be put in force here.

37. *Section 51. Reduction of rent.*—About the reduction of rent provided in section 51, I am to state the suits on account of the lessening of the price of the food-crops in the bazar according to clause (*b*) would be increased.

38. *Section 2.*—About the preparation of the price-lists there will be more difficulty. It is said that, if within 15 days objection is raised to it by ryot or zemindar, then it will be considered. It is known to all that unless there is a suit, nobody pays attention to this matter, and who cares taking notice of *ishtehar* given in this or that place, and who will bear in mind the fact, if objection is not made within 15 days, the list will be held to be correct; and according to law of evidence, if the published lists are accepted as evidence, and if objection is raised to their correctness, what sort of attesting evidence would be given; and if these lists have been prepared by an irresponsible amlah, then what trust can be put upon them, and these will therefore do good to no party.

39. *Section 53.*—Buttia system has been in force since a long time, and is sanctioned by nature, and there is much advantage from it; if any injury is done to the crops on account of dryness, inundation, destruction by insects, fall of hailstones, the ryot is free from trouble, especially in times of famine, on account of liability for rent, and it saves him from enhancement and from suits from other causes, supposing that advantage has been gained by the commutation in any time in any instance, but it is not akin to the advantage gained by the buttia or half and half system.

CHAPTER VI.

Ryots having no Occupancy Right.

40. So much right has been given to the ryots of this class that, except on the grounds specified in section 58, they will not be ejected, but an important omission has been made in it, that is, where the ryots take lands under verbal contract, how they will be ejected on the expiration of the term of such verbal contract, or in case of enhancement after the expiration of such contract. This custom has been in force since a long time, why it has been omitted.

41. *Section 59.*—This section provides that, after the expiration of the term of a registered lease, it will be necessary to give the ryot a notice to quit the land six months before the expiration of the term of such lease, and the suit for ejectment shall be instituted after six months from the date of the expiration of such lease, otherwise the ryot will not be ejected. It is a matter of regret why any conditional terms were imposed upon the ryot.

42. *Section 60.*—Provides for ejectment of ryots for not giving enhancement of rent, and in which much favour and concession have been shown to the ryot, and why no real favour has been shown to the real malik in comparison to such ryots.

43. *Clause 7, section 60.*—Five years' term of lease would enable the ryot to get occupancy right, thereby falsifying his first contract, the ryot would take advantage at the expense of the malik. This is injurious to the zemindar.

CHAPTE RVIII.

44. I have said regarding clause 2 of section 64 in connection with chapter IV. I beg now to add here that in the Select Committee's report, it is stated that, when the proposed register of tenures has been prepared, this matter would be settled; but I strongly deprecate it, for it will open up the doors of litigation, which will ruin both, especially for the expenses of enquiry and for a decision.

45. *Clause 4 of section 64.*—I am to state that, if any ryot has land in a jote of this kind, and get other lands joined to it in which he has not the same permanency of rate, would it be, under such circumstances, supposed that such additional lands would be combining to their original state, or in other words permanent?

46. *Clause (b) of section 73.*—It is said that when a tenant bound to pay money on account of rent has reason to believe that, owing to dispute or ill-feeling, the person to whom his rent is payable will not be willing to receive it, and to grant him a receipt first, then he is to

deposit the money in the court. This will induce the ryot under an imaginary reason, whether the zemindar take the rent or not, to deposit it. It would be better to keep sections 46 and 47 of Act VIII of 1869 in force. This is not, nor will be, injurious to any.

CHAPTER IX.

47. The definition of improvement, as given in section 87, and the right given regarding improvement to the ryots holding at fixed rates in section 88, and those given to the ryots having rights of occupancy in section 89, and to non-occupancy ryots in section 90, all these are against the custom of the country and nature, and this custom has been in force since thousands of years in all the countries, unlike the customs which are in force in one part and not so in other parts of the country; and allowing such a right against the maliks' consent under an imaginary reason, which has since been made, and does away with the ancient custom, it is a matter of surprise that compensation has been allowed under section 93, and the heads of compensation have been settled in section 94. These persons, who have not had rights to do this kind of work some hundreds of years without the malik's consent, it is now said are to get compensation when in case of ejectment. This stringent provision is against the rights and privileges of the zemindars and terms of the Decennial Settlement.

CHAPTER X.

Record of Rights and Settlement of Rents.

48. It would not be proper to give authority to Local Government in this matter. There will be good deal of waste of time and money for the work of the survey, specification of rights, and settlement of rate of rent, and so many cases will occur as will require good deal of time for disposal. In support of this, I beg to cite the case of a butwarrah in which much time is spent, and generation after generation has been carrying on such a case. According to Act VIII of 1876, about the registry of the zemindars' rights, there were numbers of suits for the establishment of rights. I need not enter here into details of its workings, which are known to all. Measurement papers and maps are to be found in the sheristas of many zemindars, and there are survey maps too which are like those prepared by Government officers, and before this Act the zemindars have filed twice papers in the Road Cess Office giving lands and jumma thereof, and there is no precedent about the objection of the ryots to them, and many zemindars have pottahs and kabuliats for the settlement of any dispute which may arise regarding the area, jumma, &c., and therefore the Local Government need not be invested with any powers in the matter.

CHAPTER XI.

Table of Rates.

49. The provision made regarding the table of rates is impossible to be worked on, on the ground that the description of lands in one part of a village varies with that of the other. I say from my own experience that it is impossible to prepare one.

CHAPTER XII.

Record of Proprietor's Private Lands.

50. It is said that such lands as are known by the name of seer, zerait, nij, nijjote, kamat, which have been cultivated by hired labourers and held continuously by a proprietor for 12 years, shall be his private lands. Are not the lands other than these zemindars' property, and for the non-acknowledgment or otherwise of these lands, except Regulation I of 1793, is there any other law? If it is summarily disposed of that the aforesaid lands are his private property, and other lands cannot be his without proofs, would the zemindar's claim be restricted to such lands only? Why proofs shall be necessary regarding them? There are remaining more or less than 100 bighas of waste land at a particular place, can there be any other bodies' right in them than that of the zemindar? It is a matter of surprise that waste lands will be the property of anybody else if he asserts that he has a right in them, and the custom of a village is to be regarded on the point. If any land which has come to zemindar's possession as waste land at a time under 12 years, can anybody else have a right in it?

51. There are 5,000 acres of waste lands in a mouzah, and a royt holds certain piece of land near it. He says these lands are his and they look waste According to the provisions of this Bill, the zemindar will be called upon for proofs to contradict the ryots and the latter will not be called upon to show whether they have paid rents or not. If such a procedure is allowed, the papers for years regarding waste lands will be waste papers, and there are thousands and lakhs of bighas of lands. Burraree, *i.e.*, alluvial formation on the banks of rivers in which without ploughing crops are grown. Anybody who has right of occupancy or mukarraree near it, if he, before this Act comes into force, scatters seeds, then

the lands will be his, and the zemindar called upon to prove whether these lands are his or anybody else's bhoolee or otherwise. If feraree lands or lands under ejectment clauses come under his possession as his kumut for certain term of years, if the zamindar fails to give proof of 12 years' possession, would such feraree or ejected royts be the maliks of such lands? This shows interference with Regulation I of 1793.

CHAPTER XIII.

Distraint.

52. I would state that the authority to distrain (which was simpler), hitherto vested in the zamindar's, has been entirely taken from them, and now distraint should be made through the courts. Mere application would not do for getting distraint made; if the court thinks proper distraint can take place. There will be delay and expense. By the time the application is made, the crops will be *nil*, especially in jungly land, where the ryots remain for the harvest time, or the jote has been taken for a year or settled with a stranger or a ryot, who has his land, and who has no other property than this. In these cases, without authority of distraint, it is impossible to collect rent. When penal clauses for damages have been allowed, then why the authority from the zemindars shall be withdrawn? A zemindar who is rich and influential will be able to give damages in cases of unlawful distraint. Under Chowkidari Act, a tehsildar who is poor has the power of distraint in cases of ryots and also of zemindars. This man, though illiterate and poor, is trusted, and the educated and loyal zemindar, who is liberal-handed on public occasions, would like to take blame for dishonestly acting. In such trivial matters, why Government does not trust such classes of men, and why authority shall be withdrawn?

CHAPTER XV.

Sale.

53. The procedure for sale provided for in this Act, in execution of decree for arrears of rent, is contrary to former Act, and much discussion has occurred regarding it. I said on the point in detail in my note of the past year, and therefore I need add nothing more than this, that the procedure for sale has been based on the ground that the ryot takes the benefit by receiving surplus-sale proceeds; but it will be impossible for the ryot to get them easily on account of the proceedings of the court, and these surplus proceeds will be absorbed in the share of the mooktears. The zemindar, too, would not find the procedure of ejectment under the present law to be simpler.

CHAPTER XVII.

Contract and Custom.

54. By section 210, in certain exceptional cases, contract has been made void. This is against the principles of freedom of contract. Such a strong, well-grounded, religious, legal, and customary practice has been in force since and before the beginning of the British Raj, and it was under section 57 of Regulation VIII of 1793 that the practice of granting pottahs, *i.e.*, contracts, has been made the law of the land, and this practice has been supported by law since hundred years, and by religion since ancient times, and there are other enactments on the point. Thousands of sale proceedings have been effected and crores of pottahs and kabuliats have been executed and registered under it. Now this freedom of contract has been done away with, but the ryot has been allowed to contract regarding property, moveable and immoveable, with mahajan, and as regards the zemindars, it has been provided for him that, excepting the restricted cases, he, the royt can enter into contracts. Any ryot who abandons his jote or resigns it is allowed freedom in this; no restriction is placed on it. Freedom of contract is the natural right of all.

55. Under the Emigration Act a man has freedom as regards himself, though this is against the will of his friends, and his position under it is like that of a slave. This is allowed; but no freedom is allowed in zemindari transactions, which will bring loss only in all bargains of profit and loss. Written contracts settle the affairs between the two parties, cause less suits, and simplify the proceedings of the court

The restrictions in matters of contract have been made on the understanding that the ryots suffer much at the hands of zemindars of which no proof has been given. Against this I show in margin that by the contract rules enforced by me, the ryots have been benefitted. The name of the mouzah is Hurressurpur Dighee, area of which is bighas 1,184-7-15, and the jumma Rs. 918-14-6. This mouzah

Number.	Number of towji.	Name of Mehal.	Where according to survey.	Area for which rent is paid per local bigha.	Rent.	Rate per bigha.
					Rs. A. P.	Rs A. P.
1	675	Hurressurpur Dighee	1,331 3 4	1,184 7 15	918 14 6	0 12 3
2	675	Taluoka Pakulpoora	16,366 2 17	14,199 7 19	17,985 11 6	1 4 0

is in talooka Pakulpoora, towji No. 675, of which the area according to survey is 15,386 acres 2 roods 17 poles, out of which the cultivated area amounts to 14,199 acres 7 roods 19 poles. In the above talooka and mouzah, except tanks, roads, bustees, there are no uncultivated lands. The total mofussil rental of this talooka is Rs. 17,985-11-6. Paddy, rubbee and the ordinary crops are grown on it; on an average each bigha yields 20 maunds of grain; the rate of jumma is very low. If the mofussil rental of the whole talooka is calculated upon its entire area, the result would be Rs. 1-4 per bigha, and in Hurressurpur Dighee, under the same calculation, the rate per bigha would be annas 12-3; in this talooka no one has rights of occupancy or mokurraree right; the registered pottahs and kabuliats have been from time to time executed after the expiration of the of terms the pottahs on the same jumma.

56. From the above, it will be seen that no increase of rent has been taken after the expiration of the term of pottahs and the same jumma continued, and fresh pottahs given to them. I am prepared to show thousands of precedents on the point, and these are documentary, and lakhs of such precedents can be shown by other zemindars. Under the above circumstances, I strongly advocate for the retention of the system of freedom of contract, and I am sure there would be no disadvantage by its retention. I am against this chapter.

FIRMAN.

Be it known to the Hakim (officers) high in dignity and rank: Amarlan (Revenue officers) Kurpurdauzes of pergunnah Nirsingpur in Sircar Tirhoot, Sooba Behar, who have been exalted under the kind patronage of the Emperor, that the agent of Raja Kissen Singh memorialized to the effect that through former sunnuds obtained from the throne of this city that the zemindari and rajgee of the pergunnah in question are vested in Kissen Singh, that for some time the zemindars of the neighbourhood have been interfering with his rights, and that therefore an order which is elevated and high as the sky is hereby passed to the effect that the zemindari and rajgee thereof are hereby vested in Kissen Singh who is the best of his family and in his heirs; that the jagirdars and the revenue collectors of the present and past period try their best to keep this order, which is high, pure and exalted, in force invariably for ever that they do acknowledge the aforesaid person and his heirs as Rajas, and in no way do not make changes in their rajgee institutions, and on no account make any opposition to them. That the Raja do remain in enjoyment of the raj and for ever bless for the prosperity of the throne and call for no further firman and nothing shall be contrary to what has been written herein. Dated 10th Ciban month of Ilahi in the third year of the reign.

H. M. S.

No. 65, dated Chinsurah, the 18th September 1884.

Memo. by R. H. WILSON, Esq., Offg. Commissioner of the Burdwan Division.

COPY forwarded to the Secretary to the Government of Bengal, Revenue Department, in continuation of this office No. 480 of the 8th ultimo.

What is now wanted is not as I understand a discussion of the merits of the provision of the whole Bill, but a discussion merely of the points suggested in the letter of A. P. MacDonnell, Esq., Officiating Secretary to the Government of Bengal, Revenue Department, to the Commissioners of Divisions.

Although I consider the Bill to be a most objectionable one in many respects, I shall still confine my remarks only to the points raised in the letter above referred to.

Paragraph 4 of the letter.

The definition of raiyat as given in columns 2 and 3 of section 5 of the Bill is not exhaustive. A ryot is defined to be a person who holds land immediately under a proprietor or immediately under a tenureholder. A proprietor is defined as a person or a number of persons owning an estate. The definition of "estate" as given in the Bill has, I think, the effect of excluding unregistered lakhiraj lands as well as Government khas lands from its meaning. I therefore consider the definition of the word "raiyat" as given in the Bill objectionable on the ground that it does not include holders under unregistered lakhirajdars and tenants in Government khas mehals. Why the cultivators in Government khas mehals should not acquire a right of occupancy in the same way as under landlords other than Government it is difficult to understand.

(b) The effect of the presumption mentioned in section 5, clause 5 of the Bill, would be to shift the onus from the tenant to the landlord.

Occupancy holdings comprising more than 100 bighas are very rare in this district, and therefore so far as this district is concerned, the presumption would not be very objectionable. But the case would be different as regards some of the districts of Eastern Bengal where occupancy holdings exceeding 100 bighas are common. So far as this district is concerned the presumption referred to would, I think, be a fair one with reference to the existing practise.

(c) The object of converting an occupancy raiyat who sublets half his holding into a tenure-holder is, it has been said, two-fold.

Firstly, to discourage the purchase of occupancy holdings by money-lenders; and, secondly, where transfers were made, to afford protection from undue enhancement of rents to, and facilitate the acquisition of the right of occupancy by, the actual cultivators of the soil.

As regards the first mentioned object I am afraid that too much is now being made of the fear of money-lenders—most of them not being other than the well-to-do raiyats themselves. The conversion of the sub-letting occupancy holder into a tenure-holder, as provided in section 37 of the Bill, would not, I think, have the desired effect of deterring money-lenders from purchasing rights of occupancy on the ground that it would expose them to being summarily dealt with for arrears of rents, whilst curtailing their power to deal summarily with the raiyats. A *mahajun* who has got money in hand can easily pay off the arrears, and therefore need not be afraid of a summary sale. He will not suffer much from the facts of the rents being realized from him soon after they are due. As for his not being able to deal summarily with raiyats, that is not a new thing. Besides the interest which he will get from the tenant on the arrears would go to a certain extent to compensate him.

But a very great practical difficulty will arise in determining who are to be considered money-lenders within the meaning of this Bill. In villages many of the money-lenders are no other than the well-to-do raiyats themselves. The word money-lenders ought therefore, it seems, to be defined in the Bill.

I am of opinion that the danger of the occupancy rights falling into the hands of the money-lenders has not at present assumed a shape to demand legislative interference. Besides, the existence of money-lenders is to a certain extent a necessity. To diminish in their eyes the value of the securities on which they could lend money would be to make them unwilling to advance a loan when a ryot may urgently need it, and thus to increase ten times the difficulties of the latter.

The practical difficulty connected with the ascertainment and registration of sub-leases covering in the aggregate half the holding would, I think, be likely of a character to render the success of the scheme doubtful. It will necessitate enquiries, and may cause litigation between the landlord and the tenant. The ryot may not also like the trouble and expense attending the enquiry.

I now come to Chapter IV.

That the rule of 20 years' presumption embodied in section 64 of the Bill is certainly one of the most valuable presumptions in the interest of the raiyats admits of no doubt; but it cannot certainly be said that it throws on the landlord no greater burden of proof than he is ordinarily able to discharge. Few are the instances in which landlords can trace the ownership of the particular properties in their families from the date of the permanent settlement. Often they are purchasers in execution of decrees or purchasers by private sale from persons who have purchased in execution of decrees. They are seldom in possession of papers which would enable them to show that the tenures or holdings have not their origin from the date of the permanent settlement. That landlords in this district do, as a matter of fact, experience considerable difficulty in rebutting the 20 years' presumption, if unjustly pleaded, is certain. But whether practically they have been in a good many instances losers on account of this presumption is somewhat doubtful, considering the fewness of the cases in which civil courts have thought it fit to enhance the rents of ordinary occupancy holdings, in spite of the undoubted increase in the value of the produce.

Strictly speaking, it is upon the tenant that the burden ought to be thrown of proving that the holding can trace its origin from the date of the permanent settlement, and that its rent has not varied. But now that the raiyats have enjoyed the benefit of the 20 years' presumption for so many years, they ought not certainly to be deprived of it altogether. In the case of documents lapse of 30 years may justify a court in presuming their genuineness without any evidence, save that they have come from proper custody (see section 90, Evidence Act), the reason being the difficulty of proving a matter by oral evidence after such a long time. Similarly, it may be laid down that payment of rent at the same rate for 30 years may justify a presumption that the *jumma* is held at the same rate from the date of the permanent settlement.

CHAPTER V.

The definition of a settled raiyat, we are told, is no longer an open question for general discussion, but a definition more unfair or more disastrous to the interest of the landlords could hardly be conceived. The warmest and the staunchest advocates of the tenants' rights ought to be ashamed of going to the length the framers of the Bill have done in this respect. It is a most unjustifiable attempt to break through the pledge of the permanent settlement, to reduce the zemindars to the position of mere annuitants and to transfer the real proprietary right in the soil to the raiyats. To be consistent, the word zemindar (which means the lord of the soil) ought to be defined as a mere rent receiver with no real proprietary right to the land. Can any one who knows the real state of the country entertain the slightest doubt that the effect of this chapter of the Bill, if passed into law, would be to transfer the

real proprietary right in the soil from the landlords to the tenants? Every raiyat who has held a piece of land continuously for 12 years in a village or estate would be a settled raiyat of that village or estate though the land so held may have been different at different times. Ninety-nine per cent. of the villagers owning lands would at once therefore, as soon as the Bill is passed into law, be converted into settled raiyats, and whatever lands they will hold they will have a right of occupancy to The history of the administration of law for the last 15 years has shewn how very ineffectual are the provisions of law, at least as they are administered by our courts, so far as the enhancements of rents are concerned. Perhaps 4 per cent. of the cases are dismissed for some technical defect in the drafting of the notice, or what is called want of satisfactory proof of its service. Two cases of enhancement are hardly decreed in a district every year. Taking these facts into consideration, theer could be no doubt that the effect of this chapter, if passed into law, would be a sort of legislative declaration of the proprietary right in the soil being with the raiyats. But I need not dilate on so clear a point further.

To shew that it would be proceeding too far to extend over an entire estate the capacity of a settled raiyat to hold on an occupancy title land into the possession of which he has been let, I need perhaps only to state them. One estate in the towji of the Burdwan Collectorate alone extends over more than perhaps one-fourth of this district, and also over portions of Bankoora, Beerbhoom, Midnapore, and Hooghly. It is let out to a large number of putnidars. To give a raiyat under one of these putnidars a right of occupancy from the very first day of the lease to whatever lands may be let out to him for the first time by a different putnidar would be very inequitable indeed.

The word estate ought therefore, in my opinion, to be expunged from section 26 of the Bill. The present law for the acquisition of the right of occupancy ought not, in my opinion, to be extended, and I certainly cannot understand how lim iting the area of the estate within which a settled ryot can acquire a right of occupancy could be regarded as an injury to the "just rights" of a ryot. What just right could a ryot have to a piece of land situate miles away from his home and other lands? I should, on the other hand, think that to give a ryot from the very first day that certain lands are let out to him miles away from his home and other lands a right of occupancy therein, in spite of a contract to the contrary, and when no *bonus* is paid, is one of the strongest instances of injustice to the landlord which can be conceived.

Sections 28 and 29 (1)—Of the Bill, though not directly contradictory, are yet inconsistent in the principles involved therein. Strictly speaking both these sections ought not perhaps to find a place in the same Bill.

Where an occupancy ryot has purchased a share in the estate within which his holdings are situate, it is not fair to him that his right of occupancy to lands situate within that estate should cease, and that he should be a loser to the extent of the value of his occupancy holdings. There is no just reason why there should be this restriction on his power of purchasing a share of the estate, for such a provision will virtually amount to a restriction.

Section 31 (*b and g*).—I am of opinion that both the clauses ought to be retained in their present form. Sub-letting ought not to be discouraged. To do so would be to ruin a number of persons who have no other source of income. Suppose a ryot dies leaving an infant son or a widow. Not to allow such a person to sublet would lead to the land being kept uncultivated. There are many persons belonging to the middle class of society who have invested money in the purchase of occupancy rights, and sub-letting is their principal source of income. To discourage sub-letting would cause very great hardship to this class.

How a *mahajun* who has purchased a few *jumas* could be very exacting it is not very clear. If he demands for his lands a rate far higher than the prevailing rate, the only result would be that he would get no tenant. I think it is not difficult for a ryot to get lands at a fair rent in Bengal, and so it would be difficult for the *mahajun* to let out his lands at an exorbitant rate, even if he wishes.

As regards the grounds for the enhancement of the rent of occupancy holdings, the only thing that I need observe is that the last ground mentioned in section 18 of Act III of 1869 has been omitted when I think it should have been retained.

As regards the extent to which enhancements could be had the provisions seem to me to be objectionable.

In some cases the extent to which enhancements could be had is limited to four annas per rupee in the rent previously payable, and in others to double the amount. To shew that such provisions are not fair, I need only say that, strange as it may appear, in Baboo's Bazar, a Government khas mehal situate in the town of Cuttack, the rent of a holding of the Maharani of Burdwan was enhanced from Rs. 6-8 to Rs. 68 and odd annas per year.

There is a distinction in the Bill between the extent to which enhancement could be had *in* court and the extent to which it could be had out of court. This distinction may often prove injurious to the interests of the ryots. Even when a tenant clearly sees that the landlord will be entitled to get a decree for enhancement at the rate of eight annas per rupee, and that it would be useless to contest, he will still be precluded from coming to an amicable

settlement by the provisions of the law. He will, in addition to being made liable to enhancement as prayed for by the landlord, have to pay the costs of the suit and to dance attendance in courts. The distinction alluded to therefore ought to be done away with. Its effect would be to increase litigation. The ryots of a village are their mutual advisers. They can very easily obtain legal advice. It is a mistake to suppose that they are wholly without advisers, and cannot be trusted to know what is good for them and what is not. Enhancements are looked upon by the ryots as a serious matter, and they would seldom agree to it without consultation among themselves and with persons in whose judgment they trust.

As regards bastu lands there is no doubt that a higher rent is generally paid. I think these bastu lands ought not to be altogether exempted from enhancement, but every provision ought to be framed against landlords unduly enhancing the rent. Instances of ejectment of ryots from their homesteads are very rare in this country, and I believe instances of enhancement of the rent of bastus are not also very common.

Price currents for local markets, if properly made, would no doubt be of very great assistance to courts in determining questions of enhancements and abatement of rents. Provisions of the Bill on this point would be improvements upon the existing law.

Restrictions placed on the power of the occupancy ryot to sublet by section 38 of the Bill would not, I think, have any effect in checking the practice of subletting.

Power to make improvements, not inconsistent with the terms of the lease may well be given to ryots having occupancy rights. But a similar power to non-occupancy ryots except with express permission of the landlord is objectionable on many grounds. It would virtually give a tenant-at-will a right to the land against the consent of the landlord. Every landlord may not be able to pay for the improvements made by the tenant and so get back possession of the lands.

There is not the least doubt that very great inconvenience is likely to result if measurements be made by the English instead of the local system of mensuration. It would be absolutely impossible for the ryots and villagers generally to follow the proceedings of the amin if the local system of mensuration be not adopted.

In conclusion I beg to state that although the present Bill is in some respects less objectionable than the preceding one, yet it would be better if it were dropped altogether. A few amendments in the present law here and there are all that is needed. To introduce such wholesale changes in the relations of landlords and tenants as is contemplated in the Bill is not desirable.

The effect of the Bill would be in many cases to introduce dissensions where there is at present peace and amity. The interests of both the landlords and tenants require that the Bill should be rejected, and I hope the Legislature will ultimately see the advisability of doing this.

The Bill is so very one-sided from the beginning to the end that it hardly needs any argument to convince any impartial critic of the fact. If passed into law it would operate as a very great hardship on the zemindars, and deprive them of rights which they have justly enjoyed for centuries.

B. B. K.

No. 999G, dated Burdwan, the 9th September 1884.

Memo. by H. Fasson, Esq., Officiating Collector of Burdwan.

Forwarded in original to the Commissioner. Although sent in too late to be used in the Conference, the report, as conveying the opinions of the Dwaniraj of the Moharaja of Burdwan, cannot fail to be of interest.

Dated 21st September 1884.

From—Babu Kishori Lal Sarkar,

To—The Secretary to Government of India, Legislative Department.

Having on previous occasions had the honour of addressing you on the subject of the Rent question, I beg to say a few words on the present Bill.

Firstly, I shall say a few words on the question of enhancement. It seems to my humble self that the Bill, by failing to make a distinction between the case of enhancing the money-rents of individual raiyats and that of enhancing the general rates prevailing in a village or estate, has left the matter in a rather unsatisfactory state.

This distinction is one of great importance. The enhancement of an individual raiyat's rent in conformity with the prevailing rate, or on account of some reason which from the very nature of the case applies only to individual raiyats, deserves consideration of one kind. The enhancement of the prevailing rates on grounds applicable to entire villages and estates and perhaps to the whole province, deserves consideration of a more serious kind.

Clauses (*a*), (*c*) and (*d*) of section 43 give grounds which will not affect the general prevailing rates nor the general body of raiyats of any locality. But they are grounds which will affect only individual raiyats more or less in number.

But clause (*b*) of section 43 gives a ground which will affect the prevailing rates not only of a whole locality but probably of the whole province.

What I would humbly say is that in view of the above difference the procedure of working clause (*c*) should be more guarded, and that the law should show on the face of it the difference in importance between the one class of grounds and the other.

In the first place, I should desire to have in the Bill an interpretation of the expression "prevailing rates of a village or estate." The word "rate" (*nirikh*) is understood to mean so much rent per bigha of land of any particular quality. The Bill should interpret the word. When it is said 12 annas, 1 rupee and 1 rupee 4 annas are respectively the rates of third class, second class and first class paddy land of a village, it means that the majority of raiyats in the village pay for these three descriptions of land at the rate of 12 annas, 1 rupee and 1 rupee 4 annas per bigha. Therefore, the prevailing rates of a village or locality should be explained to mean the rates per bigha which the majority of raiyats of that village or locality pay for a specified class of land.

Now, suppose that, in a village where the rates I have supposed to prevail, one raiyat, say *A*, is found to pay at the rate of eight annas per bigha for the third class paddy land and 12 annas per bigha for the second class paddy land, his rent will be liable to enhancement to bring it up to 12 annas and one rupee per bigha respectively. This will be a case of clause (*a*), section 43. This enhancement will be based on the prevailing rates, and will not interfere with the prevailing rates.

Then, again, suppose that *A* held certain plots of land which when the rent was last settled was third class paddy land, but that either by the improvement effected by the landlord or by fluvial action these lands have become as fertile and productive as the second class paddy land. *A's* rent in respect of these lands will be enhanceable from 12 annas per bigha to one rupee per bigha. This will be by the operation of clauses (*c*) and (*d*) of section 43, and will not be a case in which the prevailing rates are disturbed.

But, as regards the operation of clauses (*c*) and (*d*), it may in some cases disturb the rates. For instance, it may result in the creation of intermediate rates, and also where, owing to improvement effected by the landlord or to fluvial action, any land has become more fertile and more productive than the land for which the existing highest rate is paid, the operation of clauses (*c*) and (*d*) may create a new rate higher than any existing. But the disturbance thus caused in the rates will be after all of a limited character, and will only add to, and not destroy, the existing rates.

But look to the operation of clause (*b*). If the market-price of staple food-grains has risen by 25 per cent., why, that will be a ground to raise the prevailing rates of the whole province all round. The procedure laid down is very simple, simple to a degree to be tempting; at all events, it will be much simpler than in any other case. But the subject itself is very serious, and involves many a complicated and difficult consideration.

There are many parts of the country in which the existing prevailing rates are already too high. There are again parts of the country in which the difficulty and the cost of cultivation are so great as to make the existing rates, whatever they are, too excessive. Again, there are parts of the country more favourably situated than either of the above parts. But how will clause (*b*) operate? There will be nothing to prevent enhancement of rates where they are already too high or excessive under the operation of the clause. In fact, by this clause, the higher the existing rates the greater will be the amount of enhancement. For, if the prevailing rate of a village be one rupee, it will be enhanceable to one rupee four annas. But if it were so high already as three rupees, it would be enhanceable to three rupees twelve annas, the increase in the second case being eight annas more than in the first.

My humble suggestion is that clause (*b*) of section 43 be made the subject of a separate section, and not be put along with clauses (*a*), (*c*) and (*d*), from which it differs in nature, and that some further precautionary provision be made to guard against the evils I have hinted at.

As one such precautionary provision I humbly suggest that the cases based on clause (*b*) should not be left to the ordinary Courts, but that there should be a provision for constituting temporary Courts of a special character presided over by more than one Judge.

As another precautionary step I would humbly suggest that some illustrations be amended to section 48, such as follows:—

"That, in acting under clauses (*b*) and (*c*) of section 45, the Court shall consider whether the existing rates are not already too high compared with the rates of other parts of the country, and whether for that reason the extent of enhancement should not be sufficiently below what might be given under the said clauses of section 45.

"That, in acting under the above clauses of section 45, the Court shall also consider whether the cost of cultivation as proved in the case is not too high compared with that in other parts of the country, and whether for that reason the extent of enhancement should not be sufficiently below what might be given under the said clauses of section 45.

"That the Court shall also consider, in the event of proof of both the rate being too high and the cost of cultivation too great, whether the claim for enhancement shall not be altogether disallowed for those reasons."

I humbly suggest illustrations of the above kind, as in the absence of them the Courts may not direct their attention to these grave matters. But the best safeguard against the evils should have been to fix an additional maximum in terms of the nett produce *quoad* this ground of enhancement. For instance, it may have been provided that the enhancement under this clause shall not be higher than a third, or say half, of the nett produce, as I have humbly insisted before this.

If the enhancement of prevailing rates be sufficiently guarded and narrowed, I might even not object to an additional ground of enhancement being provided by section 43 of a similar character with clauses (*c*) and (*d*) of that section. I mean that I should not in that case object to have a clause providing enhancement of the rent of lands, which are exclusively or chiefly used for growing other than staple food-crops, on the ground "that there has been a rise in the average price of such other crops in the locality," subject of course to the limitations provided in section 45. Such a ground, although it would create new rates, would only apply to particular lands, and are therefore not so seriously objectionable as that consisting in a rise of price of the staple crops.

Before leaving this subject I should say that in clause (*d*), section 43, the words "or by the cessation of fluvial action" should be added, for in some cases in which inundation leaves sandy deposit, the land improves when it gets out of the reach of inundations.

Secondly, on the question of the definition of occupancy-raiyats. The definition in section 26 is open to certain objections which I humbly think may be removed. On the one hand, the definition presents itself as a great and startling innovation, and involves certain points of a complicated character; on the other hand, it keeps the factor of time as an essential element of consideration in every case. The term "settled raiyat," meant to be a paraphrase of khudkhást raiyat, will not so appear to many, and will, therefore, fail to commend itself to them in the same manner that the words "khudkhást raiyat" would commend itself. I would therefore humbly suggest rather to have the old phraseology and the old idea with some expansion of meaning.

The real difference between a khudkhast raiyat and paikast raiyat of old consisted in the fact that the one was domiciled in the village and the other was not so domiciled. Whether one is domiciled in the village for a longer or shorter period was never deemed to be an essential consideration in the matter. But this is an old discussion, and it is too late to revive it. However, roughly speaking, I would humbly have occupancy-rights defined as follows :—

"A raiyat shall have rights of occupancy to any lands which being raiyati land he either—

"(*a*) held and cultivated for a period of 12 years; or which he

"(*b*) held and cultivated as a khudkhast raiyat;"

and I would have the following interpretations :—

"A raiyat shall be said to hold any land as a khudkhast raiyat—

"(*a*) when the land held is raiyati land of the village in which he is domiciled (*i.e.*, in which he has his permanent sole domicile) and forms part of his tenure or tenures for which he pays rent;

"(*b*) when the land held is raiyati land situate in any village contiguous to the village of his domicile and forms part of his tenure or tenures which he holds under the landlord of his domicile land and for which he pays rent."

The matter is so difficult that it is impossible for any one to make any suggestion with any degree of confidence. However, I would humbly desire that the authorities will consider whether or not, by putting the matter in the above form, you present it in a shape more like the received notions of the country and more in conformity with the received forms of language. As regards the substance, perhaps, there is not much difference between the above and the provisions of sections 25 and 26. If, on the one hand, I have left out the condition that the domicile must be 12 years old, as by section 26, I have on the other attempted to make the conditions of holding more definite and tangible, so that a raiyat may not really take an undue advantage of any vagueness in the provisions such as the zamindars may with some reason complain of as regards sections 25 and 26.

Then I beg to say one word as to restrictions on sub-letting by an occupancy-raiyat. It would appear that section 38 would work injustice to such sub-raiyats as may find it necessary to take a sub-lease from an occupancy-raiyat for dwelling purposes. The limitation of seven years would work hardship in such a case. In such a case even a sub-raiyat should be allowed to have a lease indefinite as to time.

Lastly, permit me to say that I earnestly wish that there should be an attempt to reduce the dimensions of the Bill if possible. There is no doubt as the Hon'ble Legal Member said in the Council, that in many cases long laws make short litigation. But unfortunately in this country it is not quite so. There are many causes, for which the people alone are not responsible, which convert long and complicated laws into huge machinery for litigation and dispute. I am afraid the complaint against the Bill that it may increase litigation is partially true. So if portions of the Bill could be omitted without compromising the essential points, and if such

omissions would in some measure satisfy the landlords, it would certainly be worth making an attempt in this direction. For instance, as regards the subject of transfer of occupancy-rights, I for one shall be satisfied for the present with a provision to the effect that occupancy-rights shall be transferable if locally there be no custom against it, and that the absence of any custom against the right of transfer shall be presumed unless the contrary be shown, provided that the transferee is a cultivating raiyat. Similarly, the detailed provisions about improvement of land might be left out of the present Bill, for this subject, together with the subject of takkavi advances, may well form the subject of a separate Act. The maxim "divide and conquer" may not altogether be without force in even legislative matters. I beg to conclude this humble note with the hope that if in some places I have used egotistic expressions I may be excused for it, as my object in using such forms of expression is to secure plainness and brevity.

(*Sd.*) KISHORI LAL SARKAR.

No. 87, dated Calcutta, the 23rd September 1884.

From—Babu Peary Mohun Mookerjee, Secretary, British Indian Association,
To—The Secretary to the Government of India, Legislative Department.

I am directed by the Executive Committee of the Central Committee of Landholders of Bengal and Behar to submit herewith for consideration by His Excellency the Viceroy and Governor-General and his Legislative Council 25 copies of the accompanying notes on the revised Bengal Tenancy Bill.

Notes on the Revised Bengal Tenancy Bill.

Section 3, Definition No. 5.—The definition of rent should be altered with a view to provide for cases in which the ryot is deprived of the use and occupation of the land by an act of dispossession committed by a third party, a circumstance which does not legally affect his liability to pay rent. Or it may be that a lease is taken, or an engagement of some kind is made for the use of land, but afterwards circumstances, not due to any act or neglect of the lessor, might intervene to prevent the lessee from using or occupying the land, such as want of capital to build a hut or to cultivate the land, and in such cases the penalty should rest with the party who fails, and not with him who is deprived of the rightful use of his land by the failure of the defaulter.

Definition No. 10.—"Transfer" should not include mortgage, otherwise a mortgagee without possession would have the right of getting his name registered in the zemindar's sherista.

Section 5 (1).—For reasons stated under Section 37 the words commencing with "and the persons" should be omitted.

(2). The words "subject to Section 37" should be omitted; and the title of successors of those who originally acquired land for the purpose of cultivating it to be themselves called ryots should be qualified by the condition of his holding the land for agricultural purposes. A person who has established a mart or a factory on his land, or who uses it for the purpose of brick-making, would, under this definition, be a ryot if his ancestor came into the possession of the land for the purposes of agriculture.

(4) and (5): These clauses would simply tend to create confusion, as to the meaning of "a tenureholder" and a "ryot." "The definition of the terms given in clauses (1) and (2) is, subject to the observations made above, clear enough, and is consonant to the use of the terms in ordinary practice. It is essential that there should be a clear line of distinction between the two classes, and no inducement should be given to efface that distinction and to create complications by allowing evidence to be gone into, of the existence of the alleged custom or of the area of land in a holding which has been sub-let. A tenure is and must necessarily be a creation of the proprietor or of a superior tenure-holder, and as a ryoti holding is inferior to the interest of a tenure holder, it would be an anomaly if a tenure could ever be created by an act of the ryot. These two clauses should therefore be omitted.

Section 7 (1).—The word "prevailing" should be substituted for the word "customary" in this clause. The word used would not only be unjust to the zemindars but would also lead to vexatious enquiries which may be easily avoided.

Section 7 (3).—The margin of profits proposed to be given to tenure-holders is very large, much larger than what the courts have been accustomed to give them. Besides, an enquiry into the particulars mentioned in this clause will simply lead to increase of litigation and introduce considerations, as *e. g.*, "risk of collection" which have been hitherto reckoned to be altogether foreign to the enquiry.

Section 9.—Provision for gradual enhancement of rent is altogether incompatible with the very nature of the case. When a landholder is declared entitled to get enhanced rent, he should get it without delay. It would be difficult to determine what considerations should influence the court on the ground of hardship to the tenure-holder. It was very properly remarked by Lord Bramwell that he could not see "what could be taken into account really under such a clause as that." This section should therefore be omitted.

Section 15—(3).—Nothing would be easier for a transferer or transferee of a tenure to

allege refusal on the part of the landholder to register the transfer and thus to recover from him a heavy penalty. It is due to the landholder that no suit should lie for the recovery of the penalty until after a notice of application for registration has been served through court.

The Bill is altogether silent with reference to an important point connected with registration of transfers. The number of persons, male and female, owning shares in a tenure or holding is often very large. Should the landholder be bound to register the names of all who shall apply to him for registration? It should be remembered that in suits for arrears of rent he would be bound to sue all persons whose names are on his record, and that a rule for registration of names without any limit of number would indefinitely prolong the trial of rent suits and increase the costs of litigation.

Section 20 (1).—The decree mentioned in this clause is evidently a decree for arrears of rent due in respect of a tenure and not any decree for money; the languages should be made clear and unequivocal.

Section 20 (3).—As provided in section 15 (3) a corresponding provision for recovery by the landholder of penalty from the transferee for neglecting to register the transfer or succession should be made.

Section 23 (*a*). The proposal to give ryots holding at fixed rents or rates of rent the privilege mentioned in (*a*) and (*b*) is fraught with incalculable confusion and mischief. If it were provided that the privileges in question would attach to all ryoti holdings which are by virtue of registered contracts protected from enhancement, or which have been declared so by judicial decision, the matter would have been different, but as it is, who is to judge whether a ryoti holding is or is not held at a fixed rent or fixed rate of rent? In 999 suits for enhancement of rent out of every 1,000 the ryots claim their holdings to be protected under Section 4 of the Rent Law. No occupancy ryot would be so unmindful of his own interest as to admit his holding without any sort of struggle to be not protected from enhancement by giving his landlord a right of pre-emption when he wishes to transfer his holding. The effect of the provision under notice would therefore be that with the exception of that inconsiderable number of holdings which have been judicially declared to be not protected from enhancement, all other holdings will be capable of being freely transferred in spite of the landholder. The landholder will have no pre-emption in such cases. He may of course contest by a suit the validity of such transfers, but to what an alarming position would he be drifted if he were called upon without a moment's notice to prove scores, perhaps hundreds, of holdings to be not protected from enhancement? He will not be allowed his own time to decide when he will sue a ryot for enhancement of rent. He must, without any notice, accept a stranger as his ryot, and also give up for ever his right to enhance the rent of a holding, or institute suits to establish his right to enhance with the inevitable prospect of a defeat.

Section 25.—The rights vested in what are called settled ryots are clear infringements of the rights of landholders, and they are as such very objectionable. All the evil effects of these new provisions it is not possible to foresee at once. It is clear that one of the effects of the instantaneous growth of a right of occupancy in a settled ryot in regard to all land let to him would be (see Section 96) to create great uncertainty of title in ryoti land, and therefore to increase litigation to an alarming extent.

Section 26.—This section gives settled ryots rights much larger than those proposed to be given by the original Bill. In joint Hindoo and Mahomedan families, the number of co-sharers, male and female, in a ryoti holding is usually very large, and some of them may be living for years far away from their ancestral homes. The extension of this privilege of a settled ryot to each and every one of them would not only lead to great confusion and conflict of rights to the detriment of the ryots themselves, but it would also be a novel and very objectionable encroachment upon the rights of landholders. Again, clause (6, goes much further than the provision contained in Section 96. In proposing that after a ryot has ceased to hold land in a village as a ryot, he shall continue to be a settled ryot of the village, the clause involves a clear anomaly. A person cannot cease to be a ryot and be a ryot at one and the same time. But Section 96 does not allow the ryot to return to his holding in every case before the expiration of a year. Even if the ryot abandons his residence after the middle of a year and fails to cultivate, &c., the landlord would have a right to enter or let the holding to another. The following clause is still more objectionable: it would lead to results which it is easy to foresee. A ryot may sue to recover possession of land just before the expiry of the period of two years, and the final determination of a suit so instituted may take years, during which time a new ryot, if a settled ryot of the village, has acquired rights and perhaps spent money in making improvements. The proposal to raise a presumption of occupancy in favor of the ryot in every suit or proceeding involves a novel inroad upon the rights of landholders. Nothing is more easy for a ryot than to prove residence in a village or possession of a land for 12 years, not at a remote period but immediately before suit, and yet the Bill proposes to raise an unjust presumption and to throw the burden of proving a negative on the landholder.

If the right of occupancy is to be extended at all, *domicile* and *cultivation* should be made two joint conditions precedent to the acquisition of the right of occupancy instead of mere domicile as in the Bill.

Section 27 (*a*).—The word "village" should be more accurately defined with reference to its fiscal constitution. It frequently happens that the geographical boundaries of a village

contain the lands of a second and third village belonging to a different estate and owner, or separate and defined parts of a village belong to different estates and owners. The definition of the word here given would therefore give as against a proprietor a right of occupancy and that of a settled ryot to persons who had never before held land in the village or estate belonging to that proprietor. This would be an extension of the right which is neither sanctioned by the Secretary of State nor contemplated by the framers of the Bill. Many villages have so grown up as to have combined into one, bearing in such cases a compound of two or three names, and others may do so; some have grown up into towns of considerable size, whereas the principle on which the provision is justified is, that the holdings are contained in the same village or part of a village as is owned by a single proprietor. Clause (*b*) of the section shows this clearly, but with a different object as objectionable as this.

Section 27 (b).—Considering the purposes to which the word estate has been used in subsequent sections, the definition of the word here given is very objectionable. The arbitrary meaning, opposed to the hitherto prevailing acceptation of the term and to its definition in Section 3, attached to the word by this clause, will lead to great confusion, while the inroad into proprietory rights which it involves is great. The effect of this section would be, that a person who has never held any land under A, but who has held land for 12 years under B, perhaps an enemy of A, will be deemed a settled ryot of A's estate, if at any time subsequently to 1853, the two estates formed, or formed part of, a parent estate. Some estates which formerly comprised lands in two or more districts have, subsequently to 1853, been partitioned, but on that very ground this section would deem a ryot of a village in Burdwan a settled ryot of a village in Hooghly, which is more than 60 miles apart, and which he has very likely never seen in his life. The danger of a theoretical rule, conceived in utter ignorance of existing circumstances, could not have been better illustrated. What again would be the effect of the interpretation in question with reference to section 25? It would be simply this, that a person who has held land under a landholder for a few days would acquire a right of occupancy if he had held land for 12 years in a distant estate which once formed a part of the same estate as his. An examination of the nature and origin of estates would show how harmful the proposed definition would be. An estate of the Maharaja of Burdwan is composed of villages scattered in 5 or 6 districts. The Bill certainly distorts the views on this point of the Secretary of State, who evidently refers to partitions of estates in future when he remarks, "It will be necessary in actual legislation to provide that this right is not forfeited by any subdivision of estates and alteration of village boundaries." The bearing of the law in regard to the subdivided estates called Sikmis or Lots, created by Government, will be even more injurious. One great objection to this section, and the portion of the Bill which depends upon it, is that in reality it seeks to give rights to pyecast ryots at the expense of khodecast ryots.

In section 30 the word "lease" should be omitted if the principle that the right of occupancy should not be allowed to grow on domain lands be correct why confine the operation of the principle to cases where there is a lease.

Section 31 (a).—If a raiyat establishes a mart on his land, or sets up a *Surkee* mill upon it, he will not lose his right to the land, because by such act he does not render the land "unfit for the purposes of the tenancy." This is opposed both to existing law and custom. A raiyat should not have it in his power to use the land for other than the purposes for which it was let. Again a raiyat may use the land in a manner which does not render it unfit for the purposes of the tenancy, but nevertheless deteriorates the quality and value of the land. For obvious reasons such deterioration should not be allowed.

Section 31 (d).—In omitting to provide for ejectment for non-payment of rent the Bill takes away a remedy which landholders have not only all along enjoyed, but which is necessary for the recovery of their rents. It would be found on enquiry, if one were made, that in a very small number of cases indeed have the landholders availed themselves of this remedy, and that in a large majority of the cases in which decrees were obtained for ejectment, the lands have been relet to defaulting raiyats after some arrangement for the payment of the arrears have been come to. It is the existence of the remedy which serves as a check to habitual and wilful non-payment of rent, and its absence cannot but give rise to mischief.

Section 31 (f).—This section gives raiyats a right of free sale of occupancy holdings. This would be as unjust to the zemindars as it would be ruinous to the ryots. It deprives the landholder of his right of choosing his own ryots. It requires no great experience of mofussil life to see that the learned Chief Justice is quite right in considering this to be "far from a sentimental grievance." A provision which allows ryots to thrust upon a landholder as his tenants persons who are his avowed enemies, or who are notorious bad characters, and who would therefore in all likelihood create disaffection and combination among his other ryots, place obstacles in the collection of rent, commit breaches of the peace, and sow the seeds of discord among a peaceful community, affects most materially the proprietary rights of the landholders.

Nor are the evils apprehended, or likely to arise from the working of the law, to be confined to the landholder only. The ryot is for certain to suffer from them even more grievously. Whereas now they have permanent tenures which they cannot be deprived of in any way, except by their own default in paying rent, and their sons and grandsons and successors without limit may inherit, and always remain owners of their ancestral fields; under the new law they

will be liable to, and practically will soon be reduced to day-laborers, and their fields will pass to middlemen, thus defeating the primary and professed object of Government, namely to better the condition of the raiyats. Our conviction in this respect is firm, formed as it is by our thorough personal experience of the country and the condition of the poorer classes. Nor is this belief unshared by the governing classes. Mr. Ilbert, when introducing the Bill in adverting to the power of sub-letting, remarked, "The powers of sub-letting which the Bill recognises may in time lead to a state of things in which the great bulk of the actual cultivators would be not occupancy ryots but under-ryots, with but little protection of the law" (page 291). The power of free sale will greatly hasten this consummation. Simple occupancy rights are held by persons who are in a majority of cases very poor, and who have no resources to fall back upon in seasons of agricultural distress. The result of such a rule would be that within a few years the holdings will change hands, a number of middlemen will come into possession of the greater part of the holdings of every village, while the original raiyats themselves, who are believed to be the objects of so much tender solicitude on the part of the Legislature, will be reduced to the condition of day-laborers, or of under-tenants paying rack-rents to their superior holders.

The learned Chief Justice has observed, "that to give a poor population like the Bengal ryots the means of selling or mortgaging their tenures at pleasure is a very certain means of making them improvident. I should have thought that the most effectual way of protecting such people, and preventing them from wasting their substance, would be to secure them a permanent interest in their property, by prohibiting the alienation of it in any shape or way." The truth of these observations have been painfully illustrated in a large number of cases. Whatever may be the custom in some of the eastern districts, the sale of ryoti holdings, even with the consent of the landlord, is very limited in the western districts. It is mostly those holdings in respect to which the right of sale is expressly reserved by a lease that are now and then sold in the western districts; but when the landholder neglects his own interests, or when the proprietor is an infant or a widow, or when by reason of long-continued litigation among the different co-sharers of property, the management is left entirely in the hands of the local agents, it is then that opportunity is taken by money-lenders, traders, and others to buy up ryoti holdings, not for the purposes of cultivation but for letting the lands, in most cases to their vendors themselves, at a large profit. The purchasers become middlemen and the original ryots become korfa or under-tenants with no rights at all, and are placed entirely at the mercy of their superior holders. In the Resolution of His Honour the Lieutenant-Governor on the administration of Sonthal Pergunnahs, dated 21st July 1884, and published in the Supplement to the *Calcutta Gazette*, of 23rd July last, His Honour remarks:—

"The attempts to restrict the transfer of tenancies by cultivators are stated, however, to have been fruitless. On this point the Deputy Commissioner observes that 'the evil has attained such magnitude, and constitutes such a real danger, that nothing short of the extension of the prohibition against transfers prevailing in the Damin-i-Koh to all Sonthal land in the district will now cope with it.' An interesting account of the origin of this practice is given by Mr. Oldham in paragraphs 34—44 of his report. Previous to 1878, sales of land by Sonthals, or by mere cultivators, except in one parganna of the Rajmehal sub-division, were unknown, the reason being apparently that in the Damin-i-Koh transfers were prohibited, while in other parts the cultivators were either mere tenants-at-will, or, if they had rights, could find no purchasers. In the year above mentioned, however, Mr. Boxwell, the then Deputy Commissioner, reported that sales of this kind were taking the place of borrowing. A report was called for; all the old officers who were consulted questioned the correctness of the statement, though admitting that the ryot's credit had increased. On this ground interference was deprecated, but in 1881 and 1882 it become known that these sales had largely taken place, and that in many cases the Sonthals were working as labourers on lands on which they had formerly held rights. "All these changes," writes Mr. Oldham, "due to the suddenly enhanced credit, have occurred in the years since 1876, all distinguished not only by good harvests, but by prices most favourable to the producers. In the present season, when credit is wanted, there is none, and in my recent tour through Hendue and Passai, I was followed by crowds clamouring for the restoration of their lands, and complaining that they could get no advances. * * * Were the buyers fellow tenants, or even proprietors intent on merging tenancies, there would be nothing to be said. But they are not. They are all either Bengali traders and money-lenders from Beerbhoom and Burdwan, or the far more dangerous class, Bhagat traders from Bhojpur. * * * It is impossible to describe their greed for land and their daring in pursuit of it." As a proof of the extent to which these sales have been effected, it is stated in tappa Hendue (about 450 square miles) 10 annas of the Sonthal lands have been sold, and in pargana Passai (about 300 square miles) 12 annas. How much is mortgaged has apparently not been ascertained. The statement of the Deputy Commissioner that in these transactions the purchasers are always Bengali traders or money-lenders from other districts, is not borne out by the returns now before the Lieutenant-Governor from the Registration Department. These returns would seem to show that, though a considerable number of the sales have been made to mahajans and traders, in the great majority of cases the purchasers are ryots in the Sonthal parganas. The figures for 1883-84 are 691 sales to money-lenders, and 1,932 to ryots. The purchases of holdings by the zemindars themselves are very few. But whatever the facts may be as to the persons who by the ryots' tenures, Mr. Rivers Thompson is of opinion that it is of

the utmost importance to the civil administration of the Sonthal parganas that the Sonthalis should retain possession of their lands. The growth of a large class of Sonthali labourers working for interlopers on lands once their own must be checked by every legitimate means as being dangerous to the peace of the country and of benefit only to a few individuals who are actuated in their dealings with the people by mere mercenary motives, and who consequently are the greatest obstacles to the prosperity of the country. The question is, however, one of much difficulty.

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The Lieutenant-Governor is therefore not prepared to issue a rule on the subject until the matter has been fully considered in connection with the larger question which has been raised as to the right of transfer of occupancy holdings under the Bengal Tenancy Bill now before the Legislative Council, upon which a final decision will shortly be made.

It is needless to add that small middlemen are worse than useless factors in Indian social economy, and that as a general rule the ryots of large zemindars are much better off than those under small middlemen. The evil would increase a hundredfold if a right of free sale were given to the ryot. If the present law were left untouched in this respect matters would adapt themselves to local conditions and circumstances. The custom which has grown up in some of the eastern districts has nothing pernicious in it. There the holdings are large, cultivation is mostly carried on by hired labour, and the transfer of the holding causes therefore no change for the worse in the condition of the tenant. The lesson given by the Deccan ryots should be a warning to the extension of the right of free sale to other places. "The saleable value of the land greatly increased the credit of the ryot, and encouraged beyond measure the national habit of borrowing, which I have before observed on."—Secretary to the Government of India, to the Secretary to the Government of Bombay, dated 29th February 1879.

Section 31 (h).—A provision making right of occupancy heritable like other immovable property is objectionable on many grounds. It would lead to minute divisions and subdivisions of the right to an extent wholly undesirable on all economic grounds It would create great confusion in matters relating to registration of names, and place landholders in great difficulty in suits for recovery of rent by reason of the number of persons, who, as heirs under the Hindu or Mahomedan law, may claim a share in the land. The provision on this point in the Rent Law of the N.-W. P. 1873, is much more reasonable. Section 9 provides that "no collateral relative of the deceased who did not then share in the cultivation of his holding shall be entitled to inherit under this section."

Sections 32-36.—The right of pre-emption proposed to be given to landholders on the sale of occupancy rights, is as inappreciable as it would be ineffectual in palliating the wrong done to them by making the right transferable. The right of pre-emption would go for nothing if the ryot chooses to think, it would be preposterous to assume he would do otherwise, that this holding is protected from enhancement, and one therefore which under section 23 is not subject to the landlord's right of pre-emption. If the landholder wishes to assert his right of pre-emption, he must go to court prepared to prove the holding liable to enhancement, or that it is a simple occupancy holding, and *that* within six months from the date of sale, gift or bequest. Nothing would be, however, more easy than for the ryot to defeat the landholder's right of preemption by keeping the transfer a secret from him for a period of six months, after the lapse of which the landlord would have no right or remedy whatever in respect of the transfer. The case would be much worse if the raiyats combine against their landlord at the instigation of a neighbouring and unfriendly landholder, and call upon him to exercise his right of pre-emption at once in respect to a large number of holdings. Few landholders in Bengal have the means of meeting such a call. With rare exceptions therefore they will be placed in such a case at the mercy of their raiyats. In cases of sales in execution of decrees the Bill does not provide for any service of notice of intended sales upon the landlord, but he is expected to make himself cognizant of all such sales and to bid at the sales, a provision which shows further how worthless is the right of pre-emption proposed to be given to landholders. The Bill makes no provision whatever for cases in which one or two of several joint-owners claim jointly or in rivalry to exercise the right of pre-emption in opposition to the wishes of the rest.

There is no pre-emption in cases of gift, a tenant may therefore evade the rule as to pre-emption by making a nominal gift while actually making a sale. The Select Committee in their Report admit this—See para. 21, Select Committee's Report.

Section 37.—The provisions contained in this section involves, in the first place, an inroad upon the rights of landholders. A raiyat will have it in his power to convert himself into a tenure-holder, and thus to evade the provisions as to distraint, and the landholder's right of pre-emption. The proposals are in the crudest possible state. Great uncertainty will arise by reason of the extent of disability by disease or accident being left as a matter for determination by the court. It is moreover indefinite as to whether the converted tenure-holder will lose his right of occupancy as regards the portions of his lands which have not been sub-let, and what rights will accrue to his superior landlord with regard to that portion of the land. Again, the dependence of the provision upon the future enactment of a law of which the vaguest indication has been given in the Bill will leave the section a dead letter for an indefinite period of time.

Section 41.—The restrictions placed by this section upon enhancement of rent are most arbitrary. In none of the Bills previously framed was the maximum limit reduced to less than double the existing rent, and in none did the minimum currency of the enhanced rent exceed ten years, but this section would limit the maximum enhancement to 25 per cent. of the existing rent and extend the minimum currency to fifteen years.

The powers which the Bill proposes to give to the Registering officer in clause 2 of section 41 are very large. No guarantee is given against their abuse. There ought to be a provision made for appeal to the District Registrar and a civil suit as in section 77 of the Registration Act. Supposing there is an enquiry by the Registrar, who is to be saddled with the costs?

Section 42.—When any land comes to the khas possession of the landholder it is usually let to some one of his raiyats. It is in rare cases that a stranger comes to rent the land, or the landholder has the inclination to let it to one whose antecedents are unknown to him. For all practical purposes therefore the landholder's right to let will be materially restricted even in respect to land which we have been accustomed to regard as land over which he has absolute control. He would not be able to rent the land at a higher rent than what was previously paid for it, unless by a registered contract approved by the registering officer, who should see not merely that the contract rent is not more than what the law allows, but also to satisfy himself "that it is fair and equitable, and that the raiyat in entering into it acts as a free agent." The climax of the evil is reached in cases in which the landholder lets out land which has come to his possession by virtue of the right of pre-emption. Payment of the highest price available for the land does not give him an iota of right in excess of that restricted right he would have in respect of land which has come to his possession by relinquishment, forfeiture or death.

Section 43.—The changes proposed to be made on the grounds on which a landlord may sue for enhancement of rent will make matters much worse than at present. The introduction of the words "staple food crops" will place additional difficulties in the way of the landholder, and make enhancement of rent dependent on what the Local Government or of the Board of Revenue may choose to call staple crops. Again, in proposing that the landlord shall not be entitled to increased rent on the ground of improvement of the productive powers of the land, except on proof that such improvement was effected by the landlord, or by fluvial action, the Bill circumscribes the ground on which landholders have been hitherto considered entitled to claim enhancement of rent. There is no reason why the landholder should be deprived of the benefit of all improvements not effected by the agency or at the expense of the ryots. It is a proposal which strikes at the root of their proprietary title.

Section 44.—The arbitrary limit which this section imposes on enhancement of rent is wholly uncalled for. If a ryoti rent is below the prevailing rate of rent, it should, on all equitable grounds, be raised to the limit of that rate. It is difficult to understand why under such circumstances the rent should not be enhanced to more than 8 annas in the rupee.

Sections 45 to 47.—The rules in restriction of enhancement of rent contained in these sections are new and wholly unwarranted. They will simply introduce greater complications than at present in investigations relating to enhancement of rent and make the trial of enhancement suits much more expensive both to the landholder and the raiyat. The infringement of the rights of landholders which these sections involve are great, and in this respect the revised Bill does them much greater injustice than any of the previous Bills.

Section 49.—When a landholder gets a decree for enhancement of rent, it is on the ground that he is entitled to it by reason of the increase in the productive powers of the land, or of a rise in the value of produce as determined by an examination of the produce, or prices, of a number of preceding years. The decree is for what the ryot has been withholding from the zemindar. It is not the case of a poor debtor who is unable to meet the creditor's demand, unless the court allows him to pay the creditor by instalments. The provision for gradual enhancement is therefore unjust and uncalled for. Again, section 169 gives the court a discretion to fix the date from which a decree for enhancement shall take effect. The two provisions taken together will give the courts a power to render any decree of enhancement abortive. Progressive rents are necessary only with regard to waste and jungle lands, which cannot be cultivated all at once.

Section 53.—Payment of rent in kind is a method of payment which saves the raiyat the trouble and expense of taking his produce to the market, and of contesting the zemindar's claim for enhancement of rent, while it saves the latter the trouble and expense of periodically asserting and proving his claim to enhanced rent. It is a self-regulating system which adjusts itself to the variations in the price of produce, and one therefore which is best fitted to give to each of the interested parties his just rights without the interference of laws and courts, and is on that account eminently deserving the support and fostering care of Government. To use the words of a Government Settlement Officer, "It gives the landlord a fair profit in any improvement he may make; the rents are self-adjusting; the tenant is not driven into debt to meet a fixed demand; if he borrows, he borrows from his landlord, a less exacting creditor than the village banker; a feeling of mutual inter-dependence and self-interest is created between landlord and tenant; the former is more than a mere rent-collector, his own prosperity depends on that of the cultivator.

The ultimate loss to the zemindars, if such commutation were allowed, would be in other

respects very heavy. After the rent has been commuted into money-rent, the raiyat need only reliquish the holding, and he or his neighbours would be able to compel the landholder to re-let the land at what the court will consider to be a fair and equitable rent. Payments in kind also secure to poor landholders their requisite supply of food grain for consumption throughout the year, and it would be a source of great inconvenience and hardship to them if the raiyat be allowed to change them into money-rent at his pleasure. It should, moreover, be recollected that it is in respect of lands, which are more than ordinarily subject to the risks of cultivation, and which the raiyats do not venture to take at a fixed annual money-rent, that rent is paid in kind. Our legislators should think twice before they recommend a change which may ultimately injure those most for whose benefit they now wish it. It should also be borne in mind that in the two districts of Behar where bhowly rent obtains to a large extent, the cultivation of land is carried on, on the co-operative system. Both in Patna and Gya the cultivation of land mainly depends on the landholder. It is with his money that embankments must be raised and maintained, and it is with his money that *pynes*, or water-courses, must be cut and kept clear, before the land can be cultivated. The raiyats are altogether powerless to execute and maintain these works, and any measure which would throw the entire responsibility of cultivation on them would be their ruin.

Section 59.—Suppose a non-occupancy raiyat holds a lease for 11½ years, a notice is to be given on the 11th year of the lease, and he is sued for ejectment on the 12th year. When a right of occupancy has accrued, he becomes thus an occupancy tenant by force of legislation.

Sections 55—61.—In the face of the great anxiety expressed by the Secretary of State that the principle which allows no right of occupancy to accrue except by possession for 12 years should not be abandoned, and his emphatic declaration that he attached great importance to it, this chapter proposes to give raiyats who have admittedly no right of occupancy, as good a right as that created by Act X of 1859, if not one much more damaging to the landholder. The rent of such a raiyat cannot be raised at the will and pleasure of the landholder; he cannot be ejected, except for breach of a condition of a written contract; his rent cannot be enhanced without a notice having been previously served upon him and a decree having been obtained against him, and the measure of enhancement must be determined by court. These are rights much greater than what an occupancy raiyat enjoys at present. The whole of this chapter, trenches most injuriously on the rights of landholders.

Sections 62 & 63.—These rules relating to under-raiyats are altogether new. It is not difficult to foresee that the operation of these rules will bring on great confusion regarding the rights of under-ryots of different grades.

Section 64 (2).—This rule of presumption has placed the zemindars at a great disadvantage, and they have complained of it most bitterly. Sir Richard Garth truly observes that "this section has undoubtedly operated very unjustly against the landholders;" and further on—"But in the case of rent it might well be that for 20 years no ground for enhancing it had ever occurred; or from the fact of the landlord being a minor, or female or over lenient with his tenants, any opportunity for enhancement might not have been taken advantage of, and in such cases it would be hard to presume against the landlord that because the rent had not been enhanced for 20 years, it has been fixed from the time of the Permanent Settlement." The experience of the last 24 years has shown that in 95 per cent. of suits for enhancement of rent landlords were unable to rebut the presumption thus raised, and how could they? Those who have come into possession of estates and taluks by purchases at sales for arrears of revenue, or rent, or in execution of decrees, did not get a scrap of paper belonging to the former proprietors, while those who purchased at private sales were in no better plight, considering the great difficulty of preserving from white ants and other causes of destruction, massive collection papers of a period more than 30 or 40 years old. It is impossible therefore for landholders to adduce evidence, except in rare cases, to rebut the presumption, and it was this consideration which induced Mr. Reynolds to suggest an amendment to the effect that no such presumption should be raised unless the ryot succeeded in proving uniform payment from 1839, *i.e.*, 20 years before the date of the passing of Act X of 1859, which for the first time enacted the rule. The observations made by Mr. Reynolds in support of the change are unexceptionable. "Allowing all due weight to the arguments of the Commission, it is to be remembered," he said, "that the presumption was first introduced by Act X of 1859, and that it was then necessary for the tenant to prove a uniform rate from 1839. It is now only necessary to prove such uniform payment from 1861. As there is reason to think that rent receipts have been much more regularly given, and much more carefully preserved, during the last 20 years, than during the 20 years which preceded then, it seems to follow that the lapse of time has made it more and more easy to raise the presumption, and more and more difficult to rebut it. Nor can it be denied that auction purchasers labor under a special grievance in this matter. If it be said that they may be expected to regulate their bids accordingly, it may be replied that it is not for the public interest that estates should sell below their value on the ground that the circumstances of the sale facilitate the advancement of fraudulent claims by the tenant." It behoves the Legislature to enquire how very easy it is for raiyats with the aid and connivance of former talukdars and their gomastas to produce rent receipts showing uniform payment for 20 years. The injustice of the rule of presumption is clear from the fact that Government with all its prestige and resources wish to keep clear of it in respect of temporarily settled estates. The exception which section 20 of the Bill makes with reference to such estates

proves beyond all manner of doubt the necessity of a change of the law for the behoof of the landholders. The remarks made by Mr. Reynolds on this head are conclusive. He says, "The exception in the case of tenures in an estate not permanently settled is stigmatized by Babu Joykissen Mookerjee as an invidious distinction which shows the injustice perpetrated on the holders of permanently settled estates. A little consideration will show that the exception is perfectly reasonable."

Section 64 (3).—The money value of rent in kind varies in different years with the price of agricultural produce. Payments in kind cannot therefore be reckoned as uniform payments of rent. The effect of this section would, therefore, be to extend the rule of presumption to cases where there has admittedly been no uniform payment of rent. This would be most objectionable. It would in that case be in the power of every ryot to prevent enhancement of rent on the ground of a rise in the value of produce which payments in kind secure to the landholder.

Section 67.—Such a variety of objections have lately been taken in the trial of rent-suits as to the instalments by which rent is payable, and so many capricious decisions have been passed on the subject, that some simple rule on the subject has become very desirable; instead of that, however, the Bill would make matters worse. In the case of tenure-holders the Bill would give free scope in the first instance to the terms of any agreement between the parties, then to custom, and lastly to such rules as may be framed on the subject by the Government. In the case of a large majority of the ryots, *viz.*, the occupancy ryots, the Bill provides that the number of instalments should on no account exceed four. It is a fact borne out by the Regulations that Government revenue was formerly collected in monthly instalments, subject to a penalty of 25 per cent. for default. By the custom of the country, the rents of ryots are even now collected by monthly instalments, and all the leases evidencing creation of tenures, putni and other, contain stipulations for monthly payments. A reduction of the number of kists would therefore be unjust to the zemindars and tenure-holders. Mr. Reynolds' Bill effected a compromise in the matter. He proposed in his Bill to fix only four instalments, the date of each of which was timed just one month before the dates on which the four instalments of Government revenue are payable. A definite rule like this would be much simpler and more conducive to peace and harmony than a procedure which is sure to cause useless trouble and expense to suitors.

Section 68.—The proviso to this section is new, and it proposes a mode of payment of rent which is wholly unjustifiable. A Postal money order does not state anything beyond the amount and the names of the sender and payee. How is the landlord to ascertain for what year the rent is paid, whether it includes the cesses and interest, and for which holding the rent is paid, supposing the sender to have more than one holding in his possession?

Section 69.—This section ignores a long established practice. It offers a direct incentive to arrears accumulating, so that after the lapse of the statutory period of three years, the ryot may wash himself clean of all liability to arrears. On the other hand, it compels the landholder to resort to the civil court for every default, without showing any consideration to his tenant. In fact it is a premium on hard-heartedness and discount on mercy. A zemindar should unquestionably have the right of crediting payments of rent to the account of arrears, if there be any, and the ryot should have no right to demand that it should be credited to a particular year and instalment if the rent of previous years be in arrears. The rule in question being opposed to the established practice should be omitted.

The compulsory specification of area in rent receipts, which is evidently contemplated in this section (*vide* Form in Schedule 11), will operate as a great hardship in cases where the landlord has never measured his estate, or has not measured it recently, and ryots have encroached on waste lands and thus increased the size of their holdings, as also in cases in which the parties are at issue as regards the area of land comprised in a holding.

Section 70.—In providing for receipts for rent by the landlord, the Bill evidently means receipts by his authorised agents. It would be well, however, if the meaning be made clear. The amount of rent and the amount of arrears would be shown in the annual account. Why then require them to be repeated every time the rent would be paid? It should be also borne in mind that in the case of *ut-bandi* and some other tenures, the annual rent payable on account of a land is not determined till at the close of the year when the land is measured and the crop on it valued. If the introduction of any change be at all desirable, the Legislature should see whether the *hatchita* system may not be introduced for the purpose of evidencing payments of rents. It has several considerations to recommend it. But whatever the form of the receipt that might be adopted, it is necessary in the interests of both the parties that the counterfoil of each receipt should be signed by the ryot.

Sections 73-76.—A ryot is at present allowed to deposit rent in court on his verified statement to the effect that the landholder's agent has refused to receive the amount tendered to him and that the amount is all that is due by the ryot up to the date of deposit. Nothing can be more reasonable than this provision. The Bill, however, proposes changes in the matter of deposit of rent which are unjust to the landholders, and quite uncalled for by the circumstances of the case. It proposes to allow deposits of rent to be made if the ryot has reason to believe (without an actual tender) that his rent would not be accepted; or if he is unable to obtain a joint receipt from all the co-sharers of a property, or if he entertains a *bonâ fide* doubt as to who is entitled to receive the rent. The Bill would therefore make the ryot the

judge of his landlord's title and of his inmost intentions. It would give the ryot the power to convert the office of the Collector or such other officer as may be appointed in this behalf into his landlord's kutchery, and to compel his landlord to bring an expensive suit to establish his title against any person of the street who the ryot may choose to think has a rival title in the property. The proposition is so opposed to all recognised principles of law and so dangerous in its effects, that in providing for inter-pleader suits by stake-holders the Code of Civil Procedure has expressly excluded (section 474) tenants from the category of persons, who, as stake-holders, may compel rival claimants to interplead in a suit in court. The immediate effect of this would be to empower the officer to assume the functions of a Civil Court, and adjudicate in an informal but quite effective manner regarding rights to one's property on the issue of a few rupees, and put the actual possessor out of possession on the alleged right of third parties. The Bill, moreover, would give a ryot much greater rights than what the Procedure Code gives to any other stake-holder. It would save the ryot from the expenses of a suit, but allow him to compel his landlord to plunge into an expensive and, in most cases, fruitless litigation. Provisions like these are calculated simply to breed ill-feeling, create animosity, harass both the interested parties, and give rise to endless litigation.

The provision for the service of notice on landholders is anything but satisfactory. In most cases no personal notice would be served, and the landholder, however poor he may be, and the great bulk of them are poor, is expected to have an agent always present at all the Revenue offices of the district, to inform himself of the fact of deposit by any ryot from the notification required to be affixed at the Revenue office. The provision for payment of the amount deposited is equally objectionable. The Revenue officer may pay the amount to any person he thinks entitled to get it, and then the party aggrieved may recover the amount by a regular suit. In matters like these, in which the rights of parties are not involved, and in which legislation may go a great way to foster good feeling between the parties, a provision which will unnecessarily set class against class is wholly unwarrantable. The present law relating to deposit of rent is about as good as a law can be. If a time be fixed within which notice of deposit should be served on the landholder, and if a provision be made for the transmission of the money by a Postal money order to the landholder, all the improvement that it needs will have been made. The party depositing should be made responsible for due service of notice to the party or parties who are believed to be entitled to the money.

Section 78, Clause 3.—The present law prescribes 15 days only, no case has been made out for the extension of the statutory indulgence. Under any circumstances, the record of reasons should be made obligatory, and there should be a provision for appeal.

Section 79.—The introduction of evidence of usage for determining rates of interest on arrears of rent would prove simply harassing to the parties, and the proposal that interest shall not run until after the expiration of a year is anything but just. The present law on the subject is equitable and should be retained.

Section 85.—Both Sir G. Campbell and Major Baring classed some so-called impositions under the head of abwabs, or illegal cesses, which are no abwabs at all. The salamies, for instance, which a landholder gets from a ryot for making excavations and taking earth for making bricks, for hewing trees, for excavating fish-ponds, &c., are not impositions in any sense of the term, but consideration money for special privileges, which he is entitled to exact on every equitable ground. These acts of the ryot [illegible] deteriorate the letting value of the land, and are therefore such as landholders are [illegible] lawfully entitled to receive compensation for. Such salami or compensation land[illegible]holders have in several cases recovered by suits in court. Indeed, the words *abwab* [illegible] and *mathut* used in the section would not have covered them at all, but from the [illegible] fact of some such payments being made annually or at recurring periods, or so long as the special advantages are enjoyed; and because the concluding part of the section declares all additions to the actual rent to be illegal, and the next section imposes a heavy penalty. It cannot and should not be the intention of Government to prohibit special charges for special benefits; and it is necessary therefore that the term abwab should be clearly defined and exceptions should be expressly made with regard to such compensatory charges. In several places the imposition of abwabs has taken the place, and superseded the necessity, of enhancement of rent. It is in fact a moral adjustment of rent in consequence of the increased value of produce, and is in that light not so objectionable as it is supposed to be. In many cases it is only a rate added to rent at so much per rupee, and distinguished from the previous rent by a special designation. It is unquestionable that ryots agree to pay these cesses much more readily than enhanced rent. The cry against them arose at a time when it was necessary for fiscal purposes to ascertain the actual collections of the landholders, and is simply meaningless at the present moment. Nay, the prejudice against these moderate increments to rent prevent their being consolidated into *neat* sums which would be so much the more convenient to discuss about in Courts of Justice. The only other remark which need be made with reference to this subject is, that our legislators are evidently ignorant of the fact that what is called the mathut is a village fund raised by ryots for their own behoof, and not a fund raised by the landholder for his own benefit. The fund is made up of small contributions from all the ryots of a village, and is spent under the direction of the Punchayet or committee of Mundles of the village in churruck or other poojahs, in paying annual perquisites to the police, in village festivities, &c.

Sections 87-94.—The power which these sections give to ryots, not having a right of occupancy, of building houses and out-offices on the land without the permission of their

landlords, of compelling their landlords to make improvements, and of making the improvements themselves on default of their landlords, is inconsistent with the very notion of a tenancy. The provisions for the award of compensation for improvements made by ryots are altogether foreign to this country. Improvements are rarely made by ryots. Nothing is more true than what fell from His Excellency the Viceroy on the subject in the course of the debate on the Central Provinces Tenancy Bill. All these provisions should therefore be omitted. These sections provide for the award of compensation to ryots for improvements made by them. In most cases the amount of outlay would be more than repaid by the advantages which the ryots would enjoy by reason of such improvements, and it would in such cases be unreasonable to give them any compensation for exhausted improvements. The limitation prescribed in this respect by the Rent Commission was an equitable one. They suggested that no compensation should be awarded after a certain number of years from the making of the improvement.

Section 96.—This section provides that a ryot must cease to hold land for the full period of one year before his title to the land expires. In the meantime the land will remain fallow, and the landholder will have no security whatever for his rent. Very often pyecast ryots who wish to relinquish their holdings simply absent themselves during the cultivating season, and such absence is reckoned as an act of relinquishment without a regular petition to that effect. It would not be at all unreasonable if it were held that a ryot's title would cease by his absenting himself from the village up to the end of the cultivating season, without making any provision for the payment of the rent payable by him. By the Central Provinces Act an absence of 30 days operates to extinguish the ryot's title.

Section 97.—The section as it is does not cover cases of transfer by fractional shareholders of a holding. The words "a fractional share of the holding or" should be added after the word "landlord" in the fifth line.

Section 100.—This section provides for cases in which a ryot occupying a land refuses to attend the measurement and point out the boundaries, but the Bill takes no notice whatever of the important class of cases provided for by the present law, in which the landholder, usually a new purchaser, is unable to ascertain the names of the ryots or persons who are in possession of particular holdings in his estate. In such cases a landholder is placed in a situation which entitles him to as much help from a public officer as in any other. It is a situation which purchasers of estates and tenures at auction-sales are frequently placed in. The Bill should provide for such cases, as well as impose penalties for determined attempts on the part of the ryots to thwart the Collector's attempt at a measurement of the land, as provided for by Section 10 of Act VI of 1862, B. C.

Sections 102-109.—A provision which gives the owner of a minute fractional share in a property, or a single ryot the right of applying to the District Judge for taking it out of the hands of the proprietors thereof and placing it in charge of a joint manager, would be productive of very great mischief. Such an interference with the rights of private property can be justified only on the ground of public good, which certainly does not mean that if certain tenants of a locality who happen to be opposed to their landlord in questions of private property, and it is only in exceptional cases, as when mismanagement of the zemindar interfered with the well-being of third parties—that is, parties other than landlord or tenant—that a District Judge should be empowered to appoint such a manager, but a provision empowering him to do it whenever a dozen ryots choose to allege that such a course would lead to public convenience, or the owner of $\frac{1}{16}$th share represents that it would conduce to his benefit, would be a most unwarrantable and officious piece of legislative interference with private property. The most objectionable feature of the law is the power it virtually gives to the Judge to adjudicate questions concerning possession in an indirect manner and without due precaution. The proviso attached to the section is intended to serve as a safeguard, but as in all disputes of the kind the real contention will be about possession, either the law must fail, or the Judge must take up the question of possession in an indirect manner. Much of the objectionable character of this provision would be removed if it were provided that no joint manager should be appointed, unless the owners of more than half the share of the property apply for the same, while upon this subject it may be mentioned that interference of this kind on the part of Government has not been wholesome in the N.-W. Provinces. There the Government makes the coparceners to elect a hereditary lumbardar, and it is now found that the heirs of this common manager having become numerous, the old state of disorder has revived. In Bengal the separation of shares and partition of estates which prevail will, on consideration, be found to be the natural and best solution of the difficulty.

Section 110.—For obvious reasons no record of rights should be undertaken in any tract of country on the application of landholders and ryots. The first ground laid down in sub-section 2 (*a*) of this section should therefore be omitted. If it were allowed to stand, it would be in the power of the ryots of any village to ruin their landlord by compelling him to meet all at once their claims to fixity of tenures and fixity of rents, and such other rights as they might choose to claim.

The whole of the provisions with regard to the framing of a record of rights is open to the gravest objection. The machinery available to Government, namely the agency of the Revenue Officers, is obviously inadequate for the satisfactory discharge of so difficult a task.

It should be remembered that that task is no less than that of adjudicating upon the status and rights of all tenants in a given area, and this will involve judicial investigations for which very few Deputy Collectors would be qualified. The experiment was tried in the Sonthal Pergunnahs under Regulation III of 1872, and it miserably failed. That Regulation was called the settlement Regulation, and it was justly observed that it unsettled everything.

Sections 123-134.—The first attempt made since 1793 to regulate enhancement of rent by the enactment of definite rules has failed, and it requiries no great foresight to see that the elaborate rules laid down in the Bill for the preparation of tables of rates would make matters much worse. It is anything but reasonable to expect public officers wholly ignorant of the conditions of the people, of the nature of the soil, of the different kinds of crops, and of the agricultural capabilities of a village, would ever succeed in fixing proper rates of rent for different classes of land. They must err on one side or the other. Did not our judicial officers make confusion worse confounded by decreeing (before they ceased to decree any rates at all) a variety of rates for the same class of land in a village? The most feasible way of meeting the difficulty appears to be the legal recognition of the indigenous system of the country. Let the preparation of a table of rates for each village be entrusted to a punchayet consisting of a number of mandals on one side and the zemindar's gomashta of the village on the other, and some provision made for cases of difference of opinion. A table or jamabundee so prepared would be more satisfactory to the parties concerned than any table prepared by a public officer, and all the trouble, expense and loss of time to the detriment of cultivation which it involves, would be avoided.

A provision for the payment by zemindars and ryots of the costs of preparation of a table of rates, including the salaries and portions of salaries of officers employed in the work, is under the circumstances unjust and unwarrantable. A suitor paying high institution and other fees is entitled to have his suit tried and decided, otherwise the salaries of Judges and Munsiffs may, with equal justice, be made payable by him in addition to what he pays by way of institution and process-fees. The payment of the cost of preparation of tables of rates would not relieve suitors of the costs of suit. After they have paid for the preparation of tables of rates, they would have to pay the costs of suit all the same. Again, after a table of rates have been prepared at an enormous cost, what use will it come to? In the adjudication of suits for enhancement of rent the Court is required by section 134 not to rely solely on the table, but to adjudge the rate of enhancement on a variety of considerations. The condition of the land, the changes made in it, the persons by whom the changes were made, and the proportion of cost incurred by each contending party in making the change, would have to be enquired into, and latitude should also be given to custom and contract to vary the rates mentioned in the table. The great difficulty which officers would experience in preparing correct tables of rates, the enormous expenditure which the work would entail, the double costs which the procedure would throw on landholders and ryots, and the little practical use the table will come to in suits for enhancement of rent, are all considerations against the feasibility of this ill-judged measure.

Section 138.—The application of the 12 years' rule to domain lands as provided for in clause I (*a*), section 138, is unjust. The landlord is the owner,—why should it be presnmed that land is ryoti till the contrary is shewn, and this presumption is sought to be legislatively created by sub-section 2, section 138.

Sections 139-158.—Distraint of crops for the realization of rents is an indigenous institution of the remotest antiquity. It enables the landholder to collect his rents by the agency of his permanent establishment, without adding in the least to his own expenses, or saddling any cost on the ryot. It prevents the ryots on the other hand from cheating their landlords of their just rents, and in so far acts as a check to fraud and improvidence. If in some cases the power has been abused, the fact is so easy to prove, and the penalties for offences committed in connection with it are so heavy, that the law might be left safely to vindicate itself. In Bengal at least, cases of abuse of the power of distraint have been very exceptional. It was the majority of the members of the Rent Commission who, labouring under an error, assumed the institution to be an offset of the English law, and suggested a radical modification of it on purely theoretical grounds. The framers of the present Bill have improved upon the alterations in the law suggested by the Rent Commission, and drafted, under the head of distraint, a number of provisions which not only bear no resemblance to the institution of distraint, and amounts practically to a total abolition of the law of distraint, but actually deprives the landholder of even some of the rights which an ordinary creditor enjoys under the law of the land. Distraint has always been understood to be an act of a landlord as distinguished from attachment which must be act of a constituted authority. But the Bill provides that if a landholder wishes the crops of a ryot to be distrained for recovery of his rent, he must make an application to Court for the purpose; that such an application must contain all the particulars required for plaints, if not more; that it should be signed and verified like a plaint; that the amount of arrears should be proved as in suit for arrears of rent; that the Court may then either admit or reject the application; and that, if admitted, an officer of the Court would be deputed to distrain the crops. Where, in the first place, is the necessity of laying down all these elaborate provisions when it is open to the landholder to have, like any other plaintiff, the crops of a defaulting ryot attached before judgment under section 483 of the Code of Civil Procedure, immediately after bringing a suit for recovery of rent? What facility would the

Tenancy Act give the landholder over the ordinary procedure of Civil Courts when he would have to pay the Court-fee, adduce evidence, and pay the expenses of attachment all the same? What inducement would there be to the landholder to apply for such an attachment in regard to a poor ryot paying a small rent, when the cost of suits and attachment are likely to eat up the whole value of the crops? What would the officer of Court attach after all costs have been incurred, if the ryot has removed or sold the crops in the meantime, and of what benefit would these provisions be to any ryot who would be thus unnecessarily saddled with a large amount of costs? Consistently with the other provisions under this head, the Bill provides for heavy penalties and punishments for certain acts in connection with attachment of crops. But why should any penalties be at all imposed beyond what the ordinary law provides for attachments made by order of the Court, by an officer of the Court, and after proof to the satisfaction of the Court of the justice of the claim?

The primary object of an amendment of the rent law, according to the repeated promise of the Bengal Government, was to provide facilities to landholders for the realisation of rent, and the section under notice deprives them of one of the important facilities they now possess, without supplying them with any substitute whatever.

Section 168.—As regards rent-suits, it is a great mistake to suppose that suits for small amounts are of no moment. They form the largest number of suits in the Courts, and they are often suits of great importance. In suits in which the amount of rent annually payable by a ryot is in dispute, the High Court has held that no appeal lies to that Court, inasmuch as no question of title is involved, although the point adjudicated affects matters which in reality give rise to a constantly recurring cause of action. In such cases an appeal should be allowed in the interests of both parties, and the proposal to make the decision of the first Court final in suits of the kind for sums not exceeding Rs. 50 should be abandoned.

Section 169.—This section gives the Court a discretion to fix the date from which a decree for enhancement of rent should take effect. The Bill provides for so many and so divers limitations in the way of enhancement of rent, that it would be a matter of great difficulty to a landholder to get enhanced rent. Why unnecessarily increase the difficulty by giving the Court an arbitrary discretion which will place an additional obstacle in his way? Were it the policy of Government to prohibit enhancement, the various provisions in question would practically carry it into effect without such policy being openly declared; but as we believe such is not the case, we consider the difficulties thrown in the way of enhancement are, as they would practically make it, not worth the while to seek it by reason of the trouble, annoyance and heavy cost, unsound on economic grounds and unfair towards the landholders, who have the right of protection in common with all other classes of the community.

Section 171 enormously increases the difficulty in the way of the landlord. If ejectment is to be obtained by proceedings in court, why should not the tenant be forewarned, and why should he not avoid sowing or manuring land the subject-matter of ejectment?

Section 172, Clause 2.—This clause practically neutralizes the provision as to the right of re-entry and renders it valueless. An investigation by a Revenue Officer will be a ruinous thing.

Section 176.—This section is very objectionable. It is an encroachment on the rights of auction purchasers at sales for arrears of rent which they have all along enjoyed. The effect of item (*e*) would be to deprive the purchaser of the right of avoiding a mookuraree or other permanent lease created by the defaulting tenant. Such a provision is opposed to the fundamental principles which regulates sales for arrears of rent, *viz.*, that they restore the tenure to the condition in which it was at the time of creation, and give it to the purchasers free of all incumbrances created by the out-going tenant. Section 66, Act VIII of 1869 provides for the sale of tenures free of all such incumbrances. The proposition is also one which would give rise to fraud and litigation, inasmuch as every defaulting tenant will try to make the best of their incumbency by creating mookuraree leases in favour of relatives and dependants.

Section 180.—The provision for the sale of tenures for arrears of rent subject to registered incumbrances in the first place, and then if necessary, free of such incumbrances, would simply increase the costs of litigation which will ultimately fall on the ryot, deter intending purchasers from bidding at sales, lead to inadequate prices being offered for the tenures, and thus cause material injury at every step both to the landholders and the ryot. The scale should always be, as at present, free from all incumbrances.

Section 210.—The provision against freedom of contract in respect to the accrual and to the incidents of the right of occupancy is indefensible on all grounds, rational and economical. The ryot is a free agent in all other concerns of life. He may sub-let his lands at any rent, however small; he may borrow money at a ruinous rate of interest; he may relinquish, mortgage, or sell whenever he pleases, and convert himself into a day-labourer; but he must not consent to forget the acquisition of right of occupancy even in regard to land which he requires for temporary purposes, or to pay enhanced rent to his landlord at a rate which he has not the least disinclination to pay. The ryots are unquestionably a much more intelligent class of men

than day-labourers; but although the latter are free to contract away their liberties for service in an unknown land for years, the freedom of the former must be restricted, in the opinion of our legislators, in matters in which they are the best judges of their own interests. The result of such a restriction would be that landholders would not come to terms with ryots who will fail to compensate by payment of *salamy*, or otherwise his loss in rent, and let out the land to those who would be able to do so. The poorer portion of the ryots would thus be turned into labourers. It is freedom of contract alone which can rescue them from serfdom. The argument drawn from section 58 of Regulation VIII of 1793 in support of the proposed restriction is at best fallacious. That section required the form only of the potta to be submitted for approval once for all, and let the adjustment of the conditions, terms and details to the parties concerned. Section 56 of that Regulation clearly shows that no sort of restriction whatever was intended to be placed in the way of the contracting parties.

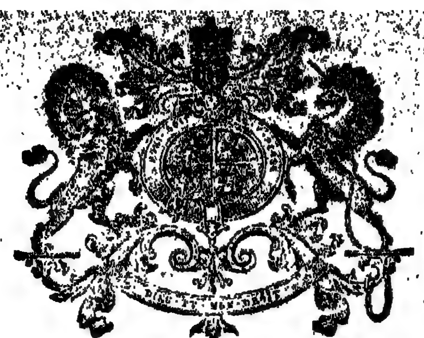
The objections to the restrictions to freedom of contract apply with double force to contracts relating to rent which the contracting parties with an eye to their own interests will enter into. Whenever a ryot agrees to pay a certain amount of rent for a plot or plots of land, he does so after taking into consideration the situation and capabilities of the land and the profits it or they will fetch him. He is the best judge of his own interests in the matter; he has his remedy in all cases in which the least coercion has been used, and yet this section restricts his rights as a free agent and makes the registering officer the guardian of his interests. But will any amount of legislative precaution prevent the parties from entering into any contract for rent they might agree upon? The futility of such attempts was made abundantly clear by the experience of the usuary laws. The result of such a law would be that honest zemindars would suffer, while those whose exorbitant demands for rent it is intended to limit would be able to carry everything in their own way.

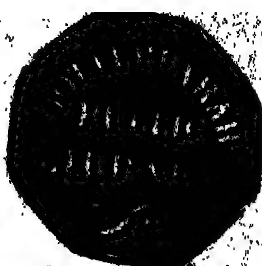
Sections 194-208, 13, 14, Schedule.—The attempt to incorporate in the proposed Act the law relating to putni tenures should be abandoned. These sections should therefore be omitted. The present law on the subject is a masterpiece of legislative wisdom. It has stood the test of experience for more than 60 years, and has always been found to be a complete and satisfactory law on the subject.

In section 224, provision should be made for giving opportunities to representatives of landed interests to be heard before rules are framed.

Section 228.—The proposal to exempt Khasmehals and Wards' estates from the operation of the proposed law is anything but reasonable. It is but only fair that the rights of all tenure-holders and ryots should be regulated by one code of laws. Nothing would create a greater confidence in the minds of the people in the justness of an Act defining the rights and obligations of landlords and tenants than the fact that it applies equally to Government as landlord and to private landlords. There is no difference in the position and character of the subordinate agency employed by Government and by private landlords in the collection of rent and management of estates, and yet the State has secured to itself a special and summary procedure for the recovery of rent. In the matter of rights and obligations relating to land, however, the people have a right to expect that there should not be one law for private landlords, and another for the strongest and most irresponsible of landholders—the State.

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The Gazette of India.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 42.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

MILITARY SECRETARY'S OFFICE.

NOTIFICATIONS.

Simla, the 16th October 1884.

His Excellency the Viceroy and Governor General will leave Simla on Monday, the 10th November 1884.

His Excellency will visit Umritsur, Delhi, Agra, Muttra, Benares and Darjeeling, and will arrive in Calcutta on the 2nd December 1884.

His Excellency the Viceroy and Governor General will leave Simla on Monday, the 10th November, and will arrive in Calcutta *viâ* Umritsur, Delhi, Agra, Muttra, Benares and Darjeeling on Tuesday, the 2nd December 1884.

All covers intended to reach His Excellency the Viceroy and Governor General and party* during His Excellency's journey should be addressed "Governor General's Camp" without the addition of any post town.

* H. M. Durand, Esq., C.S.I., Under Secretary to Government, Foreign Department.
H. W. Primrose, Esq., Private Secretary to the Viceroy.
Captain Lord William Beresford, V.C., Military Secretary to the Viceroy.
The Rev. Father H. S. Kerr, Chaplain to the Viceroy.
Surgeon-Major J. Anderson, C.I.E., Surgeon to the Viceroy.
Lieutenant the Hon'ble C. Harbord, }
Captain A. N. Rochfort, }
Lieutenant F. S. St. Quintin, } Aides-de-Camp.
Lieutenant C. E. Burn, }

All communications connected with business of a mere routine nature should be sent, as usual, to the head-quarters of the several Departments.

By Command,

H. LEGGE, *Major*,
for *Military Secretary to the Viceroy.*

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 17th October, 1884.

No. 18.—CORRIGENDUM.—In section 165 of Act No. XIII of 1884 (*Punjâb Municipal*), as published in the *Gazette of India* of the *23rd and 30th August* and 6th September, 1884, *insert* the word "it" before the words "may determine."

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATION.—PUBLIC.

Simla, the 16th October 1884.

No. 1733.—The Governor General in Council is pleased, under Section 17 of "The Indian Arms Act, 1878," to make the following Rule regarding the currency of licenses granted under Rule 13 of the rules made under that Act:—

Rule.

19B. In British Burma licenses under Rule 13 may be current for such period not exceeding five years as the Deputy Commissioner shall in each case decide, provided that no such license shall be current for less than one year.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—SURVEYS.

Simla, the 16th October 1884.

No. 605—41-11 *S.*—Brevet Lieutenant-Colonel H. R. Thuillier, R.E., Officiating Deputy Surveyor General in charge of Revenue Surveys, is confirmed in that appointment, with effect from the 1st instant, *vice* Mr. J. B. N. Hennessey, M.A., F.R.S., retired.

No. 606—41-11 *S.*—Brevet Colonel C. T. Haig, R.E., Deputy Superintendent, 1st Grade, Survey of India Department, is appointed to officiate as Deputy Surveyor General in charge of Trigonometrical Surveys, with effect from the same date.

REVENUE.

The 17th October 1884.

No. 713—164-2 *R.*—In exercise of the power conferred by Section V of Act XIV of 1874 (The Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend Bombay Act V of 1879 (The Bombay Land Revenue Code), with the exception of Section 104, to the taluka of Jacobabad in the Upper Sind Frontier District in the Province of Sind.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—INTERNAL.

Simla, the 14th October, 1884.

No. 3822 *I.*—In exercise of the powers conferred by Section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor-General in Council is pleased to appoint the Officer for the time being holding the office of Civil and Sessions Judge of the Civil and Military Station of Bangalore, being a European British subject, to be a Justice of the Peace within the State of Mysore.

The 16th October, 1884.

No. 3851 *I.*—With reference to Foreign Department Notification, No. 476 P., dated the 25th February, 1880, His Excellency the Viceroy and Governor-General is pleased to declare that the title of "Maharaja Bahadur," which was therein conferred as a personal distinction upon Raja Nripendra Narain of Cooch Behar, shall henceforth be regarded as hereditary.

The 17th October, 1884.

No. 3872 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Mr. Ganesh Govind, Engineer to the Gondal State in Kathiawar, the title of "Rao Bahadur," as a personal distinction.

EXTERNAL.

The 16th October, 1884.

No. 2772 *E.*—Under the provisions of Section 2 of the Bengal Eastern Frontier Tracts Regulation I of 1873 (A Regulation for the peace and government of certain districts on the Eastern Frontier of Bengal), the Governor-General in Council is pleased, in modification of Foreign Department Notification, No. 2427P., dated the 3rd September,

1875, to revise as below the south-west portion of the Lakhimpur Inner Line:—

From the confluence of the Noa Dihing river with the Kherampani, along the right bank of the Dihing river to the confluence of the latter with the Tirap river, thence along the left bank of the Tirap river to the point where it is joined by the Likhrakha, thence up the crest of the Waddo range, thence along the valley in which the Namdang and Ledo rivers rise, proceeding north of Laktong village and south of Rangring, thence in a south-west direction along the valley of the Namdang to a point defined by a pillar placed one mile due south of the village of Jaihing as marked on the map, thence by a line north-west-by-west proceeding north of Sillim village to a point where the Makumpani emerges from the hills, thence west along the foot of the hills to where the Dirak comes out on to the plains, thence along the right bank of the Dirak to the Dihing river.

GENERAL.

No. 1986 *G.*—With reference to Foreign Department Notification, No. 1804 G., of the 17th July, 1883, Mr. Max Denso, Consul for the German Empire, at Karachi, resumed charge of his office on the 16th July, 1884.

No. 1933 *G.*—With reference to Foreign Department Notification, No. 2236 G., of the 13th September, 1883, Mr. Max Denso, Consul for the Netherlands, at Karachi, resumed charge of his office on the 16th July, 1884.

No. 1997 *G.*—Captain H. M. Temple, 2nd Assistant to the Governor-General's Agent at Baroda, is appointed Boundary Settlement Officer in Bundelcund, and *ex-officio* Assistant to the Political Agent in Bundelcund, with effect from the date of assuming charge.

C. GRANT,

Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 16th October 1884.

No. 3977.—Mr. H. F. Clogstoun, Accountant General and Commissioner of Paper Currency, Madras, having been granted privilege leave for one month, made over charge of his duties to Mr. W. Donald after noon on the 4th October 1884.

No. 3979.—Mr. C. E. Crawley, Assistant Accountant General, Bombay, having been granted furlough out of India, without medical certificate, for one year, made over charge of his duties and availed himself of subsidiary leave preparatory to furlough after noon on the 6th October 1884.

No. 4021.—*Abstract of the accounts of the Department of Issue of Paper Currency on the 30th September 1884, published as required by Section 27 of the Indian Paper Currency Act XX of 1882.*

CIRCLES OF ISSUE.		Whole amount of Notes in circulation.	Reserve in Silver Coin and Bullion.		
			Coin.	Bullion.	Total.
		Rs.	Rs.	Rs.	Rs.
Calcutta	...	7,06,01,430	1,09,79,387	1,00,69,368	2,10,48,755
Allahabad	...	89,31,560	1,03,02,630	...	1,03,02,630
Lahore	...	78,29,210	1,11,60,625	..	1,11,60,625
Bombay	...	4,18,16,320	2,65,24,392	20,34,208	2,85,58,600
Kurrachee	..	29,03,015	35,46,130	33,800	35,79,930
Madras	...	1,20,62,600	40,23,250	6,40,000	46,63,250
Calicut	...	18,67,175	13,22,975	15,000	13,37,975
Rangoon	...	19,52,085	95,51,650	..	95,51,650
Total	...	15,00,57,415	7,73,50,979	1,27,92,436	9,01,43,415
Deduct Amount received at Bombay but not paid at Kurrachee	...				86,000
					9,00,57,415
Price paid for Government securities of the nominal value of Rs. 6,25,21,700 held under Section 19 of the Act	...				6,00,00,000
GRAND TOTAL	...				15,00,57,415

The 17th October 1884.

No. 4040.—The services of Mr. G. J. Van-Someren, Assistant Comptroller General (Forests), are replaced at the disposal of the Home Department for employment in the Forest Department under the Government of India, with effect from the 6th January 1885.

No. 4046.—Mr. R. Logan, having been appointed to officiate as Deputy Accountant General, Bengal, received charge of his duties from Mr. T. H. Biggs before noon on the 18th September 1884.

Mr. T. H. Biggs, having been appointed to officiate as Assistant Accountant General, Bengal, assumed charge of his duties before noon on the 18th September 1884.

Major G. J. VanSomeren, Assistant Comptroller General in charge of the Forest Branch of the Office of the Comptroller and Auditor General, having been granted privilege leave for three months, made over charge of his duties to Mr. T. H. Biggs after noon on the 23rd September 1884.

Mr. T. H. Biggs, having been appointed to officiate as Assistant Comptroller General in charge of the Forest Branch of the Office of the Comptroller and Auditor General, made over charge of his office as Officiating Assistant Accountant General, Bengal, and received charge of the duties of Assistant Comptroller General after noon on the 23rd September 1884.

Mr. E. W. Kellner having been granted privilege leave for three weeks, and Mr. T. H. Biggs having been appointed to officiate for him, Mr. Kellner made over, and Mr. Biggs received, charge of the office of Deputy Comptroller General before noon on the 6th October 1884.

D. M. BARBOUR,

Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 17th October, 1884.

APPOINTMENTS.

No. 549.—COMMISSARIAT DEPARTMENT—

Lieutenant H. R. Marrett, Sub-Assistant Commissary General, 1st class, to be Superintendent, Hissar Cattle Farm, *vice* Colonel J. I. Robinson, who resigns the appointment. Dated 15th October, 1881.

No. 550.—PUNJAB FRONTIER FORCE—

1st Punjab Infantry.

Lieutenant I. Philipps, Manchester Regiment, a candidate for the Bengal Staff Corps, to officiate as Wing Officer, on probation, with effect from the 5th October, 1884.

FURLOUGH AND LEAVE.

No. 551.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel S. J. Browne, Bengal S. C., Commandant, 6th Punjab Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Major W. F. Trotter, Bengal S. C., Assistant Commissioner, 1st grade, Officiating Deputy Commissioner, 3rd grade, and Political Agent, Manipur, Assam, (p. a.) for one year, under rule IX of the regulations of 1868.

Major P. Walker, Border Regiment, Deputy Assistant Adjutant General for Musketry, (m. c.) from date of embarkation to the 23rd March 1885, under Article 824, Army Regulations, India, Volume I, Part I.

Lieutenant G. H. B. Gordon, R.E., Assistant Engineer, 1st grade, Military Works Department, (u. p. a.) for 182 days, under rule XI of the regulations of 1868.

Second Grade Assistant Apothecary J. T. Weston, (m. c.) for one year, under rule VI of the regulations of 1875.

Second Grade Assistant Apothecary R. Nugent, (u. p. a.) for one year, under rule VIII of the regulations of 1875. (This cancels the furlough granted him in G. G. O. No. 376 of 1884.)

PROMOTIONS.

No. 552.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Major.

Captain Norton Charles Martelli,—11th October, 1884.

MEDICAL DEPARTMENT.

To be Brigade-Surgeon.

Surgeon-Major A. Hilson, M.D., *vice* Brigade-Surgeon A. M. Dallas, promoted. Dated 9th September, 1884.

No. 553.—ORDNANCE DEPARTMENT—

Sub-Conductor John Hill Casey, on probation, is confirmed in his present grade, with effect from the 4th March, 1884.

No. 554.—PUBLIC WORKS DEPARTMENT—

Sub-Conductor Patrick Burke (since pensioned) to be Conductor, with effect from the 1st September, 1880.

No. 555.—WARRANT OFFICERS—

Sergeant George Curtis to be Sub-Conductor, *vice* Sub-Conductor C. S. McRae, deceased, with effect from the 13th December, 1883.

Sergeant Clifford Manley, to be Sub-Conductor, *vice* Sub-Conductor G. Taunton, deceased, with effect from the 8th April, 1884.

This cancels G. G. O. No. 368 of 1884.

No. 556.—VOLUNTEER CORPS—

East Indian Railway Volunteer Rifle Corps.

Lieutenant Tomyns Reginald Browne to be Captain, *vice* C. H. Denham, promoted.

No. 557.—NATIVE ARMY—

6th Bengal Cavalry.

Ressaidar Mir Alam Khan to be Ressaldar;
Jemadar Izzat Khan to be Ressaidar,—
with effect from 1st September, 1884, *vice* Ressaldar and Ressaldar-Major Rahimudin, "Sirdar Bahadur," invalided.

Duffadar Salik Singh to be Jemadar, with effect from 15th April, 1884, *vice* Jemadar Mir Arab Ali, deceased.

32nd Native Infantry.

Jemadar Heera Sing to be Subadar;
Havildar Juggut Sing to be Jemadar,—
with effect from 14th August, 1884, *vice* Subadar Wuddawa Sing, deceased.

1st Goorkha Regiment.

Jemadar Tezoo Khunka to be Subadar; Pay-Havildar Hurkmonie Thappa to be Jemadar, *vice* Subadar Seetbeer Goorung, invalided;

Jemadar Purbeer Ghurtie to be Subadar; Color-Havildar Bheem Sing Rana to be Jemadar, *vice* Subadar Babootea Khawas, invalided,—
with effect from 1st July, 1884.

RETIREMENTS.

No. 558.—Surgeon-Major Horatio David Steel Compigne, M.D., is permitted to retire, with effect from the 13th November, 1884, subject to Her Majesty's approval.

G. CHESNEY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 13th October, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned and Warrant Officers, on the dates specified, were received in the Military Department between the 23rd September and the 13th October, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Public Works Department ...	Sergeant W. FitzGerald ...	4th September, 1884.	Saugor (Central Provinces.)	Will left ...	Widow administering the estate.
Commissariat Department ...	Sub-Conductor J. Sherry ...	20th September, 1884.	Umballa ...	...	...
King's Royal Rifle Corps ...	Lieutenant E. W. S. Pretyman ...	1st October, 1884	Ferozepore ...	...	...
Royal Engineers ...	Major R. Calrow ...	6th October, 1884	Landour ...	...	...

Statement of Deposits on account of Estates between the 16th September and the 13th October, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Edward Newbery (a) ...	Major ...	Bengal Staff Corps.	2nd June, 1884	Will left	1,492 12 6	...	...
Charles Hyder Forster (b)	Major ...	General List, Infantry.	10th Mar, 1884	...	17 12 5	...	...

(a) *Next-of-kin.—Children*—Theodora Newbery; Guy Marquis Newbery.
(b) *Vide* Notification of 7th July, 1884.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 15th October 1884.

No. 247.—Mr. J. W. Brassington, Executive Engineer, 3rd Grade, temporarily under the orders of the Punjab Government, is retransferred to Rajputana.

No. 248.—Mr. O. G. Smart, Assistant Engineer, 1st Grade, British Burma, is transferred to Assam.

No. 249.—Mr. J. W. Wilkinson, Examiner, Public Works Accounts, is transferred from the Office of the Accountant General, Public Works Department, to that of the Examiner of Accounts, Rajputana-Malwa Railway.

Mr. W. Ogden, Deputy Examiner of Accounts, is transferred from the Office of the Examiner of Accounts, Rajputana-Malwa Railway, to that of the Accountant General, Public Works Department.

No. 250.—The services of Mr. T. R. Wynne, Executive Engineer, 4th Grade, State Railways, are placed temporarily at the disposal of the Bengal and North-Western Railway Company, with effect from the 13th October 1884, the date on which his furlough expires.

No. 251.—Major C. E. Shepherd, s.c., Executive Engineer, 1st Grade, is appointed to officiate as Engineer-in-Chief of the Rewari-Ferozepore State Railway during the absence on privilege leave of Mr. R. T. Mallet, or until further orders.

The 17th October 1884.

No. 252.—Mr. W. H. Brand, Examiner of Accounts, is appointed to the charge of the Imperial State Railway Accounts, North-Western Provinces and Central India.

No. 253.—Mr. A. Grant, Deputy Examiner of Accounts, is appointed to the charge of the State Railway Accounts, Madras, as a temporary arrangement.

No. 254.—The services of Mr. P. T. S. Large, Executive Engineer, 2nd Grade, State Railways, are, on his return from furlough, placed at the disposal of the Chief Commissioner, Central Provinces, for employment in the Railway Branch.

No. 255.—The services of Mr. C. Thomson, Executive Engineer, 2nd Grade, sub. *pro tem.*, State Railways, are placed temporarily at disposal of the Agent to the Governor General, Rajputana, for employment on the Oodeypore-Chittore Railway Surveys.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 15, 1881.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1881, and is hereby promulgated for general information :—

ACT No. XVI OF 1881.

An Act to provide more effectually for the suppression of certain forms of Gaming in British Burma.

WHEREAS it is expedient to provide more effectually for the suppression of certain forms of gaming in British Burma; It is hereby enacted as follows :—

Short title, extent and commencement.

1. *(1)* This Act may be called the Burma Gaming Act, 1881.

(2) It extends to all the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force at once.

Application of Act III of 1867 to game of *ti* and like games.

2. *(1)* Taking part in the game of "*ti*," or in any other game or pretended game of a like nature, shall be deemed gaming and playing within the meaning of Act III of 1867.

(2) Every house, walled enclosure, room or place, whether public or private, where any such game or pretended game is carried on, shall, for the purposes of that Act, be deemed a common gaming-house, and all expressions referring to the use of any such house, enclosure, room or place as a common gaming-house shall include the use thereof for any such game or pretended game on a single occasion.

(3) All boxes, receptacles, lists, papers, tickets and forms used for the purpose of any such game or pretended game shall be deemed instruments of gaming within the meaning of the said Act.

Penalty on conducting game of *ti* and like games.

3. Whoever conducts or assists in conducting the game of "*ti*" or any other game or pretended game of a like nature, as manager, stakeholder or *daing*, or who is according to the rules of the game or pretended game entitled to receive the surplus proceeds, or any part of the surplus proceeds, of the stakes, after deducting the amount payable to the successful player or players, or who promotes the game or pretended game by soliciting or collecting stakes or otherwise, shall be punished with imprisonment for a term which may for a first offence extend to six months, and for a subsequent offence to two years, or with fine, or with both.

Power to extend local application of Act III of 1867 within British Burma.

4. *(1)* The Chief Commissioner may, from time to time, by notification published in the official Gazette, extend to the whole or any part of the territories for the time being under his administration any such of the provisions of Act III of 1867 as do not for the time being extend thereto.

(2) From the date of any such extension so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with or repugnant to any provision so extended shall cease to have effect in those territories.

Power to invest 2nd class Magistrate with powers under Act III of 1867, section 5.

5. The Local Government may authorize any Magistrate of the second class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the District.

Amendment of Act III of 1867, section 13.

6. In section 13 of Act III of 1867—

(*a*) for the words "public street, place or thoroughfare," where they first occur, the words "street or thoroughfare or place to which the public have access" shall be substituted, and

(*b*) in the last clause, for the words "such public place" the words "such place" shall be substituted.

7. A police-officer may arrest without warrant any person soliciting or collecting stakes for the game of *ti*, or any other game or pretended game of a like nature, in any street or thoroughfare or place to which the public have access.

Power to arrest without warrant.

8. Whenever a District Magistrate, Sub-divisional Magistrate or, when he is specially empowered in this behalf by the Local Government, a Magistrate of the first class receives information that any person within the local limits of his jurisdiction earns his livelihood, wholly or in part, by carrying on, or assisting in carrying on, the game of *ti*, or any other game or pretended game of a like nature, he may deal with such person as nearly as may be as if the information received about him were of the description mentioned in section 110 of the Code of Criminal Procedure; and for the purposes of any proceeding under this section the fact that a person earns his livelihood as aforesaid may be proved by evidence of general repute or otherwise.

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D. FITZPATRICK,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October, 1884, and is hereby promulgated for General information :—

ACT NO. XVII OF 1884.

THE BURMA MUNICIPAL ACT, 1884.

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An Act to amend the law relating to Municipalities in British Burma.

WHEREAS it is expedient to amend the law relating to Municipalities in British Burma; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. *(1)* This Act may be called the Burma Municipal Act, 1884.

(2) It extends to the territories for the time being under the administration of the Chief Commissioner of British Burma; and

(3) It shall come into force on such date as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

"municipality" means a local area declared under Chapter II to be a municipality;

"inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in any local area which is declared to be a municipality under this Act or which the Local Government has by notification proposed to declare a municipality under this Act; and

"street" means any street, road, thoroughfare, passage or place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge,

Burma Municipal Act, 1884.
(Chapter II.—Constitution of Municipalities.—Sections 3-5.)
(Chapter III.—Organization of Municipal Committees.—Sections 6-9.)

CHAPTER II.

CONSTITUTION OF MUNICIPALITIES.

Proposal to create municipality.

3. *(1)* The Local Government may, by notification published in the official Gazette and in such other manner as the Local Government may determine, propose to declare any town, or any group of towns in the immediate neighbourhood of one another, a municipality under this Act.

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within these limits any railway-station, village, building or land in the vicinity of any such town:

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

Creation of municipality.

4. *(1)* Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to anything therein contained, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the Gazette, and the Local Government shall take his objection into consideration.

(2) When six weeks from the publication of the notification in the Gazette have expired and the Local Government has considered the objections (if any) which have been submittted under sub-section (*1*), the Local Government may, by a notification in the official Gazette, declare the local area to be a municipality under this Act.

Application of Act to existing municipalities.

5. *(1)* The Local Government may, by notification in the official Gazette, declare any local area which is a municipality established under the British Burma Municipal Act, 1874, to be a municipality under this Act, and shall, within three months from the date on which this Act comes into force, so declare every such local area, unless, before the expiration of that period,—

(*a*) that local area is comprised in some local area declared to be a municipality under section 4; or

(*b*) the Local Government has declared, by a notification in the official Gazette, that the provisions of this Act are unsuited to that local area.

I of 1874.

(2) The Local Government may, by the notification issued under this section in respect of any local area, direct that the members and the president and vice-president of the committee for that local area appointed *ex officio*, by nomination and by election under the said British Burma Municipal Act, 1874, and then in office, shall, on and from a day fixed by the notification, be deemed respectively to have been appointed by virtue of an office and by name and elected under this Act as members, president and vice-president of a municipal committee for the local area, and shall hold office as such members, president and vice-president for such term as may be fixed by the notification.

I of 1874.

CHAPTER III.

ORGANIZATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

Committee to consist of elected and appointed members.

6. There shall be established for each municipality a municipal committee having authority over that municipality, and consisting of—

(*a*) so many inhabitants of the municipality as may be determined by the Local Government elected in manner next hereinafter prescribed to represent wards of the municipality or particular classes of the inhabitants; and

(*b*) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Local Government may appoint by name or by virtue of an office in this behalf:

Provided that—

(1) when the circumstances of the municipality are, in the opinion of the Local Government, such as to require it, the Local Government may appoint a larger proportion of, or all, the members of the committee; and

(2) when any places on a committee are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

Power to Local Government to make rules regarding election.

7. *(1)* The Local Government shall, for every municipality in which a system of election is introduced, make rules regulating the following matters, namely:—

(*a*) the division of the municipality into wards, or of the inhabitants into classes, or both;

(*b*) the number of representatives proper for each ward or class;

(*c*) the qualifications of electors and of candidates for election;

(*d*) the registration of electors;

(*e*) the nomination of candidates, the time of election and the mode of recording votes; and

(*f*) any other matters relating to the system of representation and of election for which it may seem expedient to provide.

(2) The Local Government may, after the municipal committee has come into existence as herein after provided, amend, after consulting the committee, the rules made under this section; but any amendment made under this sub-section shall not take effect until six months after it has been published in the official Gazette.

(3) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

Term of office of members.

8. *(1)* A member of a municipal committee, when appointed by virtue of an office, shall, unless and until the Local Government otherwise directs, continue to be a member of the committee while he continues to hold that office.

(2) The term of office of all other elected and appointed members of a committee shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member may, if otherwise qualified, be again elected or appointed.

Resignation of member of committee.

9. A member of a municipal committee may resign by notifying in writing to the Local Government his intention to do so, and, on his resignation being accepted by the Local Government, he shall be deemed to have vacated his office.

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 10-18.)

Removal of member.

10. *(1)* The Local Government may remove any member of a municipal committee who ceases to be an inhabitant of the municipality, or refuses to act, or becomes in the opinion of the Local Government incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member, or who without sufficient excuse neglects for more than three consecutive months to be present at the meetings of the committee.

(2) A person removed under this section on any ground except that first mentioned shall be disqualified for election until the Local Government otherwise directs.

Filling of casual vacancies.

11. *(1)* When the place of an elected member of a municipal committee becomes vacant by the resignation or removal of the member, or by his death, a new member shall be elected in manner prescribed under section 7 to fill the place.

(2) When the place of a member of a municipal committee appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may be again elected or appointed.

Incorporation of municipal committee.

12. Every municipal committee shall be a body corporate by the name of the municipal committee of its municipality, shall have perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire and hold property, both moveable and immoveable, and to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name:

Provided that a committee shall not transfer any immoveable property except in pursuance of a resolution passed at a special meeting and approved by the Local Government.

Time for committees coming into existence.

13. A municipal committee shall come into existence at such time as the Local Government may, by notification in the official Gazette, appoint in this behalf:

Provided that a committee constituted under section 5, sub-section (2), shall come into existence on the day fixed under that sub-section.

Consequences of establishment of municipal committee where municipal committee under Act VII of 1874 exists.

14. When a municipal committee comes into existence under section 13 for a municipality constituted under this Act, and that municipality is or comprises within its limits a local area which is a municipality under the British Burma Municipal Act, 1874, the following consequences shall ensue, namely:—

(a) the said Act shall cease to apply to the local area;

(b) the municipal committee (if any) constituted under that Act for the local area (hereinafter called the old committee) shall cease to exist;

(c) all property vested in the old committee shall for the purposes of this Act vest in the committee constituted under this Act (hereinafter called the new committee), subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property;

(d) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Act had not been passed;

(e) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee and shall not be dismissed from that employment without the sanction of the Local Government; and

(f) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

Member of municipal committee to be municipal commissioner.

15. Every member of a municipal committee constituted under this Act shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

President and Vice-president.

Election of president and vice-president.

16. A municipal committee shall, from time to time, at a special meeting, elect one of its members to be president, and may, from time to time, at a like meeting, elect another of its members to be vice-president:

Provided that in such municipalities, if any, as the Local Government may, by notification in the official Gazette, exempt from the operation of this section, the president shall, until the notification is rescinded by a like notification, be appointed by the Local Government from among the members of the committee.

Term of office of president and vice-president.

17. *(1)* The term of office of a president or vice-president shall be one year, and on the expiration of that period he may be again elected or appointed.

(2) Nothing in this section shall affect section 5, sub-section (2).

Casual vacancies in office of president or vice-president.

18. *(1)* If a president elected by a municipal committee or a vice-president dies, ceases to be a member of the committee or resigns his office, the committee shall, at a special meeting, elect another of its members to be president or vice-president.

(2) If a president appointed by the Local Government dies, ceases to be a member of the committee or resigns his office, the Local Government shall appoint another president.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 19-28.)

until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but may, if otherwise qualified, be again elected or appointed.

Notification of Elections, Appointments and Removals.

Notification of appointments, &c.

19. All elections and appointments of presidents and vice-presidents, and all elections, appointments and removals of members, of municipal committees, shall be notified in the local official Gazette, and no such election or appointment shall take effect until it is so notified.

Conduct of Business.

Time for holding meetings.

20. *(1)* A municipal committee shall meet for the transaction of business at least once in every month, at such time as may, from time to time, be fixed by the rules made under section 27.

(2) The president, or, in his absence, the vice-president, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth or two of the members of the committee, convene an ordinary or a special meeting at any other time.

Ordinary and special meetings.

21. *(1)* A meeting of a municipal committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Act or the rules made under this Act to be transacted at a special meeting.

Quorum.

22. *(1)* The quorum necessary for the transaction of business at a special meeting of a municipal committee shall be one-half of the whole committee:

Provided that, when the committee consists of less than six members, the quorum shall be three.

(2) The quorum necessary for the transaction of business at an ordinary meeting of a municipal committee shall be such number, not less than three, as may, from time to time, be fixed by the rules made under section 27:

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before and transacted by the adjourned meeting whether there is a quorum present thereat or not.

Chairman of meeting.

23. *(1)* At every meeting of a municipal committee the president, if present, shall preside as chairman.

(2) If, when any meeting is held, the office of president is vacant, or the president is absent from the meeting and the vice-president is present, he shall preside as chairman.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

Vote of majority decisive.

24. *(1)* Except as otherwise provided by this Act or by any rule made under this Act, all questions coming before any meeting of a municipal committee shall be decided by a majority of the votes of the members present.

(2) In case of an equality of votes, the chairman at the meeting shall have a second or casting vote.

Resolutions to be recorded and published.

25. Every resolution passed by a municipal committee at a meeting shall be recorded in a book kept for the purpose, shall be signed by the chairman of the meeting or of the next ensuing meeting, shall be open to inspection by the public at the municipal office at all reasonable times without charge, and shall be published in some local English or Vernacular newspaper, or in such other manner as the Local Government may direct.

Language of committee.

26. The discussions and proceedings of a municipal committee shall be conducted and recorded either in English or in Burmese, as the committee at a special meeting may, from time to time, decide:

Provided that, if the discussions and proceedings are conducted and recorded in English, the committee shall provide for interpreting and translating them into Burmese for the benefit of members who do not understand English.

Power to make rules as to conduct of business.

27. *(1)* A municipal committee may, from time to time, at a special meeting, make rules consistent with this Act as to—

(*a*) the time and place of its meetings;

(*b*) the manner in which notice thereof is to be given;

(*c*) the quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings, and the adjournment of meetings;

(*e*) the person or persons to be primarily responsible for the current executive administration and their powers; that is to say, what portion of the executive authority shall be exercised by the president, by the vice-president, by sub-committees, by individual members and by officers or servants of the committee;

(*f*) the persons by whom receipts may be granted on behalf of the committee for money paid under this Act; and

(*g*) any other similar matters.

(2) A rule made under clause *(e)* shall not take effect until it has been confirmed by the Local Government, and no rule made under this section shall take effect until it has been published in such manner as the Local Government may direct.

Extraordinary powers of president and vice-president in case of emergency.

28. In cases of emergency the president, or in his absence the vice-president, may direct the execution of any work or the doing of any act, which the committee is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be paid from the municipal fund:

Provided that—

(a) he shall not act under this section in contravention of any order of the committee passed at a meeting; and

(b) where he acts under this section, he shall report his proceedings to the next following meeting of the committee.

Burma Municipal Act, 1884.

(Chapter III.—Organization of Municipal Committees.—Sections 29-38.)

Joint Committees.

Joint committee of two or more committees or cantonment authorities.

29. A municipal committee may, from time to time, concur with any other municipal committee or cantonment authority, or with more than one such committee or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which it is appointed.

Defects in Constitution and Irregularities.

Vacancies and irregularities not to invalidate proceedings.

30. Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a municipal committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

Officers and Servants.

Appointment of secretary.

31. *(1)* A municipal committee shall, from time to time, at a special meeting, appoint one of its members or some other person to be its secretary, and may at a like meeting remove any person so appointed.

(2) If a secretary is a member of the committee, he shall receive no remuneration in respect of his services. If he is not a member of the committee, the committee may, with the previous sanction of the Commissioner, assign to him any such pay as it thinks fit.

Employment of other officers and servants.

32. Subject to the other provisions of this Act, and to such rules as the Local Government may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a municipal committee may appoint and remove, in addition to its secretary, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to those officers and servants such pay as it thinks fit.

Power to prevent extravagance in establishments.

33. If, in the opinion of the Commissioner, the number of persons employed by a municipal committee as officers or servants, or whom the committee propose to employ as such, or the remuneration assigned by the committee to those persons or any of them, is excessive, the committee shall, on the requirement of the Commissioner, reduce the number of those persons or the remuneration, as the case may be:

Provided that the committee may appeal against any such requirement to the Local Government, and the decision of the Local Government on any such appeal shall be final.

Pensions of Government officials serving the committee.

34. In the case of a Government official, a municipal committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions of other officers and servants.

35. In the case of an officer or servant not being a Government official referred to in section 34, a municipal committee may—

(1) grant him leave-allowances and, if he is employed under the committee appointed under the British Burma Municipal Act, 1874, when this Act comes into force, and is not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity; and

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(2) if empowered in this behalf by the Local Government—

(a) subscribe in his behalf for pension or gratuity under the rules of the Government Civil Pension and Leave Codes for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the servant would be entitled if the service had been service under Government.

Contracts and Transfers of Property.

Mode of executing contracts and transfers.

36. *(1)* When a contract made by or on behalf of a municipal committee exceeds in value or amount one hundred rupees, it must be in writing, and must be signed by the president or vice-president and at least one other member of the committee.

(2) A transfer of immoveable property belonging to the committee must be made by an instrument in writing, executed by the president or vice-president and by at least two other members of the committee.

(3) If any such contract or transfer is executed or made otherwise than in conformity with the provisions of this section, it shall not be binding on the committee.

Penalty on member, officer or servant of committee being interested in contract made with committee.

37. *(1)* If any member, officer or servant of a municipal committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

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(2) A person shall not, by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

Acquisition of land.

Acquisition of land under Act X of 1870.

38. Where any land, whether within or without the limits of a municipality, is required by a municipal committee for the purposes of this Act or for any other object which it is em-

Burma Municipal Act, 1884.
(Chapter III.—Organization of Municipal Committees.—Sections 39-40.)
(Chapter IV.—Taxation.—Sections 41-43.)

powered to carry out under any other enactment for the time being in force, the Local Government may, at the request of the municipal committee, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the committee of the compensation awarded under that Act and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the committee.

Privileges and Liabilities.

Suits against committee and its officers.

39. No suit shall be instituted against a municipal committee or against an officer of any such committee in respect of an act purporting to be done by him in his official capacity until the expiration of one month next after notice in writing has been, in the case of a committee, delivered to or left at its office, and in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such notice has been so delivered or left:

Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.

Liability for loss, waste or misapplication.

40. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a municipal committee, if the loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee, and a suit for compensation may be instituted against him by the committee or by the Secretary of State for India in Council.

CHAPTER IV.

TAXATION.

General Provisions.

Taxes which may be imposed for general purposes of Act.

41. *(1)* Subject to any general rules or special orders which the Governor General in Council may make in this behalf, a municipal committee may, for the purposes of this Act, impose, with the sanction hereinafter specified in each case, and in manner prescribed by section 45, any of the following taxes, namely:—

(A) with the previous sanction of the Local Government—

(a) a tax on buildings and lands situate within the municipality or any part thereof, not exceeding five per centum of the annual value of the buildings and lands;

(b) a tax on lands covered by buildings and situate as aforesaid, at a rate not exceeding one pie per square foot per annum;

(c) a tax on houses situate as aforesaid, according to the number of posts in each, at rates not exceeding the following, namely:—

	Rs. A.	
For a house having not more than 2 posts ...	0 8	per annum.
For a house having 3 posts ...	1 8	"
For a house having 4 posts ...	2 8	"
For a house having 5 posts ...	4 0	"
For a house having 6 posts ...	7 0	"
For a house having 7 posts ...	10 0	"

and when a house has more than seven posts, four rupees eight annas additional per annum for each post above seven;

(d) a tax on vehicles, boats and animals used for driving, riding, draught or burden, and dogs, kept within the municipality or any part thereof;

(B) with the previous sanction of the Local Government and of the Governor General in Council, any other tax:

Provided as follows:—

(e) only one of the taxes mentioned in clauses *(a)*, *(b)* and *(c)* shall be imposed in respect of the same property; and

(f) in assessing a house to the tax mentioned in clause *(c)*, only posts facing a road or street shall be counted, except in the case of bázárs or large buildings extending through from street to street, in which case the posts contained in one row from street to street, instead of those facing streets, may, in the discretion of the assessing authority, be counted.

(2) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished;

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, if the Local Government so directs, the annual value shall be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not; or, when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable.

Water-tax.

42. *(1)* Besides the taxes imposed under section 41, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of constructing or maintaining works for the supply of water to the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of such works, impose in manner prescribed by section 45, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contracts or otherwise, should not exceed the amount required for the said purpose.

Lighting-tax.

43. Besides the taxes imposed under the foregoing sections, a municipal committee, with the previous sanction of the Local Government, may, for the purpose of lighting the public streets throughout the municipality or any part thereof, or paying the principal or interest of any loan raised for the construction of works required for lighting those streets, impose, in manner prescribed by section 45, a tax, to be called the lighting-tax, upon buildings and lands situate

within the municipality or that part thereof, as the case may be:

Provided that in fixing the rate or amount of the tax regard shall be had to the principle that the total net proceeds thereof should not exceed the amount required for the said purpose.

Scavenging-tax.

44. When a committee has, in exercise of the powers conferred by this Act, provided for the performance, with regard to any buildings or lands, by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Local Government, impose, in manner prescribed by section 45, upon those buildings and lands, in addition to any other tax imposed upon them under this Act, a tax to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

Procedure in imposing such taxes.

45. *(1)* A municipal committee may resolve, at a special meeting, to propose the imposition of any tax under section 41, 42, 43 or 44.

(2) When a resolution has been passed under sub-section (1), the committee shall publish a notice defining the persons or property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax and objecting to the same may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no objection is received within the said period of thirty days, or if the objections received, having been considered as aforesaid, are deemed insufficient, the committee may submit its proposals to the Local Government, with the objections (if any) which have been submitted as aforesaid and its decision thereon.

(5) The Local Government, on receiving such proposals may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Local Government sanctions any such proposals which require the further sanction of the Governor General in Council, it shall submit those proposals to the Governor General in Council with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction the same, or return them to the Local Government for further consideration.

(7) When the proposals of a municipal committee in respect of a tax have been sanctioned by the Local Government, or by the Local Government and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with those proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than six months from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Act shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Power to abolish or reduce tax.

46. A municipal committee may, at a special meeting, with the sanction of the Local Government, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to Local Government to suspend levy of tax.

47. *(1)* If it at any time appears to the Local Government, on complaint made or otherwise, that any tax imposed under the foregoing sections is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, it may require the municipal committee to take, within a specified period, measures to remove the objection; and, if within that period the requirement is not complied with to the satisfaction of the Local Government, the Local Government may, by notification, suspend the levy of the tax or of any part thereof until the objection has been removed.

(2) The Local Government may at any time by a like notification, rescind any such suspension.

Power to make rules for assessment, collection and remission of taxes.

48. *(1)* The Local Government may make rules for the assessment, collection and remission of taxes leviable under this Act and preventing evasion of the same:

Provided that every such rule shall be consistent with the provisions of this Act and with the proposals sanctioned in respect of the tax under section 45.

(2) In making any rule under this section the Local Government may direct that a breach of any provision thereof shall be punishable with fine which may extend to fifty rupees.

Taxes not invalid for defect of form.

49. No tax imposed under this Act shall be invalid merely for defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of the tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

Taxes leviable under Act VII of 1874 to be deemed to be taxes under this Act.

50. All taxes leviable in any local area under the British Burma Municipal Act, 1874, at the time when a municipal committee having authority over that local area comes into existence under this Act, shall, so far as their imposition and assessment are consistent with this Act and within the powers conferred thereby, be deemed to have been imposed and assessed under this Act.

Taxes on Immoveable Property.

Preparation of assessment-list.

51. *(1)* The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

(a) the name of the street or division in which the property is situate;

(b) the designation of the property, either by name or by number, sufficient for identification;

(c) the names of the owner and occupier, if known;

(d) the annual value, area or number of posts on which the property is assessed; and

(e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of the measurements or number of posts or of the rent or annual value.

Publication of notice of assessments.

52. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person claiming to be either owner or occupier of property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

53. *(1)* The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the assessment shall be made in writing before the time fixed in the notice or orally or in writing at that time.

Settlement of list.

54. *(1)* After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorized agent as they think fit and the revision of the assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

(2) The list when amended under this section shall be deposited in the committee's office, and shall there be open during office-hours to all owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

Further amendments of assessment-list.

55. *(1)* The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently assessed through mistake, oversight or fraud, after giving notice to any person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorized agent as he thinks fit.

New list need not be prepared every year.

56. It shall be in the discretion of the committee to prepare a new assessment-list every year; or to adopt the assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the assessment for the year following, giving the same notice of the assessment as if a new assessment-list had been prepared.

Remission of tax on unoccupied immoveable property.

57. When a tax payable under section 41, clause (*a*), (*b*) or (*c*), or under section 42, 43 or 44, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

Taxes under section 41, clauses (*a*), (*b*) and (*c*), from whom due

58. Every tax payable under section 41, clause (*a*), (*b*) or (*c*), shall be due jointly and severally from all persons who have been in occupation of the building or land assessed at any time during the year of assessment, or, when the tax is payable by instalments, at any time during the period in respect of which the instalment is payable, and from all persons who have held under them as tenants, mortgagees or conditional vendees.

Tax under sections 42, 43 and 44 payable by occupier.

59. Every tax leviable under section 42, 43 or 44 shall be payable by the occupier of the building or land in respect of which it is payable.

CHAPTER V.

FUNDS AND PROPERTY.

Municipal fund constituted.

60. There shall be formed for each municipality a municipal fund, and there shall, except as by this Act provided, be credited thereto—

(a) all sums received by or on behalf of the committee under this Act or otherwise;

(b) all fines realized in cases in which prosecutions are instituted under this Act or the rules made hereunder or under section 34 of Act V of 1861 for offences committed within the municipality;

(c) any sums which the Local Government may annually assign, as it is hereby empowered to do, to the municipal fund from the port fund of any port abutting on or within the municipality as being in its

opinion a just and reasonable contribution towards the expenditure rendered necessary by the resort to the municipality of seamen from ships lying in the port; and

(*d*) when there has been included within the municipality a municipality constituted under the British Burma Municipal Act, 1874, the balance (if any) standing at the credit of the funds of that municipality at the time when the municipal committee came into existence.

Application of fund.

61. *(1)* The committee shall set apart and apply annually out of the municipal fund—

(*a*) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

(*b*) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions and contributions as are referred to in sections 34 and 35,

(*c*) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Local Government to be equitably debitable to the committee in return for services rendered to it by these Departments.

(2) Subject to the charges specified in subsection (1) and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and with the sanction of the Commissioner outside the municipality, when such application of the fund is for the benefit of the inhabitants, namely:—

(*a*) the construction, maintenance, improvement, cleansing and repair of streets, and of public bridges, embankments, drains, latrines, tanks and water-courses;

(*b*) the watering and lighting of the streets or any of them;

(*c*) the construction, establishment and maintenance of schools, hospitals and dispensaries, and other institutions for the promotion of education or for the benefit of the public health, and of rest-houses, zayats, wharves, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(*d*) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;

(*e*) the training of teachers and the establishment of scholarships;

(*f*) the giving of relief and the establishment and maintenance of relief-works in time of famine or scarcity;

(*g*) the supply, storage and preservation from pollution of water for the use of men or animals;

(*h*) the planting and preservation of trees;

(*i*) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure;

(*j*) the holding of fairs and industrial exhibitions; and

(*k*) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

School fund.

62. *(1)* There shall be formed for each municipality a school fund. To this fund shall be credited—

(*a*) the fees levied in schools maintained at the cost of the school fund;

(*b*) any assignment that may be made to the school fund from provincial funds or from any district or local fund;

(*c*) any other funds or income that may be entrusted to the municipality for the promotion of education; and

(*d*) any sums assigned for educational purposes from the municipal fund.

(2) The Local Government may fix for any municipality the minimum proportion of the municipal fund that shall be yearly assigned to the school fund under clause (*d*): Provided that the minimum so fixed shall not exceed 5 per cent. on the gross annual income of the municipality.

(3) No expenditure, except expenditure for the promotion of education, shall be charged against the school fund. In case of doubt the Commissioner shall decide whether any expenditure is or is not for the promotion of education.

Custody of, and disbursements from, funds.

63. *(1)* The balances standing to the credit of the municipal fund and school fund shall, if there is a Government treasury or sub-treasury or a bank to which the Government treasury business has been made over situate within the municipality, be kept in that treasury, sub-treasury or bank. In any other case, the bulk of the funds shall be kept in the nearest Government treasury or sub-treasury or bank as aforesaid, and such money as may be required for current expenditure shall be kept by the committee in a strong box in such place and under such precautions as the committee may, from time to time, direct.

(2) No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the committee.

Investment of same.

64. *(1)* A municipal committee may, from time to time, with the previous sanction of the Local Government, invest any portion of its municipal fund or school fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and vary such investments for others of the like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund or school fund, as the case may be.

Burma Municipal Act, 1884.
(Chapter V.—Funds and Property.—Sections 65-67.)
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 68-74.)

Property vested in municipality.

65. Subject to any special reservation made by the Local Government, all property in a municipality of the nature hereinafter specified shall be vested in and belong to the municipal committee, and shall, with all other property which may become vested in the committee, be under its direction, management and control, and shall be held and applied by it for the purposes of this Act, that is to say:—

(a) all public townhalls, gates, markets, slaughter-houses, manure and night-soil depôts and public buildings of every description which have been constructed or are maintained out of municipal funds;

(b) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes and other waterworks, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and watercourses in, alongside or under any street, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal-matter or filth, or rubbish of any kind, collected by the committee from the streets, houses, privies, sewers, cesspools or elsewhere;

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all land or other property transferred to the committee by the Government or by gift or otherwise for local public purposes; and

(g) all streets, and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Management of public institutions.

66. (1) The management, control and administration of every public institution maintained out of municipal funds shall vest in the committee:

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Local Government.

(2) When any public institution is placed under the direction, management and control of the committee, all property, endowments and funds belonging thereto shall be held by the committee in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Crown of property vesting in committee.

67. The committee may, with the sanction of the Local Government, transfer to Her Majesty any property vesting in the committee under section 65 or section 66, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

Power to acquire land for building sites adjoining new streets.

68. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

69. The committee may close temporarily any street vested in it or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street, and sell the land or such part thereof as is not required for the purposes of this Act.

Power to permit temporary occupation of streets, &c.

70. The committee may grant permission in writing for the temporary occupation of any street or land vested in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

Power to attach brackets for lamps.

71. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

72. (1) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any different name or number from that put up by order of the committee, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

73. The committee at a meeting may direct that, within certain limits, to be fixed by it, the external roofs and walls of huts or other buildings shall not be made or renewed of bamboos, grass, mats, leaves or other highly inflammable materials unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

Power to regulate line of buildings.

74. (1) If any building or part of a building projects beyond the regular line of a public street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the public street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

Burma Municipal Act, 1884.

(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 75-80.)

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

75. *(1)* Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Act given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging;

(*c*) ventilation and drainage;

(*d*) level and width of foundation, level of lowest floor and stability of structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a street or public thoroughfare:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid when required, or in contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished, as it may deem necessary.

Explanation.—The expression "erect any building" includes all additions or alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

Removal of projections and obstructions.

76. *(1)* It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a public street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhangs or projects into or encroaches on any public street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Act, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in public streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing Places.

Bathing and washing places.

77. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or washing animals or clothes, in any public place not so set apart, or at times or by persons other than those so specified, and all other acts not so permitted by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

Removal and deposit of offensive matter.

78. The committee may fix places within or, with the approval of the Deputy Commissioner, beyond the limits of the municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

Places for slaughter of animals.

79. *(1)* The committee may, with the approval of the Deputy Commissioner, fix and abolish places either within or without the limits of the municipality for the slaughter of animals for sale, or of any specified description of such animals, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits.

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal for sale at any other place within the municipality shall be punishable with fine which may extend to twenty rupees.

Burial and Burning Places.

Powers in respect of burial and burning places.

80. *(1)* The committee may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 81-89.)

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf:

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed, after the passing of this Act, without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to fifty rupees.

81. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Removal of corpses.

Inflammable Materials.

82. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting bamboos, dry grass, straw or other inflammable materials, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Inflammable materials.

Powers of Entry and Inspection.

83. (1) The committee, by any person authorized by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies and cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the privies, drains or cesspools.

Inspection of drains, privies and cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

84. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

Power to enter and inspect buildings, &c.

85. The committee, by any person authorized by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building or land, at any time between sunrise and sunset—

Other powers of entry on buildings or land.

(a) enter on and survey and take levels of any land;

(b) enter, inspect and measure any building for the purpose of valuation;

(c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Act empowered to execute or maintain.

86. The committee, by any person authorized by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Act and which has not been so taxed.

Power to enter for discovery of vehicles or animals liable to taxation.

87. The committee, by any person authorized by it in this behalf, may at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein; and, if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption;

Power to inspect places for sale of food or drink, &c., and to seize unwholesome articles exposed for sale.

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

88. (1) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any privies, drains, cesspools or other receptacles for offensive matter pertaining to buildings or land, with the consent of the occupier of the building or land, or without such consent if the occupier fails to make arrangements to the satisfaction of the committee for the performance of such duties.

Power of entry for purpose of scavenging.

(2) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

89. When any building, used as a human dwelling, is entered under this Act, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Act, notice shall be given to

Precautions to be observed in entering dwelling.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 90-101.)

her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

Troughs and pipes for rain-water.

90. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the street.

Provision of privies, &c.

91. *(1)* The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should in its opinion be provided for the building, in such manner as the committee directs.

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

Repair, alteration and closing of drains, privies and cesspools.

92. *(1)* The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool, belonging thereto.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or regulations or to the provisions of this Act, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

Unauthorised buildings over drains, &c.

93. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any sewer, drain, culvert, watercourse or water-pipe vested in the committee to pull down or otherwise deal with the same as it thinks fit.

Removal of latrines, &c., near any source of water-supply.

94. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Power to require drainage, &c., of unwholesome tanks, &c.

95. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein which appears to the committee to be injurious to health or offensive to the neighbourhood:

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

Power to require buildings, wells, tanks, &c., to be secured.

96. If any building, or any well, tank or other excavation, is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Buildings, &c., in ruinous or dangerous state.

97. If any building, wall, structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee consider necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in unsanitary Condition.

Power to require owner to clear away noxious vegetation.

98. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on streets, wells, &c.

99. The committee may, by notice, require the owner or occupier of any land, within three days, to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Cleansing of filthy buildings or land.

100. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Power to prohibit use for human habitation of buildings unfit for such use.

101. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used, until the committee is satisfied that it has been rendered fit for such use.

Burma Municipal Act, 1884.
(Chapter VI.—Powers for Sanitary and other Purposes.—Sections 102-106.)

102. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

103. *(1)* The committee, on the report of the Sanitary Commissioner that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the municipality is injurious to the health of persons dwelling in the neighbourhood, may, with the previous sanction of the Local Government, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury:

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used or irrigation has been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section *(1)*, he shall be punishable with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

104. *(1)* The owner or occupier of every place within the municipality used for any of the following purposes, namely:—

Regulation of offensive and dangerous trades.

melting tallow;

boiling bones, offal or blood; or

as a soap-house, oil-boiling house, dyeing-house or tannery; or,

as a brickkiln, pottery or limekiln; or

as any other manufactory or place of business from which offensive or unwholesome smells arise; or

as a yard or depôt for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material; or

as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may impose such conditions in respect of such license as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punishable with fine which may extend to fifty rupees, and with further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

105. (1) If it is shown to the satisfaction of the committee, at a meeting, that any place registered or licensed under the last preceding section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

Power to prohibit such trades.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees, and with further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

106. A committee may, from time to time, at a special meeting, make rules—

Power to make rules.

(*a*) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(*b*) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*c*) for securing a proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family;

for the registration and inspection of such buildings;

for promoting cleanliness and ventilation in such buildings;

for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings;

and generally for the proper regulation of such buildings;

(*e*) for the inspection and proper regulation of encamping-grounds, pounds, zayáts, wharves not within the limits of any port, markets and slaughter-houses;

(*f*) for the holding of fairs and industrial exhibitions within the municipality and under its control;

(*g*) for controlling and regulating the use and management of burial and burning grounds;

(*h*) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use; and

(*i*) for carrying out the purposes of this Act:

Provided that the committee of a municipality in which the Hackney Carriage Act, 1879, is in force shall not make rules under clauses (*a*) and (*b*) in respect of any vehicles to which that Act applies.

Penalty for infringement of rules.

107. In making any rule under section 106 the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues. In lieu of, or in addition to, such fine the Magistrate may require the offender to remedy the mischief so far as within his power.

Confirmation of rules.

108. No rule made under section 106 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Supplemental.

Execution of acts required to be done by any notice.

109. *(1)* When any notice under this chapter requires any act to be done for which no time is fixed by this Act, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

Recovery of costs of execution.

110. *(1)* Where, under this Act, the owner or occupier of property is required by the committee to execute any work and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner.

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under this section may be recovered either by suit, or on application to a Magistrate having jurisdiction within the municipality by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of municipal fund.

111. *(1)* The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Act, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Act to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or in default of agreement in the manner provided by the Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

Appeals against certain orders of committee.

112. *(1)* Any person aggrieved by any order made by a committee under the powers vested in it by sections 80, 101 or 105 may appeal within thirty days from the date thereof to the Commissioner or to the Deputy Commissioner as the Local Government may prescribe in this behalf; and no such order shall be liable to be called in question otherwise than by such appeal:

Provided that, if the Deputy Commissioner is himself a member of the committee, the appeal shall lie to the Commissioner or other officer empowered by the Local Government in this behalf.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellant and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

113. Whoever, without the permission of the committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any public street or place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Throwing corpse or carcass into river, &c.

114. Whoever throws or causes to be thrown any corpse or carcass or any part thereof into any river, stream, well, lake, canal, tank or any other such place shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

115. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any public street or place, or into any sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Non-removal of filth, &c.

116. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any carcass, dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

117. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any of the sewers or drains vested in the committee shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, &c., near any source of water-supply.

118. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 94, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals in disregard of orders.

119. Whoever keeps any swine, buffaloes, cows, oxen, sheep or goats in disregard of any orders which the committee may give to prevent them from becoming a nuisance, shall be punishable with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

120. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without proper lights.

121. Whoever drives any vehicle after dark in any public street or thoroughfare unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, &c.

122. Whoever discharges fire-arms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

123. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any public street or place, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets, &c.

124. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any public street, thoroughfare, sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any public street, place or thoroughfare, or deposits building-materials or makes any hole or excavation on or in any public street or thoroughfare, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building

125. Whoever quarries, blasts, cuts timber or carries on building-operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Penalty on exposure of infected persons and things.

126. Any person who—

(1) while suffering from any dangerous infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street, public place, shop or public conveyance, or enters any public conveyance without previously notifying to the owner, conductor or driver thereof that he is so suffering; or,

(2) being in charge of any person so suffering, so exposes the sufferer; or

(3) gives, lends, sells, transmits or exposes, without previous disinfection, any bedding, clothing, rags or other things which have been exposed to infection from any such disorder,

shall be liable to a penalty not exceeding fifty rupees; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the Court to pay the owner and driver

the amount of any loss and expense they may incur in carrying into effect any measures requisite for disinfection of the conveyance:

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding, clothing, rags or other things for the purpose of having the same disinfected.

Penalty on failing to provide for disinfection of public conveyance.

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of the conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder, and if he fails to do so he shall be liable to a penalty not exceeding fifty rupees; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

Picketing animals and collecting carts.

128. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Keeping corpses or carrying corpses by prohibited routes or so as to cause annoyance.

129. Whoever, without the permission of the committee, keeps a corpse or causes it to be kept in or on any building or land when seventy-two hours after death have elapsed, or carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, &c.

130. Whoever, in any public place, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post or fence, or injures any tree, or extinguishes any light shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience to orders of committee under last chapter.

131. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by the last preceding chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Prosecution to be suspended in certain cases.

132. Any prosecution for an offence under section 80, or section 105, or under section 131, when the order which has been disobeyed is appealable, shall be suspended, when the Magistrate learns that an appeal has been instituted, pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner and Deputy Commissioner.

133. The Commissioner or the Deputy Commissioner may—

(a) enter on and inspect, or cause to be entered on and inspected, any immoveable property situate within the limits of his division or district respectively and occupied by any municipal committee or joint committee, or any work which is in progress within those limits under the direction of any such committee or joint committee;

(b) call for and inspect any book or document in the possession or under the control of any such committee or joint committee having authority within those limits;

(c) require any such committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the committee or joint committee, as he may think fit to call for; and

(d) record in writing, for the consideration of any such committee or joint committee, any observations he may think proper in regard to the proceedings or duties of the committee or joint committee:

Provided that—

(1) when the Deputy Commissioner is a member of a committee or joint committee, he shall not exercise, in respect of that committee or joint committee, the powers conferred upon him by this section; and

(2) in any of the municipalities of Rangoon, Maulmain, Akyab and Bassein, and any other municipalities to which the Local Government may extend this clause, the said powers shall be exercised by the Local Government and not by any authority mentioned in the foregoing part of this section.

Power to suspend action under Act.

134. *(1)* The Commissioner or the Deputy Commissioner may, by order in writing, suspend within the limits of the division or district (as the case may be) the execution of any resolution or order of a municipal committee or joint committee, or prohibit the doing within those limits of any act which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public or to any class or body of persons.

(2) When a Commissioner or Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, and of any representations regarding it submitted to him by the municipal committee, to the Local Government, which may thereupon rescind the order

or direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordinary powers of Deputy Commissioner in case of emergency.

135. *(1)* In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a municipal committee is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or as much thereof as is, from time to time, possible, from the balance in priority to any or all other charges against the same.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers conferred upon him by this section.

Powers of Local Government in case of default of committee.

136. *(1)* If at any time it appears to the Local Government that a municipal committee has made default in performing any duty imposed on it by or under this or any other Act for the time being in force, the Local Government may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Local Government may appoint the Deputy Commissioner to perform it, and may direct that the expense of performing it shall be paid, within such time as it may fix, to the Deputy Commissioner by the committee.

(3) If the expense is not so paid, the Deputy Commissioner with the previous sanction of the Local Government, may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is from time to time possible, from the balance in priority to any or all other charges against the same.

Power of Local Government to supersede committee in case of incompetency, persistent default or excess or abuse of powers.

137. *(1)* If a municipal committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act for the time being in force, or exceeds or abuses its powers, the Local Government may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the committee to be incompetent or in default or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a committee is so superseded, the following consequences shall ensue :—

(a) All members of the committee shall, as from the date of the order, vacate their offices as such members.

(b) All powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Local Government appoints in that behalf.

(c) All property vested in the committee shall, during the period of supersession, vest in the Local Government.

(3) On the expiration of the period of supersession specified in the order, the committee shall be reconstituted, and the persons who vacated their offices under clause *(a)* shall not be deemed disqualified from being members.

Disputes.

138. *(1)* If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more committees constituted under this Act, or between any such committee and a cantonment authority, the matter shall be referred—

(a) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(b) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts; and

(c) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If in the case mentioned in clause *(a)* the Deputy Commissioner is a member of one of the committees concerned, his functions under this section shall be discharged by the Commissioner.

(4) "Local authority" in this section means a municipal committee or cantonment authority.

Annual reports and statements.

139. *(1)* A municipal committee shall, at the close of each year or of such other period as may, from time to time, be fixed by the Local Government in this behalf, submit to the Local Government a statement of its receipts and disbursements, in such form as the Local Government may prescribe, and a general report of its proceedings during that period :

Provided that separate accounts shall be submitted of—

(a) all receipts of the water-tax, lighting-tax and scavenging-tax, and of all expenditure on the purposes for which those taxes are levied, respectively; and

(b) all income under the heads mentioned in section 62, and all expenditure on educational purposes.

(2) Accounts submitted under this section shall be examined or audited in such manner as the Local Government prescribes.

Estimates of receipts and expenditure.

140. *(1)* A municipal committee shall submit before such date in each year as may be directed by the Local Government, for the sanction of such authority as the Local Government may appoint in this behalf, an estimate of its probable receipts for the financial year next following, with proposals for its expenditure, and may, from time to time, submit in like manner further estimates or proposals amending the same.

(2) No expenditure shall be incurred by the committee unless it is provided for in a proposal sanctioned under this section.

(3) An abstract of the annual estimate and proposals submitted and sanctioned as required by this section shall be published in such manner as the Local Government directs.

Sanction to works.

141. (1) No new work, the estimated cost of which exceeds five hundred rupees, shall be begun by a municipal committee, nor shall any contract be entered into by it in respect of any such work, until a plan and estimate thereof have been approved by the committee at a meeting.

(2) If the estimated cost of any such new work has not been specifically provided for in proposals submitted and sanctioned in manner mentioned in section 140, or exceeds—

twenty thousand rupees in the case of the municipalities of Rangoon, Maulmain, Bassein and Akyab, or

one-tenth of the estimated annual income of the municipal fund in the case of any other municipality,

it shall not be begun, nor shall any contract be entered into in respect of it, until the plan and estimate have been submitted to and approved by the Local Government, or by an officer empowered by the Local Government in this behalf.

Powers of Commissioner.

142. In all matters connected with the administration of this Act a Commissioner shall have and exercise the same authority and control over a Deputy Commissioner subordinate to him as he has and exercises over the Deputy Commissioner in the general and revenue administration.

Additional power of Local Government to frame forms and make rules.

143. The Local Government may frame forms for any proceeding of a municipal committee for which it considers that a form should be provided, and may, in addition to any other powers to make rules conferred by this Act, make rules consistent with this Act—

(a) as to the intermediate office or offices, if any, through which correspondence between municipal committees and the Local Government or officers of that Government and representations addressed to the Local Government under this Act shall pass;

(b) as to the preparation of estimates of receipts and expenditure of committees, and as to the conditions subject to which such estimates may be sanctioned;

(c) as to the returns, statements and reports to be submitted by committees; and

(d) generally for the guidance of committees and public officers in all matters connected with the carrying out of this Act.

CHAPTER IX.

SUPPLEMENTAL.

Criminal Procedure.

Powers and duties of police in respect of offences against Act and rules, and assistance to municipal authorities.

144. (1) Every police-officer employed in a municipality shall give immediate information to the committee of any offence committed against this Act or the rules made thereunder, and shall be bound to assist all members, officers and servants of the committee in the exercise of their lawful authority.

(2) Any such police-officer may arrest any person committing in his view any offence against this Act or the rules made thereunder—

(a) if the name and address of the person are unknown to him, or

(b) if the person declines to give his name and address, or if there is reason to doubt the accuracy of the name and address if given.

(3) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless the order of a Magistrate for his detention is obtained.

Prosecutions.

145. Prosecutions for offences against this Act or the rules made under it shall not be instituted except by order of or with the approval of the municipal committee.

Member not to be deemed interested in prosecution.

146. A Judge or Magistrate shall not be deemed to be a party to or personally interested in any such prosecution within the meaning of section 555 of the Code of Criminal Procedure merely because he is a member of the committee by the order or with the approval of which it has been instituted.

X of 1882.

Saving of prosecutions under other laws.

147. Nothing in this Act shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Rules.

Procedure for making rules under section 7, 48, 106 or 113.

148. (1) The authority empowered to make rules under section 7, 48, 106 or 113 shall, before making them, publish, in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, together with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in the local official Gazette in English and in such other language or languages as the Local Government may direct; and such publication shall be conclusive evidence that the rule has been made as required by this section.

Continuance of existing rules.

149. (1) The Local Government may by notification in the official Gazette, direct that any rules made under the British Burma Municipal Act, 1874, and in force in any local area being, or comprised in, a municipality

VII of 1874.

constituted under this Act at the time the municipal committee for that municipality comes into existence under section 13, shall, so far as they are consistent with this Act and within the powers conferred thereby, be deemed to have been made under this Act, and shall continue in force until repealed by new rules so made.

(2) The authority empowered to make such new rules shall, as soon as may be, make them and take such action as may be requisite for bringing them into force.

Recovery of Money.

150. All fees and all rents and other sums due on account of property for the time being vested in or managed by the municipal committee, and all arrears of taxes and other money due for water supplied or otherwise under this Act, may be recovered as if they were arrears of land-revenue.

Recovery of money.

Notices.

151. *(1)* Every notice issued by a committee under this Act or under any rule made thereunder shall be in writing, and shall be sufficiently authenticated by the signature of the president or secretary, and may be served on the person to whom it is addressed, or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his place of abode or business.

Authentication, service and validity of notices.

(2) If the place of abode or business of the person to whom the notice is addressed is not within the limits of the municipality, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the place of abode or business of the owner of any property is not known, every such notice addressed to him as such owner may be served on the occupier.

(4) If the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by posting it on some conspicuous part of the property.

(5) No notice issued by the committee under this Act or under any rule made thereunder shall be invalid for defect of form.

152. When any notice is, under the provisions of this Act, to be given to, or served on, the owner or occupier of any property and he is unknown, it may be given or served—

Mode of giving notice to owner or occupier of property.

(a) by delivering a written notice to some person on the property, or, if there is no person on the property to whom it can be delivered, by fixing it on some conspicuous part of the property; or

(b) by putting into the post a prepaid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

153. Every public notice given by a committee under this Act or under any rule made thereunder shall be published by proclamation or in such other manner as the Local Government may, by rule, direct.

Publication of public notices.

Alteration of Municipal Limits.

154. The Local Government may, by notification published in the official Gazette, and in such other manner as the Local Government may determine, declare its intention—

Notification of intention to alter limits of municipality.

(*a*) to exclude from a municipality any local area comprised therein and defined in the notification, or

(*b*) to include within a municipality any local area in the vicinity of the same and defined in the notification :

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

155. *(1)* Any inhabitant of a municipality or local area in respect of which a notification has been published in the official Gazette under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Local Government within six weeks from the publication of the notification in the official Gazette, and the Local Government shall take his objection into consideration.

Alteration of limits of municipality.

(2) When six weeks from the publication of the notification in the official Gazette have expired, and the Local Government has considered the objections (if any) which have been submitted under sub-section (1), the Local Government may, by a notification in the official Gazette, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality.

156. *(1)* When a local area is excluded from a municipality under section 155—

(a) this Act, and all rules, orders, directions and powers made, issued or conferred under this Act, shall cease to apply thereto; and

(b) the Local Government shall, after consulting the municipal committee, frame a scheme determining what portion of the balance of the municipal and school funds and other property vested in the municipal committee shall vest in Her Majesty for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Secretary of State for India in Council; and, on the publication of the scheme in the local official Gazette, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in Her Majesty under sub-section (1) shall be applied under the orders of the Local Government to discharging the liabilities imposed on the Secretary of State for India in Council under that sub-section, or for the promotion of the safety, health, welfare or convenience of the inhabitants of the local area.

157. When a local area is included in a municipality under section 155, this Act, and, except as the Local Government may otherwise, by notification in the official Gazette, direct all rules, orders, directions and powers made issued or conferred under this Act and in force

Effect of including local area in municipality.

throughout the whole municipality at the time the local area is so included, shall apply to the local area.

Powers to except Municipalities from Provisions of Act.

Power to except municipality from provisions of Act unsuited thereto.

158. *(1)* If the circumstances of any municipality are such that, in the opinion of the Local Government, any of the provisions of this Act are unsuited thereto, the Local Government may, by notification in the official Gazette, except the municipality from the operation of those provisions; and thereupon those provisions shall not apply to the municipality until again applied thereto by like notification.

(2) While the exception remains in force, the Local Government may make rules for the guidance of the committee and public officers in respect of the matters excepted from the operation of the said provisions.

Miscellaneous.

Saving of Act XI of 1879.

159. Nothing in this Act shall affect the Local Authorities Loans Act, 1879. XI of 1879

Powers of Governor General in Council and of Local Government exercisable from time to time.

160. All powers conferred by this Act on the Governor General in Council or on the Local Government may be exercised from time to time as occasion requires.

Decision of questions as to whether persons are "inhabitants."

161. If any question arises whether a person or persons of a specified class is or are an inhabitant or inhabitants of a local area within the meaning of this Act, the decision thereon of the Local Government shall be conclusive.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 3rd October 1884, and is hereby promulgated for general information :—

Act No. XVIII of 1884.

THE PANJÁB COURTS ACT, 1884.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title, local extent and commencement.
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THE SCHEDULE.—ACTS REPEALED.

An Act to amend the Law relating to Courts in the Panjáb.

WHEREAS it is expedient to amend the law relating to Courts in the Panjáb; and whereas the Secretary of State for India in Council has given his previous sanction to the passing of this Act; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, local extent

1. *(1)* This Act may be called the Panjáb Courts Act, 1884;

(2) It extends to the territories for the time being under the administration of the Lieutenant-Governor of the Panjáb; and

(3) it shall come into force on the first day of November, 1884.

(4) Any power conferred by this Act to make rules or to issue orders creating territorial divisions, establishing Courts, appointing and posting officers, or fixing the pecuniary or local limits of their jurisdiction or conferring powers may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal of Acts.

2. On and from that day the Acts mentioned in the schedule hereto annexed shall be repealed to the extent specified in the third column thereof.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(1) "Assistant Commissioner" includes Extra Assistant Commissioner:

(2) "Revenue Court" means the Court of a Financial Commissioner, of a Commissioner, of a Deputy Commissioner, of an Assistant Commissioner, of a Tahsíldár or of a Náib Táhsíldár exercising jurisdiction in suits of any of the classes mentioned in section 45:

(3) "small cause" means a suit of the nature cognizable in a Court of Small Causes constituted under Act XI of 1865, and any other suit not being a suit of any description specified in section 19 of the Presidency Small Cause Courts Act, 1882, which the Chief Court, with the sanction of the Local Government, may direct to be treated as a small cause for the purposes of appeal:

(4) "land" means land assessed or liable to be assessed to the land-revenue or whereof the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, and all land the property of Government not within the site of any town or village:

(5) "rent" means whatever is payable by an occupant of land on account of the use or occupation thereof:

(6) "tenant" means any occupant of land liable to pay rent therefor, but does not include an under-proprietor:

(7) "landlord" means any person entitled to receive rent paid by a tenant; and

(8) "value", used with reference to a suit, means the amount or value of the subject-matter of the suit.

CHAPTER II.

THE CHIEF COURT.

Constitution of Chief Court and appointment and tenure of Judges.

4. There shall continue to be a Chief Court consisting of three or more Judges, who shall be appointed by the Governor General in Council and shall hold their offices during his pleasure, and of whom one at least shall always be a barrister of not less than five years' standing.

Rank and precedence of Judges of Chief Court.

5. The Judges of the Chief Court shall have rank and precedence according to the seniority of their appointments as such Judges:

Provided that a Judge permanently appointed

The Panjáb Courts Act, 1884
(Chapter II.—The Chief Court—Sections 6-11)

Civil appellate jurisdiction

6 The Chief Court shall be deemed, for the purposes of all enactments for the time being in force, to be the highest Civil Court of appeal in the territories to which this Act extends.

Criminal jurisdiction

7. The Chief Court shall be the highest Court of criminal appeal or revision in the said territories, and shall have power, as a Court of original jurisdiction, to try European British subjects committed to it for trial

Delegation of powers to members of Court

8. *(1)* Except as by this Act or by any other enactment for the time being in force otherwise provided, the Chief Court may make rules to provide in such manner as it thinks fit for the exercise by one or more of its Judges of any of its powers

Provided that no decree, sentence, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by any Judge of the Chief Court sitting alone.

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(2) When the Chief Court consists of more than three Judges, it may make rules determining what number of Judges [illegible] the time [illegible] constitute a full bench of the Court, and may by these rules [illegible] the mode [illegible] manner in which Judges shall [illegible] full bench when a full bench [illegible] sitting [illegible]

(3) Subject to the provisions of [illegible] section [illegible] the Senior Judge [illegible] determine [illegible] Judge [illegible] each case shall [illegible] and which Judges of the Court shall constitute any bench

Appellate jurisdiction [illegible] Court

9 Except [illegible] provided by any enactment [illegible] for the time being in force [illegible] an appeal shall [illegible] order made by the Chief Court—

(a) in exercise of its original jurisdiction [illegible] withdrawn from other Courts under section [illegible] of the Code of Civil Procedure, [illegible]

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(b) in exercise of any other original jurisdiction of a civil nature to which the Chief Court may by rule extend this section,

shall lie in the cases and in manner following (that is to say) —

(1) if the decree or order is made by a single Judge, the appeal shall be either to a bench consisting of two other Judges or to a full bench as the Court may, by general rule or special order, direct,

(2) if the decree or order is made by a bench of Judges not being a full bench, and the Judges differ in opinion, the appeal shall lie to a full bench.

Rule of decision when Judges differ

10 Except as otherwise provided by any enactment for the time being in force,

(1) when there is a difference of opinion among the Judges composing any bench of the Chief Court, the decision shall be in accordance with the opinion of the majority of those Judges,

(2) If there is no such majority, then—

(a) if the bench is a full bench, or is exercising original [illegible] jurisdiction, the decision shall be in accordance with the opinion of the Senior Judge;

(b) in other cases, the bench before which the question has arisen shall refer the question to a full bench and shall dispose of the case in accordance with the decision of the full bench.

Power to refer questions to full bench

11 Any single Judge of the Chief Court and any bench of Judges of that Court, not being a full bench, may in any case refer for the decision of a full bench any question of law or custom having the force of law, or the construction of any document, or the admissibility of any evidence arising before the Judge or bench, and shall dispose of the case in accordance with the decision of the full bench on the question.

Ministerial officers

12. *(1)* The Chief Court may appoint a Registrar and Deputy Registrar, and such other ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers and duties conferred and imposed on it by this Act.

(2) The appointment of the Registrar shall be subject to the sanction of the Local Government.

(3) The officers appointed under this section shall exercise such powers and discharge such duties of a non-judicial or quasi-judicial nature as the Chief Court may direct.

(4) Any such officer may be suspended or dismissed from his office by order of the Chief Court

Provided that neither the Registrar nor the Deputy Registrar shall be dismissed without the previous sanction of the Local Government.

[illegible]

13 The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Chief Court

Power to make rules

14 *(1)* The Chief Court may make rules consistent with this Act and any other enactment for the time being in force —

(a) providing for the translation of any papers filed in the Chief Court and copying or printing any such papers or translations, and requiring from the persons at whose instance or on whose behalf they are filed payment of the expenses thereby incurred;

(b) declaring what persons shall be permitted to practise as petition-writers in the Courts of the Panjab, and regulating the conduct of persons so practising,

(c) determining in what cases persons practising in those Courts shall be permitted to address the Court in English,

(d) prescribing forms for seals to be used by those Courts,

(e) regulating the procedure in cases where any person is entitled to inspect a record of any such Court or obtain a copy of the same, and prescribing the [illegible] payable by such persons [illegible]

(f) conferring [illegible] [illegible] it thinks [illegible] the mode in which [illegible] conferred and imposed [illegible]

The Panjáb Courts Act, 1884.
(Chapter II.—The Chief Court.—Sections 15-16.)
(Chapter III.—The Subordinate Civil Courts.—Sections 17-24.)

(*g*) prescribing forms for such books, entries, statistics and accounts as it thinks necessary to be kept, made or compiled in those Courts or submitted to any authority;

(*h*) providing for the inspection of those Courts and the supervision of the working thereof; and

(*i*) regulating all such matters as it may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of those Courts and maintaining proper discipline among those officers.

(2) A rule made under clause (*a*), (*b*), (*c*), (*f*) (*g*), (*h*) or (*i*) shall not take effect until it has been sanctioned by the Local Government and has been published in the official Gazette.

(3) Whoever breaks any rule made under clause (*b*) shall be punished with a fine which may extend to fifty rupees.

Registers, books, accounts and statements to be kept and furnished by Chief Court.

15. *(1)* The Chief Court shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court, and shall submit to the Local Government such of those registers, books and accounts, and such statements of the work done in the Court, as may be required by the said Government.

(2) The Chief Court shall also comply with such requisitions as may be made by the Governor General in Council, or by the Local Government, for certified copies of, or extracts from, the records of the Chief Court and the Courts subordinate thereto.

Procedure of Chief Court in exercise of civil jurisdiction.

16. *(1)* The Chief Court, when sitting as a Court of civil judicature, shall take evidence and record judgments and orders in such manner as it, by rule, directs, and may frame forms for any proceeding in the Court in the exercise of its civil jurisdiction.

(2) The following provisions of the Code of Civil Procedure shall not apply to the Chief Court in the exercise of its original civil jurisdiction, namely, sections 119, 182 to 185 (both inclusive), 187, 189 to 191 (both inclusive), 192 (so far as it relates to the manner of taking evidence), 198, 200 to 204 (both inclusive), and so much of section 409 as relates to the making of a memorandum.

(3) Section 579 of the said Code shall not apply to the Chief Court in the exercise of its appellate jurisdiction.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

Classes of Courts.

Classes of Courts.

17. Besides the Chief Court, the Courts of Small Causes established under Act XI of 1865 and the Courts established under any other enactment for the time being in force, there shall be the following classes of Civil Courts (namely):—

(*a*) the Divisional Court;

(*b*) the Court of the District Judge;

(*c*) the Court of the Subordinate Judge;

(*d*) the Court of the Munsif.

Territorial Divisions.

Civil divisions and districts.

18. *(1)* For the purposes of this Act the Local Government shall divide the territories under its administration into civil divisions, and each civil division into civil districts.

(2) The Local Government may alter the limits or the number of these divisions and districts.

Divisional and District Courts.

Establishment of Divisional Courts.

19. *(1)* The Local Government shall appoint as many persons as it thinks necessary to be Divisional Judges, and shall for each civil division establish a Divisional Court consisting of one or more such Judges.

(2) The Local Government may, where a Divisional Court consists of more than one Judge, by general rule or special order determine which of them shall be deemed to be the senior.

Establishment of District Courts.

20. The Local Government shall appoint as many persons as it thinks necessary to be District Judges, and shall post one such person to each district as District Judge of that district:

Provided that the same person may, if the Local Government thinks fit, be appointed to be District Judge of two or more districts.

Distribution of business in Divisional Court.

21. The Chief Court may, subject to the provisions of this Act and any other enactment for the time being in force, make rules to provide for the exercise of any of the powers of a Divisional Court consisting of more than one Judge by one or more Judges of the Court:

Provided that no decree, decision or order of any Court, not being an order within the meaning of the Code of Civil Procedure, shall be reversed or modified by a single Judge of a Divisional Court consisting of more than one Judge.

Original jurisdiction of Divisional and District Courts in suits.

22. Except as otherwise provided by any enactment for the time being in force, the Divisional Court and the Court of the District Judge shall have jurisdiction in original civil suits without limit as regards the value.

District Court to be principal Civil Court of original jurisdiction.

23. Except as otherwise provided by any enactment for the time being in force, the Court of the District Judge shall be deemed to be the District Court or principal Civil Court of original jurisdiction in the district:

Provided that—

(*a*) for the purposes of the Indian Divorce Act, the Divisional Court shall be deemed to be the District Court for all districts comprised in the division; and

(*b*) the Local Government may direct that the Divisional Court shall for any other purpose be deemed to be the District Court or principal Civil Court of original jurisdiction for any district comprised in the division.

Subordinate Judges and Munsifs.

Appointment of Subordinate Judges.

24. The Local Government may appoint as many persons as it thinks necessary to be Subordinate Judges.

The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 25-34.)

25. *(1)* The Local Government may fix the number of Munsifs to be appointed, and, when there is any vacancy in that number, the Chief Court may, subject to the rules (if any) made under sub-section (2), appoint such person to the same as it thinks fit.

Appointment of Munsifs.

(2) The Chief Court may, with the previous sanction of the Local Government, make rules as to the qualifications of persons to be appointed Munsifs.

26. *(1)* The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge or Munsif shall in the case of a Subordinate Judge be determined by the Local Government, and in the case of a Munsif by the Chief Court, either by including him in a class or grade, or otherwise as it thinks fit.

Pecuniary limits of jurisdiction of Subordinate Judges and Munsifs.

(2) The jurisdiction in the case of a Subordinate Judge may be without limit, but in the case of a Munsif shall not extend to suits the value of which exceeds one thousand rupees.

27. *(1)* The local limits of the jurisdiction of a Subordinate Judge shall be such as the Local Government may define.

Local limits of their jurisdiction.

(2) The local limits of the jurisdiction of a Munsif shall be such as the Chief Court may define.

(3) When the Local Government posts a Subordinate Judge or the Chief Court posts a Munsif to a district, the local limits of the district shall, in the absence of any direction to the contrary, be deemed to be the local limits of his jurisdiction.

28. *(1)* The Local Government may confer on any person all or any of the powers conferable under this Act on a Subordinate Judge or Munsif with respect to particular classes of cases, or with respect to cases generally in any local area, and may withdraw, or suspend the exercise of, any powers so conferred.

Special Judges and Benches.

(2) The Local Government may direct any uneven number of persons invested with powers of the same description and exercisable within the same local area under this section to sit together as a bench; and those powers shall, while the direction remains in force, be exercised by the bench so constituted, and not otherwise.

(3) The decision of the majority of the members of a bench constituted under this section shall be deemed to be the decision of the bench.

(4) Persons on whom powers are conferred under this section shall be called Special Judges, and such persons and the benches constituted under this section shall be deemed for the purposes of this Act to be Subordinate Judges or Munsifs, as the Local Government may direct.

29. *(1)* The Chief Court may, by order, authorize any District Court to transfer to a Subordinate Judge or Munsif under its control any of the following proceedings or any class of such proceedings specified in the order, and then pending or thereafter instituted before the District Court (that is to say):—

Power to transfer to Subordinate Judge or Munsif certain proceedings pending before District Court.

(a) applications for certificates under Act XXVII of 1860 *(for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons)*;

(b) proceedings under Act XL of 1858 *(for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal)* or Act IX of 1861 *(to amend the law relating to Minors)*.

(2) The District Court may withdraw any proceedings so transferred, and may either itself dispose of them, or, with the previous sanction of the Chief Court, transfer them to any other Subordinate Judge or Munsif under its control.

(3) All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) subject to the rules applicable to like cases when disposed of by the District Court.

Small Cause Jurisdiction.

30. The Local Government may confer, within such local limits as it thinks fit, upon any District Judge, Subordinate Judge or Munsif the jurisdiction of a Judge of a Court of Small Causes under Act XI of 1865 for the trial of suits cognizable by such Courts up to such value, not exceeding five hundred rupees, as it thinks fit, and may withdraw any jurisdiction so conferred.

Power to confer Small Cause Court jurisdiction.

Suspension and Removal.

31. *(1)* Any Divisional Judge, District Judge or Subordinate Judge may be suspended or removed from office by the Local Government.

Suspension and removal.

(2) Any Munsif may, subject to the control of the Local Government, be suspended or removed from office by the Chief Court.

Valuation of Suits.

32. When the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that suits of that class shall, for all or any of the purposes of this Act, be treated as if their subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

Valuation of suits.

Administrative Control.

33. *(1)* Subject to the general superintendence and control of the Chief Court, every Divisional Court shall control all other Civil Courts in the division.

Controlling powers of Divisional and District Courts.

(2) Subject as aforesaid and to the control of the Divisional Court, every District Court shall control all other Civil Courts in the district.

34. *(1)* Every Divisional Court may exercise, as regards the Courts under its control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

Power of Divisional Court to transfer business.

(2) The Court trying any suit withdrawn under this section from a Court of Small Causes shall, for the purposes of the suit, be deemed to be a Court of Small Causes.

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The Panjáb Courts Act, 1884.
(Chapter III.—The Subordinate Civil Courts.—Sections 35-38.)
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Sections 39-43.)

Power to distribute business.

35. Notwithstanding anything contained in the Code of Civil Procedure, every Divisional Court and District Court may, by written order, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit:

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Ministerial officers of Subordinate Courts.

36. *(1)* The ministerial officers of the Divisional and District Courts and Courts of Small Causes shall be appointed, and may be suspended and dismissed, by the Judges of those Courts respectively.

(2) The ministerial officers of all Courts controlled by a District Court, other than Courts of Small Causes, shall be appointed, and may be suspended and dismissed, by the District Court.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf, and, in dealing with any matter under this section, a District Court or a Judge of a Court of Small Causes shall act subject to the control of the Divisional Court.

Power to fine ministerial officers.

37. *(1)* A Divisional or District Court or any Court under the control of a District Court may fine, in an amount not exceeding one month's salary, any ministerial officer of the Court for misconduct or neglect in the performance of his duties.

(2) The District Court, subject to the general control of the Divisional Court, may, on appeal or otherwise, reverse or modify an order made under sub-section (1) by any Court under its control other than a Court of Small Causes, and may of its own motion fine up to the amount of one month's salary any ministerial officer of any Court under its control other than a Court of Small Causes.

Delegation of District Judge's powers.

38. A District Court may, with the previous sanction of the Local Government, delegate to any Subordinate Judge in the district the powers conferred on a District Court by sections 33, 35 and 36 of this Act, and section 25 of the Code of Civil Procedure, to be exercised by the Subordinate Judge in any specified portion of the district subject to the control of the District Court.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

First appeals to whom to lie.

39. *(1)* Appeals from the decrees of a Munsif in small causes shall, when such appeals are allowed by law, and the value of the suit does not exceed [illegible] rupees, lie to the District Judge.

(2) Appeals from the decrees of a District or Subordinate Judge in original suits, when the value of the suit exceeds five thousand rupees, and appeals from the decrees of the Divisional Court in original suits, shall, when such appeals are allowed by law, lie to the Chief Court.

(3) Appeals from decrees in original suits, not hereinbefore or by any other enactment for the time being in force provided for, shall, when such appeals are allowed by law, lie to the Divisional Court.

Further appeal from Divisional Court.

40. A further appeal shall lie to the Chief Court in the following cases from an appellate decree of a Divisional Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely:—

(*a*) if the value of the suit exceeds five hundred rupees; or

the decree involves directly some claim to, or question respecting, property of like value;

(*b*) if the Divisional Court consists of a single Judge and the decree varies or reverses the decree of the Court below;

(*c*) if in a Divisional Court consisting of more than one Judge the appeal is heard by two or more Judges, and there is not a majority of those Judges concurring in the decree passed by the Divisional Court;

(*d*) if on the application of any party a Judge of the Divisional Court certifies that there is a question of law or custom or of general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal:

Provided that—

(1) an application under clause (*d*) shall not be received after the expiration of thirty days from the date on which the decree of the Divisional Court is passed, unless the applicant satisfies the Judge that he had sufficient cause for not presenting it within that period; and

(2) no further appeal shall lie in any small cause when the value of the suit does not exceed five hundred rupees.

Appellate decision of District or Divisional Court otherwise final.

41. Subject to the provisions of section 40 of this Act and sections 595 and 622 of the Code of Civil Procedure, a decree of the District or Divisional Court passed in appeal shall be final.

Power to confer appellate jurisdiction on Subordinate Judge.

42. *(1)* The Local Government may confer on a Subordinate Judge the powers of a District Judge for the purpose of hearing appeals from the Courts of Munsifs in any local area, and withdraw those powers.

(2) A Subordinate Judge shall for purposes connected with the exercise of powers so conferred be deemed to be a District Judge.

Period of limitation for appeal.

43. *(1)* The period of limitation for an appeal under section 39 or section 40 shall run from the date of the decree appealed against, and shall be as follows, that is to say:—

(*a*) when the appeal lies to the District or Divisional Court—sixty days;

(*b*) when the appeal lies to the Chief Court—ninety days.

(2) In computing these periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877:

The Panjáb Courts Act, 1884.
(Chapter IV.—Appellate Jurisdiction in Civil Cases.—Section 44.)
(Chapter V.—Revenue Courts.—Sections 45-47.)

Provided that, in computing the period of ninety days for an appeal under section 40, clause (*d*), the time during which the application under that clause has been pending shall be excluded.

References to Chief Court under section 617 of Code of Civil Procedure.

44. For the purposes of section 617 of the Code of Civil Procedure, every appeal to a Divisional Court under this chapter shall, except when the value of the suit exceeds five hundred rupees, be deemed to be an appeal in which the decree is final

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CHAPTER V.

REVENUE COURTS.

Certain classes of suits cognizable by Revenue Courts only.

45. Suits of any of the classes comprised in the following groups instituted on and after the date on which this Act comes into force, shall be instituted, heard and determined in Revenue Courts and not otherwise :—

First Group.

(*a*) Suits by tenants to establish a claim to a right of occupancy.

(*b*) Suits by landlords under section 6 of the Panjáb Tenancy Act, 1868, to prove that a tenant presumed to have a right of occupancy under that section has no such right.

(*c*) Suits for enhancement or abatement of rent under Chapter III of the same Act.

(*d*) Suits for ejectment of a tenant.

(*e*) Suits under section 25 of the said Act to contest liability to be ejected when notice of ejectment has been served.

Second Group.

(*f*) Suits for arrears of rent on account of land, or of any payments due on account of rights of pasturage, forest-rights, fisheries or the like.

(*g*) Suits for the recovery of any over-payment of rent.

(*h*) Suits by lambardárs for arrears of land-revenue, payable through them by the co-sharers, or for village-expenses or other dues for which the co-sharers may be responsible to the lambardár.

(*i*) Suits by co-sharers for their share of the profits of an estate or part thereof after payment of the land-revenue and village-expenses, or for a settlement of accounts.

(*j*) Suits by assignees of land-revenue for arrears of revenue due to them as such.

(*k*) Suits by superior proprietors for arrears of revenue due to them as such.

(*l*) Suits under section 9 of the Specific Relief Act to recover possession of land.

(*m*) Suits to determine disputes regarding boundaries of land which have been fixed by a Court or Revenue-officer :

Provided that the Local Government may, after consulting the Chief Court, direct that suits of any of these classes arising in any local area shall be heard and determined by the Civil Courts and not by the Revenue Courts, and cancel any such direction.

Original jurisdiction of Deputy Commissioner and his subordinates in suits.

46. (*1*) A Deputy Commissioner shall have power to try suits of any of the classes mentioned in section 45.

(*2*) An Assistant Commissioner or Tahsíldár shall have power to try suits of such classes mentioned in the second group of the same section, and within such limits as regards value, as may be determined by the Local Government either by including him in a class or grade, or otherwise as it thinks fit.

(*3*) The Local Government may invest a Náib Tahsíldár with power to try suits of the classes mentioned in section 45, clauses (*f*), (*g*), (*h*), (*i*) and (*k*), when the value does not exceed one hundred rupees.

(*4*) The powers conferred by this section shall be exercised within such local limits as the Local Government may direct, and in the absence of any such direction throughout the district or tahsíl to which the officer is posted.

Appeals from original decrees.

47. An appeal shall lie from a decree passed in an original suit of any of the classes mentioned in section 46 as follows, namely :—

(*a*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner ;

(*b*) when the decree is passed by a Deputy Commissioner in a suit of the first group and the value of the suit does not exceed five thousand rupees, or

in a suit of the second group and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner ;

(*c*) when the decree is passed by an Assistant Commissioner, Tahsíldár or Náib Tahsíldár—to the Deputy Commissioner :

Provided that—

(*1*) no appeal shall lie from a decree passed in a suit of the class mentioned in section 45, clause (*l*) ;

(*2*) the Local Government may direct that no appeal shall lie from the decree of any Assistant Commissioner or class or grade of Assistant Commissioners designated by it in this behalf in any suit of the classes specified in clauses (*f*) to (*k*), both inclusive, of section 45, unless—

(*a*) the value of the suit exceeds such sum, not being more than one hundred rupees, as the Local Government may fix in this behalf, or

(*b*) the decree has decided a question of title to land or to some interest in land as between parties having conflicting claims thereto or as to the amount of some rent or revenue or other payment to which there is a recurring claim or as to the principle on which revenue, profits or village-expenses or other dues should be apportioned.

(*3*) The Local Government may direct that appeals shall lie from the decrees of an Assistant Commissioner or any class of Assistant Commissioners as if those decrees were passed by a Deputy Commissioner.

The Panjáb Courts Act, 1884.
(Chapter V.—Revenue Courts.—Sections 48-56.)

48. A further appeal shall lie from a decree passed on appeal in a suit of any of the classes mentioned in section 45 on any ground which would be a good ground of appeal if the decree had been passed in an original suit as follows, namely:—

Further appeals from appellate decrees.

(*a*) when the decree is passed by a Commissioner in a suit of the first group and reverses or modifies the original decree—to the Financial Commissioner;

(*b*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds five thousand rupees—to the Financial Commissioner;

(*c*) when the decree is passed by a Deputy Commissioner and the value of the suit exceeds one hundred rupees but does not exceed five thousand rupees—to the Commissioner.

49. Except as provided by the foregoing sections, no appeal shall lie from a decree passed under this chapter.

No appeals except under the foregoing sections.

50. *(1)* The period of limitation for an appeal under section 47 or 48 shall run from the date of the decree appealed against, and shall be as follows, that is to say:—

Limitation of appeals under this chapter.

(*a*) when the appeal lies to the Court of the Deputy Commissioner or of the Commissioner—sixty days;

(*b*) when the appeal lies to the Financial Commissioner—ninety days.

(2) In computing those periods of sixty and ninety days, and in all respects not herein specified, the limitation of the appeals shall be governed by the provisions of the Indian Limitation Act, 1877. [XV] of 1877.

51. (*1*) The Local Government may confer on any person all or any of the powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter, and may withdraw the powers so conferred.

Power to confer powers of Financial Commissioner, Commissioner and Deputy Commissioner.

(*2*) Any person on whom powers are conferred under this section shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed by the Local Government, shall for all purposes connected with the exercise of the same be deemed a Financial Commissioner, Commissioner or Deputy Commissioner, as the case may be.

52. *(1)* The Local Government may, if it thinks fit, appoint a second Financial Commissioner, who shall hold his office during the pleasure of the Local Government.

Appointment of second Financial Commissioner.

(2) When a second Financial Commissioner is appointed, the Local Government may make rules as to the distribution of business between the two Financial Commissioners, and, until such rules are made and subject to such rules, the Financial Commissioner who is senior in respect of his appointment as such may transfer such business as he thinks fit to the other Financial Commissioner for disposal, and may withdraw and himself dispose of any business so transferred and not disposed of.

53. *(1)* The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this chapter for which a procedure is not prescribed thereby; and may, by any such rule, direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before Revenue Courts. XIV of 1882.

Procedure of Revenue Courts how to be regulated.

(2) Until such rules are made, and subject to such rules when made and to the provisions of this Act,—

(*a*) the provisions of the Code of Civil Procedure shall, so far as applicable, apply to all proceedings whether before or after decree in cases under this chapter; and XIV of 1882.

(*b*) the Court of the Financial Commissioner shall, in respect of such cases, be deemed to be the High Court within the meaning of the said Code, and shall exercise, as regards the Courts under its control, all the powers of a High Court under the said Code. XIV of 1882.

54. (*1*) If, in any suit pending before a Revenue Court exercising original appellate or revisional jurisdiction under this chapter, it appears to the Court that any question in issue is more proper for decision by a Civil Court, the Revenue Court may, with the previous sanction of the Revenue Court (if any) to the control of which it is immediately subject, by order in writing, require any party to the suit to institute, within such time as it may fix in this behalf, a suit in the Civil Court with a view to obtaining a decision on the question, and, if he fails to comply with the requisition, may, if it thinks fit, decide the question against him.

Power to refer party to Civil Court.

(*2*) If he institutes such a suit, the Revenue Court shall dispose of the suit pending before it in accordance with the final decision of the Civil Court of first instance or appeal (as the case may be).

55. (*1*) When a question of the description mentioned in section 617 of the Code of Civil Procedure arises before the Financial Commissioner in the exercise of any of his powers under this chapter, he may refer the question for the decision of the Chief Court in manner prescribed by that section: XIV of 1882.

Power for Financial Commissioner to refer question to Chief Court.

Provided that he shall not be bound to express any opinion thereon.

(*2*) On a reference being made under sub-section (1), the subsequent proceedings in the case shall be, as nearly as may be, in conformity with the provisions of sections 618, 619 and 620 of the said Code, and the Chief Court may return for amendment the statement received from the Financial Commissioner if it is not sufficient to enable the Court to determine the question referred. XIV of 1882.

Administrative Control.

56. (*1*) The general superintendence and control over all other Revenue Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Financial Commissioner.

Controlling powers of Financial Commissioner, Commissioner and Deputy Commissioner.

(2) Subject to the general superintendence and control of the Financial Commissioner, every Commissioner shall control all other Revenue Courts in his division.

(3) Subject as aforesaid and to the control of the Commissioner, every Deputy Commissioner shall control all other Revenue Courts in his district.

57. Every Commissioner and Deputy Commissioner may exercise, as regards the Courts under his control, the same powers of withdrawal, trial and transfer as are conferred by section 25 of the Code of Civil Procedure on a District Court.

Power to transfer business.

1882.

58. Every Commissioner and Deputy Commissioner may, by written order, direct that any business cognizable under this chapter by his Court and the Courts under his control shall be distributed among those Courts in such manner as he thinks fit:

Power to distribute business.

Provided that no direction issued under this section shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

59. *(1)* The ministerial officers of the Courts of the Financial Commissioner, Commissioner and Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Judges of those Courts, respectively.

Ministerial officers of Courts.

(2) The ministerial officers of all Courts controlled by a Deputy Commissioner shall be appointed, and may be suspended and dismissed, by the Deputy Commissioner.

(3) Every appointment under this section shall be subject to such rules as the Local Government prescribes in this behalf; and in dealing with any matter under this section a Commissioner shall act subject to the control of the Financial Commissoner, and a Deputy Commissioner subject to the control of the Commissioner.

60. *(1)* A Commissioner or Deputy Commissioner and the presiding officer of every Court under the control of a Deputy Commissioner may fine, in an amount not exceeding one month's salary, any ministerial officer of his Court for misconduct or neglect in the performance of his duties.

Power to fine ministerial officers.

(2) The Deputy Commissioner, subject to the general control of the Commissioner, may, on appeal or otherwise, reverse or modify any order made under sub-section (1) by the presiding officer of any Court under his control, and may of his own motion fine up to the amount of one month's salary any ministerial officer of any such Court.

61. A Deputy Commissioner may, with the previous sanction of the Local Government, delegate to any Assistant Commissioner in the district the powers conferred on Deputy Commissioners by sections 56, 57, 58 and 59 to be exercised by the Assistant Commissioner in any specified portion of the district subject to the control of the Deputy Commissioner.

Delegation of Deputy Commissioner's powers.

CHAPTER VI.

SETTLEMENT COURTS.

62. *(1)* The Local Government may, by notification in the official Gazette, declare that a settlement of land-revenue is in progress in any local area, and invest any officer making or controlling the settlement with all or any of the powers of any Court constituted under this Act for the purpose of trying all or any specified class of suits and appeals relating to land, or the rent, revenue or produce of land, arising in the local area.

Power to invest Settlement-officers with powers of Civil or Revenue Courts in certain cases.

(2) The publication of a notification under this section shall be conclusive evidence that a settlement of land-revenue is in progress in the local area to which the notification refers.

(3) The Local Government may cancel any such notification.

(4) While the notification continues in force, the powers specified in it shall be exercised by the officers so invested, and not otherwise:

Provided as follows:—

(*a*) the Local Government may, by order published in the official Gazette, direct that any jurisdiction with which any officer has been invested by the notification shall be exercised solely by the Courts by which the jurisdiction would have been exercised if the notification had not been published; and

(*b*) any cases pending before any officer under the notification when it is cancelled may, notwithstanding the cancellation, be disposed of by him as if it continued in force, unless the Local Government directs (as it is hereby empowered to do) that those cases shall be transferred for disposal to the Courts by which they would have been disposed of if the notification had not been published.

63. For the purposes of section 62 the Local Government may, notwithstanding anything in this Act, from time to time direct that any of the Courts mentioned in this Act (except the Chief Court and the Court of the Financial Commissioner) shall, in respect of any specified class of cases, be subordinate to, or subject to the control or superintendence of, any authority other than those specified in this Act.

Power to alter subordination of Courts for purposes of section 62.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

64. Except as otherwise provided by this Act, the Local Government may, when it is empowered by this Act to make any appointment or confer any powers, appoint, or confer the powers on any person specially by name or by virtue of his office.

Mode of appointment and conferring powers.

65. All powers conferred by this Act may be exercised, from time to time, as occasion requires.

Powers exercisable from time to time.

66. *(1)* The Local Government may fix the place or places at which any Court under this Act is to be held.

Place of sitting of Courts.

The Panjáb Courts Act, 1884.

(Chapter VII.—Supplemental Provisions.—Sections 67-75. The Schedule.)

(2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.

(3) Except as may be otherwise provided by any order under this section, a Court under this Act may be held at any place within the local limits of its jurisdiction.

Vacations.

67. *(1)* Subject to the approval of the Local Government, the Chief Court shall prepare a list of days to be observed in each year as holidays in the Chief Court and the Civil Courts subordinate thereto, and the Financial Commissioner shall prepare a like list for his Court and the Courts subordinate thereto.

(2) Every such list shall be published in the official Gazette.

Pending proceedings.

68. *(1)* All cases or proceedings pending in the Chief Court on the day when this Act comes into force shall be disposed of as if this Act had not been passed.

(2) All cases or proceedings pending in any Civil Court subordinate to the Chief Court on that day shall be disposed of as if this Act had not been passed:

Provided that the Chief Court may direct that any such cases or proceedings shall be transferred for disposal to any Civil Court established under this Act which would have had jurisdiction if it had been in existence when the cases or proceedings were instituted.

(3) In the case of an appeal pending on the said day, the following shall, for the purposes of sub-section (2), be deemed to be the Court which would have had jurisdiction as aforesaid, namely:—

(a) when the value of the suit exceeds five thousand rupees,—the Chief Court;

(b) when the appeal is one in a small cause, and is pending before the Deputy Commissioner or an officer invested with the appellate powers of a Deputy Commissioner and the value of the suit does not exceed five hundred rupees,—the District Court;

(c) in other cases,—the Divisional Court.

Appeals after Act comes into force against decrees, &c., passed before.

69. Appeals from decrees, orders and decisions passed by Civil Courts and not appealed against before the date on which this Act comes into force shall lie and be disposed of as if this Act had not been passed and not otherwise:

Provided that the Courts to which such appeals shall lie shall be as follows:—

(a) when the appeal would before the said date have lain to the Chief Court, or the value of the suit exceeds five thousand rupees,—the Chief Court;

(b) in small causes when the value of the suit does not exceed five hundred rupees, and the appeal would before the said date have lain to the Deputy Commissioner, or an officer exercising the appellate powers of a Deputy Commissioner,—the District Court;

(c) in other cases,—the Divisional Court.

Modification of section 622 of Civil Procedure Code.

70. Section 622 of the Code of Civil Procedure, in its application to the territories to which this Act extends, shall be read as if the words "illegally or" were omitted, and for the purposes of that section no appeal shall be deemed to lie from the appellate decree of a Divisional Court to the Chief Court when the case does not fall under clause *(a)*, clause *(b)* or clause *(c)* of section 40, and an application under clause *(d)* of that section has been refused.

Amendment of the first schedule annexed to the Court-fees Act, 1870.

71. In the first schedule annexed to the Court-fees Act, 1870, after No. 12, the following shall be inserted:— VII of 1870.

NUMBER.		PROPER FEE.
13. Application to the Chief Court or the Court of the Financial Commissioner of the Panjáb for the exercise of its revisional jurisdiction under section 622 of the Code of Civil Procedure.	When the amount or value of the subject-matter in dispute does not exceed twenty-five rupees.	Two rupees.
	When such amount or value exceeds twenty-five rupees.	The fee leviable on a memorandum of appeal.

Refund of fee paid on application for revision.

72. If the Court, on an application under section 622 of the Civil Procedure Code, on which a fee has been paid under the last preceding section, sets aside or modifies the decree or order of a Subordinate Court, or remands the case for a fresh decision, it may grant to the applicant a certificate authorizing him to receive back from the Collector the full amount of fee paid on the application, or any smaller amount which, with regard to the circumstances of the case, it may think proper to order to be refunded. XIV of 1882.

Saving of certain appointments, rules and forms, notifications, powers and orders.

73. All appointments made under sections 5 and 22 of Act XVII of 1877, directions given under section 23, rules and forms made and prescribed under sections 19, 26 and 27, and notifications published, powers conferred and orders issued under section 49, of the same Act, shall, so far as may be, be deemed to have been respectively made, given, prescribed, published, conferred and issued under this Act.

Amendment of Act X of 1870, section 3.

74. In the Land Acquisition Act, 1870, section 3, before the words "British Burma," in both places where they occur, the words "the Panjáb" shall be inserted. X of 1870.

Amendment of Act XXVIII of 1868, section 42.

75. In the Panjáb Tenancy Act, 1868, section 42, for the words "and thirty-one" the words "thirty-one and forty" shall be substituted. XXVIII of 1868.

THE SCHEDULE.

ACTS REPEALED.

(See section 2.)

Number and year.	Title of Act.	Extent of repeal.
Act IV of 1869	The Indian Divorce Act.	So much of section 3 as defines "District Judge" in the Panjáb to mean the "Commissioner of a Division."
Act XIV of 1875.	The Panjáb Judicial Administration Act, 1875.	So far as it relates to civil or criminal judicial powers.
Act XVII of 1877.	The Panjáb Courts' Act, 1877.	The whole, except section eighteen.

D. FITZPATRICK,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th October, 1884, and is hereby promulgated for general information:—

ACT No. XIX OF 1884.

THE RANGOON WATER-WORKS ACT, 1884.

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An Act to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

Whereas a scheme has been settled and to some extent carried out for the construction and maintenance of water-works and the supply of water to the Town of Rangoon by the Municipal Committee for that town;

And whereas it is necessary for the purposes of the scheme that the Royal Lake at Rangoon, and all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, should vest in, and be under the control of, the Municipal Committee for that town;

And whereas it is expedient that powers should be conferred and duties imposed upon the said Municipal Committee with respect to the construction and maintenance of the proposed water-works and the supply of water to the Town of Rangoon, and otherwise in relation thereto, and that all acts already done by the said Municipal Committee which could have been lawfully done if this Act had been in force should be validated;

It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title and commencement.

1. *(1)* This Act may be called the Rangoon Water-works Act, 1884; and

(2) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, fix in this behalf.

(3) All acts done before the passing of this Act which could have been lawfully done if this Act had been in force shall be deemed to have been lawfully done.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) "town" means the local area for the time being comprised within the municipal limits of the Town of Rangoon:

(2) "street" means any street, road, thoroughfare, passage for place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street:

(3) "owner" includes—

(a) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person;

(b) an agent of that person; and

(c) a trustee for that person:

(4) "house" includes schools; also factories and other buildings in which persons are employed:

(5) "water-works" includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the Town of Rangoon:

(6) "the Committee" means the Municipal Committee for the Town of Rangoon:

(7) "water-rent" includes any rent, reward or payment to be made to the Committee in connection with the supply of water under this Act, but does not include the water-tax leviable under the Burma Municipal Act, 1884: and

(8) a "supply of water for domestic purposes" does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

CHAPTER II.

Vesting of Property.

Vesting of Royal Lake and cisterns, &c., in Committee.

3. There shall vest in, and be under the control of, the Committee, freed and discharged of and from all manner of rights, titles, privileges or claims whatsoever of any other person,—

(a) the Royal Lake at Rangoon; and

(b) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, used or intended to be used for supplying water to the public in the town, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto:

Provided as follows:—

(1) Any person may at any time, subject to such rules as the Committee make in this behalf, row, sail or fish on or in the waters of the Royal Lake:

(2) Nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dalhousie Park, but that land shall be preserved as a public park for the use of the public.

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

Duty of Committee to construct works for supply of water.

4. Subject to rules to be made under this Act by the Chief Commissioner, the Committee shall cause such mains and pipes to be laid, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town:

Provided that the Chief Commissioner may, by order in writing, from time to time exempt any part of the town from the provisions of this section, and cancel any such exemption.

Duty of Committee to erect stand-pipes.

5. The Committee shall cause such stand-pipes or pumps to be erected, at such intervals as the Chief Commissioner, by rules made under this Act, prescribes, in all the chief streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Power for Committee to execute works.

6. The Committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land:

Provided that, in the exercise of these powers the Committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

Power for Committee to break up streets.

7. The Committee may open and break up the soil and pavement of the streets, and lay down and place pipes, conduits and other works and engines, and, from time to time, repair, alter or remove the same, and do all other acts which the Committee, from time to time, deem necessary for supplying water to the town.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of water for domestic purposes to Occupiers of Houses or Lands.

Right of occupier to certain supply of water for domestic purposes.

8. *(1)* Every occupier of a house or land situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of fifteen hundred gallons of pure and wholesome water for domestic purposes for every rupee paid to the Committee for water-tax on account of the house or land.

(2) If the Committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-metre at their own expense, and attach it to such part of the communication-pipes as they think fit.

(3) If the occupier consumes any water over and above the quantity to which he is entitled free of further charge under this section, he shall pay for it at the rate of one rupee for every fifteen hundred gallons, or part of fifteen hundred gallons.

Right of occupier paying water-tax to have water brought into his house or land.

9. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall, subject to the provisions of this Act, be entitled to have communication-pipes laid down from the service-pipes of the Committee, for bringing into his house or land a reasonable supply of water:

Provided that the Committee may cut off the supply of water to any house or land while the house or land is unoccupied.

Construction of communication pipes.

10. The communication-pipes leading the water from the service-pipes of the Committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the Committee fix and approve, and shall be constructed at the expense of the person requiring them.

Inspection of works, pipes and fittings before connection with service-pipes.

11. *(1)* Before a connection for the supply of water from the service-pipes of the Committee to any house or land is sanctioned by the Committee, the Committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the Committee appoint in this behalf.

(2) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the Committee, at a special meeting, from time to time, direct.

(3) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the Committee's service-pipes shall not be permitted.

Connection with service-pipes to be executed only by an officer of the Committee.

12. *(1)* The connection with the service-pipes of the Committee, and the laying of communication-pipes under any street, shall be executed by an officer of the Committee authorized in that behalf.

(2) The expense of making the connection shall be payable in advance by the person applying for the same, at such rate as the Committee, at a special meeting, from time to time, direct.

Power for officer of Committee to enter premises.

13. *(1)* The officer authorized in that behalf by the Committee may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land

supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any waste or misuse of the water.

(2) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the Committee may forthwith turn off or cut off the water from the house or land.

Power for Committee to turn off water when pipes are out of repair.

14. If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on examination by any officer of the Committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the Committee may, after the expiry of twenty-four hours from the service of notice in writing to this effect, cause the water to be turned off or cut off from the house or land, and may recover the expense incurred for turning off or cutting off the water from the occupier of the house or land.

B.—Supply for gratuitous use in Stand-pipes.

Duty of Committee to supply water for gratuitous use in stand-pipes.

15. The Committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the Committee under section 5.

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

Duty of Committee to fix fire-plugs in mains.

16. The Committee shall fix and renew and keep in effective order such fire-plugs in such of the mains and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the Chief Commissioner by rules made under this Act, directs.

Duty of Committee to supply water for cleansing sewers and drains.

17. In all the mains and pipes to which any fire-plug is fixed, the Committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

D.—Supply of Water for other than domestic purposes.

Supply for other than domestic purposes.

18. *(1)* The Committee may, from time to time, supply any person with water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the Committee and the person :

Provided that—

(a) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the Committee are of opinion that the supply would interfere with the proper supply of water for domestic purposes under this Act; and

(b) the Committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture, penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(2) When any such agreement has been entered into by the Committee with any person, the Committee may, subject to such charges or rates as may have been fixed by the Committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of Water supplied.

Pressure at which water must be kept.

19. From such a day as the Chief Commissioner, by notification in the local official Gazette, directs in this behalf, the supply of water in the mains and pipes which the Committee are required to lay under this Act shall be laid on at such pressure as the Chief Commissioner, by rules made under this Act, prescribes.

CHAPTER V.

Reciprocal Rights of Owners and Occupiers to supply of Water to Houses.

Power for occupier of house to require owner to provide works for water-supply.

20. *(1)* Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house a supply of water for domestic purposes.

(2) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation.

(3) If the house, or the land attached thereto, does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

Power for occupier to make works in default of owner.

21. *(1)* If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may by way of additional remedy deduct the cost of the works from the rent payable by him in respect of the house :

Provided that the occupier shall not recover on account of the cost—

(a) a sum exceeding the amount of six months' rent ; or

(b) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

The Rangoon Water-works Act, 1884.
(Chapter VI.—Rules.—Sections 29-31.)

(2) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(3) Interest on each instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

What works are sufficient for supply of water to house.

22. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided, namely :—

(*a*) two taps in the house;

(*b*) one tap in the cook-room of, or other building attached to, the house, and

(*c*) one tap in or near the stables or other outhouses belong to the house :

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

Estimate and specification of works to be sent.

23. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

Power to refer to Committee.

24. If there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the Committee, and the written award of any officer authorized by the Committee in this behalf shall be final and binding on the owner and the occupier.

Fee on reference.

25. There shall be payable by the person making a reference to the Committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

Duty of owner to keep works in repair.

26. *(1)* The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair.

(2) If the owner fails to put any such works in substantial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may by way of additional remedy deduct the cost of the repairs from the rent payable by him in respect of the house or land.

Power for owner to recover sums payable by occupier.

27. Any owner to whom any sum is payable under section 20 or section 21 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Saving of contracts between owners and occupiers.

28. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

CHAPTER VI.

RULES.

Power for Chief Commissioner to make rules.

29. The Chief Commissioner may, from time to time, make rules consistent with this Act—

(*a*) to prescribe the size and nature of the mains and pipes to be laid and the water-works to be constructed by the Committee for the supply of water under this Act;

(*b*) to prescribe the size and nature of the stand-pipes or pumps to be erected by the Committee under this Act, and the intervals at which they must be erected;

(*c*) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the Committee under this Act;

(*d*) to prescribe the pressure at which the water supplied by the Committee under this Act is to be laid on either generally or at specified times; and

(*e*) generally to define and regulate the powers and duties of the Committee under this Act.

Power for Committee to make rules.

30. *(1)* The Committee may, from time to time, at a special meeting, make rules consistent with this Act—

(*a*) for regulating rowing, sailing and fishing on or in the Royal Lake; and

(*b*) for preventing the waste or misuse of water supplied by them, and for defining the nature of the pipes, casks, cisterns and other apparatus to be used by every person supplied by them with water.

(2) In making a rule under this section the Committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(3) If any person, having or requiring a supply of water from the Committee, fails to comply with any rules made under clause (*b*) of this section, the Committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules are complied with :

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Procedure for making rules.

31. *(1)* The Chief Commissioner or Committee shall, before making any rules under section 29 or section 30, publish a draft of the proposed rules for the information of persons interested.

(2) The publication shall be made—

(*a*) in the case of rules under section 29, in such manner as in the opinion of the Chief Commissioner is sufficient; and

The Rangoon Water-works Act, 1884.
(Chapter VII.—Arrears and Offences.—Sections 33-38.)

(*b*) in the case of rules under section 30, in such manner as the Chief Commissioner, by order, directs.

(3) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(4) The Chief Commissioner or Committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Publication of rules.

32. Every rule made under section 29 or section 30 shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and such publication shall be conclusive evidence that the rule has been made as required by section 31.

CHAPTER VII.

ARREARS AND OFFENCES.

Arrears of water-rents.

33. All arrears of water-rents under this Act may be recovered, on application to such Revenue-officer as the Local Government may appoint in this behalf, as if they were arrears of land-revenue.

Power for Committee to turn off water on neglect to pay water-tax or water-rent.

34. If any person supplied with water neglects to pay—

(*a*) the water-tax leviable under the Burma Municipal Act, 1884, or

1884.

(*b*) any water-rent payable by him to the Committee,

the Committee may turn off or cut off the water from the house or land in respect of which the water-tax or water-rent is payable, by cutting off the pipe to the house or land, or by such other means as the Committee think fit, and may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from that person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Penalty for obstructing, diverting or wasting water.

35. If any person unlawfully obstructs the flow of, fouls, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the Committee, or from any water or streams by which those water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees.

Penalty for unauthorized application of water.

36. If any person—

(*a*) uses for other than domestic purposes any water supplied under this Act for domestic purposes; or

(*b*) where water is supplied under section 18 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the Committee to recover from him the price of the water misused.

Penalties for causing the water of the Committee to be fouled, &c.

37. *(1)* If any person—

(*a*) bathes in, at or upon any water-works, or washes, throws or causes to enter therein any dog or other animal, or

(*b*) throws any rubbish, dirt, filth or other noisome thing into any water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or

(*c*) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled, or likely to be fouled,

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

Prosecutions.

38. Prosecutions under this Act or the rules made under this Act may be instituted by the Committee or any person authorized by them in this behalf, and not otherwise.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th October, 1884, and is hereby promulgated for General information:—

ACT No. XX OF 1884.

An Act to amend the Indian Salt Act, 1882.

WHEREAS it is expedient to exclude the Province of Sindh from the operation of those portions of the Indian Salt Act, 1882, which do not extend by their own operation to the whole of British India; It is hereby enacted as follows:—

XII of 1882.

Repeal of words "to the Province of Sindh" and "Province" in section 1 of Act XII of 1882.

1. From such day as the Governor of Bombay in Council, by notification in the official Gazette, fixes in this behalf, the words "to the Province of Sindh" and the word "Province," in paragraphs three and four respectively of section 1 of the Indian Salt Act, 1882, shall be repealed.

D. FITZPATRICK,

Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 18, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 2nd October, 1884:—

No. 14 OF 1884.

A Bill to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

1. The Straits Settlements Emigration Act, 1877, is repealed.

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted:—

New section substituted for section 102 of Act XXI of 1883.

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

Power for Governor General in Council to exempt emigration to Native States adjoining the Straits Settlements from Act.

STATEMENT OF OBJECTS AND REASONS.

THE main object of this Bill is to repeal Act V of 1877 (the Straits Settlements Emigration Act, 1877), which extends only to the Madras Presidency. It is dictated by the policy which recently led to the enactment of Act VII of 1883, (to repeal the British Burma Labour Law, 1876.) As in the case of Burma, it is found that there is a system of "free emigration" to the Straits which not only competes with, but altogether distances, the Government system for which Act V of 1877 provides. From the information before it, the Government of India is of opinion that that Act has impeded instead of promoting emigration, that labour flows as naturally to and from the Straits as it does between Burma and India, and that attempts to control its movement in British territory merely induce it to seek an outlet from the French ports of Pondicherry and Karikal. Such provisions as in the opinion of the Government are necessary for the protection and control of the Indian immigrant after his arrival in the Straits have been embodied in a revised Labour Regulation, which is now before the Straits legislature, and will, it is expected, shortly become law. Under these circumstances, the Government of India considers that emigration from India to the Straits should be uncontrolled by law in this country save as regards the requirements of the Native Passengers Ships Act.

2. The repeal of Act V of 1877 necessitates, however, an amendment of section 102 of Act XXI of 1883 (the Indian Emigration Act, 1883). The first sub-section of that section provides for the extension of Act V of 1877 to other parts of British India. As the Act is itself now being repealed, it is clear that this sub-section should be repealed also. The second and third sub-sections of that section give the Governor General in Council power by notification to include any of the protected Native States adjoining the Straits Settlements within

the scope of any law relating to emigration to those Settlements, and exempt, on and from the date of any such notification, emigration to the protected State specified therein from the operation of Act XXI of 1883. Though there will no longer be any special law relating to emigration to the Straits, it is deemed desirable to retain the power, which these sub-sections confer, of exempting emigration to the protected States from Act XXI of 1883. A new section has therefore been substituted by section 2 of the Bill for section 102 of Act XXI of 1883 empowering the Governor General in Council to exempt emigration to the protected States from that Act whenever he considers such exemption to be desirable.

The 25th September, 1884.

S. C. BAYLEY.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Report of the Select Committee on the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

We, the undersigned members of the Select Committee to which the Bill to provide more effectually for the suppression of certain forms of Gaming in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 289-1L., dated 9th September, 1884 [Paper No. 1].
Telegram from Chief Commissioner, British Burma, dated 15th September, 1884 [Paper No. 2].

2. The following is an extract from the Chief Commissioner's telegram of the 15th instant:—

"Opinions received on Burma Gaming Bill induce me to urge following points:—

"*First*, we must make touts for *ti* punishable; so please, after word 'players' in section 4, insert words 'or who promotes the game by soliciting or collecting stakes or otherwise.'

"*Second*, I fear Courts may unduly restrict meaning of word 'place'; therefore, for first eight words in clause (2), section 3, please substitute words 'every place, whether enclosed or unenclosed.'

Thirdly, our 1st class Magistrates are few; therefore please add clause as follows:—

'The Local Government may specially authorize any Magistrate of the 2nd class to exercise the powers conferred by section 5 of Act III of 1867 on the Magistrate of the district.'

Fourthly, we want power to arrest touts in public places; therefore please add clause as follows:—

'A police-officer may apprehend without warrant any person soliciting or collecting stakes for *ti* or any other game of like nature in any public street, place or thoroughfare.'

"*Fifthly*, on advice of officers consulted, I agree that section 2 of Bill may be omitted."

3. We have adopted all these suggestions except the second; and, though the Chief Commissioner adds that he lays much stress on that suggestion, we do not think it would be possible to adopt it, at least in the shape in which he proposes it. It must be remembered that the Bill is not an independent measure, but is to be read with Act III of 1867; and, if the provisions of that Act relating to common gaming-houses be referred to, it will, we think, be found that some at least of them are such that if every "place," without any distinction or limitation whatever, was to be made a "common gaming-house," they could not fairly or reasonably be applied. It may indeed be doubted whether, apart from all consideration of the harshness which the proposed amendment would involve, some of those provisions could be applied to every "place" indiscriminately without giving rise to something approaching an absurdity.

4. We have, we need hardly say, considered whether it might not be desirable to give some extension to the definition of "common gaming-house" short of that proposed by the Chief Commissioner; but we think, having regard to English decisions on the provisions of Statutes worded in a manner somewhat similar to Act III of 1867 and the

present Bill, that the definition is as wide as it is desirable to make it. We think we may reasonably count on its being held, with reference to those decisions, to include all places which are sufficiently analogous to a house, walled enclosure or room to admit of being reasonably and fairly treated as gambling-houses for the purposes of the Act.

5. It must be remembered that the question here involved has little or no importance in practice except in its bearing on the position of persons who are induced to take tickets in the *ti;* for the managers and their assistants will in all cases be subject to severe penalties under separate provisions, which are completely independent of the definition of common gaming-house; and, as regards mere ticket holders, it appears to us that it is sufficient if they are punishable under the common gaming-house provisions of the Bill and the Act as they now stand, and under the 13th section of the Act for gambling in public. We have, however, amended the last-mentioned section so as to give it a somewhat wider range in British Burma than it has elsewhere.

6. The publication ordered by the Council has been made as follows:—

In English.

Gazette.		Date.
Gazette of India	... ...	30th August, and 6th and 13th September, 1884.
British Burma Gazette	.	13th September, 1884.

In the Vernaculars.

Province.		*Language.*		*Date.*
British Burma	...	Burmese	...	13th 20th, and 27th September, 1884.

We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

C. P. ILBERT.
C. U. AITCHISON.
J. GIBBS.
J. W. QUINTON.

The 25th September, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Report of the Select Committee on the Bill to amend the Law relating to Local Self-government in British Burma was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884:—

WE, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Local Self-government in British Burma was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

From Officiating Secretary to Chief Commissioner, British Burma, No. 678-8R.M., dated 27th September, 1883, and enclosures [Papers No. 1].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 88-8R.M., dated 4th October, 1883, and enclosures [Papers No. 2].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 348-8R.M., dated 17th October, 1883, and enclosures [Papers No. 3].
From Officiating Junior Secretary to Chief Commissioner, British Burma, No. 537-8R.M., dated 27th December, 1883, and enclosure [Papers No. 4].
Office Memorandum from Home Department, No. 762, dated 9th May, 1884, and enclosures [Papers No. 5].
From Officiating Secretary to Chief Commissioner, British Burma, No. 481-1G.M., dated 17th June, 1884, and enclosure [Papers No. 6.

2. The Bill as now amended by us will be seen at a glance to differ considerably from the Bill as introduced. The difference is due chiefly to three causes.

3. In the first place, there has been a change in the main plan and scope of the measure. As explained in the Statement of Objects and Reasons, the original Bill was framed with a view to the inclusion within municipalities of adjoining rural areas. This course was taken, on the advice of the Local Government, in order to meet the requirements of certain rural tracts, until such time as it might be found possible to establish a system of local boards for rural districts.

From the papers since submitted, however, it appears that, upon fuller consideration, the weight of opinion is against the attempt to include in one municipality urban and rural tracts; and the Chief Commissioner now recommends that the Bill be confined, as we believe all the Municipal Acts on our Statute-book are, to urban tracts, the matter of local self-government in rural tracts being left to be dealt with separately hereafter.

In this recommendation we concur. The difficulty of framing the provisions of the Bill so as to fit in with conditions so essentially different as those of the towns and the adjoining tracts of country has turned out to be greater than was anticipated, and the call for the establishment of a system of local self-government in the rural tracts of British Burma is not so pressing as to justify our running the risk of passing an unsatisfactory measure for the sake of at once meeting it. We have accordingly reduced the Bill to the form of a Municipal Bill pure and simple.

4. Another difference between the original Bill and the present Bill is due to our having, at the request of the Chief Commissioner, adopted the course taken by the Select Committee on the Panjáb Municipal Bill of substituting for wide general powers to make rules detailed provisions regarding nuisances and other matters affecting the public health, safety and convenience. It is in this way that most of the new sections contained in Chapters VI and VII of the amended Bill are to be accounted for.

5. Lastly, the greater light thrown upon the needs of municipal government and on the difficulties likely to present themselves in the application of a Municipal Act by the prolonged discussions which took place in the Select Committee on the Panjáb Bill has led to numerous amendments in, or additions to, the Bill of minor importance. As examples we may refer to—

Section 27 (*e*) (distribution of executive powers and duties);

Section 28 (extraordinary powers of president and vice-president in case of emergency);

Sections 44 and 88 (powers to impose a scavenging-tax and to undertake the scavenging of private premises);

Sections 51-57 (special rules applicable to taxation of immoveable property);

Sections 60 and 61 (constitution and application of the municipal fund);

Sections 65-67 (provisions relating to municipal property);

Section 138 (settlement of disputes);

Sections 151-153 (relating to notices); and

Section 158 (which confers a power to exempt a municipality from any provisions of the Act which appear unsuitable to it).

This last section, we may observe, is specially necessary in view of the numerous and somewhat elaborate provisions now contained in Chapters VI and VII, some of which would probably be unsuitable in small municipalities.

6. We have now to notice such of the more important alterations of the Bill as are not accounted for by the foregoing remarks, or as otherwise seem to call for explanation.

7. Section 12 of the original Bill, which required a member of the municipal body to vacate his seat when appointed to a salaried municipal office, and section 29, which provided for the payment of fees to members for attendance at meetings, have been omitted; the former because it is not thought advisable that any person while a member of a committee should be appointed to a salaried office under the committee, and the latter because a municipal area can now comprise only a town and its immediate suburbs, and the members of the committee, being residents of that area and not having to travel any distance to the meetings, may reasonably be expected to give their services gratuitously.

8. We have, following the course taken in the Panjáb Bill, limited the rates to be imposed for water, lighting and scavenging only by providing (in effect) that they shall not exceed what is requisite to defray the cost of the services for which they are levied; and we have, as in the Panjáb Bill, provided that the proceeds of these rates shall be carried to the one municipal fund, separate accounts only being kept, instead of constituting separate funds.

9. We have substituted for section 47 of the original Bill, which required a municipal committee to make grants-in-aid to schools in accordance with such rules as the Government might make, a section (62) specifically appropriating to educational purposes the income for schools and all sums acquired by the committee in trust for educational purposes, and further requiring the assignment for educational purposes from the general municipal revenues of such sum annually, not being more than 5 per cent. of the gross annual income of the municipality, as the Local Government may fix.

This section has been suggested by the Chief Commissioner with the view of meeting practical difficulties which have occurred in British Burma, and is, in his opinion, indispensable for the purpose of carrying out the educational policy which has recently been established in that province, and under which the municipalities, whilst relieved of police-charges, have been required to provide for the maintenance of local schools. It will be observed that the section, while it compels the committee to devote a certain minimum of its funds to educational purposes, imposes no such restriction as might have been imposed under the original section as regards the particular objects on which the money shall be spent.

10. The Chief Commissioner has in an unofficial communication proposed certain modifications in and additions to the new provisions introduced from the Panjáb Bill in Chapters VI and VII. Most of these are of minor importance, and we have in general adopted them, omitting only such as appeared to us superfluous or unnecessarily stringent. In one instance we, however, have found it necessary to omit a section of considerable importance proposed by the Chief Commissioner, namely, a section similar to section 14 of Act XLVIII of 1860 giving a certain power of control over brothels and other disorderly houses; but that section we have omitted merely because we think the matter is one to be dealt with by the Magistrates and police rather than by a municipal committee.

11. The only other point which appears to call for notice in connection with this portion of the Bill is that we have substituted two sections (126 and 127) based on similar sections in the Public Health Act, 1875, for a section proposed by the Chief Commissioner, to guard against the spread of infectious diseases through the medium of public conveyances.

12. Sections 49 to 51 of the original Bill provided for the exercise by a municipal committee or its members of certain magisterial powers in nuisance cases. We have omitted these sections for the same reasons that have led to the omission of the corresponding sections of other Municipal Bills recently before the Council, namely, that a section like section 49 could have little practical effect, and that it is not desirable that the powers given by the other two sections should be conferred.

13. We have not thought it advisable to adopt a proposal made by the Chief Commissioner that the Local Government should be empowered to invest municipal officers with the powers of police-officers for the purposes of section 34 of the Police Act (V of 1861).

14. We have added a clause to section 133 providing that the powers of control over municipalities, conferred by that section on the Commissioner and Deputy Commissioner, shall, in the case of the municipalities of Rangoon, Moulmein, Akyab and Bassein, be exercised not by those officers but by the Local Government.

15. Lastly, we have to state that we have considered a proposal of the Chief Commissioner to the effect that the appropriation provisions of the Bill should be modified in such a manner as to admit of a municipal committee subscribing to a public band or contributing to fireworks or the like on great occasions. We have not adopted this proposal, because the objects in question appear to us to lie beyond the sphere of the purposes for which municipal taxation is raised in this country.

16. The publication ordered by the Council has been made as follows :—

In English.

Gazette.		*Date.*
Gazette of India	...	21st and 28th July, and 4th August, 1883.
British Burma Gazette	...	11th, 18th and 25th August, 1883.

In the Vernaculars.

Province.		*Language.*		*Date.*
British Burma	...	Burmese	...	25th August, and 1st and 8th September, 1883.

We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

C. P. ILBERT.

J. GIBBS.

T. C. HOPE.

J. W. QUINTON.

D. G. BARKLEY.

The 25th September, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT

[Third publication.]

The following Report of the Select Committee on the Bill to amend the law relating to Courts in the Panjáb was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 25th September, 1884 :—

We, the undersigned Members of the Select Committee to which the Bill to amend the law relating to Courts in the Panjáb was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report.

Extract from the *Tribune* of 5th July, 1884 [Paper No. 1].
Extract from the *Tribune* of 12th July, 1884 [Paper No. 2].
Extract from the *Hindoo Patriot* of 14th July, 1884 [Paper No. 3].
Extract from the *Tribune* of 19th July, 1884 [Paper No. 4].
Extract from the *Tribune* of 26th July, 1884 [Paper No. 5].
Extract from the *Tribune* of 2nd August, 1884 [Paper No. 6].
Extract from the *Tribune* of 9th August, 1884 [Paper No. 7].
Extract from the *Tribune* of 16th August, 1884 [Paper No. 8].
From Officiating Secretary to Government, Panjáb, No. 4078., dated 26th August, 1884, and enclosures [Papers No. 9].
Extract from the *Civil and Military Gazette* of 21st August, 1884 [Paper No. 10].
From President, Indian Association, Lahore, dated 30th August, 1884, and enclosure [Papers No. 11].
Extract from the *Tribune* of 23rd August, 1884 [Paper No. 12].
Extract from the *Civil and Military Gazette* of 25th August, 1884 [Paper No. 13].
From Officiating Secretary to Government, Panjáb, No. 4478., dated 4th September, 1884, and enclosure [Papers No. 14].
From Officiating Secretary to Government, Panjáb, No. 4158., dated 6th September, 1884, and enclosure [Papers No. 15].
Endorsement by Officiating Under-Secretary to Government of India, Home Department, No. 1215, dated 15th September, 1884, and enclosures [Papers No. 16].

2. We have rearranged the provisions of the Bill in a manner which we trust will make them more readily intelligible; and in the following remarks we shall as far as possible take the sections in their new order.

CHAPTER II.

THE CHIEF COURT.

3. It will be observed that under the proviso to section 8, sub-section (1), a single Judge of the Chief Court is prohibited from revising or modifying any proceeding of a lower Court except an "order" within the meaning of the Code of Civil Procedure. The restriction thus imposed does not, we believe, differ to any important extent from that contained in the corresponding provision (section 21, proviso) of the original Bill, and it relieves us of the necessity of using the phrase "interlocutory order," to which some difficulty attached.

4. We have also modified the last sub-section of section 8 by placing in the hands of the Senior Judge the power of determining which Judges of the Chief Court shall sit alone and which shall constitute benches, instead of leaving the power to be delegated by the Court to such Judge as it might think fit.

5. We have in section 14 added to the matters in respect of which the Chief Court is empowered to make rules—

(1) the translation of papers filed in the Chief Court and copying or printing any such papers or translations, and the payment by parties of the expenses thereby incurred; and

(2) the procedure in cases where a person is entitled to inspect a record of any Court or obtain a copy of it, and the fees payable for searches and copies.

We believe that these matters have long been dealt with by the Chief Court at its discretion, and we think it well that the power to deal with them should be placed on a legal basis.

CHAPTER III.

THE SUBORDINATE CIVIL COURTS.

6. The enumeration of the subordinate Civil Courts in section 17* differs from that in section 4 of the original Bill, but the substantive changes involved are smaller than might at first sight be supposed.

* (a) The Divisional Court.
(b) The Court of the District Judge.
(c) The Court of the Subordinate Judge.
(d) The Court of the Munsif.

The Divisional Court corresponds, with certain modifications, which we shall presently have to notice, to the Divisional Court of the original Bill.

7. The District Judge corresponds to the Assistant Judge of the original Bill, but his position as controlling the administration of civil justice in the district in somewhat the same manner as the District Magistrate under the Criminal Procedure Code controls the administration of criminal justice is more clearly brought out; and (section 23) his Court is, subject to certain exceptions, made the District Court for the purposes of those Acts which confer special powers on a District Court.

8. The Subordinate Judge corresponds to the Subordinate Judge of the first class of the original Bill, but we have, instead of fixing a pecuniary limit to his jurisdiction as in section 36 of the original Bill, empowered the Local Government to do so (section 26). It will thus be in the power of the Local Government to limit the jurisdiction of a Subordinate Judge to any sum it thinks fit, or to confer upon him the unlimited jurisdiction exercised by a District Judge in original suits.

9. The Munsif of the amended Bill is intended to comprise the second, third and fourth classes of Subordinate Judges of the original Bill, and his powers in original suits have been dealt with in a manner similar to that just described; that is to say, it is left (section 26) to the Chief Court to invest each Munsif with such powers as it thinks fit, provided that the limit of value does not exceed Rs. 1,000, which was the limit for Subordinate Judges of the second class under section 36 of the original Bill.

10. It will be observed that section 19 introduces an important change as regards the constitution of the Divisional Court; but as that change will be more conveniently explained when we come to speak of the appellate jurisdictions, it only remains to notice here that we have in the proviso to section 21 put the restriction on the powers of one of several Judges of a Divisional Court sitting alone on the same footing as the similar restriction in the case of the Chief Court (*supra*, paragraph 3).

11. We have inserted a new section (29), similar to section 27 of the Bengal Courts Act, providing for the transfer to a Subordinate Judge or Munsif of business under Act XXVII of 1860, Act XL of 1858 and Act IX of 1861.

12. In the section (now 30) which empowers the Local Government to confer the powers of a Small Cause Court Judge on certain judicial officers, we have, as in other cases, omitted all minute specification of pecuniary limits, and simply provided that the Local Government may confer such powers as it thinks fit within the limit of Rs 500.

13. In dealing with a Bill of this description it is impossible to overlook the difficulties which present themselves in connection with the valuation of certain classes of suits for the purpose of determining the original jurisdiction and the course of appeal. The question of the simplest mode of valuing suits for the recovery of land is at present under the consideration of the Government of India, and we have not accordingly felt ourselves called upon to take it up; but there are certain other classes of suits which in the absence of any special provision for their valuation would be left in a very unsatisfactory position, namely, suits the subject of which does not admit of valuation on any intelligible basis. Such suits are usually valued at some low figure, and consequently may be heard without any reference to their importance or difficulty by Courts of the inferior grades. The necessity for making some special provision for them on the present occasion is the greater, inasmuch as, under the present Bill, the course of appeal will depend to a greater extent than before on the valuation.

We have accordingly introduced a new section (32) providing that, where the subject-matter of suits of any class is such that in the opinion of the Chief Court it does not admit of being satisfactorily valued, the Chief Court may, with the previous sanction of the Local Government, direct that such suits shall be treated as if the subject-matter were of such value as the Chief Court thinks fit to specify in this behalf.

14. The only other provision of this chapter which appears to call for notice is section 38. As we have explained, it is intended that the District Judge should have the general control of the administration of civil justice throughout his district; but there may be cases, as *e.g.*, that of Kulu, in which it would be convenient to delegate this control to a Subordinate Judge in some outlying portion of the district in somewhat the same way as certain powers of a District Magistrate are delegated to a Sub-divisional Officer under the Code of Criminal Procedure; and accordingly a power to effect such a delegation has been taken.

CHAPTER IV.

APPELLATE JURISDICTION IN CIVIL CASES.

15. We have omitted the words in the opening section of this chapter which conferred a power to place other classes of suits on the same footing as mufassal small causes for the

purposes of appeal, the object in view being now sufficiently met by the new definition of "small cause" (in section 3), which gives power to place small causes within the meaning of the Presidency-towns Small Cause Courts Act on the same footing as mufassal small causes.

16. We have, moreover, restricted this section, as we have the entire chapter, to appeals from decrees as distinguished from orders, the latter being sufficiently provided for by the Code of Civil Procedure.

17. The subject of further appeals, which is dealt with in the following section, is one which has given rise to much discussion, and which is surrounded on all sides with difficulties of a serious nature. We have given to it the most careful and prolonged consideration, and have come to the conclusion that the right of further appeal allowed by the Bill as introduced must be extended in some important particulars.

The Bill as introduced allowed a further appeal from the appellate decree of a Divisional Bench only in two cases, namely, if the Judges differed or if some question of law or custom or of general interest was involved; and in these cases it did not allow the appeal as a matter of right, but only if both Judges, or when one had left the Court, the remaining one, certified that the case was of sufficient importance to justify a further appeal. Under the Bill as now amended a further appeal will lie as a matter of right and without any certificate from a Divisional Bench in all cases where the Judges differ. There will, moreover, be a further appeal in all cases in which any one Judge certifies that there is a question of law or custom or general interest involved, and that the case is in his opinion of sufficient importance to justify a further appeal. And lastly, there will be a further appeal in cases of a class altogether new and not contemplated in the original Bill, namely, where the value of the suit exceeds Rs. 500.

The proviso barring a further appeal in small causes when the value does not exceed Rs. 500 is retained.

18. We have, as already indicated, made another alteration which is of considerable importance, and which it is convenient to notice here.

The Bill as introduced required that the Divisional Courts should consist in all instances of at least two Judges, that except as expressly provided no decision should be reversed except by a bench of two Judges, and that the restrictions on further appeal which we have described should apply to all Divisional Courts. To that objection was taken on the ground that there may be a difficulty in finding in the Punjab a sufficient number of competent officers to furnish two Judges for each of the Divisional Courts proposed. We need hardly say that if the objection were well-founded it would be a serious one, inasmuch as the strict limitations on the right of further appeal to the Chief Court imposed by the original Bill were framed in reliance on the strength of the Divisional Benches; and though those limitations have now been relaxed in the important particulars already described, the Bill still proceeds on the assumption that a Divisional Bench will be a stronger, more reliable and more satisfactory tribunal than the Court of a Commissioner ordinarily now is.

19. It is of course impossible for us to say whether the precise number of competent officers required to constitute Benches in all the proposed Divisions is to be found in the Punjab at this moment, but we understand that the Lieutenant-Governor has no misgivings on the point, and we think it may be safely affirmed that the difficulty of procuring a sufficient number of competent officers for the Benches has been much exaggerated.

In order, however, to guard against every possibility of miscarriage, we have now modified the Bill in such a way that, if the Lieutenant-Governor finds at any time that the materials required for establishing a Bench in any particular Division are not immediately available, he can make the Divisional Court there consist of a single Judge (section 19), and in the event of his doing so a further appeal will, subject only to the proviso as to small causes contained in section 40, lie from that Judge's appellate decrees precisely as they lie at present from the appellate decrees of a Commissioner [section 40, clause (*d*)].

CHAPTER V.

REVENUE COURTS.

20. We have recast this chapter, assimilating it in form and arrangement to the portion of the Bill relating to Civil Courts, and supplying certain omissions in detail, as, *e. g.*, provisions relating to ministerial officers, which it seems unnecessary to notice more particularly.

21. We have omitted from the list of suits cognizable by Revenue Courts given in the first section the so-called suits under section 40 of the Panjab Tenancy Act, inasmuch as we find on reference to that Act that the proceedings in question are not suits but applications, and we think that the proper mode of dealing with them is to include them among the applications to be heard on the revenue side which are specified in section 42 of that Act, and from which they were apparently omitted by an oversight. We have accordingly added a section (75) to the Bill amending section 42 of the Tenancy Act so as to include them.

22. We have added to the list of suits cognizable by Revenue Courts "suits to determine disputes regarding boundaries of land" (*i.e.*, of agricultural land) "which have been fixed by

a Court or Revenue-officer." This addition has been advocated by several of the authorities consulted, and it appears to us to be a proper one, seeing that all that is ordinarily required for the decision of such disputes is the laying down on the ground of a boundary which is to be found in a map.

23. On the other hand, we have appended to the section a proviso which empowers the Local Government, after consulting the Chief Court, to retransfer to the Civil Courts the jurisdiction in any class of revenue cases cognizable in any part of the country where it appears desirable to do so.

24. We have for convenience sake divided the classes of suits into two groups, and at the instance of the Local Government included class (d), suits for ejectment of a tenant, in the group containing suits deemed to be of greater importance or difficulty.

25. We have in defining the powers of Assistant Commissioners and Tahsíldárs [section 46 (2)], following the same course as in the provisions relating to original civil jurisdiction, omitted all minute specification of pecuniary limits, and left it to the Local Government to fix those limits as it thinks fit.

26. We have for the same reason as in the preceding chapter omitted all reference to appeals from orders.

27. We have introduced a clause in the proviso to section 47, based on similar provisions in the Rent Laws of Bengal and the North-Western Provinces, giving power to bar appeals from decrees of certain classes of officers in money-suits when the amount involved does not exceed Rs. 100 and no question of importance, such as a question of title, is involved.

28. We have added a section (51) empowering the Local Government to confer on any person the judicial powers, original or appellate, of a Financial Commissioner, Commissioner or Deputy Commissioner under this chapter.

29. We have, in order further to provide a means of relieving the Revenue Courts of the necessity of disposing of particular matters which may be found to be more proper for consideration by the Civil Courts, introduced two new sections (54 and 55).

The first of these is copied with certain modifications from section 208A of the North-Western Provinces Rent Act, 1881, and is intended to take the place of section 49 of the original Bill, which has been the subject of adverse criticism. It empowers a Revenue Court, when it considers that any question in issue before it is more proper for decision by a Civil Court, to require any party to institute a suit in the Civil Court with a view to obtaining a decision on the question. If he fails to comply with the requisition, the Revenue Court is empowered to decide the question against him, but is not bound to do so, as under the corresponding provision of the North-Western Provinces Act. If the party institutes the suit in the Civil Court, the Revenue Court will follow the decision of that Court.

30. It has been suggested that any provision of this sort is superfluous, inasmuch as a Revenue Court being a Court of limited jurisdiction, and its decision in one case being accordingly, under section 13 of the Code of Civil Procedure, binding in other cases only to a limited extent, it may safely be compelled to decide all questions arising incidentally in any suit before it, even though they may be questions which would be obviously more proper for the consideration of a Civil Court.

To this view of the matter we are unable to assent.

31. It is undoubtedly true that in many cases, probably in the great majority of cases, it is best for all parties that the Revenue Court should take upon itself to decide all questions incidentally arising in the suit, even though some of them might be of a nature more proper for the consideration of a Civil Court. This would clearly be the right course for the Revenue Court to take when the question is a simple one and can be quickly disposed of, or when it is one not likely to arise subsequently between the parties in any other connection; but it seems equally clear that when, as must occasionally happen, some complicated and difficult question arises in a revenue-suit, and is certain to arise again between the parties unless it is finally settled, a Revenue Court ought to be allowed some discretion of the sort proposed. For, if some such discretion is not allowed, what must be the result? The question must be tried out at a great expenditure of time and money to all concerned by the Revenue Court, which *ex hypothesi* is not the best Court to try it. It may then go in appeal to the higher Revenue Courts, probably in the last resort to the Financial Commissioner, and, after all, as the decision obtained will not be binding except for certain limited purposes, the whole litigation may commence *de novo* and run a similar course through the Civil Courts.

It is in order to provide a means of avoiding scandals of this sort that we have introduced the section in question.

32. We are quite aware that the power it confers might be abused by an indolent Revenue-officer if he were free to resort to it at pleasure, but we have guarded against this by making the sanction of the immediately superior Court a condition precedent to its exercise.

33. Section 55, to which there is nothing corresponding in the original Bill, empowers the Financial Commissioner to refer to the Chief Court a point of law which he considers that Court is more competent to decide.

34. We trust that these two sections and the proviso which we have appended to section 45 (see *supra*, paragraph 23) will suffice to remove the apprehensions which have been expressed in some quarters that the Bill may force upon the Revenue Courts duties which they will be incompetent to discharge.

CHAPTER VII.

SUPPLEMENTAL PROVISIONS.

35. We have omitted section 63 of the original Bill, which provided for consultations between the two Financial Commissioners, as it is unnecessary to provide for such a matter by legislative enactment and the proposal to do so gave rise to some misapprehension.

36. We have likewise omitted section 66 of the original Bill, which expressly prohibited a judicial officer from disposing of a case in which he might appear to be interested. We are aware that such provisions have long found a place in our Courts Acts, but we think the matter is one on which legislation may well be dispensed with, the general principles applicable to it being perfectly well understood.

37. Section 68 of the original Bill, which reproduced section 48 of the present Panjáb Courts Act, gave power to the Government to appoint a single Judge to exercise the Chief Court's superintending functions. This power has never been exercised, and we are informed that the Government have no desire to retain it. We have accordingly omitted the section.

38. Sections 73 and 74 of the original Bill, which provide for the enhancement of the court-fees upon applications to the Chief Court for revision under section 622 of the Code of Civil Procedure, were introduced with a view to discouraging such applications. We fully approve of their provisions and have retained them in the revised Bill. From statistics put before us by our hon'ble colleague Mr. Barkley it appears that such applications have of late been increasing to a formidable extent in the Panjáb; and, as observed by him when he asked for leave to introduce the Bill, they are certain to increase with greater rapidity if the provisions of the Bill, which give greater finality to the decisions of the Lower Appellate Courts, become law. Moreover, from the circumstance that only about one-sixth of the applications now made to the Chief Court are successful, it may be gathered that Panjáb litigants when debarred from appealing are tempted to incur the serious trouble and expense involved in making such applications, even where there may not be the slightest prospect of success. This appears to us to be a serious evil, and the only question has been whether the increase of the court-fee proposed in the original Bill would be enough to check it. The better opinion appears to us to be that it would have but a slight effect in that direction, and that nothing short of an alteration of section 622 of the Code as applied to the Panjáb will suffice.

39. We find that a considerable divergence of opinion has arisen between some of the highest Courts in the country as to the nature of the grounds required to support an application under that section. A full bench of the Allahabad High Court has held (I. L. R. 3 All. 203) that any grounds on which a second appeal would lie are sufficient. The practical result of this, as admitted by two of the learned Judges, is that section 622 of the Code gives a second appeal in all those cases in which the earlier sections of the Code expressly deny it. It may, no doubt, be said that the Court has a discretion under section 622 to interfere or not as it thinks fit, but we apprehend that as a rule a High Court holding the opinion just referred to, and finding what would be a good ground for special appeal made out, would be in practically the same position as if it were considering a special appeal under section 551.

40. A view which is probably more in accordance with that of those who framed the section was taken by a full bench of the Bombay High Court in a case reported in I. L. R. 7 Bom. 341. The conclusion to which the Court came in that case may be stated to be that the jurisdiction conferred by section 622 of the Code is an extraordinary jurisdiction to be exercised only in extraordinary cases, and that the precise circumstances under which it is to be exercised is left to the discretion of the Court and cannot be defined.

The question has not yet come before a full bench of the Panjáb Chief Court. It is impossible to predict what the result of its being fully considered by that Court would be; and, having regard to its intimate connection with the working of the present Bill, we do not think the matter should be left in uncertainty.

41. The root of the difficulty which has sprung up in connection with the section appears to lie in that portion of the wording introduced into the Code by Act XII of 1879, which empowers the High Court to interfere on the ground that the Lower Court has acted "illegally." The Allahabad High Court has construed this as justifying the High Court's interference whenever the Court below has erred on a question of law, and it is on this point mainly that the Bombay Court has dissented from the Allahabad decision. The divergence of opinion will no doubt have eventually to be met by an amendment of the Code, but the matter is not very pressing, where, as in most parts of the country at present, the proportion of cases in which appeals to the High Court are barred is comparatively small and a tendency to resort recklessly to the section has not developed itself among litigants.

42. In the Panjáb, on the contrary, the question is already pressing, and will become more so if this Bill is passed. We are therefore compelled to deal with it separately for that province; and the conclusion to which we have come after the most careful consideration, and having regard to the special circumstances of the Province and the peculiar features of the appellate system now proposed, is that the extraordinary jurisdiction conferred by section 622 of the Code should be exerciseable only on the ground that the lower Court has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction with material irregularity. We propose, therefore (section 70 of the Bill), to limit the scope of section 622 of the Code in this way, and we believe that when so limited it will still be sufficiently wide to cover all cases which call for the exercise of revisional as distinguished from appellate jurisdiction.

43. The publication ordered by the Council has been made as follows :—

In English.

Gazette.	*Date.*
Gazette of India ...	... 5th, 12th and 19th July, 1884.
Panjáb Government Gazette ...	... 10th, 17th and 24th July, 1884.

In the Vernacular.

Province.	*Language.*	*Date.*
Panjáb	... Urdu	... 28th July, and 4th and 11th August, 1884.

We do not think that the measure has been so altered as to require republication, and we recommend that it be passed as now amended.

D. G. BARKLEY.
J. GIBBS.
C. P. ILBERT.
S. C. BAYLEY.
J. W. QUINTON.

The 25th September, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Thursday, the 9th October, 1884.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.
His Excellency the Commander-in-Chief, G.C.B., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble C. P. Ilbert, C.I.E.
The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.
The Hon'ble T. C. Hope, C.S.I., C.I.E.
The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.
The Hon'ble D. G. Barkley.
The Hon'ble J. W. Quinton.
The Hon'ble H. J. Reynolds.

RANGOON WATER-WORKS BILL.

The Hon'ble MR. ILBERT moved that the Report of the Select Committee on the Bill to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town be taken into consideration. He said :—"The only important alteration made by the Select Committee in the Bill is the omission of the financial clauses. The Committee agree with the Chief Commissioner in thinking that the arrangements for the imposition of a water-rate and for the constitution and management of the water-supply fund can be more conveniently dealt with under the financial sections of the recently passed Municipal Act than under the separate sections which it was originally intended to insert in this Bill."

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that in section 2, clause (1), of the Bill the words "and includes the Cantonment of Rangoon and the Central Jail" be omitted. He said that he was informed that the Chief Commissioner considered that these words were not necessary.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

INDIAN SALT ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR A. COLVIN moved that the Bill to amend the Indian Salt Act, 1882, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble SIR A. COLVIN also moved that the second section of the Bill and the second recital in the preamble be omitted. He said:—

"The preamble as originally framed ran thus:—

'WHEREAS it is expedient to exclude the Province of Sindh from the operation of those portions of the Indian Salt Act, 1882, which do not extend by their own operation to the whole of British India;'

and then it went on to say—

'Whereas it is also expedient to remove certain doubts which have been raised as to the meaning of the words 'importation of salt' in section 27 of the same Act, &c.'

And the second section of the Bill was as follows:—

'For the word 'importation' in section 27 of the same Act, the word 'bringing' shall be substituted.'

"The object of these words in the preamble, and in the second section of the Bill, was, as explained in the Statement of Objects and Reasons, and by me at the introduction of this Bill, to remove a doubt as to the meaning of section 27 of the Act, raised by a ruling of the Chief Court in Sindh, which had held that the words 'importation of salt' in that section covered only the bringing in of salt as merchandise for the purpose of commerce and in merchantable quantities; but did not apply to small quantities brought for other purposes. Since the introduction of the Bill, however, it has been brought to the notice of the Government of India that the Chief Court in deciding the later case of the *Crown* v. *Imambux Haji* gave reasons for holding that it would no longer be safe to act on the opinions expressed in the earlier decision; and that importation of salt includes the bringing of salt into British India in the smallest quantities. In other words, the later ruling of the Chief Court in Sindh has annulled the former, and cleared up any doubt that may have existed, and which it was the object of this section (2) to remove, thereby making the section unnecessary."

The Motion was put and agreed to.

The Hon'ble SIR A. COLVIN also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 23rd October, 1884.

SIMLA;
The 15th October, 1884.

D. FITZPATRICK,
Secretary to the Government of India,
Legislative Department.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

No. $\frac{\text{129Met.}}{\text{27-10}}$.

Extract from the Proceedings of the Government of India, in the Revenue and Agricultural Department (Meteorology),—dated Simla, the 17th October 1884.

Read—

Summary of the Weather Reports for September 1884.

Over the greater part of the country the weather of the past September has been of an exceptionally wet and unsettled character. In August no travelling depressions of any importance made their appearance, while in September it was only for a short period in the middle of the month that the weather was uninfluenced by cyclonic conditions.

The majority of these cyclonic storms were formed over the head of the Bay of Bengal, whence they travelled inland in a west-north-westerly direction. Of these, some appear to have filled up and disappeared on reaching the Central Provinces, while others continued their course beyond. That of the 5th-9th passed right across the country, the centre leaving the Bay of Bengal on the 5th, and passing over Kutch on the 9th. Heavy falls of rain accompanied it in its passage, causing the extensive floods which occurred in the valleys of the Nerbudda and the Tapti in the early part of the month. The storm of the 18th-27th followed a different track. After travelling west-north-westward as far as Khandwa, the vortex suddenly turned northwards, and passed on to Jhansi and Agra, bringing heavy rain to all parts of Central and North-Western India.

In addition to these travelling vortices, small local disturbances originated in Northern Rajputana on the 1st and 2nd, and in Rohilkund on the 29th and 30th. In both cases, but particularly in the latter, heavy rain fell in the surrounding districts.

Assam, Behar, and North Bengal have been quite outside the influence of the disturbances, and, as a consequence, the reports show that the rainfall of the whole of those provinces has been decidedly deficient; all other parts of Northern India, as well as the more central parts of the country, have received much more than their average amount of rain.

Turning to the Peninsula, the returns show that the Konkan and Malabar Coasts have had about four inches more than their average rainfall, but that at the majority of stations in the Dekkan, Mysore, and the Karnatic the fall has been deficient. In Burma the differences from the average have been in general small and unimportant.

The greatest excess above the average occurred at Pachmarhi and Mount Abu, where the month's rainfall has been about 25 inches over the normal amounts; and the greatest deficiency occurred in Purneah and Dinagepore, where it amounted to about 12 inches.

The greatest number of wet days, 26, occurred in Burma. There were 24 in the Central Provinces and 23 on the Malabar Coast; only 11 in North Bengal, 9 in Mysore, and 3 or 4 in Sind. At Bellary rain fell only on 8 days throughout the entire month. In the south of the Peninsula, towards the close of the month, there occurred 3 or 4 days of consecutive rainfall, during which about one inch of rain fell at Tuticorin, after a spell of dry weather which had lasted since May 16th.

On the mean of the whole month, the pressure was slightly above the average over the Upper Provinces and as far east as Behar, but, with a few local

exceptions, it was below the average in Bengal, Burma, the whole of the central parts of the country and the Peninsula, as far south as Madras in the east and Mangalore in the west. To the southward of these stations the barometer again showed a slight excess.

The temperature of the whole month was somewhat in excess in Assam, North Bengal, Behar, Lower Sind, and at several stations in the south of the Peninsula, these being the regions where rain was deficient and the cloud proportion probably slight. Humidity shows the same agreement, being considerably in excess of the average, except in the provinces of Assam, North Bengal, Behar, and the south of the Peninsula.

The following table gives roughly the differences of rainfall from the average in the different districts of India:—

Districts.	Average rainfall in September.	Difference of rainfall of September 1884 from average September rainfall.
	Inches.	Inches.
Punjab, West	2·38	+ 2·34
Punjab, East	4·22	+ 3·57
North-Western Provinces, Trans-Gangetic Stations ...	7·29	+ 3·36
North-Western Provinces, Cis-Gangetic Stations ...	5·34	+ 6·90
Assam and Cachar	11·45	— 6·64
Behar	7·46	— 3·01
North Bengal	14·94	— 10·52
Lower Bengal and Chutia Nagpur	10·15	+ 2·22
Orissa, Northern Circars	8·69	+ 0·53
Central Provinces, South	9·16	+ 11·64
Berar and Khandesh	5·09	+ 8·21
Rajputana, Central India, Saugor, Nerbudda ...	6·05	+ 5·94
Sindh and Kutch	1·07	+ 2·46
Gujrat	4·82	+ 7·67
Konkan	10·90	+ 4·03
Dekkan and Hyderabad	5·48	— 1·25
Malabar Coast	10·82	+ 3·77
Mysore, Bellary	4·61	— 1·92
Karnatic	3·62	— 0·88
British Burma	16·41	+ 1·51

W. L. DALLAS,

Asst. Meteorological Reporter to the Govt. of India.

ORDER.—Ordered, that the above Summary be printed in the Supplement to the *Gazette of India.*

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 15th OCTOBER 1884.

GENERAL REMARKS.—There was rain in all districts of Madras during the week, and some improvement is noticed in those parts of the Presidency where prospects have hitherto been unsatisfactory. Rain has fallen generally all over the Province of Mysore, and the condition of the crops has been improved. In Coorg prospects continue favourable. Rain is still urgently wanted in several parts of the Deccan and Southern Mahratta Country, and crops are reported to be withering in the eastern talukas of Poona and parts of Belgaum. Fodder is also scarce in several talukas of Dharwar and Belgaum; elsewhere in the Presidency prospects are generally good.

There was no rain in the Central India and Rajputana States during the week, but prospects continue good. In the Berars and Hyderabad the condition of the crops is very favourable.

No rain fell in the North-Western Provinces and Oudh, except in Partabgarh and in the Punjab. In the former the *kharif* crops have been injured in some districts by heavy rain, but in the latter their condition is very favourable. The rains have ceased in the Central Provinces, and the prospects of the *kharif* are fair.

In Bengal the *amun* crop, which has been improved by the late rain, is expected to yield well if there is heavy rain shortly. In Assam prospects are generally good.

The last report of the Meteorological Department, dated 16th instant, states that rain has fallen over the whole of the Madras Presidency, with the exception of the Kurnool, Bellary, and Cuddapah districts, and that slight showers are reported from Mercara and from two districts in British Burma; elsewhere there has been no rain.

Harvesting continues in Madras, and ploughing and sowing for the *rabi* are in progress in Bombay, Bengal, North-Western Provinces and Oudh, Punjab, and the Central Provinces. The *kharif* is being harvested in Bombay and the Punjab.

The public health is generally good. Prices are fluctuating in Bengal and the Punjab; elsewhere they are generally stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Madras—(Oct. 15th)		
Bellary ...	·60 (average)	Pasture scanty. Two deaths from cholera.
Kurnool ...	·15 (average)	Standing crops good. Small-pox prevalent in three taluks and cattle-disease in two.
Ganjam ...	·05 (average)	Small-pox, cholera, and cattle-disease prevalent.
Kistna ...	·51 (average)	Standing crops generally good. Harvest dry crops, outturn below average. River 5·55 feet over anicut. Small-pox, fever, and cattle-disease in places; 4 deaths from cholera.
Chingleput (Madras) ...	1·06 (average)	Standing crops generally good. Harvest wet and dry crops, yield half the average. Small-pox in three taluks; 83 deaths from cholera.
Coimbatore ...	2·64 (average)	Standing crops benefited by recent rain; harvest wet and dry crops, outturn average in three and below average in eight taluks.
Tanjore ...	1·60 (average)	Standing crops generally good. Rivers 2 to 8 feet. Harvest wet and dry crops, outturn average. 63 deaths from cholera.
Madura ...	·98 (average)	Prospects fair in four taluks, elsewhere crops unsatisfactory from want of rain. 54 deaths from cholera.
Malabar ...	1·06 (average)	Operations for second crop cultivation progressing. Slight small-pox in seven taluks, and fever in two; 10 deaths from cholera.
Travancore ...	1·40	Second crop paddy progressing. Fever and small-pox prevalent; 2 deaths from cholera.
		General Remarks.—General prospects fair, except in Bellary, Anantapur, and parts of Madura, and Coimbatore. There has been some improvements in these tracts also during the week.
Bombay—(Oct. 15th)		
Karachi ...	No rain; total to date in Karachi, 7·65; Manora, 7·73; Kotri, 9·36; Thana Buta Khan, 7·49.	River at Kotri on 13th, 10 feet 4 inches against 7 feet 11 inches on same date last year. Fever in 9 talukas; cattle-disease in 9 talukas, some loss in 4 talukas; small-pox in 6 villages in the districts, no fresh cases or deaths, 9 remaining sick. Prices—wheat, red rice, and *bajri* in Karachi 26, 26 and 40; Dadu 36 and 40; Shahbandur 20, 32, and 32; and Tatta 26, 30, and 36 pounds per rupee, respectively.
Hyderabad ...	*Nil*	River at Kotri on 13th, 11 feet 4 inches against 7 feet 11 inches last year. *Rabi* operations in progress. Fever throughout the district; cattle-disease in 4, and small-pox in 4 talukas. Prices of grain steady.
Ahmedabad ...	*Nil*	Reaping of *bajri* commenced in some talukas; crops healthy. Fever in Dholka, Gogo, Dholira, and Viramgaum. Wheat 31 and *bajri* 33 pounds per rupee.

Presidency or Province and District.	Rainfall for week under report	State of agricultural prospects.
Bombay—*contd.*		
Baroda	*Nil*	Public health fair, cattle disease in Wadnagar, and crops in fair condition except in Korinar and Okhamandal, where they have been damaged by excessive rain. Reaping of *bajri* commenced in Kadi division. Prices—*bajri* 34 and rice 23 pounds per rupee.
Surat ..	*Nil*	Young crops healthy, preparations for *rabi* commenced in places. Fever in Pardi and Mandvi. *Juari* 29 and *nagli* 40 pounds per rupee.
Nasik .	*Nil*	Weather fair and dry. *Kharif* crops ripening, *rabi* sowing in progress. Public health generally good. 2 attacks and 1 death from cholera at Nasik, small-pox in Malegaon. Wheat 40, *bajri* 33½, and rice 21 seers per rupee.
Colaba (Bombay)	*Nil*	Abnormal temperature 0° to 2° warm. Vapour in air defective from 11th to 14th, abnormal wind easterly.
Poona ..	Rain in all talukas, maximum 50 at Junnar, minimum 01 at Sirur.	Crops withering in Indapur, Bhimthadi and parts of Sirur. More rain urgently wanted in the east. 3 deaths from cholera at Kenjal taluka. In Purandhar *bajri* 32 and *juari* 33, in Poona *bajri* 28 and *juari* 30 pounds per rupee.
Ahmednagar ..	Akola, 2 88, Sangamner, 2 72, Kopargaon, 1 35, Rahuri 1 7, Nagar 1 6, Parner 86, Newasa, 75, Jamkhed none, Shrigonda, Karjat, and Sheogaon, slight	*Kharif* crops in good condition, harvesting in progress in Shrigonda and Sheogaon, sowing of *rabi* completed in Nagar, Parner, Sheogaon, Rahuri, and Sangamner, and is in progress in the other talukas. More rain would be beneficial. *Juari*—maximum 60 pounds per rupee in Sangamner, minimum 33 in Karjat, *bajri*—maximum 49 pounds in Jamkhed, minimum 35 in Karjat.
Sholapur ...	6, Barsi none, Madha 19, Karmala 31, Pandharpur, 13, Sangola 31, Malsiras, 98	*Juari* 33 pounds 18 tolas and *bajri* 33 pounds 20 tolas per rupee. General prospects poor. No signs of more rain, which is greatly needed.
Dharwar .	Ranibennur, 3 57, Hangal 3 13, Ron, 2 16, Kod, 1 16, Mugad, 1 16, Navalgund, 1 9, Hubli, Gadag, Bankapur, and Karajgi nearly 35, Mundargi 10, Dharwar, Navalgund, and Kalghatgi, none	Sowing of late crops retarded in Hubli, Navalgund, Ranibennur, and Ron talukas for want of rain, which is very urgently required to save the early crops and enable late crops to be sown. Fodder and water becoming scarce in eastern talukas. Cattle disease in Mandargi, Petha, and Karajgi talukas are being removed to western talukas, cholera abating except in Navalgund taluka, deaths 47. Prices rising average, rice 26 and *juari* 41 pounds per rupee.
Kanara ...	Karwar, *nil*, Kumpta, 21, Sirsi, 14, Haliyal, 27.	Common rice at Karwar 15, district average 15½ seers per rupee. Small-pox—2 deaths in Supa, fever in Bhatkal and Sirsi. Rice harvest on cost[illegible]
Rajkot ..	... ...	General health good. Weather warm. Fever generally prevails, cholera in Dhoraji, Nawanagar and Porbandar villages. *Bajri* 18 and *juari* 5[illegible] pounds per rupee.
		General Remarks.—Good rain in parts of Ahmednagar, Poona, Dharwar, and Kaira, more still urgently wanted in several parts of the Deccan and Southern Maratha Country. Crops withering in the eastern talukas of Poona and in parts of Belgaum. Scarcity of fodder in several talukas of Dharwar and Belgaum. *Kharif* harvest and *rabi* sowing in progress in several districts. Fever reported in parts of 11 districts, small-pox and cattle-disease in a few places.
Bengal—(Oct 15th)		
Chittagong	20	Weather very sultry. Prospects of crops good. Prices somewhat low. Sporadic cases of cholera still reported, otherwise general health good.
Dacca ..	*Nil*	Damage to crops apprehended from failure of water and want of rain. Harvesting of *aus* paddy commenced, cultivation for *rabi* crops going on.
24 Pergunnahs (Calcutta	*Nil*	Prospects of *amun* paddy good, harvesting of *aus* over, with an out-turn of 12 annas, weeding of *amun* going on, lands being prepared for *rabi* crops. Price of common rice stationary. Cases of ordinary fever reported, otherwise general health good. State of river normal.
Moorshedabad .	1 25, no rain since Saturday night	Rain of last 3 weeks done much good to *amun*. Northerly winds setting in. *Amun* still requires at least one more heavy shower, in the *kalmatar* or lowlands almost a full yield expected, *kalai* sowings considerably damaged by late unexpected rise in rivers. Ploughing much facilitated by rain.
Rajshahye ..	03	Weather bright and clear. *Amun* still wants more rain. Prices rising. Health fair.
Burdwan ..	*Nil*	Rain wanted. Prices falling slightly in Raneegunge and Kulna. Prospects in Raneegunge fair, middle except in thana Kakra, prospects in Kutwa fair, but depend on further rain this month, elsewhere not good.
Rungpore ..	*Nil*	Weather fair. Prospects of crops not very favourable. Prices of grains rising. Malarious fever prevalent.
Bhagalpur ..	*Nil*	Late rain greatly improved prospects of standing paddy, more rain will be wanted by the end of the month, and there is every prospect of good *rabi* harvest. A very high flood in the Ganges destroyed a great deal of *kurthi* and *kalai*, and will greatly retard *rabi* sowings. Rice selling at 15 seers per rupee.

Presidency or Province and District	Rainfall for week under report.	State of agricultural prospects.
Bengal—*contd.*		
Purneah ..	*Nil*	Prospects of crops much improved since last rain, cultivation for *rabi* crops begun. Common rice 15 seers per rupee. Fever very bad
Patna ..	·26	Paddy looks well in some places, sowing of *rabi* commenced, but rain still wanted. Cholera in Behar sub division
Durbhunga ..	·42	*Rabi* sowings coming on well, paddy crops though much improved on places still in need of more rain. Prices stationary. Public health good
Hazaribagh ..	*Nil*	Harvesting of *bhadoi* completed except in one or two thanas, prospects of paddy generally fair, lands being prepared for winter crops in some places, sowing commenced. A few cases of small pox reported, public health generally good
Cuttack ..	*Nil*	Weather cloudy to-day. Early *sarad* ripening, late *sarad* growing well. Rain urgently wanted. *Rabi* being sown. Price of rice stationary. Cholera in some places
		General Remarks.—Late rain improved prospects of standing *aman* paddy and if heavy rain falls shortly a good crop expected. *Rabi* sowings commenced; harvesting of *aus* and jute still continues; poppy being sown in Sarun. Price of rice falling slightly in some districts. Fever prevails in several, and cholera still continues in two or three districts.
N. W. Provinces and Oudh—		
Benares (Oct. 13th)	No rain	*Bajra mung* and *urd* slightly damaged by previous rain, other crops good, sowing for *rabi* has commenced. Slight fever in city and Gangapur. Prices rising
Gorakhpur („ 11th)	... ..	Fine weather, but unusual floods throughout the district, and crops have been damaged in places. Cholera decreasing. Prices stationary
Fyzabad („ 13th)	No rain in week	Rain now ceased, sky clear. *Rabi* sowings commenced. Health excellent, cattle disease in part of district
Lucknow („ „)	No rain	Weather clear, west wind. Fields are being ploughed for *rabi* sowing, in some places it is being sown. Crops on low lands damaged by floods. Health of people good, slight cattle disease reported in tahsil Malihabad. Supplies sufficient. Prices rising slightly in tahsil Mohanlalganj
Rae Bareli („ 11th)	.. .	Weather seasonable, wind westerly, sky clear. *Dhan* and *codo* are being cut. Health of men and condition of cattle good. Prices stationary
Partabgarh („ 10th)	Rainfall from 9 to 3·0	*Juar* and *bajra* have recovered from the excessive rain. Fever reported as prevalent in Patti, Partabgarh and Kunda tahsils. Prices almost stationary
Allahabad („ 13th)	No rain	Weather bright and clear. *Rabi* sowings beginning in places. Health excellent on the whole. Prices slowly falling
Cawnpore („ 12th)	No rain fell during the week	No further injury to crops beyond that already reported. *Rabi* ploughing and sowing in progress. Fever and ague prevalent, and a little cattle disease in pargana Rasulabad
Farukhabad („ 13th)	...	Ploughing for *rabi* commenced. *Kharif* crop much injured by recent rain and floods, but the fine weather has been favourable to prospects. Fever prevalent. Prices slightly risen
Sitapur („ 11th)		The weather has cleared up and sowing for the *rabi* in progressing, the *kharif* crop are reported not to have suffered much from the late rains
Bareilly („ 13th)	.. ..	Damage to crops from floods confined to lands along rivers. *Bajra* injured by rain, other crops good, harvesting. Rivers going down but still far above normal. Slight cholera in a few villages in the interior
Kumaon („ „)	. .	Weather fair. Millets cut and rice being reaped. General health good except fever in some valleys in Kalimath, cattle disease continues. Prices stationary
Agra („ 11th)	No rain during week	*Kharif* being cut, and *rabi* ploughings going on. Deaths from cholera during week. Fever in all parganas. Prices steady
Jhansi („ 11th)		Rains over. Prospects fair. Fever prevalent
Meerut („ 13th)	No rain	West wind, cool nights, hot days, cold weather set in. Crops much damaged by recent heavy rainfall, but amount of damage not yet ascertained. Fever prevalent and cholera still lingers in Meerut and Hapur. Prices steady
		General Remarks.—There was no rain during the week, except in the Partabgarh district. The *kharif* crops have been injured in some districts by the late heavy falls. *rabi* sowings in progress. Prices are almost unchanged. The health of the people and the condition of cattle continue normal.
Punjab—(**Oct. 15th**)		
Delhi ..	. ..	Fever prevalent. *Rabi* sowings in progress. Prices rising
Hissar ..	..	Fever prevalent. Harvest promises to be average or above. Cattle disease in one village in Rohtak. Prices show rising tendency
Umballa ..	...	Fever still very prevalent throughout the district. *Makki* harvested, rice and *juar* being harvested, yield expected to be above average, sowing of gram, barley and mustard in progress. Prices stationary
Jullundur ...	......	Fever in the district. Prospects of coming harvest favourable, *rabi* ploughings commence. Prices rising

Presidency or Province and District	Rainfall for week under report	State of agricultural prospects.
Punjab—*contd.*		
Amritsar ..	...	Health good. Crop prospects good. Prices of wheat and rice rising and of other crops stationary.
Sialkot ...	.....	Health good. Rinderpest in a few villages. *Kharif* harvest above average. Prices falling.
Ferozepore ..	.	Fever prevalent in the district. Probable yield of *kharif* crops good. Prices fluctuating.
Lahore		Slight fever prevalent. *Rabi* prospects fair. Prices stationary.
Rawalpindi	.	Slight fever in two and cattle disease in three tahsils. Expected yield of *kharif* harvest above average in two, average in four, and inferior in one. Prices falling.
Mooltan ..	...	Fever still prevailing in the district. Expected yield of *kharif* is average. Prices stationary.
Dera Ismail Khan .	... .	Health and crop prospects good. Expected yield of coming harvest above average.
Peshawar .	..	Slight fever prevalent. *Kharif* prospects good. Prices falling.
		General Remarks.—No rain with the exception of a slight fall in the Rawalpindi district. Fever very prevalent. *Kharif* prospects very favourable. *Rabi* sowings commenced. Prices fluctuating.
Central Provinces—(October 15th)		
Nagpur ..	*Nil*	Weather clear and cool. Prospects of *kharif* fair, *rabi* ploughing in hand. Fever prevalent with some small-pox.
Jubbulpore ..	*Nil*	Weather clear and cool. Reaping in upland commenced. *rabi* ploughings commenced. Wheat 25 and rice 13 seers per rupee.
Saugor (Oct. 11th)	*Nil*	Bright sunshine. Rice being cut in places, other *kharif* crops unfavourable, *rabi* ploughing in hand. Fever prevalent. Prices rising.
Seoni	*Nil*	Weather clear and cool. *Rabi* sowings commenced. Fever increasing. Prices stationary.
Hoshangabad	*Nil*	Weather clear and pleasant. Prospects of *til* and rice fair, cotton not hopeful. Fever prevalent, small-pox 11 cases, 2 deaths. Wheat 22 and rice 10 seers per rupee.
Khandwa ..	*Nil*	Weather clear. Prospects and health good. Prices steady.
Raipur ..	*Nil*	Weather clear and cool. *Rabi* sowings in hand. Fever prevalent, with slight cattle disease. Rice 24 and wheat 30 seers per rupee.
Sambalpur (Oct. 11th)	*Nil*	Weather cool but seasonable. Rice being cut in places. Fever and cattle disease prevalent. Common rice 28 seers per rupee.
		General Remarks.—Rains have apparently ceased and cold is setting in. Prospects fair. Prices steady. Fever prevalent, small-pox and cattle disease in places.
British Burma—(Oct. 15th)		
Akyab (Oct. 11th)	2·31	Total rainfall 178·95. Cholera still prevalent in town. Crops healthy.
Bassein („ „)	1·[illegible]	Total rainfall 91·87.
Rangoon („ „)	0·02	Total rainfall 81·63. Slight cholera in town.
Amherst (Moulmein) („ „)	0·71	Total rainfall 17[illegible]·32. General appearance of crops good.
Tavoy („ „)	0·21	Total rainfall 157·63. Prospects of crops good.
Pegu („ „)	2·84	Total rainfall 106·90. Crop prospect good.
Henzada („ „)	1·07	Total rainfall 86·10. Slight cholera in town, cattle disease in 2 townships. Crop prospect favourable.
Prome („ 4th)	0·30	Total rainfall 38·2[illegible]. Slight cholera in one township.
„ („ 11th)	0·67	Total rainfall to date 38·92.
Thayetmyo („ „)	1·05	Total rainfall 70·[illegible]2.
Thayetmyo („ „)	0·19	Total rainfall 31·9[illegible].
		General Remarks.—Public health generally good. Crop prospects unaltered.
Assam—(Oct. 15th)		
Gauhati ..	No rain during week ending 11th instant	Days hot, mornings and nights cool. Prospects of *[illegible]* not good. Rain much needed for *sali* paddy, sugarcane doing well. Public health fair.
Sylhet ..	*Nil*	State and prospects of crops good on the whole. Cholera, small-pox, and dysentery reported from the interior.
Cachar	*Nil*	Weather warm. *Sali* crops in some parts of the district destroyed by insects, prospects of tea good. Common rice 1[illegible] seers per rupee. Health good.
Dibrugarh ..	*Nil*	Weather cool. Prospects of *sali* crop fair, *matikalai* being sown. District healthy.
Mysore and Coorg—(Oct. 15th)		
Bangalore ..	11	State of crops and prospects improving.
Mysore .	2·23	Rain general over the district. Crops and prospects improved. Rain has fallen generally all over the province since last report. Condition of crops and prospects of season are more favourable in consequence. Public health fair. A few cases of cholera continue to be reported. Prices rule about average rate.
Mercara	·76	Weather seasonable. Prospects of standing crops favourable.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Berar & Hyderabad—(Oct. 15th)		
Amraoti ...	......	Weather clear and cool; *kharif* plants healthy and growing rapidly; cotton in blossom. Wheat 20 and *juari* 30 seers per rupee.
Akola ...	1·42	Crops in good condition; *rabi* sowings commenced.
Hyderabad ...	Average rainfall during the week ·24.	Total rainfall from 1st January 29·98. Reaping of *kharif* crops commenced; *abi* crops prospering. Cattle-disease prevails in one taluka; general health good. Prices—wheat 13, coarse rice 11¾, white *juari* 16½, yellow *juari* 20, and *tur* 19 seers per halli sicca rupee.
Central India States—(Oct. 15th)		
Indore ...	*Nil*	Cold weather has commenced. Agricultural prospects favourable. Health good.
Morar (Gwalior) ...	*Nil*	Total rainfall 32·68. Fever still bad in Lashkar. Cold weather set in.
Sutna ...	*Nil*	Weather cool and clear.
Neemuch ...	*Nil*	Weather seasonable. Health and prospects good. Land being prepared for opium and *kharif*; *mukka* has been almost collected.
Goona ...	*Nil*	Weather clear. Health fair.
Agar ...	*Nil*	Health and prospects good.
Bhopal ...	......	No report received.
Sehore ...	*Nil*	Weather clear. *Kharif* crops much damaged by late rains. Public health good.
Nowgong ...	*Nil*	Total rainfall 72·61. Public health fair. *Rabi* sowings have been interfered with by excessive rain, but fine weather has been now set in.
Manpur (Bhopawar) ...	*Nil*	Prospects good. Weather somewhat hot. Some fever at Manpur and Burwani; 6 fatal cases of cholera at Rajpur and Burwani; otherwise public health good.
Rajputana—(October 15th)		
Abu (Oct. 15th)	......	Clouds disappeared. Weather cool and seasonable.
Sirohi („ 12th)	......	Tanks, wells, and crop prospects good. Some cases of fever; otherwise health good. Weather seasonable.
Marwar („ 10th)	......	Clouds disappearing. Jodhpore city tanks all full. Fever abating. Crops in good condition. Prices falling.
Meywar („ 12th)	......	Tanks and wells very good. Health fair. *Mukka* harvested. Weather seasonable.
Harowti („ 11th)	Deoli, ·03; Kotah previous week, ·15.	*Rabi* sowings commenced. Weather seasonable. Health good.
Jhallawar („ 10th)	......	Nights cold. *Rabi* ploughing commenced. Some fever prevalent.
Ajmere („ 14th)	......	Health good. Fever prevalent. *Rabi* sowing progressing.
Jeypore („ „)	......	*Rabi* sowings begun. Fever prevalent; otherwise health good. Prices steady.
Bhurtpore ...	......	No report received.
Ulwur (Oct. 14th)	......	*Makka* and *bajri* being harvested. Tanks and wells full. Fever still prevalent. Prices falling.
Nepal—(Oct. 10th)		
Katmandu ...	·49	Weather cooler and clearer. State, and prospects of the crops fair.

E. C. BUCK,
Secy. to the Govt. of India.

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CALCUTTA, SATURDAY, OCTOBER 18, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 15th March 1884.

From the 5th April next, till further notice, Parts I, IV, and V of the *Gazette of India*, and the Weather and Crop Reports, will be published at Simla. After the 29th March all Notifications and other matter intended for publication in those Parts, should be addressed to the Officiating Publisher, at Simla.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

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E. J. DEAN,

Publisher, Gazette of India.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 7th October 1884.

Offices reported opened and closed during the month of September 1884:—

Name of Station.	Where situated.	Date.	Remarks.
Badani	Sind	15th	Closed.
Chatrapur	Madras Presdy.	2nd	Opened.
Etawah	N.-W. Provinces	11th	Ditto.
Fatehgarh	Ditto	13th	Ditto.
Fatehpur	Ditto	15th	Ditto.
Hasio	Punjab	10th	Ditto.
Jaunpur City	N.-W. Provinces	15th	Ditto.
Kendrapara	Bengal	12th	Ditto.
Kzaikto	British Burmah	16th	Ditto.
Lahore City	Punjab	13th	Ditto.
Mirzapore City	N.-W. Provinces	16th	Ditto.
Pankabaree	Bengal	24th	Ditto.
Rawalpindi City	Punjab	1st	Ditto.
Shwedaung	British Burmah	10th	Ditto.
	Railways.		
Bhojapura	Bareilly-Pilibhit State Ry.	15th	Opened.
Pakpatan	Sind, Punjab, and Delhi Ry	30th	Ditto.

A. J. LEPPOC CAPPEL,

Director General of Telegraphs in India.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 6th October 1884.

No. 471.—Lieutenant S. G. Burrard, R.E., who has been appointed an Assistant Superintendent, 2nd Grade, under Notification No. 573—52-118., dated 2nd instant, of the Government of India, in

the Revenue and Agricultural Department, is appointed to officiate in the 1st Grade of Assistant Superintendent, with effect from the forenoon of the 2nd September 1884.

The 10th October 1884.

No. 473.—The following promotion is made, with effect from the forenoon of the 25th September 1884, *vice* Mr. J. McCay, deceased :—

Mr. J. C. Kelly, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

G. C. DEPRÉE, *Colonel*,
Surveyor General of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 8th October 1884.

No. 3148.—With reference to Foreign Department Notification No. 1773 G., dated the 15th September 1884, Major F. H. Maitland surrendered, and Lieutenant-Colonel A. W. Roberts received, charge of the Office of Political Agent and Superintendent of Charkhari on the forenoon of the 27th September 1884.

By Order,

D. ROBERTSON, *Captain*,
1st Asst to the Agent to the Govr Genl for Central India

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA, P. W. D.

NOTIFICATIONS.—ESTABLISHMENT.

Indore, the 2nd October 1884.

No. 9.—Under orders of the Government of India, the Agent to the Governor General for Central India has authorized temporary formation of a separate Executive Division of Public Works, to be styled "Mhow Fort Division" until further order.

No. 10.—Major H. H. Cole, R.E., Executive Engineer, 1st Grade, is appointed Executive Engineer, Fort Division. The following Officers and Subordinate are also posted to the Mhow Fort Division :—

Mr. F. W. M. Scott, Assistant Engineer, 1st Grade.

Mr. D. M. Litster, Assistant Engineer, 2nd Grade.

Mr. A. J. Fluke, Supervisor, 2nd Grade.

Mr. Litster will remain in the Indore Division until completion of Daly College at Indore, or till further orders.

By Order,

C. S. THOMASON, *Col., R.E.*,
Secy. to Agent to the Govr. Genl. for Central India, P. W. D.

CHIEF COMMISSIONER AND SUPERINTENDENT, ANDAMAN AND NICOBAR ISLANDS.

NOTIFICATION.

Port Blair, the 4th October 1884.

No. 12.—Consequent on the departure of Mr. F. E. Tuson, Officiating 3rd Assistant Superintendent, Port Blair and Nicobars, on privilege leave, on the afternoon of the 4th instant, the following officiating appointments are made, with effect from that date.—

Mr. O. H. Brookes, from Extra Assistant Superintendent, 1st Class, to Officiating 3rd Assistant Superintendent.

Mr. W. Jessop, from Officiating Extra Assistant Superintendent, 2nd Class, to Officiating Extra Assistant Superintendent, 1st Class.

T. CADELL, *Colonel*,
Chief Commr of the Andaman and Nicobar Islands, and Supdt. of Port Blair and Nicobars.

EXAMINER OF STATE RAILWAY ACCOUNTS, MADRAS.

NOTICE.

Madras, the 8th October 1884.

The Office of the Examiner of Accounts, Bellary-Kistna and Cuddapah-Nellore State Railways, at present stationed at Madras, will be removed to Bellary, its permanent Head Quarters, from and after Monday, 3rd November 1884. All letters and telegrams which cannot reach Madras by Saturday, 1st November 1884, should be addressed to Bellary.

A. GRANT,
Offg. Examiner, State Ry. Accounts.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 6th October 1884.

No. 57.—Mr. W. Wiseman, Executive Engineer, 2nd Grade, sub. *pro tem.*, attached to the Office of the Director General of Railways, is posted to the Sind-Peshin State Railway, Northern Section.

The 8th October 1884.

No. 58.—With reference to Public Works Department Notification No. 227, dated 22nd September 1884, Mr. R. N. Hodges, Executive Engineer, 3rd Grade, is posted to the Sind-Sagar Railway Surveys.

No. 59.—With reference to Government of India, Public Works Department, Notification No. 238, dated 3rd October 1884, Mr. F. D. Fowler, Assistant Engineer, 1st Grade, sub. *pro tem.*, is posted to the Bilaspur-Etawah State Railway.

The 11th October 1884.

No. 60.—Mr. H. T. Wadley, Assistant Engineer, 3rd Grade, is transferred from the Rajputana-Malwa State Railway to the Sind-Sagar Railway Surveys.

The 13th October 1884.

No. 61.—Mr. H. McMillan, Assistant Engineer, 2nd Grade, is transferred from the Jhansi-Manickpur to the Rajputana-Malwa State Railway.

F. S. STANTON, *Colonel, R.E.,*

Director General of Railways.

RAJPUTANA-MALWA RAILWAY.
(Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATIONS.

Ajmere, the 11th October 1884.

No. 13.—Mr. C. L. Biscoe, District Traffic Superintendent, Rewari-Sirsa District, in Class IV of the State Railway Superior Revenue Establishment, has been granted by Her Majesty's Secretary of State for India six months' sick leave in extension of the six months' leave on medical certificate granted him in Manager's Notification No. 8 of the 7th May 1884.

No. 14.—Mr. C. E. Cardew, Assistant Locomotive Superintendent in Class III of the State Railway Superior Revenue Establishment, has been granted by Her Majesty's Secretary of State for India three months' furlough in extension of the fifteen months' furlough granted him in Manager's Notification No. 2 of the 15th August 1883.

H. DANGERFIELD,

Offg. Manager.

SOUTHERN MAHRATTA RAILWAY.

NOTICE.

Poona, the 15th September 1884.

Tenders are invited for the supply of 50,300 teak-wood sleepers, 6 feet long, 8 inches wide, and 4 inches thick, to be of well seasoned timber, free from knots, weather cracks or wanes, sawn and squared, delivered at the store yard at Poona not later than 28th February 1885.

All the sleepers to be passed and branded by an Inspecting Officer.

Tenders to be addressed to the Chief Engineer, Southern Mahratta Railway, Poona, on 1st November 1884. The Chief Engineer does not bind himself to accept the lowest or any tender.

————————,

for *Chief Engineer.*

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value	Certificates issued of General Treasury	Certificates issued of Currency Department	Balance of Bullion: Under Assay.	Balance of Bullion: Assayed	Balance of Bullion: Held on account of the Currency Department.
1884	R	R	R	R	R	R
Oct 6	9,47,503	. . .	. . .	15,25,440	1,21,15,980	1,03,76,368
" 7	. . .	. . .	. . .	15,25,390	1,21,15,980	1,04,76,368
" 8	. . .	. . .	. . .	15,25,190	1,21,15,980	1,04,76,368
" 9	. . .	. . .	.	15,25,190	1,21,15,980	1,03,76,368
" 10	. . .	. . .	2,89,75[illegible]	14,[illegible],198	1,44,11,[illegible]	1,06,74,341
" 11	. . .	. . .	4,78,002	9,01,301	1,46,[illegible]	1,06,56,309

R V RIDDELL, *Major, R.E.,*

Mint Master.

CALCUTTA MINT.

The 13th October 1884.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr No	No of Notes.	Value	Name of Claimant.
		R	
165	R 9—69571	100	Hur Kishore Mozumdar, Kacino Darogah, Bhaugulpore.
170	R 9—69782	100	Natobur Das, care of Ramsoonder Das, Changdoba, *via* Gopalnagore Post Office, District Bankoorah.
171	P 39—96207	50	Khethebash Mistri of Kohuna
172	P 9—01365 P 39—11103	50 50	The Acting Superintendent of Police, Eastern Bengal State Railway Police Department, Sealdah Terminus, Calcutta.

CALCUTTA,

The 17th October 1884.

J. TAYLOR,

Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr No	No of Notes	Value	Name of Claimant.
		R	
22	E 20—82103	100	H Sydney Jones, Esq., Assistant Engineer, care of Post Master, Hissar
23	*E 19—73910 —73931 " —73933 " —73933 " —73958 " —73959 " —73960	50 50 50 50 50 50 50	Major G. Whitehead, President, Mess Committee, 1st South Lancashire Regiment, Peshawar.

* All belonging to Agency No 6, Peshawar

LAHORE,

The 11th October 1884.

W. H. EGERTON,

for *Depy Commr. of Paper Currency.*

ACCOUNTANT GENERAL'S OFFICE.

Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 4th October 1884.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Port Blair	July 1884	Sept. 13, 1884
2	Punjab	Do. „	Do. 19, „
3	Rajputana	Do. „	Do. 23, „
4	Central India	Do. „	Do. 24, „
5	Bengal	Do. „	Do. 26, „
6	Assam	Do. „	Do. 29, „
	Bombay		
	Hyderabad		
	North-Western Provinces and Oudh.		
10	Coorg	Do. „	Do. 30, „
	Madras		
12	British Burma	Do. „	Oct. 4, „
13	Military Works Branch	June „	Aug. 23, „
14	Central Provinces	Do. „	Sept. 24, „

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Punjab	July 1884	Sept. 19, 1884
2	Bengal	Do. „	Do. 22, „
	Rajputana		
4	Bombay	Do. „	Do. 24, „
5	North-Western Provinces and Oudh.	Do. „	Do. 26, „
6	Madras	Do. „	Do. 30, „
7	British Burma	Do. „	Oct. 4, „
	TELEGRAPH.		
1	Indo-European	June 1884	Sept. 5, 1884
2	Indian	Do. „	Do. 10, „
3	General	Do. „	Do. 15, „
	GUARANTEED RAILWAYS.		
1	Punjab	July 1884	Sept. 19, 1884
	State Ry., Stores Branch		
3	Bengal	Do. „	Do. 25, „
4	Bombay	Do. „	Do. 29, „
	North-Western Provinces and Oudh.		
6	Madras	Do. „	Do. 30, „

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	N.-W. P. & Oudh Subsidized.	July 1884	Sept. 13, 1884
2	Bengal Provl. Surveys	Do. „	Do. 15, „
	Bhopal		
4	Umritsar-Pathankot	Do. „	Do. 19, „
	Bengal Administrative Charges.		
	State Ry., Stores Branch		
7	Nalhati	Do. „	Do. 20, „
	Patna & Gya		
9	Bengal Central	Do. „	Do. 22, „
	N.-W. P. & Oudh Provl. Survey.		
	Punjab Northern		
12	Bengal & North-Western	Do. „	Do. 23, „
	Tirhoot		
	Wardah Coal		
15	Ranighat-Bhagwangola	Do. „	Do. 25, „
16	British Burma	Do. „	Do. 27, „
	Indus Valley		
	Jhansi-Manickpur		
	N.-W. P. & Oudh Provl.		
	Sind-Pishin		
21	Assam Surveys	Do. „	Do. 29, „
	Bombay Surveys		
	Nagpur-Chhattisgarh		
	Rewari-Ferozepore		
	Sindia.		
	Sind-Pishin (Northern Sec.)		
	Assam Subsidized		
28	Dhond & Manmad	Do. „	Do. 30, „
	Kaunia-Dhurla		
	Madras Surveys.		
	Eastern Bengal		
32	Dacca-Mymensing	Do. „	Oct. 3, „
	Northern Bengal		
34	Bassein-Henzada Survey	Do. „	Do. 4, „
35	Bhavnagar-Gondal (Land)	June „	Aug. 27, „
36	Holkar	Do. „	Sept. 4, „
	Rajputana-Malwa		
38	Bellary-Kistna	Do. „	Do. 5, „
	Cuddapah-Nellore		
40	Southern Mahratta	Do. „	Do. 8, „
41	Calcutta & South-Eastern	Do. „	Do. 13, „
	Kokilamakh		
43	East Indian	Do. „	Do. 27, „
44	Cawnpore-Achneyra	Do. „	Do. 29, „
45	Western Deccan.	May „	July 26, „

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Nalhati	July 1884	Sept. 23, 1884
	Punjab Northern		
3	Bhopal	Do. „	Do. 24, „
4	Nagpur-Chhattisgarh	Do. „	Do. 25, „
5	British Burma	Do. „	Do. 27, „
	Kaunia-Dhurla		
	Tirhoot		
8	Indus Valley	Do. „	Do. 28, „
	Northern Bengal		
	Wardah Coal		
11	Eastern Bengal	Do. „	Do. 30, „
12	Rajputana-Malwa	June „	Do. 4, „
	Rewari-Ferozepore		
14	Calcutta & South-Eastern	Do. „	Do. 13, „
	Southern Mahratta		
16	Cawnpore-Achneyra	Do. „	Do. 25, „
17	East Indian	Do. „	Do. 27, „
	FOREIGN STATES.		
1	Nizam's	July 1884	Sept. 29, 1884
2	Bhavnagar-Gondal	June „	Do. 25, „

A. J. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General, P. W. Dept.

Simla, the 7th October 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 14th October 1884.

LIABILITIES.		R	a.	p.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		41,59,331	4	4
Public Deposits at Head Office	R 88,03,574 a. 13 p. 6	1,79,89,516	8	6
Public Deposits at Branches	91,85,941 11 0			
Other Deposits at Head Office and Branches		2,57,48,851	14	3
Bank Post Bills, &c		5,43,030	12	4
Sundries		13,03,620	5	9
RUPEES		6,97,44,353	13	2

ASSETS.		R	a.	p.
Government Securities		70,89,526	0	0
Other authorized Investments		39,22,640	0	0
Loans on Government and other authorized Securities		80,98,494	10	7
Accounts of Credit on Government and other authorized Securities		76,27,161	4	1
Bills discounted and purchased		1,48,83,378	6	9
Balances with other Banks		8,37,931	14	7
Bullion		29,202	4	11
Dead Stock		11,84,145	4	1
Stamps		8,458	4	0
Sundries		6,29,300	13	11
		4,43,10,838	14	11
Cash and Currency Notes at Head Office	R 1,35,77,426 a 5 p 6	2,54,33,514	14	3
Cash and Currency Notes at Branches	1,18,56,088 8 9			
RUPEES		6,97,44,353	13	2

By order of the Directors,

BANK OF BENGAL,
Calcutta, 16th October 1884

J GORDON,
Chief Acct & Depy Secretary.

W D CRUICKSHANK,
Offg Secy & Treasurer

Rate for Demand Loans 4 per cent.
Percentage 55 8.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878) that, in March last, the treasure described below, valued at R212-4-0, was found under ground in Kandivot Chalath Matapaiamba, in occupation of Chalil Velu, in Menasseri Amsam, Calicut Taluk, in the District of Malabar —

Description of Property	*Approximate Value.* R	a	p
Three gold bangles, with copper plate inside, weighing 9½ rupees	27	0	0
One gold necklace (in full), weighing 3¾ rupees	45	0	0
One gold necklace (nearly half) weighing 1½ rupees	18	0	0
One gold pithamothiram, weighing ⅞ rupee	10	8	0
Three gold rings, weighing 1¼ rupees	17	0	0
One piece of solid gold, weighing 1⅝ rupee	19	0	0
Twenty-three pieces of gold valia kuttam mothiram, weighing 2⅞ rupees	10	0	0
Twelve golden beads, weighing 7/16 rupee	3	0	0
One pair of pavizha katila, weighing 12 fanams	2	0	0
One golden kotakatukkan, weighing ⅜ rupee	2	0	0
Thirty-nine cheru thalis, weighing 1⅜ rupees	18	0	0
Small pieces of gold, weighing 6½ fanams	2	0	0
Two golden pilla kuzhal, weighing 6 fanams	1	12	0
Twelve golden elassu with sealing wax on silver chain, weighing 1⅛ rupee	4	0	0
Four golden beads, weighing 2½ fanams	0	12	0
A small brass vessel	0	1	0
One silver wrist ornament in full, weighing 33¼ rupees	28	0	0
One piece of silver waist ornament, weighing 9¼ rupees	4	0	0
One broken copper vessel	0	3	0
TOTAL	212	4	0

All persons claiming the said treasure or part thereof are hereby required to appear personally or by agent before the Collector of Malabar, on the 25th November 1884, at his office, in order to the matter being enquired into and determined according to the provisions of the said Act.

C. A GALTON,
Actg Collector.

MALABAR COLLECTOR'S OFFICE,
CALICUT,
The 30th June 1884

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, in the month of July 1884, treasure consisting of eighty-three old gold coins called Rukalu, three pairs of gold earrings called Gundupogulu, three gold earrings called Alakakadalu, and one pair of earrings called Nagojodulu, weighing in all 6 tolas and 22½ chinnams, and valued approximately R128, was found in a stone cup under ground in the compound of Kakarlapudi Venkataramaraju, in the village of Bhogapuram, in the Bimlipatam Taluk, Vizagapatam District.

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent before the Collector of Vizagapatam, at his office, at 11 A.M., on 5th April 1885, in order to the matter being enquired into and determined according to the provisions of the said Act.

H. G. TURNER,
Actg. Collector.

VIZAGAPATAM COLLECTOR'S OFFICE,
The 7th October 1884.

POST OFFICE.

NOTIFICATIONS

Unclaimed Letters held in the Calcutta General Post Office on 16th October 1884

Andrew, Hon Wm.
Baxter, Arthur
Bisnec, S R.
Brown, Lieut H T.
Carver, F H
Colledge, L. D.
Cripier, Wm R
Farr, W B
Harrington (B R
Heath, Robert
Hendry Hasell
King, I B B
Maurer, Emanuel George, Secretary European Assurance Society.
Phillips, I A
Stack Richard F
Williams, Thomas
Wilson, Rev John

Letters marked "Care of Post Office"

Alice, Mrs.
Andrews, J.
Bernard, Madame
Besbaron, G
Boileau Captain H
Bott, Fred
Brigg, E A
Brooks, L
Caurey, Captain.
C G
Chapman, Frank
Cooper, H.
Corfield, Lieut C J
Dodd, Col. C A
E. S H
Evans, Peter.
Fredalis, Soni
G. R
Golding, Herbert
Gill, F. N. G.
H M W
Handy, Major B R F
Harman J M
Harrison, Lieut E B
Hoskins, A C
Hurst W H
Hutton, Mrs H L.
King, W
Lampard Henry
Lawless, Hiram
Lindberg, Mrs
Livingston Archibald
Lopez, I
Lynum, R
Matson, F
Mawson, J R
May H
"Merchant"
Merrick, Edward C
Morris, Pierce M
P R. O
Piot, Monsieur
Reed Willoughby
"Regina"
Robinson, Ellen
Schomerully Mr
Selous, Edmund
Seston, S
"Stanhope"
Stobie J C
Thomson Harry
Thompson James.
Urin Thomas
Whymper I
Williams Mostyn
Wilson Thos
Wood, Major W.
X I Z
X Z G

Registered Letters.

Altman, J F.
Bianco, S R.
Cherkes, Laya.
Fortfourd, Duglass
Fernandes, Francis
Mitchell, E
Weiss, Samuel

E. HUTTON,
Presidency Postmaster, Calcutta

Unclaimed Letters held in the Barrackpore Post Office on the 13th October 1884

Bickers, M E.
Bose, Jogendra Nath
Birjbose, Madame
Chatterjee, Debendronath.
Harrington, B R
Hennessy, Mr
Hocking, Sergeant
Holmes, R
Meyers, Mrs.
Shaw, Ockoy Coomar

A P GHOSAL,
Postmaster, Barrackpore

Calcutta, the 18th October 1884.

SEA AND FOREIGN MAILS

Foreign Mails for	Date of closing at Calcutta	Per Steamer
	1884	
Madras and Ceylon	18th Oct	P & O. Str *Bokhara*
Foreign Mails *via* Bombay	21st "	From Bombay *
Do Book Post and Pattern Packets	20th "	From Bombay
Rangoon and Moulmein	22nd "	Str *Purnlia*
Chittagong, Akyab, Kyouk Phyoo, Sandoway and Rangoon	22nd "	Str *Calcutta*
Straits and Hong-Kong	21st "	Strs *A Apcar* and *Lawary*
Port Blair and Camorta	23rd "	Str *Maharanee*

* Also for Cape Colonies through United Kingdom also *via* Aden for Mauritius, Mahe (Seychelles), Mayotte, Nossi Be and Reunion can be forwarded

N B—The letter box will close at 7 P.M precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P M

E. HUTTON,
Presidency Post Master

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them:—

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 65 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages	1	8	0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates	1	8	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colours)	0	8	0
Rainfall Map of India (in 2 sheets, scale 64 miles to the inch) showing the average annual distribution of rainfall (in colours)	3	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates	2	0	0
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates	2	8	0
Register of the Original Observations of the six stations in India for 1879, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1880, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1881, reduced and corrected	2	8	0
Register of the Original Observations of the six stations in India for 1882, reduced and corrected	2	8	0

HENRY F. BLANFORD,
Meteorological Reporter to the Government of India.

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The "Indian Law Reports," published under the authority of the Governor General in Council, appear in monthly parts, published as soon as possible after the first of each month, at Calcutta,

Madras, Bombay, and Allahabad, and comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court The cases heard by the Privy Council on appeal from each High Court are reported in the series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court are reported in the Calcutta Series

The Calcutta Series is distributed by the Bengal Secretariat, the copies for subscribers registered by Messrs Thacker, Spink & Co, are distributed by that firm, and the Madras, Bombay and Allahabad Series are distributed direct from Madras, Bombay, and Allahabad respectively

On and from the 1st January, 1884, the terms of subscription and sale will be reduced as follow:—

Terms of subscription, payable annually in advance.

	With out postage	With postage
For the Calcutta Series	R10 0	R12 8
" Madras "	" 5 0	" 6 0
" Bombay "	" 7 8	" 8 8
" Allahabad "	" 5 0	" 6 0
Complete set	" 20 0	" 22 8

A part of any series purchased separately, R1

Persons desiring to subscribe for or purchase the Reports should apply to—

Messrs Thacker Spink & Co Calcutta
" Thacker & Co Bombay
" Higginbotham & Co, Madras
The Government Central Book Depot Bombay
" " Book Depôt, Allahabad

Orders and subscriptions for 1881 should be at once remitted.

NOTICE.

Indian Law Reports.

Advertisements will be received for publication on the wrappers of the Indian Law Reports, Calcutta Series, by the Calcutta Central Press Company, "Limited," 5—1, Council House Street, at the following rates, payable in advance —

	One page	Half page	Quarter page
For one issue	R 15	R10	R 6
" three issues	" 40	" 25	" 14
" six "	" 70	" 40	" 25
" twelve "	" 110	" 70	" 45

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THE BENGAL LAW REPORTS

A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at R375 a set.

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For sale in Rajputana to Officers stationed there.

Moore's Manual of Family Medicine for India 4th Edition *Price*—

To Government Officers (except those mentioned below) and to the public at large, R4

To all Officers employed in Government Departments who are in receipt of salaries under R500 per mensem, on a certificate being furnished declaring that the book is to be purchased only for the personal use of the officer, R3, *packing and postage, 8 annas*

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Corringa or Coconada Bay.
Hooghly River. Luft Point to Anchoring Creek
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☞ The amounts within parenthesis are for packing and postage.

A Manual of Tibetan, being a Guide to the

Colloquial Speech of Tibet, in a Series of Progressive Exercises, by Major T. H. Lewin, F.R.G.S., of the Bengal Staff Corps, late Deputy Commissioner of Darjeeling. *Price, R6; postage, 8 annas.*
Copies are to be had at the Office of the Director of Public Instruction.

Examination Paper for Station Masters,

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Annual Statement of the Sea-borne Trade

and Navigation of the Bengal Presidency and of its Chief Port (Calcutta) and each of its Subordinate Ports (Chittagong, Balasore, Cuttack, Pooree, and Narainguoge). Volumes I and II. *Price, R20 for 1883-84.* Published at the Calcutta Custom House. Previous years' volumes can also be obtained at the same price.

Publications for Sale at the Bengal Secretariat Press.

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Report on the Cultivation of, and Trade in, Ganja in Bengal. By HEM CHUNDER KERR, Deputy Collector, on special duty. *Price, R1-8; postage, 2 annas.*

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Prices of Food-grains, Firewood, and Salt in Bengal from 1866 to 1878, compiled in the Bengal Secretariat, Statistical Department. *Price, R2; packing and postage, 3 annas.*

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Report on the Effects of Artificial Respi-ration, Intravenous Injection of Ammonia, and Administration of various Drugs, &c., in India and Australian Snake-poisoning; and the Physiological, Chemical and Microscopical Nature of Snake-poisons. By the Commission appointed to investigate the subject. *Price, R3; postage, 4 annas.*

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Rules for the Examination of, and grant of Certificates of Competency to, Masters, Mates and Engineers. *Price, R1; postage, 1 anna.*

Abstract of the Rules of the Road at Sea, in English. *Price, R1-4; packing and postage, 1 anna 6 pies.*

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Sanitary Primers in English and in Bengali. *Price, R6 per hundred, including transit and packing charges; single copies, 1 anna each.*

The Book named below having been de-clared a part of the obligatory equipment of Emigrant vessels, is now obtainable at the Bengal Secretariat Press at the price noted:—

West India Pilot, Vol. II . . . R6 0 0

☞ *Cash must be sent with order.*

Apply to Accountant, Bengal Secretariat, Writers' Buildings, Calcutta.

NOTICE.

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	R	a.	p.	
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E. N. BAKER,
Offg. Under-Secy. to the Govt. of Bengal.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, OCTOBER 18, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

ROMAN RAILWAY COMPANY IN LIQUIDATION.

NOTICE.

EXCHANGE OF THE COMPANY'S SHARES.

Definite date of its effectuation in Florence, 31st December 1884.

The Liquidation Commission of the "Roman Railway Company, in Liquidation" (Società Anonima delle Strade Ferrate Romane) inform bearers of the Ordinary, Trentennial and Privileged (late Sienese) Shares of the above Company of the contents of Article 4 of the Additional Act of the Contract of right of purchase stipulated November 21st, 1877, as well as of Article 2 of the last Convention 26th April 1879; which Act and Convention were sanctioned by law 29th January 1880, No. 5249, Series 2nd.

Article 4th of the Additional Act, 21st November 1877:

"Three years from the promulgation of the Law sanctioning the Contract of right of purchase 21st November 1873, and the present additional act are allowed to possessors of Ordinary, Trentennial and Privileged Shares to present them for conversion. If not presented within the stated time such Shares will be valueless to all intents and purposes."

Article 2nd of the Convention, 26th April 1879:

"All and every article of the Convention 17th November 1873, rendered definite and irrevocable by law together with the Additional Act 21st November 1877 will be suspended up to the 31st December 1881."

Moreover the Liquidation Commission beg to inform the public that in accordance with the above articles the definite date for the presentation (in Florence) of the Ordinary, Trentennial, and Privileged Shares in order to avoid the consequences of the said articles and to have the right of enjoying the dividend of the amount that will be allotted by the Liquidation Commission to these Shares, according to their respective rights, falls due on 31st December 1884.

The sole Certificates to bearer, issued in accordance with Regulation 29th July 1882 by the Liquidation Commission in exchange for shares presented, shall continue to have value and be negotiable.

E. DEODATI,

The President of the Liquidation Commission.

FLORENCE,

The 15th June 1884.

NOTICE.—Those who may have mislaid or lost their Shares are hereby informed that Article 10th of the Company's Statute empowers all persons interested to demand from the Civil Tribunal of Florence, acting as Commercial Tribunal, the issue of new Shares in surrogation of the lost ones and this with all due cautions and formalities which are stated in the article.

The possessors of Shares living out of Florence will have to arrange matters in such manner as to send the shares or have them sent in for presentation to the Liquidation Commission not later than 31st December 1884. All those interested who wish to obtain full information on the subject may apply to the Liquidation Commission at their office in Florence, No. 7, Piazza dell'Unità Italiana.

The National Bank in the Kingdom of Italy through the medium of their several chief Offices and Branch departments, as well as the General Italian Credit Mobilier Company at their offices in Florence, Genoa, Turin, and Rome, undertake in the behalf of Shareholders to do all and every kind of operation in connection with the exchange of the abovementioned shares.

PROMISSORY NOTES.

Lost.

The Government Promissory Note No. 059534, of the 4½ per cent. of 1879, for R25,000, originally standing in the name of the Chartered Bank of India, Australia, and China, has been lost. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application made for the issue of a duplicate in favour of the proprietor, Mr. C. O. Eaton, Tolethorpe Hall, Stamford.

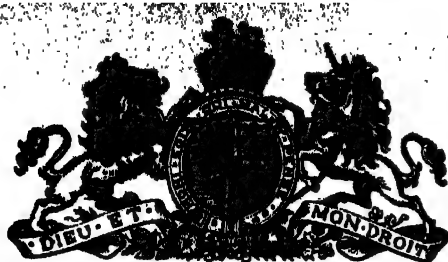
GISBORNE & Co.

Lost, Stolen, or Destroyed.

The Non-transferable Treasury Note No. 000062, of the 5 per cent. of 1872, for R500, originally standing in the name of Gopika Bai, Manager of Mandir Vittal Rookhmai of Ramtek, and last endorsed to Gopika Bai, Manager of Mandir Vittal Rookhmai, Ramtek, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

GOPIKA BAI,
Manager of Mandir Vittal Rookhmai, in Ramtek.

NAGPUR,
The 17th September 1884.



SUPPLEMENT TO

The Gazette of India.

No. 42.} CALCUTTA, SATURDAY, OCTOBER 18, 1884.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

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No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA is required by Law, or which it has been customary to publish in the CALCUTTA GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

[TELEGRAPH.]

ABSTRACT OF FOREIGN TRAFFIC FOR THE MONTH OF JUNE 1884.

CLASS OF MESSAGES.	ROUTE. West. Via Teheran. No.	Indian Value.	Via Turkey. No.	Indian Value.	Persian Gulf. No.	Indian Value.	Via Suez. No.	Indian Value.	East. Via Amur. No.	Indian Value.	Via Madras. No.	Indian Value.	Via Rangoon. No.	Indian Value.	Ceylon. No.	Indian Value.	Native Burma. No.	Indian Value.	TOTAL. No.	Indian Value.
		R a.		R a.		R a.		R a.		R a.		R a.		R a.		R a.		R a.		R a.
INDIAN.																				
Sent	3,376	12,215 3	84	269 9	35	143 3	2,729	7,893 9	1	3 10	148	400 13	798	2,715 2	1,565	2,905 7	431	616 3	9,170	27,262 11
Received	2,075	9,592 13	21	391 6	25	91 0	3,213	10,862 12	..	..	160	486 10	790	2,809 5	1,557	2,939 6	..	..	7,841	27,172 4
TOTAL	5,451	21,808 0	105	660 15	60	233 3	5,942	18,856 5	1	3 10	308	887 7	1,588	5,524 7	3,122	5,844 13	431	616 3	17,011	54,434 15
TRANSIT.																				
From East to West—																				
Recd. Viâ Madras	71	700 14	1	1 2	2	3 12	2,162	8,553 9	..	..	..	..	..	..	..	..	..	..	2,236	9,269 5
Recd. " Rangoon	154	535 12	..	..	..	..	3,085	13,235 8	..	..	..	..	..	..	..	..	..	..	3,239	13,771 4
Recd. " Laingha	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Recd. From Ceylon	61	219 4	..	..	..	..	363	1,098 11	..	..	..	..	..	..	..	..	..	..	424	1,317 15
From West to East—																				
Sent. Viâ Madras	119	1,907 1	40	161 6	..	..	1,445	5,044 9	..	..	..	..	..	..	..	..	..	..	1,604	7,113 0
Sent. " Rangoon	903	2,977 0	62	127 11	..	..	2,158	8,216 1	..	..	..	..	..	..	..	..	..	..	3,123	11,320 12
Sent. " Laingha	..	..	..	..	..	..	6	45 15	..	..	..	..	..	..	..	..	..	..	6	45 15
Sent. To Ceylon	95	463 9	5	11 13	..	..	230	857 11	..	..	..	..	..	..	..	..	..	..	330	1,333 1
From West to West—																				
Recd. Viâ Bombay	..	..	2	22 14	5	34 14	..	..	..	..	..	..	..	..	..	..	..	..	7	57 12
Sent. Viâ Bombay	..	..	1	1 2	2	8 10	..	..	..	..	..	..	..	..	..	..	..	..	3	9 12
From East to East—																				
Recd. From Ceylon	..	..	..	..	..	..	..	..	..	..	28	81 13	30	76 3	..	..	..	..	58	158 0
Recd. Viâ Madras	..	..	..	..	..	..	..	..	..	..	..	..	..	..	23	91 3	..	..	23	91 3
Recd. " Rangoon	..	..	..	..	..	..	..	..	..	..	..	..	..	..	27	140 10	1	7 2	28	147 12
TOTAL	1,408	6,803 8	111	326 0	9	47 4	9,449	37,052 0	..	..	28	81 13	30	76 3	50	231 13	1	7 2	11,081	44,625 11
GRAND TOTAL																			28,092	99,060 10
Adjustments																			...	—4,046 4
NET TOTAL																			28,092	95,014 6

ABSTRACT OF FOREIGN TRAFFIC WITH INDIA BY THE INDO-EUROPEAN AND RED SEA ROUTES FOR THE MONTH OF JUNE 1884.

ROUTE.		Number of Messages by each Route (exclusive of Transit). To India.	From India.	Total.	Percentage of Number. To India.	From India.	Total.
INDO-EUROPEAN	Viâ Teheran	2,075	3,376	5,451	38·90	54·24	47·16
INDO-EUROPEAN	" Turkey	21	84	105	0·39	1·35	0·91
INDO-EUROPEAN	Persian Gulf viâ Karachi	25	35	60	0·47	0·56	0·52
RED SEA	Viâ Suez	3,213	2,729	5,942	60·24	43·85	51·41
TOTAL		5,334	6,224	11,558	100·00	100·00	100·00

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALF OF AUGUST AND 1st HALF OF SEPTEMBER 1884, PUBLISHED IN PAGES 1382, 1383, 1384, 1385, 1432 AND 1433 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 27th SEPTEMBER AND 11th OCTOBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat			Barley			Rice. Best sort			Rice. Common.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
	2nd half of Aug. 1884.												
Central Provinces.	Saugor	27 8	27 8	22 0	...	...	...	10 0	10 0	8 0	11 0	11 0	9 0
	Damoh	32 0	32 0	25 4	...	...	...	13 8	12 8	10 8	14 8	13 8	11 8
	Jubbulpore	22 12	22 0	18 8	24 0	23 0	19 0	9 0	8 8	9 0	12 8	12 0	14 0
	Mandla	32 0	32 8	25 0	...	...	...	14 0	14 0	15 0	18 0	17 0	19 0
	Seoni	27 0	25 0	20 8	...	...	...	13 0	11 8	11 8	17 0	16 0	15 0
	Narsinghpur	22 0	20 8	18 4	...	...	...	9 0	9 0	9 4	11 8	11 8	12 8
	Hoshangabad	20 4	20 4	15 7	...	...	...	4 0	4 0	4 0	9 8	9 8	9 9
	Nimár	21 10	21 10	16 8	...	...	...	11 7	11 7	12 9	13 13	14 14	14 14
	Betúl	27 0	27 0	18 0	...	...	...	11 0	11 0	10 8	12 0	12 0	11 0
	Chhindwára	26 8	26 8	25 0	...	...	...	7 8	7 8	9 8	12 8	12 8	14 8
	Wardha	No return received			...	...	...	...	...	...	...	...	...
	Nágpur	23 4	23 4	17 12	...	...	...	9 12	9 12	9 4	14 12	14 12	16 0
	Chánda	24 0	24 0	19 0	...	...	...	...	...	...	17 0	17 0	15 0
	Bhandára	24 8	23 12	20 0	...	...	...	9 8	10 0	10 0	17 0	16 8	18 8
	Bálaghát	23 0	23 0	18 0	...	...	...	15 0	15 0	15 0	21 0	21 0	23 0
	Raipur	28 0	28 0	20 0	...	...	...	15 0	15 0	17 8	23 0	24 0	31 8
	Biláspur	43 0	42 0	25 0	...	...	...	33 0	24 0	23 0	44 0	39 0	39 0
	Sembalpur	23 0	22 12	17 0	...	...	...	22 12	21 8	31 8	24 8	24 0	35 0
Mysore.	Bangalore	11 8	11 8	10 13	12 8	12 6	12 0	9 14	9 9	9 8	10 14	10 14	10 8
	Kolar	...	...	...	12 0	12 0	12 0	13 0	13 0	12 0	14 0	14 8	14 0
	Túmkúr	14 0	14 0	14 0	12 8	12 8	12 0	12 8	12 8	13 0	13 8	13 8	13 8
	Mysore	11 0	11 4	11 12	...	...	...	11 0	12 8	10 8	12 0	13 0	12 0
	Shimoga	13 10	13 10	14 11	14 11	14 11	15 12	12 10	12 10	13 10	16 13	16 13	16 13
	Kadur	10 0	10 0	14 0	11 0	11 0	15 0	16 0	16 0	17 0	18 0	18 0	19 0

Provinces.	Districts.	Great Millet (Cholum, Jowar), *Holcus Sorghum*.			Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*.			Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c.			Gram		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
	2nd half of Aug. 1884.												
Central Provinces.	Saugor	...	...	...	...	...	...	...	...	...	29 0	30 0	27 0
	Damoh	...	...	...	...	...	...	...	...	...	34 0	39 0	37 0
	Jubbulpore	24 8	24 0	21 0	18 0	17 0	17 0	...	...	...	28 0	28 0	25 8
	Mandla	...	...	...	...	...	...	25 0	30 0	25 0	45 0	45 0	40 0
	Seoni	...	...	...	...	...	...	...	...	...	29 0	28 0	26 0
	Narsinghpur	...	...	...	...	...	...	...	...	...	34 0	32 0	25 0
	Hoshangabad	...	...	21 0	...	...	19 4	...	...	...	33 12	29 4	21 6
	Nimár	26 4	26 4	20 10	26 0	24 0	20 0	...	...	...	26 14	24 14	20 0
	Betúl	22 0	22 0	19 8	...	...	...	18 8	18 8	15 0	26 0	26 0	18 0
	Chhindwára	27 8	27 8	32 12	...	...	...	17 0	17 0	14 8	31 0	31 0	30 0
	Wardha	...	...	...	...	...	...	...	...	...	...	...	...
	Nágpur	27 12	27 12	28 12	...	...	...	...	...	...	22 12	22 12	20 12
	Chánda	26 0	26 0	27 8	...	...	...	...	...	...	26 0	26 0	21 8
	Bhandára	23 8	23 4	35 0	...	...	...	...	...	...	23 8	24 4	25 0
	Bálaghát	...	...	...	...	...	...	...	...	...	26 0	26 0	25 0
	Raipur	...	...	...	...	...	...	...	...	...	21 0	22 0	28 8
	Biláspur	...	...	...	...	...	...	120 0	100 0	118 0	38 0	38 0	34 0
	Sembalpur	...	...	...	...	...	...	...	...	...	18 0	15 0	18 0
Mysore.	Bangalore	22 8	23 14	28 2	...	...	...	30 14	30 6	23 8	23 5	24 1	29 1
	Kolar	...	...	...	...	...	...	40 0	40 0	34 0	26 0	28 0	28 0
	Túmkúr	...	...	...	...	...	...	35 0	35 0	40 0	24 0	24 0	34 0
	Mysore	...	...	...	...	...	...	27 0	26 0	30 0	22 0	24 0	36 0
	Shimoga	29 6	29 6	37 13	...	...	...	36 12	36 12	37 0	25 3	25 3	33 9
	Kadur	...	...	...	...	...	...	40 0	40 0	38 0	28 0	28 0	32 0

Provinces.	Districts.	Firewood.			Salt. Wholesale.			Salt. Retail.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
	2nd half of Aug. 1884.									
Central Provinces.	Saugor	140 0	140 0	160 0	9 12	9 12	...	9 8	9 8	9 0
	Damoh	200 0	200 0	200 0	10 4	10 0	9 4	9 12	9 8	9 0
	Jubbulpore	110 0	110 0	120 0	11 10	11 12	11 0	11 4	11 4	10 8
	Mandla	256 0	256 0	256 0	...	...	...	10 0	10 0	8 8
	Seoni	220 0	220 0	220 0	10 8	10 8	10 8	10 4	10 4	10 0
	Narsinghpur	140 0	140 0	140 0	11 0	11 0	10 8	10 8	10 8	10 0
	Hoshangabad	160 0	160 0	160 0	11 12	11 12	11 8	11 0	11 0	11 0
	Nimár	160 0	160 0	160 0	13 13	13 13	13 13	13 0	13 0	13 0
	Betúl	320 0	320 0	320 0	10 8	10 8	9 0	10 0	10 0	8 8
	Chhindwára	200 0	200 0	200 0	9 8	9 8	9 0	9 0	9 0	8 0
	Wardha	...	...	...	...	...	...	...	...	...
	Nágpur	150 0	150 0	110 0	11 12	12 0	12 0	11 8	11 12	11 12
	Chánda	360 0	360 0	360 0	...	...	...	11 0	11 0	10 0
	Bhandára	180 0	145 0	118 0	10 8	10 12	10 8	10 0	10 8	10 0
	Bálaghát	275 0	275 0	275 0	9 8	9 8	9 4	9 0	9 0	8 8
	Raipur	64 0	64 0	64 0	11 0	10 8	10 0	10 0	10 0	9 0
	Biláspur	120 0	120 0	120 0	...	...	...	8 0	8 0	8 0
	Sembalpur	125 0	125 0	120 0	12 0	9 0	10 8	9 0	8 0	9 8
Mysore.	Bangalore	96 0	84 0	96 0	12 8	12 8	12 8	12 0	12 0	12 0
	Kolar	144 0	168 0	172 6	12 4	12 4	12 4	12 0	12 0	12 0
	Túmkúr	340 0	340 0	340 0	11 8	11 8	11 0	11 0	11 0	10 8
	Mysore	78 0	78 0	75 0	10 4	10 4	8 12	9 12	10 0	8 8
	Shimoga	480 0	480 0	480 0	10 8	10 8	10 8	10 8	10 8	10 8
	Kadur	64 0	64 0	64 0	...	...	...	10 0	10 0	10 0

																											R a p. per	R a. p. maun	R a. p. d.			
RAJPOOTANA. Partábgarh (Meywar Agency)	20 7	20 2	17 15½	...	...	...	8 2	8 2	9 6	11 4	10 10	10 10	...	...	...	...	...	...	...	...	...	26 15	26 15	21 3	...	...	...	2 6 9	...	...	16 8	16 9	16 7½
1st half of Sept. 1884.																												S. C.	S. C.	S. C.			
COORG. Coorg	9 0	8 13	8 7	9 13	9 13	9 15	12 8	12 3	14 3	17 11	17 6	18 11	..	...	...	...	...	...	30 11	31 2	31 2	23 5	22 12	29 12	1 10 0	1 10 0	1 10 0	10 9	10 6	10 1	9 13	9 10	9 10
																											R a. p. per	R a. p. maun	R a. p. d.			
RAJPOOTANA. Partábgarh (Meywar Agency)	21 6	20 7	17 8	...	...	...	8 7	8 2	8 7	11 4	11 4	9 6	..	..	...	...	...	...	...	...	...	30 10	26 15	20 5	...	...	...	2 6 9	...	...	16 8	16 8	16 4

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

No. XXIV of 1884-85.

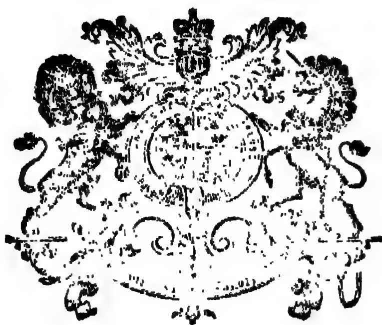
APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	Receipts for week ending 22nd September 1883.		Total mean length open.	Receipts for week ending 20th September 1884.		Total receipts from 1st April to 22nd September 1883.		Total receipts from 1st April to 20th September 1884.		Total Increase in 1884-85.	Total Decrease in 1884-85.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
			R	R		R	R	R	R	R	R	R	R
	Guaranteed.												
13th Sept. 1884	Oudh and Rohilkhund	547	91,260	167	. .	(a)	.	(b)26,94,439	205	(c)23,64,376	182	. . .	3,30,063
27th ditto	Sind, Punjab and Delhi	735	1,59,644	217	706	1,41,202	200	53,75,311	290	50,00,317	276	. . .	3,74,994
20th ditto	Madras	861	1,27,551	148	861	1,12,395	131	32,37,985	150	33,75,218	159	1,37,233	. . .
20th ditto	South Indian	655	77,897	119	654	80,437	123	19,54,565	119	21,91,363	136	2,36,798	. . .
27th ditto	Great Indian Peninsula	1,450	4,25,355	293	1,450	4,15,746	287	1,61,41,412	444	1,59,94,826	445	. . .	1,46,586
20th ditto	Bombay, Baroda and Central India	461	1,49,176	324	461	75,449	164	54,34,766	472	54,25,599	476	. . .	9,167
	TOTAL	4,709	10,30,883	219	(d)4,132	8,25,229	200	3,48,38,478	296	3,43,51,699	295	. . .	4,86,779
	State.												
20th Sept. 1884	East Indian	1,509	8,24,427	546	1,509	6,95,851	461	2,44,99,053	649	1,94,23,476	521	. . .	50,75,577
20th ditto	Eastern Bengal (e)	228	1,45,547	638	233	1,83,105	786	23,35,345	410	21,26,055	369	. . .	2,09,290
20th ditto	Nalhati	27	1,366	50	27	1,532	56	40,022	59	38,819	58	. . .	1,203
20th ditto	Northern Bengal	239	42,538	178	249	50,330	202	9,75,379	166	9,25,495	150	. . .	49,884
20th ditto	Kaunia-Dharla	32	2,302	72	37	2,872	78	47,203	59	59,730	70	12,527	. . .
20th ditto	Tirhoot	166	17,439	105	193	19,285	100	4,12,237	99	5,71,624	120	1,59,387	. . .
20th ditto	Patna-Gya	57	12,736	223	57	18,380	322	2,06,430	144	2,43,977	173	37,547	. . .
20th ditto	Cawnpore-Achnera	138	7,601	55	240	24,912	104	2,57,609	75	4,23,973	70	1,66,364	. . .
20th ditto	Dildarnagar-Ghazipur	12	566	17	12	543	45	22,774	76	24,918	84	2,144	. . .
27th ditto	Rajputana-Malwa	1,117	1,78,635	160	1,120	1,40,390	125	57,82,111	207	54,60,553	197	. . .	3,21,558
27th ditto	Rewari Ferozepur	89	6,102	69	140	6,300	45	1,96,153	88	3,38,827	98	1,42,674	. . .
27th ditto	Wardha Coal	45	9,942	221	45	9,793	218	3,41,001	3[illegible]	2,50,863	226	. . .	90,138
27th ditto	Nagpur and Chhattisgarh	149	8,051	54	149	8,102	54	6,29,494	169	6,11,772	166	. . .	17,722
20th ditto	Burma	161	20,998	130	254	27,217	107	6,55,355	163	8,77,881	156	2,22,526	. . .
20th ditto	Sindia	75	4,667	62	75	5,877	78	1,46,135	78	1,61,494	87	15,359	. . .
20th ditto	Punjab Northern	421	50,557	120	447	40,748	91	15,21,921	145	13,88,208	126	. . .	1,33,713
20th ditto	Indus Valley	660	93,836	142	660	1,05,400	160	36,03,186	218	34,76,126	213	. . .	1,27,060
20th ditto	Amritsar-Pathankot	. . .	. . .	.	66	3,324	50	. . .	.	93,370	64	93,370	. . .
	TOTAL	3,616	6,02,883	167	4,004	6,48,110	162	1,71,72,355	190	1,70,73,685	174	. . .	98,670
	Assisted Companies.												
20th Sept. 1884	Bengal Central	35	1,913	55	126	8,164	65	52,744	60	2,26,092	74	1,73,348	. . .
20th ditto	Assam	39	1,768	45	70	4,701	67	(f)21,230	55	91,345	57	70,115	. . .
27th ditto	Southern Mahratta	. . .	. . . .	.	214	5,288	25	. . .	. .	65,276	29	65,276	. . .
13th ditto	Bengal and North-Western	. . .	. . . .	.	. . .	(a)	.	. . .	. .	(g)37,257	22	37,257	. . .
	TOTAL	74	3,681	50	(h)410	18,153	44	73,974	59	4,19,970	48	3,45,996	. . .
	Native States.												
20th Sept. 1884	Bhavnagar-Gondal	193	11,282	58	193	11,688	60	4,79,517	99	5,94,131	126	1,14,614	. . .
27th ditto	Jodhpur	19	395	21	44	670	15	19,054	40	23,579	36	4,525	. . .
27th ditto	Nizam's	121	22,528	186	121	15,870	131	3,81,198	126	4,67,869	157	86,671	. . .
27th ditto	Mysore	86	5,354	62	130	7,870	61	1,28,502	60	1,65,951	68	37,449	. . .
	TOTAL	419	39,559	94	488	36,098	74	10,08,271	96	12,51,530	113	2,43,259	. . .
	GRAND TOTAL	10,327	25,01,433	242	(j)10,543	22,23,441	211	7,75,92,131	302	7,25,20,360	267	. . .	50,71,771
	GROSS ESTIMATED EXPENSES	. . .	. . . .	.	. . .	. . . .	.	3,72,47,200	145	3,57,85,214	132	. . .	. . .
	NET RECEIPTS	. . .	. . . .	.	. . .	. . . .	.	4,03,44,931	157	3,67,35,146	135	. . .	36,09,785

(a) Return not received.
(b) Total receipts from 1st April to 15th September 1883.
(c) Total receipts from 1st April to 13th September 1884.
(d) Exclusive of the mileage of Oudh and Rohilkhund Railway (547).
(e) Excludes share of the earnings of the Bengal Central Railway, but includes the receipts of the late Calcutta and South-Eastern State Railway.
(f) Total receipts from 16th July to 22nd September 1883.
(g) Total receipts from 2nd April to 13th September 1884.
(h) Exclusive of the mileage of Bengal and North-Western Railway (69).
(j) Exclusive of the mileages of Oudh and Rohilkhund and Bengal and North-Western Railways (547+69).

SIMLA,

FRED. FIREBRACE, *Major, R.E.,*



The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 43.} SIMLA, SATURDAY, OCTOBER 25, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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Nothing for publication.

SUPPLEMENT No. 43.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.—MEDICAL.

Simla, the 22nd October 1884.

No. 440.—With reference to Home Department Notification No. 154, dated the 14th April 1882, the services of Surgeon J. W. W. Macnamara are permanently placed at the disposal of the Chief Commissioner of Assam.

The 24th October 1884.

No. 444.—His Excellency the Viceroy and Governor General has been pleased to appoint 1st Class Assistant Surgeon Rao Sahib Vishram Ramji Ghole, L.M., Bombay, to be an Honorary Assistant Surgeon to His Excellency, *vice* Assistant Surgeon Ananta Chandroba, deceased.

SANITARY.

The 21th October 1884.

No. 309.—The services of Surgeon-Major R. Pringle, M.D., Deputy Sanitary Commissioner, 1st Circle, North-Western Provinces and Oudh, are replaced at the disposal of the Military Department.

EDUCATION.

The 22nd October 1884.

No. 307.—Mr. Shriram Bhikaji Jatar, B.A., Officiating Director of Public Instruction in Berar, is confirmed in that appointment, with effect from the 31st August last.

Mr. Bajaba Pradhan, Assistant Inspector of Schools in Berar, to be Inspector of Schools, *vice* Mr. Shriram Bhikaji Jatar, appointed Director of Public Instruction in that province.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 22nd October 1884.

No. 794—116-9 *G.*—Mr. E. C. Buck, C.S., Secretary to the Government of India in the Revenue and Agricultural Department, is granted furlough for four months, with effect from the 1st November 1884.

No. 795—116-9 *G.*—Mr. T. W. Holderness, C.S., Under Secretary to the Government of India in the Revenue and Agricultural Department, is appointed to officiate as Secretary during Mr. Buck's absence on furlough.

E. C. BUCK,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Simla, the 23rd October, 1884.

No. 2033 *G.*—The services of Surgeon-Major W. E. Allen, Medical Officer of the Bhopal Battalion and of the Bhopal Political Agency, are replaced at the disposal of the Military Department, with effect from the date of his return to duty from furlough.

No. 2036 *G.*—Surgeon A. H. C. Dane, M.D., Officiating Medical Officer of the Bhopal Battalion and of the Bhopal Political Agency, is confirmed in that appointment, *vice* Surgeon-Major W. E. Allen, whose services have been replaced at the disposal of the Military Department.

The 24th October, 1884.

No. 2046 *G.*—Mr. H. M. Durand, C.S.I. C.S., Under Secretary, is appointed to officiate as Secretary to the Government of India in the Foreign Department, *vice* Mr. C. Grant, C.S.I., C.S., proceeding on furlough, with effect from the 26th October, 1884.

C. GRANT,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 21st October 1884.

No. 4101.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

September 1884. **(Lakhs of Rupees.)**

[For the explanation of these heads, see *Gazette of India*, dated 22nd December 1883, Part I, page 497.]	In September.		To end of September.		Whole year.	
	1884-85.	1883-84.	1884-85.	1883-84.	Budget, 1884-85.	Actuals (Preliminary), 1883-84.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation) ...	71	88	8,42	8,67	22,40	22,74
Opium ...	74	87	4,29	4,66	8,59	9,56
Salt ...	43	42	3,00	2,96	6,33	6,14
Stamps ...	25	29	1,85	1,84	3,53	3,50
Excise ...	33	32	1,98	1,89	3,80	3,83
Provincial Rates ...	11	15	1,09	1,18	2,74	2,81
Customs ...	5	6	45	55	1,29	1,19
Assessed Taxes ...	3	3	44	44	52	52
Forest (Madras and Bombay only) ...	2	2	12	12	38	34
Registration ...	2	1	15	15	26	26
Tributes from Native States ...	1	1	19	20	70	72
Other Civil Revenue ...	18	18	1,42	1,39	3,00	3,05
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT : GROSS ...	2,91	3,24	23,40	24,05	53,54	54,66
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works ...	— 23	— 25	— 1,89	— 1,89	— 3,80	— 3,74
Opium ...	— 30	— 31	— 2,59	— 1,53	— 2,35	— 1,86
Exchange on transactions with London ...	— 6	— 21	— 1,30	— 1,85	— 3,72	— 3,93
Other Civil Expenditure ...	— 1,49	— 1,53	— 9,49	— 9,36	— 21,08	— 19,73
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT : GROSS ...	— 2,08	— 2,30	— 15,27	— 14,63	— 30,95	— 29,26
Extraordinary Receipts ...	...	...	...	...	...	...
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more, —Receipts less, than issues) ...	+ 2	+ 3	+ 32	+ 25	+ 47	+ 44
Forest, Telegraph, Marine (Net as above) ...	— 2	...	— 10	— 7	— 10	— 8
Guaranteed and Subsidized Railways (Net as above)	+ 16	+ 17	+ 2,02	+ 2,36	+ 4,65	+ 4,16
Do. Repayment of Surplus profits, &c. ...	...	...	— 3	— 10	— 45	
Military Receipts ...	+ 3	+ 5	+ 29	+ 37	+ 88	+ 83
Military Issues ...	— 99	— 90	— 5,81	— 5,68	— 11,88	— 11,66
Public Works Department—						
State Railways Receipts ...	+ 22	+ 16	+ 1,51	+ 1,12	— 2,09	+ 2,42
" " Issues ...	— 40	— 30	— 2,62	— 2,03		— 4,53
East Indian Railway Receipts ...	+ 21	+ 31	+ 1,86	+ 2,33	+ 2,45	+ 4,54
" " " Issues ...	— 14	— 11	— 75	— 79		— 1,62
Ordinary Branches Receipts ...	+ 11	+ 9	+ 89	+ 88	— 4,96	+ 1,90
" " Issues ...	— 48	— 49	— 3,30	— 3,46		— 7,31
TOTAL NON-CIVIL DEPARTMENTS ...	— 1,25	— 99	— 5,72	— 4,82	— 11,03	— 10,91
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more, — Receipts less, than payments) ...	...	+ 52	— 2	+ 2,02	+ 2,50	+ 2,50
Mint Certificates and Bullion Advances (Net as above) ...	— 1	+ 17	+ 13	+ 37	+ 3	+ 33
Council Bills paid (including Telegraphic) at Rs. 10 per £ ...	— 29	— 84	— 6,02	— 9,24	— 16,50	— 18,84
Other Debt heads (Net as above) ...	+ 4	+ 2	+ 37	+ 16	+ 98	— 10
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 26	— 13	— 5,54	— 6,69	— 12,99	— 16,11
GRAND TOTAL RECEIPTS AND ISSUES	— 68	— 18	— 3,13	— 2,09	— 1,43	— 1,62
Opening Cash Balance in Treasuries and Presidency Banks ...	10,75	12,91	13,20	14,82	12,44	14,82
Closing Cash Balance in Treasuries and Presidency Banks ...	10,07	12,73	10,07	12,73	11,01	13,20

The 23rd October 1884.

No. 4149.—Mr. W. Donald and Mr. H. S. Groves having been appointed to act, respectively, as Accountant General and as Deputy Accountant General, Madras, during Mr. Clogstoun's absence on privilege leave, Mr. W. Donald made over, and Mr. H. S. Groves received, charge of the office of the Deputy Accountant General, Madras, before noon on the 6th October 1884.

The 24th October 1884.

No. 4135.—*Erratum.*—In line 1 of the Notification by the Government of India in the Department of Finance and Commerce, No. 4040, dated 17th October 1884, published at page 361, Part I of the *Gazette of India* of the 18th idem, for "*Mr. G. J. VanSomeren*" read "*Major G. J. Van Someren.*"

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 24th October, 1884.

APPOINTMENTS.

No. 559.—STAFF CORPS—

The undermentioned officers are admitted to the Bengal Staff Corps, with effect from the dates specified, subject to the confirmation of the Secretary of State for India:—

Lieutenant Harry Trevor, Cheshire Regiment, Officiating Wing Officer, 15th Native Infantry,—6th July, 1885.

Lieutenant Arthur Philip Desborough Harris, West Riding Regiment, Officiating Wing Officer, 11th Native Infantry,—7th November, 1883.

No. 560.—QUARTERMASTER GENERAL'S DEPARTMENT—

The following temporary appointments are made:—

Major M. S. Bell, V.C., R.E., Assistant Quartermaster General, Intelligence Branch, to be Deputy Quartermaster General, Intelligence Branch, *vice* Colonel W. S. A. Lockhart, C.B., whose services have been placed at the disposal of Her Majesty's Government. Dated 3rd August, 1884.

Captain P. J. Maitland, Deputy Assistant Quartermaster General, Intelligence Branch, to be Assistant Quartermaster General, Intelligence Branch, *vice* Major Bell, V.C. Dated 3rd August, 1884.

Captain E. G. Barrow, Bengal S. C., Wing Commander, 7th Native Infantry, to be Deputy Assistant Quartermaster General, Intelligence Branch, *vice* Captain Maitland. Dated 5th September, 1884.

Captain G. F. Young, Deputy Assistant Quartermaster General, to be Assistant Quartermaster General, Intelligence Branch, *vice* Captain Maitland, proceeded on duty with the Afghan Boundary Commission. Dated 10th September, 1884.

No. 561.—MEDICAL DEPARTMENT—

Deputy Surgeon-General R. Webb, Army Medical Department, is brought on the Administrative Medical Staff of the Army, *vice* Deputy Surgeon-General J. Hendley, C.B., transferred to the Home Establishment. Dated 26th September, 1884.

FURLOUGH AND LEAVE.

No. 562.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel and Brevet Colonel H. C. Smith, Bengal S. C., Superintendent of a Reserve Depôt, Army Remount Department, (p. a.) for one year and 51 days, under rule IX of the regulations of 1868.

Major E. C. S. Jackson, General List, Infantry, Wing Officer, 32nd Native Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Major G. W. Beresford, Bengal S. C., Wing Commander and 2nd-in-Command, 43rd Native Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Captain C. Hogge, Bengal S. C., Wing Officer, 32nd Native Infantry, (p. a.) for 311 days, under rule IX of the regulations of 1868, embarking on or after the 15th November, 1884.

Lieutenant F. P. Hutchinson, Bengal S. C., Wing Officer, 2nd (Prince of Wales' Own) Goorkha Regiment, (p. a.) for one year, under rule I of the regulations of 1875.

Lieutenant R. H. Twigg, Bengal S. C., Wing Officer and Quartermaster, 12th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Surgeon-Major G. Henderson, M.D., (m. c.) for one year and 121 days, under rules IX and XV of the regulations of 1868, with effect from the 14th August, 1883.

Surgeon-Major J. Cameron, M.D., (p. a.) for one year, under rule IX of the regulations of 1868.

Surgeon W. Conry, 13th (Duke of Connaught's) Bengal Lancers, (p. a.) for one year, under rule I of the regulations of 1875.

No. 563.—Lieutenant-Colonel J. P. Steel, R.E., Superintending Engineer, 2nd class, Secretary to the Agent to the Governor General, Rajputana, Public Works Department, is granted furlough in and out of India (p. a.) for two years, under rule IX of the regulations of 1868, with effect from the 10th July, 1884.

No. 564.—The first ninety days of the general leave granted to Lieutenant G. R. MacMullen, Bengal S. C., Wing Officer, 6th Punjab Infantry, in G. G. O. No. 172 of 1884, was on full staff pay.

No. 565.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Major T. O. Wingate, Bengal S. C., (m. c.) for three months.

Captain W. T. Shone, R.E., (p. a.) for 14 days.

Surgeon-Major G. King, M.B., (p. a.) for 31 days.

PROMOTIONS.

No. 566.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Captains.

Lieutenant Ivar MacIvor,—19th October, 1884.

Lieutenant Walter Francis Courtenay Chichelé Plowden,—19th October, 1884.

Lieutenant Roderick William MacLeod,—19th October, 1884.

To be Colonel.

Lieutenant-Colonel Robert Hoskyns Phelips, Madras S. C.,—20th October, 1884.

MEDICAL DEPARTMENT.

To be Surgeons-Major.

Surgeon Mathew Denis Moriarty, M.B.—Dated 1st October, 1884.

Surgeon Gordon Price, M.D.—Dated 1st October, 1884.

Surgeon Edward Bovill, M.B.—Dated 1st October, 1884.

Surgeon Bartholomew O'Brien, M.D.—Dated 1st October, 1884.

Surgeon George Albert Dundas.—Dated 1st October, 1884.

Surgeon Henry Walter Hill, M.B.—Dated 1st October, 1884.

Surgeon Zalnoor Allee Ahmed, M.D.—Dated 1st October, 1884.

Surgeon William Arthur Gilligan.—Dated 1st October, 1884.

Surgeon William Edwin Griffiths.—Dated 1st October, 1884.

No. 567.—NATIVE ARMY—

13th Bengal Lancers.

Ressaldar Kahn Singh to be Ressaldar-Major;

Ressaidar Chuttur Singh to be Ressaldar, *vice* Ressaldar and Ressaldar-Major Urbell Singh, invalided;

Jemadar Saadut Ali Khan to be Woordie-Major, *vice* Ressaidar Khadum Ally Khan, who has resigned that appointment;

Kote-Duffadar Mugger Singh to be Jemadar, *vice* Jemadar Saadut Ali Khan, appointed Woordie-Major;

Kote-Duffadar Jeewand Singh to be Jemadar, *vice* Jemadar Meah Khan, invalided,—

with effect from 1st May, 1884.

Duffadar Gholam Ruzza Khan to be Jemadar, *vice* Jemadar Bazmeer Khan, invalided, with effect from 10th June, 1884.

17th Native Infantry.

Havildar Allyar Khan to be Jemadar, with effect from 1st May, 1884, *vice* Jemadar Shaick Joomun, promoted.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 568.—The promotion of Captain W. L. Greenstreet, R.E., to Superintending Engineer, class III, published in G. G. O. No. 505 of 1884, is antedated to 23rd April, 1884.

No. 569.—The following promotions and reversions are made with effect from the dates specified:—

Name.	From	To	Nature of promotion, &c.	Date.
Capt. N. Arnott, R.E. ...	Executive Engineer, 2nd grade	Executive Engineer, 1st grade.	*Sub. pro tem.*...	23rd Apl., 1884.
" E. H. Cameron, R.E. ...	Executive Engineer, 3rd grade	Executive Engineer, 2nd grade.	Do. ...	Do.
Lieut. H. H. Barnet, R.E. ...	Assistant Engineer, 2nd grade	Assistant Engineer, 1st grade.	Do. ...	Do.
" G. H. B. Gordon, R.E. ...	Assistant Engineer, 1st grade, *sub. pro tem.*	Do. do.	Permanent ...	16th July, 1884.
" W. Huskisson, R.E. ...	Assistant Engineer, 2nd grade	Do. do.	*Sub. pro tem.*...	Do.
Major W. G. Nicholson, R.E. ...	Executive Engineer, 1st grade, *sub. pro tem.*	Executive Engineer, 1st grade.	Permanent ...	8th Aug., 1884.
Capt. E. H. Cameron, R.E. ...	Executive Engineer, 2nd grade, *sub. pro tem.*	Executive Engineer, 2nd grade.	Do. ...	Do.
Major W. G. Nicholson, R.E. ...	Executive Engineer, 1st grade	Superintending Engineer, class III.	*Sub. pro tem.*...	Do.
Capt. R. F. Moore, R.E. ...	Executive Engineer, 2nd grade	Executive Engineer, 1st grade.	Do. ...	Do.
" F. B. G. D'Aguilar, R.E.	Executive Engineer, 3rd grade	Executive Engineer, 2nd grade.	Do. ...	Do.
" H. B. Rich, R.E. ...	Assistant Engineer, 1st grade	Executive Engineer, 4th grade.	Do. ...	Do.
Lieut. H. F. Chesney, R.E. ...	Assistant Engineer, 2nd grade	Assistant Engineer, 1st grade.	Do. ...	Do.
" W. Huskisson, R.E. ...	Assistant Engineer, 1st grade, *sub. pro tem.*	Assistant Engineer, 2nd grade.	Reversion ...	15th Sep., 1884.
Capt. F. B. G. D'Aguilar, R.E.	Executive Engineer, 2nd grade, *sub. pro tem.*	Executive Engineer, 3rd grade.	Do. ...	16th Sep., 1884.
" H. B. Rich, R.E. ...	Executive Engineer, 4th grade, *sub. pro tem.*	Assistant Engineer, 1st grade.	Do. ...	Do.
Lieut. H. F. Chesney, R.E. ...	Assistant Engineer, 1st grade, *sub. pro tem.*	Assistant Engineer, 2nd grade.	Do. ...	Do.

MARINE DEPARTMENT.

DISMISSALS.

No. 48.—Mr. T. J. Brend, Assistant Engineer, Indian Marine, is dismissed the service.

RESIGNATIONS.

No. 49.—G. G. O. No. 47 of 1884, permitting Mr. Clement Fuller, Assistant Engineer, Indian Marine, to resign the service, is cancelled.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 20th October, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that a report of the death of the undermentioned Warrant Officer, on the date specified, was received in the Military Department between the 14th and the 20th October, 1884:—

Corps.	Rank and Name.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Barrack Department ...	Conductor J. McClure ...	11th October, 1884.	Morar ...	...	...

Statement of Deposits on account of Estates between the 14th and the 20th October, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
Robert Proctor Tickell (a)	Major ...	Royal Engineers.	10th July, 1884.	Will left	4,092 10 3	...	...
Jeremiah O'Brien Curtin (b)	Surgeon ...	Army Medical Department.	25th May, 1884	Intestate	1,176 6 3	...	20th December, 1884.

(a) *Next-of-kin.—Brother*—Arthur Lang Tickell, Major, Middlesex Regiment, Secunderabad.
(b) *Next-of-kin.—Mother*—Johanna O'Brien Curtin.

E. H. H. COLLEN,
Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 21st October 1884.

No. 256.—ERRATUM.—Public Works Department No. 197, dated 21st August 1884, is cancelled.

No. 257.—Mr. H. T. Geoghegan, Superintending Engineer, Class I, *temporary rank*, Engineer-in-Chief of the Bhopal State Railway, is granted leave on medical certificate for four months under Section 50 of the Civil Leave Code.

The 22nd October 1884.

No. 258.—Mr. A. Collings, Executive Engineer, 4th Grade, British Burma, on return from furlough is transferred temporarily to State Railways, and his services placed at the disposal of the Director General of Railways.

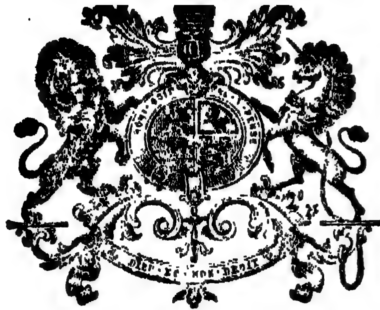
The 24th October 1884.

No. 259.—Mr. J. M. Harman, Executive Engineer, 4th Grade, State Railways, is transferred, at the public expense, from the Establishment under the Chief Commissioner of British Burma to that under the Government of Madras for employment in the Railway Branch.

No. 260.—Mr. J. Conder, Class II of the State Railway Superior Revenue Establishment, is appointed to act temporarily as Traffic Superintendent of the Rajputana-Malwa State Railway during the absence on privilege leave of Mr. I. O'Callaghan, or until further orders.

While so acting, Mr. Conder will hold officiating rank in Class I, Grade 3, of the Superior Revenue Establishment.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, OCTOBER 25, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th October, 1884, and is hereby promulgated for general information:—

ACT No. XIX OF 1884.

THE RANGOON WATER-WORKS ACT, 1884.

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An Act to confer powers and impose duties on the Municipal Committee for the Town of Rangoon in respect to the construction and maintenance of Water-works and the supply of Water in that Town.

WHEREAS a scheme has been settled and to some extent carried out for the construction and maintenance of water-works and the supply of water to the Town of Rangoon by the Municipal Committee for that town;

And whereas it is necessary for the purposes of the scheme that the Royal Lake at Rangoon, and all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, should vest in, and be under the control of, the Municipal Committee for that town;

And whereas it is expedient that powers should be conferred and duties imposed upon the said Municipal Committee with respect to the construction and maintenance of the proposed water-works and the supply of water to the Town of Rangoon, and otherwise in relation thereto, and that all acts already done by the said Municipal Committee which could have been lawfully done if this Act had been in force should be validated;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. *(1)* This Act may be called the Rangoon Water-works Act, 1884; and

(2) It shall come into force on such date as the Chief Commissioner may, by notification in the official Gazette, fix in this behalf.

(3) All acts done before the passing of this Act which could have been lawfully done if this Act had been in force shall be deemed to have been lawfully done.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) "town" means the local area for the time being comprised within the municipal limits of the Town of Rangoon:

(2) "street" means any street, road, thoroughfare, passage for place over which the public have a right of way; and includes the surface-soil and sub-soil of any such street, and the footway and drains of any such street, and any bridge, culvert or causeway forming part of any such street:

(3) "owner" includes—

(a) the person who is for the time being entitled to the rent of the house or land in respect of which the word is used and who is not liable to pay rent for that house or land to any other person;

(b) an agent of that person; and

(c) a trustee for that person:

(4) "house" includes schools; also factories and other buildings in which persons are employed:

(5) "water-works" includes all lakes, streams, tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, and all land, bridges, buildings, engines, works, materials and things for supplying, or used for supplying, water under this Act to the Town of Rangoon:

(6) "the Committee" means the Municipal Committee for the Town of Rangoon:

(7) "water-rent" includes any rent, reward or payment to be made to the Committee in connection with the supply of water under this Act, but does not include the water-tax leviable under the Burma Municipal Act, 1884: and XVII of 18[illegible]

(8) a "supply of water for domestic purposes" does not include a supply of water for cattle, or for horses, or for washing carriages, where the cattle, horses or carriages are kept for sale or hire or by a common carrier, or a supply for any trade, manufacture or business, or for watering gardens, or for fountains or for any ornamental purpose.

CHAPTER II.

VESTING OF PROPERTY.

Vesting of Royal Lake and cisterns, &c., in Committee.

3. There shall vest in, and be under the control of, the Committee, freed and discharged of and from all manner of rights, titles, privileges or claims whatsoever of any other person,—

(a) the Royal Lake at Rangoon; and

(b) all existing tanks, cisterns, springs, wells, pumps, reservoirs, conduits, aqueducts, hydrants, standpipes and works, used or intended to be used for supplying water to the public in the town, and all land, bridges, buildings, engines, works, materials and things connected therewith, or appertaining thereto:

Provided as follows:—

(1) Any person may at any time, subject to such rules as the Committee make in this behalf, row, sail or fish on or in the waters of the Royal Lake:

(2) Nothing in this section shall affect the land adjacent to the Royal Lake and known as the Dalhousie Park, but that land shall be preserved as a public park for the use of the public.

The Rangoon Water-works Act, 1884.
(Chapter III.—Construction and Maintenance of Water-works.—Sections 4-7.)
(Chapter IV.—Supply of Water.—Sections 8-13.)

CHAPTER III.

CONSTRUCTION AND MAINTENANCE OF WATER-WORKS.

Duty of Committee to construct works for supply of water.

4. Subject to rules to be made under this Act by the Chief Commissioner, the Committee shall cause such mains and pipes to be laid, and such water-works to be constructed, as may be necessary for the supply of pure and wholesome water sufficient for the use of the inhabitants for domestic purposes in all parts of the town:

Provided that the Chief Commissioner may, by order in writing, from time to time exempt any part of the town from the provisions of this section, and cancel any such exemption.

Duty of Committee to erect stand-pipes.

5. The Committee shall cause such stand-pipes or pumps to be erected, at such intervals as the Chief Commissioner, by rules made under this Act, prescribes, in all the chief streets in those parts of the town in which mains or pipes have been laid under the last foregoing section.

Power for Committee to execute works.

6. The Committee may, for the purpose of constructing or maintaining any water-works for the supply of water to the town, enter upon any land and take levels of the same, and set out such parts thereof as they think necessary, and dig and break up the soil of the land:

Provided that, in the exercise of these powers the Committee shall do as little damage as may be, and shall make full compensation to all persons interested for all damage sustained by them through the exercise of these powers, and the amount of such compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

I 1870.

Power for Committee to break up streets.

7. The Committee may open and break up the soil and pavement of the streets, and lay down and place pipes, conduits and other works and engines, and, from time to time, repair, alter or remove the same, and do all other acts which the Committee, from time to time, deem necessary for supplying water to the town.

CHAPTER IV.

SUPPLY OF WATER.

A.—Supply of water for domestic purposes to Occupiers of Houses or Lands.

Right of occupier to certain supply of water for domestic purposes.

8. *(1)* Every occupier of a house or land situate in a part of the town not exempted under the proviso to section 4 shall be entitled to have free of further charge, through the communication-pipes constructed as hereinafter provided, a supply to the house or land of fifteen hundred gallons of pure and wholesome water for domestic purposes for every rupee paid to the Committee for water-tax on account of the house or land.

(2) If the Committee have reason to believe that the occupier of any house or land consumes more water than he is entitled to have free of further charge under this section, they may provide a water-metre at their own expense, and attach it to such part of the communication-pipes as they think fit.

(3) If the occupier consumes any water over and above the quantity to which he is entitled free of further charge under this section, he shall pay for it at the rate of one rupee for every fifteen hundred gallons, or part of fifteen hundred gallons.

Right of occupier paying water-tax to have water brought into his house or land.

9. Every occupier of a house or land who is entitled to a supply of water free of further charge under the last foregoing section shall, subject to the provisions of this Act, be entitled to have communication-pipes laid down from the service-pipes of the Committee, for bringing into his house or land a reasonable supply of water:

Provided that the Committee may cut off the supply of water to any house or land while the house or land is unoccupied.

Construction of communication-pipes.

10. The communication-pipes leading the water from the service-pipes of the Committee into the house or land of any occupier, and the pipes and works within the house connected therewith, shall be of such character, dimensions and material as the Committee fix and approve, and shall be constructed at the expense of the person requiring them.

Inspection of works, pipes and fittings before connection with service-pipes.

11. *(1)* Before a connection for the supply of water from the service-pipes of the Committee to any house or land is sanctioned by the Committee, the Committee shall cause all the works, pipes and fittings within the house or land to be inspected by such officer as the Committee appoint in this behalf.

(2) The cost of an inspection under this section shall be payable in advance by the person applying for the connection, at such rate as the Committee, at a special meeting, from time to time, direct.

(3) Until the officer has certified that the works, pipes and fittings have been executed and put up in a satisfactory manner, a connection with the Committee's service-pipes shall not be permitted.

Connection with service-pipes to be executed only by an officer of the Committee.

12. *(1)* The connection with the service-pipes of the Committee, and the laying of communication-pipes under any street, shall be executed by an officer of the Committee authorized in that behalf.

(2) The expense of making the connection shall be payable in advance by the person applying for the same, at such rate as the Committee, at a special meeting, from time to time, direct.

Power for officer of Committee to enter premises.

13. *(1)* The officer authorized in that behalf by the Committee may, between the hours of seven in the forenoon and five in the afternoon, enter into or on any house or land

The Rangoon Water-works Act, 1884.
(Chapter V.—Reciprocal Rights of Owners and Occupiers to supply of Water to Houses.—Sections 20-21.)

supplied with water as aforesaid in order to examine all pipes, works and fittings connected with the supply of water, and to ascertain if there is any waste or misuse of the water.

(2) If any such officer at any such time is refused admittance into any such house or land for the purposes aforesaid, or is prevented from making such examination as aforesaid, the Committee may forthwith turn off or cut off the water from the house or land.

14. If any pipes, works or fittings connected with the supply of water to any house or land are at any time found, on examination by any officer of the Committee authorized in that behalf, to be out of repair to such an extent as to cause any waste of water, the Committee may, after the expiry of twenty-four hours from the service of notice in writing to this effect, cause the water to be turned off or cut off from the house or land, and may recover the expense incurred for turning off or cutting off the water from the occupier of the house or land.

Power for Committee to turn off water when pipes are out of repair.

B.—Supply for gratuitous use in Stand-pipes.

15. The Committee shall cause a sufficient quantity of pure and wholesome water to be supplied for the gratuitous use of the inhabitants of the town for domestic purposes in the stand-pipes to be erected by the Committee under section 5.

Duty of Committee to supply water for gratuitous use in stand-pipes.

C.—Supply of water for extinguishing Fires and cleansing Sewers and Streets.

16. The Committee shall fix and renew and keep in effective order such fire-plugs in such of the mains and other pipes laid by them, and shall deposit keys of the fire-plugs at such places, as the Chief Commissioner by rules made under this Act, directs.

Duty of Committee to fix fire-plugs in mains.

17. In all the mains and pipes to which any fire-plug is fixed, the Committee shall provide and keep constantly laid on, unless prevented by unusual drought or other unavoidable accident, a sufficient supply of water for use with fire-engines, for cleansing the sewers and drains, and for cleansing and watering the streets.

Duty of Committee to supply water for cleansing sewers and drains.

D.—Supply of Water for other than domestic purposes.

18. *(1)* The Committee may, from time to time, supply any person with water by measurement for other than domestic purposes, for such remuneration and on such terms and conditions as shall be agreed on between the Committee and the person :

Supply for other than domestic purposes.

Provided that—

(a) notwithstanding any such agreement, a person shall not be entitled to such a supply whenever and as long as the Committee are of opinion that the supply would interfere with the proper supply of water for domestic purposes under this Act; and

(b) the Committee shall not be liable, in the absence of express stipulation under any such agreement, to any forfeiture, penalty or damages for not supplying the water if the want of the supply arises from unusual drought or other unavoidable cause or accident.

(2) When any such agreement has been entered into by the Committee with any person, the Committee may, subject to such charges or rates as may have been fixed by the Committee at a special meeting, lay down, or allow to be laid down, the necessary communication-pipes and works, of such dimensions and character as may be fixed by the Committee, for supplying the person with water in accordance with the terms of the agreement.

E.—Pressure of Water supplied.

19. From such a day as the Chief Commissioner, by notification in the local official Gazette, directs in this behalf, the supply of water in the mains and pipes which the Committee are required to lay under this Act shall be laid on at such pressure as the Chief Commissioner, by rules made under this Act, prescribes.

Pressure at which water must be kept.

CHAPTER V.

RECIPROCAL RIGHTS OF OWNERS AND OCCUPIERS TO SUPPLY OF WATER TO HOUSES.

20. *(1)* Any occupier holding direct from the owner of a house may, by notice in writing signed by him, require the owner of the house to construct all such works as may be necessary for bringing into the house a supply of water for domestic purposes.

Power for occupier of house to require owner to provide works for water-supply.

(2) Every notice under this section shall contain an undertaking on the part of the occupier to pay interest at the rate of one per centum per mensem, calculated from the date of the completion of the works, on the cost of the works during the residue of his term of occupation.

(3) If the house, or the land attached thereto, does not abut upon a street in which there is a supply-main, the occupier shall undertake to pay the cost of connecting the house with the nearest supply-main.

21. *(1)* If the owner does not, within three months from the service of the notice mentioned in the last foregoing section, cause such works as aforesaid to be completed, the occupier may cause the works to be completed, and may by way of additional remedy deduct the cost of the works from the rent payable by him in respect of the house :

Power for occupier to make works in default of owner.

Provided that the occupier shall not recover on account of the cost—

(*a*) a sum exceeding the amount of six months' rent ; or

(*b*) where the house or the land attached thereto does not abut upon a street in which there is a supply-main, the cost of connecting the house with a supply-main.

The Rangoon Water-works Act, 1884.
(Chapter VI.—Rules.—Sections 29-31.)

(2) The deduction which an occupier is authorized to make under this section shall be made by six equal monthly instalments.

(3) Interest on each instalment shall be payable to the owner by the occupier at the rate of one per centum per mensem from the time when it is deducted.

What works are sufficient for supply of water to house.

22. The works shall not be deemed sufficient for bringing into the house a supply of water for domestic purposes unless the following taps, with the necessary works in connection therewith, are provided, namely :—

(*a*) two taps in the house;

(*b*) one tap in the cook-room of, or other building attached to, the house, and

(*c*) one tap in or near the stables or other out-houses belong to the house :

Provided that, if the annual rent of the house with the buildings and land attached thereto is less than three hundred rupees, it shall be sufficient to provide one tap only, together with the necessary works in connection therewith, within the house and the buildings and land attached thereto.

Estimate and specification of works to be sent.

23. Works for introducing a supply of water to a house shall not be commenced by the owner without sending a specification and estimate of the cost thereof to the occupier, nor by the occupier without sending such a specification and estimate to the owner.

Power to refer to Committee.

24. If there is any difference between the owner and the occupier respecting the cost or the sufficiency of the proposed works, either the owner or the occupier may refer the difference to the Committee, and the written award of any officer authorized by the Committee in this behalf shall be final and binding on the owner and the occupier.

Fee on reference.

25. There shall be payable by the person making a reference to the Committee under the last foregoing section a fee (not exceeding ten rupees) at the rate of two rupees for every hundred rupees of the monthly rent of the house in respect of the water-supply to which the difference has arisen.

Duty of owner to keep works in repair.

26. *(1)* The owner of any house or land shall keep all works connected with the supply of water to the house or land in substantial repair.

(2) If the owner fails to put any such works in substantial repair after being requested by the occupier to do so, the occupier may cause the necessary repairs to be made, and may by way of additional remedy deduct the cost of the repairs from the rent payable by him in respect of the house or land.

Power for owner to recover sums payable by occupier.

27. Any owner to whom any sum is payable under section 20 or section 21 may recover the sum from the person liable to pay it as if it were rent payable by that person for the house in respect of which the expenses have been incurred.

Saving of contracts between owners and occupiers.

28. Nothing in this chapter shall affect any contract in writing between the owner and occupier of any house or land.

CHAPTER VI.

RULES.

Power for Chief Commissioner to make rules.

29. The Chief Commissioner may, from time to time, make rules consistent with this Act—

(*a*) to prescribe the size and nature of the mains and pipes to be laid and the water-works to be constructed by the Committee for the supply of water under this Act;

(*b*) to prescribe the size and nature of the stand-pipes or pumps to be erected by the Committee under this Act, and the intervals at which they must be erected;

(*c*) to prescribe the mains or pipes in which fire-plugs are to be fixed, and the places at which keys of the fire-plugs are to be deposited, by the Committee under this Act;

(*d*) to prescribe the pressure at which the water supplied by the Committee under this Act is to be laid on either generally or at specified times; and

(*e*) generally to define and regulate the powers and duties of the Committee under this Act.

Power for Committee to make rules.

30. *(1)* The Committee may, from time to time, at a special meeting, make rules consistent with this Act—

(*a*) for regulating rowing, sailing and fishing on or in the Royal Lake; and

(*b*) for preventing the waste or misuse of water supplied by them, and for defining the nature of the pipes, casks, cisterns and other apparatus to be used by every person supplied by them with water.

(2) In making a rule under this section the Committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing one, with a further fine of five rupees for every day after the first during which the breach continues.

(3) If any person, having or requiring a supply of water from the Committee, fails to comply with any rules made under clause (*b*) of this section, the Committee may refuse to supply water to him, and may cut off the water supplied to him, unless and until the rules are complied with :

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Procedure for making rules.

31. *(1)* The Chief Commissioner or Committee shall, before making any rules under section 29 or section 30, publish a draft of the proposed rules for the information of persons interested.

(2) The publication shall be made—

(*a*) in the case of rules under section 29, in such manner as in the opinion of the Chief Commissioner is sufficient; and

The Rangoon Water-works Act, 1884.
(Chapter VII.—Arrears and Offences.—Sections 33-38.)

(b) in the case of rules under section 30, in such manner as the Chief Commissioner, by order, directs.

(3) A notice shall be published with the draft rules specifying a date at or after which the draft shall be taken into consideration.

(4) The Chief Commissioner or Committee shall, before making the rules, receive and consider any objection or suggestion which is made by any person with respect to the draft before the date so specified.

Publication of rules.

32. Every rule made under section 29 or section 30 shall be published in the local official Gazette in English and in such other language or languages as the Chief Commissioner directs, and such publication shall be conclusive evidence that the rule has been made as required by section 31.

CHAPTER VII.

ARREARS AND OFFENCES.

Arrears of water-rents.

33. All arrears of water-rents under this Act may be recovered, on application to such Revenue-officer as the Local Government may appoint in this behalf, as if they were arrears of land-revenue.

Power for Committee to turn off water on neglect to pay water-tax or water rent.

34. If any person supplied with water neglects to pay—

(a) the water-tax leviable under the Burma Municipal Act, 1884, or

I of 1884.

(b) any water-rent payable by him to the Committee,

the Committee may turn off or cut off the water from the house or land in respect of which the water-tax or water-rent is payable, by cutting off the pipe to the house or land, or by such other means as the Committee think fit, and may recover in manner provided by the last foregoing section the expense of turning off or cutting off the water from the person:

Provided that the stopping or cutting off the supply of water shall not relieve any person from any penalties or liabilities which he has otherwise incurred.

Penalty for obstructing, diverting or wasting water.

35. If any person unlawfully obstructs the flow of, flushes, draws off, diverts or takes, water from any water-works belonging to, or under the management or control of, the Committee, or from any water or streams by which those water-works are supplied, or wastes any water supplied to him under this Act, he shall be punished with fine which may extend to one hundred rupees.

Penalty for unauthorized application of water.

36. If any person—

(a) uses for other than domestic purposes any water supplied under this Act for domestic purposes; or

(b) where water is supplied under section 18 for a specified purpose, uses that water for any other purpose,

he shall be punished with fine which may extend to fifty rupees, without prejudice to the right of the Committee to recover from him the price of the water misused.

Penalties for causing the water of the Committee to be fouled, &c.

37. (1) If any person—

(a) bathes in, at or upon any water-works, or washes, throws or causes to enter therein any dog or other animal, or

(b) throws any rubbish, dirt, filth or other noisome thing into any water-works, or washes or cleanses therein any cloth, wool, leather or skin of any animal, or any clothes or other thing, or

(c) causes the water of any sink, sewer or drain, or of any steam-engine or boiler, or any other filthy water belonging to him or under his control, to turn or be brought into any water-works, or does any other act whereby the water in any water-works is fouled, or likely to be fouled,

he shall, for every such offence, be punished with fine which may extend to one hundred rupees, and to ten rupees in addition for each day (if more than one) during which the offence continues.

Prosecutions.

38. Prosecutions under this Act or the rules made under this Act may be instituted by the Committee or any person authorized by them in this behalf, and not otherwise.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 10th October, 1884, and is hereby promulgated for General information :—

ACT NO. XX OF 1884.

An Act to amend the Indian Salt Act, 1882.

WHEREAS it is expedient to exclude the Province of Sindh from the operation of those portions of the Indian Salt Act, 1882, which do not extend by their own operation to the whole of British India; It is hereby enacted as follows :—

XII of 1882.

Repeal of words "to the Province of Sindh" and "Province" in section 1 of Act XII of 1882.

1. From such day as the Governor of Bombay in Council, by notification in the official Gazette, fixes in this behalf, the words "to the Province of Sindh" and the word "Province," in paragraphs three and four respectively of section 1 of the Indian Salt Act, 1882, shall be repealed.

D. FITZPATRICK,

Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

RESOLUTION OF THE GOVERNMENT OF INDIA ON THE REPORT OF THE EDUCATION COMMISSION.

Circular No. $\frac{10}{309}$.

Extract from the Proceedings of the Government of India, in the Home Department (Education)—under date, Simla, the 23rd October 1884.

Read—

(1) Resolution by Government of India, Home Department, No. $\frac{1}{60}$, dated 3rd February 1882, appointing a Commission to enquire into the present position of education in this country and containing instructions for their guidance.

(2) To Her Majesty's Secretary of State for India, No. 1, dated 6th February 1882, forwarding with remarks a copy of the foregoing Resolution.

(3) From Her Majesty's Secretary of State for India, No. 58, dated 11th May 1882, acknowledging receipt of the Resolution and communicating remarks.

(4) From the President of the Education Commission, No. 6049, dated 9th October 1883, forwarding copies of the Report of the Education Commission.

(5) To all Local Governments and Administrations, Nos. 11—371 to 380, dated 3rd November 1883, forwarding the Report for remarks and suggestions.

(6) To the President of the Education Commission, No. 381, dated 3rd November 1883, conveying the thanks of the Governor General in Council to the Members of the Commission.

(7) To Her Majesty's Secretary of State for India, No. 15, dated 5th November 1883, transmitting for consideration a copy of the Report.

(8) To Her Majesty's Secretary of State for India, No. 3, dated 12th May 1884, submitting the views of the Government of India upon certain questions of principle raised by the Report of the Education Commission.

(9) From Her Majesty's Secretary of State for India, No. 61, Public (Educational), dated 24th July 1884, replying to the foregoing.

(10) Replies of Local Governments and Administrations to Circular Nos. 11—371 to 380, dated 3rd November 1883.

RESOLUTION.

The Education Commission was appointed under the orders of the Governor General in Council, contained in the Home Department Resolution of the 3rd February 1882, which laid down the scope of the enquiry entrusted to the Commission, and indicated in general terms the matters to which the Government desired that special attention should be given. The considerations which led His Excellency in Council to appoint a Commission at this particular time were thus explained in the opening paragraphs of the Resolution :—

The despatch from the Court of Directors of the East India Company, No. 49 of the 19th July 1854, laid down in clear, though general, terms the principles which should govern the educational policy of the Government of India. It set forth (in the words of Lord Dalhousie) "a scheme of education for all India, far wider and more comprehensive than the Supreme or any Local Government could ever have ventured to suggest." Up to the time of its issue the efforts of the Government in the cause of education had been marked neither by consistency of direction nor by any breadth of aim. The annual expenditure upon public instruction had been insignificant and uncertain; and the control of its operations had not been deemed worthy the attention of any special Department of the State. The educational system elaborated in the despatch was indeed, both in its character and scope, far in advance of anything existing at the time of its inception. It furnished in fact a masterly and comprehensive outline, the filling up of which was necessarily to be the work of many years. Hence it became a matter of importance that Government should from time to time review the progress made under its orders, and enquire how far the superstructure corresponded with the original design.

2. Such an enquiry was instituted by the Secretary of State for India in his despatch No. 4 of the 7th April 1859, in which, after describing the measures actually taken upon the orders of 1854, Her Majesty's Government confirmed and supplemented the lines of policy therein contained, so far as general education was concerned, and called upon the Government of India for fuller report as to the operation of the system in all its parts. Owing to imperfections in the method of the annual reports as then prepared, the Government of India

found it difficult to comply in any satisfactory manner with this demand of the Secretary of State, and it was not until the year 1867 that it was found possible to present anything like a complete review of the whole educational system. In March of that year Mr. A. M. Monteath, then Under Secretary in the Home Department, submitted his "Note upon the state of education in India during 1865-66;" which was followed by similiar "Notes" prepared by his successor, Mr. A. P. Howell, dealing with the statistics of 1866-67, 1867-68, and 1870-71.

3. In the year 1871 the control of the Educational Department was, under the operation of the financial decentralisation scheme, made over to the Local Governments; and the Government of India has since that time had to depend mainly upon the Annual Departmental Reports for its knowledge of the manner in which the educational system is progressing, and in which it is being developed and adapted to the more modern requirements of the different Provinces.

4. In view of the facts that, since the measures set forth in the despatch of 1854 came into active operation, a full quarter of a century has elapsed, and that it is now ten years since the responsible direction of the educational system was entrusted to the Local Governments, it appears to His Excellency the Governor General in Council that the time has come for instituting a more careful examination into the results attained, and into the working of the present arrangements, than has hitherto been attempted. The experience of the past has shewn that a mere critical review or analysis of the returns and reports of the different Provinces fails to impart a thoroughly satisfactory knowledge of the actual state of things in the districts, and that there are many points which only an acquaintance with local circumstances can adequately estimate or explain. His Excellency in Council has therefore decided to appoint a Commission on behalf of Government to enquire into the present position of education in British India, and to nominate to this Commission a sufficient number of persons from the different Provinces to secure the adequate and intelligent consideration of the facts that will be laid before it.

2. In selecting the Members of the Commission care was taken, as far as possible, to secure a fair representation, not only of the Education Departments and of the local Executive of the different Provinces, but also of the educated Native community, and of those of the Missionary bodies, who were most largely interested in the subject-matter of the enquiry.

3. In appointing the Commission, the Governor General in Council observed that their duty would be to enquire particularly (subject only to certain limitations as regards the universities, schools of technical instruction, European education, and the educational system of British Burma) into the manner in which effect had been given to the principles of the Despatch of 1854, and to suggest measures for the further carrying out of the policy therein laid down. It was said that "the Government of India was firmly convinced of the soundness of that policy, and had no wish to depart from the principles upon which it was based." The Commission have examined with much care, fulness, and impartiality the past history and present state of education in each Province of British India. It is not necessary to repeat in this Resolution facts and figures, which can readily be gathered from the pages of their Report, or to discuss those questions of opinion regarding the work of the past on which some local authorities take exception to the conclusions at which the Commission have arrived. The criticisms passed by the Commission upon the existing arrangements in the several Provinces are, generally speaking, candid and impartial, and the Governor General in Council will content himself with recommending to Local Governments and departmental officers the careful study not only of the main Report itself but of the Provincial Committees' Reports and the record of evidence, in order that, by comparing the system with which they are best acquainted with those in force elsewhere and with the objections brought forward by outside critics, they may have their attention drawn to any matters which do not happen to be specifically met by the orders and instructions to follow in this Resolution.

4. As regards the general outcome of the Commission's enquiry into the state of education in India, the Governor General in Council thinks that, on the whole, and after making all deductions on account of mistakes and failures on the part of the local authorities in giving effect to the Despatch of 1854, the result is one upon which the Government may congratulate itself. The advance made since 1854 has everywhere been great and encouraging. A reference to General Table I-*a* at page v of the Appendix to the Report shows that the number of educational institutions in the Provinces comprised in the table had risen from 50,998 with 923,780 pupils in 1855 to 114,109 institutions with 2,613,978 pupils in 1881-82. The vastness of the field which

has still to be occupied is gathered from the fact, brought out in the Census Report, that, after excluding children under five who are too young to be at school, out of every 1,000 males in the Empire only 104 are able to read and write or are under instruction. The Census Commissioner writes:—"Burma is the only Indian country where the majority of the males are instructed. There 532 of every 1,000 males (over 5) are able to read and write or are at school. In Madras we find the next highest proportion. But the drop from the Burma figure is very great, the Madras figure being 158 in every 1,000. Of the large Provinces, Bombay comes next, with 127; then Bengal, with 102. The North-West proportion is extremely low, 66, and the Punjab little better, 72." In Bengal, which has 1,099,767 pupils in its schools and colleges, the Census returns show that in every 1,000 males above five years of age 34 are learning, 67 can read and write, and 898 are ignorant, while in every 100 boys of school-going age 20 only are under instruction. The percentage of persons instructed or under instruction is better in some Provinces and worse in others, but is extremely small in each.

5. It is of the utmsot importance, in view of these facts, that there should be no loss of educational power from adherence to mistaken methods. It is impossible for the Government to find funds to meet a tithe of the demands for aid that can fairly be made upon it. This was fully recognized in the Despatch of 1854, one of the main objects of which was to indicate the mode in which Government funds might be made to go furthest, and private effort be most effectively evolved to supplement and economise the resources of the State. The Commission have rightly devoted the chief part of their labour to the careful examination and elucidation of the conditions of this problem, and the Governor General in Council trusts that the result may be to give a fresh impetus to the cause of education in India. His Excellency in Council believes that this desirable end will be materially furthered by the new powers in connection with education which are being conferred upon local bodies all over the country under the arrangements for the development of local self-government.

6. It appears from the Report that the experience of nearly thirty years has brought to light no serious flaw in the general outlines of the policy laid down in 1854 and confirmed in 1859. If in any Province unsatisfactory results are brought to notice, or if the progress made in any particular respect is shown to have been less than might have been hoped for, this will almost invariably be found to have been due to a departure from, or failure to act up to, the principles of the Despatches upon which the whole educational system rests. The Commission have done good service in indicating clearly where mistakes of this kind have been made, and their recommendations are so framed, and descend at times to such minuteness of detail, that, when once the orders of Government have been issued in respect of them, no departures from the right paths should be possible in the future. It is especially matter for congratulation that so much substantial unanimity has been secured among a body of men representing so many different interests and such varied lines of training and experience.

Indigenous Education—Chapter III of the Report.

7. In the Resolution of the 3rd February 1882, the Government of India specially directed the attention of the Commission to the subject of primary education, and in connection with this to 'the extent to which indigenous schools exist in different parts of the country, and are or can be utilised as a part of the educational system.' It was added that the Governor General in Council 'was disposed to advocate the making as much use as possible of such schools.' The result of the enquiries made by the Commission is to show that, although in some Provinces considerable use has been made of indigenous institutions, in others they have, for various reasons, into which it is not necessary to enter, formed a less prominent feature in the scheme of primary education. The Commission have framed a series of recommendations providing for the recognition of indigenous schools, where these exist, giving them a distinct claim to grants-in-aid from public funds, and placing them, where they accept those grants, under a system of supervision and improvement, to be exercised by local boards where such boards have been formed,

and in other cases by the Educational Department. The Governor General in Council entirely approves of the leading principles laid down by the Commission and embodied in the following recommendations of Chapter III of their Report :—

*1. That all indigenous schools, whether high or low, be recognized and encouraged if they serve any purpose of secular education whatsoever.

5. That a steady and gradual improvement in indigenous schools be aimed at with as little immediate interference with their personal or curriculum as possible.

10. That where municipal and local boards exist, the regulation, supervision, and encouragement of indigenous elementary schools, whether aided or unaided, be entrusted to such boards: provided that such boards shall not interfere in any way with such schools as do not desire to receive aid or to be subject to the supervision of the boards.

12. That such boards be required to give elementary indigenous education free play and development, and to establish fresh schools of their own only where the preferable alternative of aiding suitable indigenous schools cannot be adopted.

8. These recommendations set out correctly, in the opinion of the Governor General in Council and Her Majesty's Secretary of State, the general principles on which recognition should be extended to indigenous schools. His Excellency in Council is glad to see that the Local Governments, in Provinces where indigenous schools exist, are agreed in accepting them.

9. The Secretary of State, in approving the proposals of the Commission in regard to indigenous institutions generally, deprecates, as the Commission do, undue interference of a direct kind with their internal management and curriculum. In the case of indigenous institutions of a high order, the recommendation of the Commission is that the best practicable mode of encouraging such as desire recognition should be ascertained in communication with those interested in their management. The Governor General in Council commends this course to the adoption of the Local Governments. The University authorities, who already take cognizance of the study of the Indian classics, might also usefully be invited to advise in the matter. It is believed that no great expenditure of funds will be found to be necessary in the case of the Sanskrit tôls and High Arabic schools. In Bengal, where up to date most has been done for these schools, the mere fact of Government recognition served at once to draw forth pecuniary aid from the leaders of the Native community.

10. In connection with the ordinary indigenous schools, the most important point is that local boards, municipal and rural, should be brought to recognize the claims of such schools to aid from the funds and cesses at the disposal of the boards, and that fresh schools should not be opened by them when the primary educational wants of the locality can be met by aiding an existing indigenous school and encouraging its improvement.

11. The Governor General in Council observes that some Local Governments are under a misapprehension as to the meaning of recommendations 8 and 9 under this chapter of the Report and the corresponding clauses in other chapters. It is not intended by the Commission to compel aided schools to receive pupils of all castes under penalty of losing their grants. It is open to any aided school to register itself as a special school for children of specified classes or not belonging to specified castes. It will not necessarily lose its grant by so doing. It is, however, the desire of the Government that the educational authorities and the local boards should encourage aided schools to throw their doors open to all castes and classes exactly as those of the Government schools must be open. Under all circumstances care must be taken to see that due provision is made in each locality for the education of low caste children; and when funds are insufficient for all purposes a 'public' school should receive aid in preference to a 'special' one.

12. As regards the remaining recommendations in this chapter, the Governor General in Council commends them generally to the adoption of Local Governments. Recommendation 13, 'that the local inspecting officers be *ex-officio* members of municipal or district school boards,' need not, however, be

* The numbering of the Recommendations followed here is that of Chapter III of the Report. In Chapter XIII the proposed definition of 'Indigenous Schools' is numbered as a Recommendation (1).

acted upon literally in all Provinces. The chief thing is to arrange that the local boards are enabled, in some form or other, to avail themselves of the knowledge and advice of the local inspecting officers; and this appears to be generally provided for.

Primary Education—Chapter IV of the Report.

13. Having provided for the distinct recognition of indigenous schools, the Commission pass on in Chapter IV of the Report to the general subject of primary education. With the general policy of their recommendations under this head the Governor General in Council and the Secretary of State entirely concur. The chief object kept in view has been the development of the grant-in-aid system in connection with this class of education. The Commission commence by recommending—

1. That primary education be regarded as the instruction of the masses through the vernacular in such subjects as will best fit them for their position in life, and be not necessarily regarded as a portion of instruction leading up to the university.

This definition is accepted by Government. The cardinal principles are then laid down—

3. That, while every branch of education can justly claim the fostering care of the State, it is desirable, in the present circumstances of the country, to declare the elementary education of the masses, its provision, extension and improvement, to be that part of the educational system to which the strenuous efforts of the State should now be directed in a still larger measure than heretofore.

28. That primary education be declared to be that part of the whole system of public instruction which possesses an almost exclusive claim on local funds set apart for education and a large claim on provincial revenues.

These recommendations are quite in accordance with the views repeatedly expressed by Her Majesty's Government, and again endorsed by the Secretary of State in his Despatch No. 58 of the 11th May 1882. Fully to understand their bearing it is necessary to refer to the recommendation (23 in Chapter V) describing the relation which it is proposed that the State should hold towards secondary education, *viz.*:—

23. That it be distinctly laid down that the relation of the State to secondary is different from its relation to primary education, in that the means of primary education may be provided without regard to the existence of local co-operation, while it is ordinarily expedient to provide the means of secondary education only where adequate local co-operation is forthcoming; and that therefore, in all ordinary cases, secondary schools for instruction in English be hereafter established by the State preferably on the footing of the system of grants-in-aid.

Accepting the principles thus laid down, the Governor General in Council considers that the general effect of the Commission's proposals is to carry out the policy explained by the Government of India in the Resolution of the 3rd February 1882 appointing them. It was there said that it would be contrary to the policy of the Government of India to check or hinder in any degree the further progress of high or middle education, but it was held that the different branches of public instruction should for the future move forward together, and with more equal steps than hitherto; that the development of elementary education called for more systematic attention than it had always received; and that secondary education should, if possible, be made more self-supporting. This is precisely the result to which the recommendations of the Commission directly point, and for this reason the Governor General in Council desires to give them his cordial support.

14. The detailed proposals of the Commission are well calculated to give effect to the general policy which they advocate. The Government of India especially notes and accepts the recommendations—

7. That as a general rule aid to primary schools be regulated to a large extent according to the results of examination; but an exception may be made in the case of schools established in backward districts or under peculiar circumstances, which may be aided under special rules.

9. That the standards of primary examination in each Province be revised with a view to simplification, and to the larger introduction of practical subjects, such as Native methods of arithmetic, accounts and mensuration, the elements of natural and physical science, and their application to agriculture, health and the industrial arts; but that no attempt be made to secure general uniformity throughout India.

14. That the existing rules as to religious teaching in Government schools be applied to all primary schools wholly maintained by municipal or local fund boards.

16. That the first charges on provincial funds assigned for primary education be the cost of its direction and inspection and the provision of adequate normal schools.

15. The Governor General in Council attaches great importance to the provision of a well-judged system of normal schools. There may be, in the case of Bengal, difficulties in the way of insisting upon a normal training for all teachers in primary schools; but the Government of India considers it very desirable, with a view to improving the character of the instruction given in the aided indigenous schools, which undertake practically the whole primary education of the masses in that Province, that those teachers who are willing to submit to normal training should have opportunities given them of securing it, and that their doing so should be favourably recognised in their grants. It is hoped, therefore, that the Lieutenant-Governor of Bengal will be able to provide reasonable facilities for a certain amount of normal training for primary school teachers. All the other Local Governments already recognise the importance of this.

16. The question of legislation in support of primary education (recommendation 4), and the relations of local boards to primary education (recommendations 29-34) will be noticed below. The other detailed recommendations of the Commission under this chapter are for the most part accepted by Local Governments. It is here only necessary to remark that the curriculum of a primary school ought, while not neglecting the preparation necessary for any pupils who may be advancing to the secondary stage, to aim principally at imparting instruction calculated to be of real practical benefit to the bulk of the children whose education will terminate with the primary course. This is the object which the Commission had in view in framing their recommendations 1, 9 and 12.

17. A question is raised by some Local Governments with reference to recommendation 17 (which deprecates the entire exemption of the children of rate-payers from fees in municipal and local board schools). The weight of authority is in favour of the soundness of the principle of charging some fees to all scholars not specially exempted on the ground of poverty, and the Government of India is itself in favour of this course, though there may be cases where local circumstances may render advisable the more favourable treatment of the children of cess-payers in respect of the amount of fee. So, again, the Governor General in Council considers correct the principle laid down in recommendation 19 that fees should be levied in all aided schools, the proceeds being left at the entire disposal of the managers. This is strictly in accordance with the rule embodied in paragraph 54 of the Despatch of 1854. If any exception is allowed, it should, in the opinion of the Government of India, be confined to the lowest classes of aided indigenous schools.

18. The recommendations of the Commission (Nos. 20 and 21) regarding the requirement of preliminary educational tests for the filling of all offices under Government open a very important question to which, the Governor General in Council is glad to observe, most of the Local Governments have already given serious attention. It is not of course necessary to apply the rule to menial offices, but for all employments above that grade the Government of India entirely supports the views of the Commission. The Governor General in Council would recommend the admirable arrangements now in force to this end in the Madras and Bombay Presidencies to the early consideration of all other Governments.

19. In giving effect to some of the recommendations under this chapter, the Local Governments must be allowed a certain latitude of application. Thus, the principle underlying recommendation 16 is that provincial as distinct from local funds must contribute fairly to charges on account of primary education. If this is done, it is a matter of minor consequence whether normal schools (or any other item) are actually debited to provincial or local funds. Again, while the suggestions of the Commission (No. 35) with reference to the treatment of minorities in the matter of language are sound, there may be some provinces where the matter is not of importance. In the opinion of the Chief Commissioner this is the case in the Central Provinces. Local circumstances must determine the precise application of the general rule.

Secondary Education—Chapter V of the Report.

20. It was one of the principal objects of the Despatch of 1854 to develop the grant-in-aid system in connection with secondary education. Leaving the

general question of grants-in-aid to be dealt with under Chapter VIII, the Commission recommend in their Chapter V that the function of State effort shall henceforth ordinarily be confined to extending secondary education in cases where there is a local demand for this and local co-operation. They propose to provide effective support for this system by throwing open all scholarships, as directed by the Despatch of 1854, to pupils in aided and unaided institutions, and by making them tenable at such institutions. They deal with the alleged one-sidedness of secondary education at present, to which attention was directed in paragraph 17 of the Resolution appointing them, by proposing a bifurcation of the curriculum in high schools—one course leading to the University, and the other intended to fit youths for commercial or other non-literary pursuits. Their principal recommendations under this chapter, in all of which the Government of India concurs, are the following:—

1. That in the upper classes of high schools there be two divisions—one leading to the Entrance Examination of the Universities, the other, of a more practical character, intended to fit youths for commercial or other non-literary pursuits.

12. That in all Provinces the system of scholarships be so arranged that, as suggested in the Despatch of 1854, they may form connecting links between the different grades of institutions.

13. That scholarships payable from public funds, including educational endowments not attached to a particular institution, be awarded after public competition, without restriction, except in special cases, to students from any particular class of schools.

14. That scholarships gained in open competition be tenable, under proper safeguards to ensure the progress of the scholarship-holder, at any approved institution for general or special instruction.

21. The proposals under this chapter also meet with a favourable reception from the Local Governments. The bifurcation of studies suggested in recommendation 1 is of special importance at the present time. Every variety of study should be encouraged which may serve to direct the attention of Native youth to industrial and commercial pursuits. To be of any value the bifurcation should be carried out, as the Commission advise, in the high school course. To postpone it till after matriculation at the University, as proposed by some authorities, would to a great extent render its advantages futile.

22. There is one matter regarding which no specific recommendation is made, but to which attention was drawn in the Resolution appointing the Commission, and which is discussed in paragraphs 219-50 of their Report, *viz.*, the place which should be occupied by English and the Vernacular in middle schools. The Governor General in Council is disposed to agree with the Commission that, for boys whose education terminates with the middle course, instruction through the Vernacular is likely to be the most effective and satisfactory. The experience of Bengal goes indeed to show that even for lads pursuing their studies in high schools a thorough grounding conveyed through their own Vernacular leads to satisfactory after results. It is urged by those who take this view that many of the complaints of the unsatisfactory quality of the training given in the middle and high schools of the country are accounted for by the attempt to convey instruction through a foreign tongue. The boys, it is said, learn a smattering of very indifferent English, while their minds receive no development by the imparting to them of useful knowledge in a shape comprehensible to their intellects, since they never really assimilate the instruction imparted to them. It has been proposed to meet this difficulty by providing that English shall only be taught in middle schools as a language, and even then only as an extra subject where there is a real demand for it and a readiness to pay for such instruction. His Excellency in Council commends this matter to the careful consideration of Local Governments and educational authorities.

23. The recommendation (9) that the Departmental authorities, in consultation with the managers of aided schools, should determine the scale of fees to be charged, and the proportion of free pupils, appears to be in accordance with the present practice of most Local Governments. The proposal was not unanimously adopted by the Commission, and the Bombay Government considers that this and the following recommendation (that managers of aided schools be not required to charge fees as high as those of a neighbouring Government school of the same class) involve undue interference with the management of aided schools. Some of the objections urged against the proposal before

the Commission would be met by recognizing the right of the managers of an aided school to pay out of subscriptions or endowments any share of the fees that they might wish so to defray. Generally speaking, the recommendation is favourable to the position of aided schools, for the effect is to give their managers a potential voice in the settlement of fees both in aided and Government schools, and thus to protect private enterprise against unfair competition, and assist new schools of this class to secure a reasonable start. On the whole, the Governor General in Council would leave the practice alone where it is already in force, and would recommend those Governments who have not at present adopted it to consult the wishes of managers and be guided by the result.

24. The Governor General in Council attaches great importance to the recommendation of the Commission in regard to the establishment everywhere of a sound system of scholarships. On this question the following remarks were made in the Resolution appointing the Commission :—

Provision should be made by means of a proper system of scholarships for the rise of youths of proved ability from the lowest to the highest grade of institution. The funds available for scholarships ought in any case to be so distributed that ample facilities for obtaining a good secondary education are held out to a large number of youths in the lower schools. The provision of scholarships tenable during a university course need not be so liberal, but should still be sufficient to afford the best of the pupils of middle and high schools a fair opportunity of obtaining an advanced education if they show themselves fit for it. The Government scholarships ought, however, in no way to be placed on an eleemosynary basis, but should always be given as distinct rewards for merit tested and proved by competitive examinations. This will leave a wide field open for the establishment of scholarships requiring local or other qualifications, through the munificence of private individuals or corporations.

His Excellency in Council is glad to observe that the Local Governments generally approve, and are preparing to give effect to, the suggestions of the Commission on this point. This also is especially a matter to be settled in communication with the managers of aided schools. The Educational Reports of the different Provinces should contain full information as to the steps taken to carry out the reforms necessary in some of the local systems.

25. The Government of India recommends to Local Governments the consideration of the advantage of attaching boarding-houses to high schools, as suggested by the Chief Commissioner of Assam. It appears probable that in some localities such institutions might prove to be extremely useful.

Collegiate Education—Chapter VI of the Report.

26. The Commission were precluded by the terms of their appointment from enquiring into the working of the Indian Universities, and they have therefore put forward, in Chapter VI of their Report, but few suggestions of a general character regarding collegiate instruction, which is dominated by the requirements of the Universities. Their proposals have reference chiefly to matters of departmental detail. Some of these are, however, of sufficient importance to demand notice. The Governor General in Council approves of No. 2 of the recommendations :—

2. That the rate of aid to each college be determined by the strength of the staff, the expenditure on its maintenance, the efficiency of the institution and the wants of the locality.

Colleges cannot be properly aided under a strict application of the payment-by-results system; and certainly under that system no inducement is held out to the starting of new institutions.

His Excellency in Council also approves of the proposal—

5. That Indian graduates, especially those who have also graduated in European Universities, be more largely employed than they have hitherto been in the colleges maintained by Government.

27. Recommendation 4 in this chapter and recommendations 1 and 11 of Chapter VII relate to questions of the pay and position of officers now serving in the Educational Department, which the Government of India does not consider it either necessary or desirable to reopen.

28. The Governor General in Council regrets that he is obliged to dissent from the following proposals of the Commission :—

8. That an attempt be made to prepare a moral text-book, based upon the fundamental principles of natural religion, such as may be taught in all Government and non-Government colleges.

9. That the Principal or one of the Professors in each Government and aided college deliver to each of the college classes in every session a series of lectures on the duties of a man and a citizen.

It is doubtful whether such a moral text-book as is proposed could be introduced without raising a variety of burning questions; and, strongly as it may be urged that a purely secular education is imperfect, it does not appear probable that a text-book of morality, sufficiently vague and colourless to be accepted by Christians, Muhammadans and Hindus, would do much, especially in the stage of collegiate instruction, to remedy the defects or supply the shortcomings of such an education. The same objection appears to apply to the proposal that a series of lectures should be delivered in each college on the duties of a man: and as to the proposed lectures on the duties of a citizen, Mr. Telang's objections at page 612 of the Report appear to be unanswerable. The Secretary of State intimates his concurrence in the views of the Government of India on this matter, but adds that possibly hereafter some book in the nature of a Text-book of Moral Rules may be written of such merit as to render its use desirable. In that event the question can be reconsidered.

The Government of India commends the other general recommendations of this chapter to the adoption of Local Governments. Recommendation 14 is designed to regulate the expenditure on scholarships tenable in Arts colleges with reference to the whole funds available for education, and to prevent an undue expenditure on collegiate education. Efforts should be made to call forth private liberality in the endowment of scholarships not only in Arts colleges but for the encouragement of technical education.

Internal Administration of the Department—Chapter VII of the Report.

29. Chapter VII of the Report deals with the internal administration of the Department.

The Governor General in Council approves of recommendation 2—

2. That conferences (1) of officers of the Educational Department and (2) of such officers with managers of aided and unaided schools be held from time to time for the discussion of questions affecting education, the Director of Public Instruction being in each *ex-officio* president of the conference. Also that Deputy Inspectors occasionally hold local meetings of the schoolmasters subordinate to them for the discussion of questions of school management.

It is hoped that Local Governments will lose no time in inaugurating these conferences; and if any Government desired to try the plan of a permanent consultative board, the Government of India would not object to this. The question raised in recommendation 4, regarding the adoption of inter-school rules, might, where there is any doubt as to the advisability of the practice, be referred to such a conference.

The Governor General in Council also approves of recommendation 5—

5. That it be an instruction to the Departments of the various Provinces to aim at raising fees gradually, cautiously, and with due regard to necessary exemptions, up to the highest amount that will not check the spread of education, especially in colleges, secondary schools, and primary schools in towns where the value of education is understood.

This appears to His Excellency in Council and to the Secretary of State to go quite far enough. The Government of India is not in favour of any summary raising of fees in colleges. Though it is desirable to see high education made as self-supporting as possible, the steps to this end should be cautious and well considered. Any considerable raising of fees must be accompanied by the establishment of scholarships on a sufficient scale to obviate any danger of closing the avenues of high education to youths of ability but with restricted private means.

His Excellency in Council also approves of recommendations 12 and 13—

12. That it be distinctly laid down that Native gentlemen of approved qualifications be eligible for the post of Inspector of Schools, and that they be employed in that capacity more commonly than has been the case hitherto.

13. That Inspectresses be employed, where necessary, for the general supervision of Government, aided, and other girls' schools desiring inspection.

Here it may be remarked generally that, in proportion as the Department withdraws from pushing its own institutions, its machinery for inspection

will require strengthening. A grant-in-aid system postulates a thorough inspection of all institutions brought under it.

The other recommendations in this chapter (with the exception of 1) have the general approval of the Governor General in Council. His Excellency in Council attaches much importance to the work done by Text-book Committees. The whole question of text-books, as discussed in paragraphs 375—388 of the Report, is deserving of the special attention of Local Governments.

External Relations of the Department—Chapter VIII of the Report.

30. With the principles embodied in the recommendations concerning the external relations of the Department (Chapter VIII) the Governor General in Council generally concurs.

The outcome of the proposals, so far as they concern advanced education, when read in connection with those set forth in preceding chapters, may be stated thus:—That for all kinds of such education private effort should in future be increasingly and mainly relied on, and that every form of private effort should be systematically encouraged in such ways as these:—(*a*) by clearly showing that whilst existing State institutions of the higher order should be maintained in complete efficiency, wherever they are necessary, the improvement and extension of institutions under private managers will be the principal care of the Department; (*b*) by leaving private managers free to develop their institutions in any way consistent with efficiency and the protection of neighbouring institutions from unfair competition; (*c*) by insisting on all institutions maintained from public funds and under official management refraining from undue competition with corresponding aided schools by such means as charging lower fees; (*d*) by liberal rates of aid so long as aid is needed; (*e*) by co-operation in the gradual raising of fees, so that less and less aid may be required; and (*f*) by favouring the transfer to bodies of Native gentlemen of all advanced institutions maintained from public funds which can be so transferred without injury to education generally.

The Government of India does not advocate, nor does it understand the Commission to advocate, any hasty upsetting of existing arrangements; but it thinks the Local Governments may be required now finally and fully to accept these principles and to give effect to them as opportunity may offer; and in this conclusion it has the support of Her Majesty's Secretary of State.

31. The Governor General in Council approves of the following recommendations which involve principles calculated to give effect to the general policy of the Report:—

11. That in ordinary circumstances the further extension of secondary education in any district be left to the operation of the grant-in-aid system as soon as that district is provided with an efficient high school, Government or other, along with its necessary feeders.

12. That it be a general principle that the grant-in-aid should depend—

(*a*) on locality, *i. e.*, that larger proportionate grants be given to schools in backward districts;

(*b*) on the class of institutions, *i.e.*, that greater proportionate aid be given to those in which a large amount of self-support cannot be expected, *e.g.*, girls' schools and schools for lower castes and backward races.

13. That the following be adopted as general principles to regulate the amount of grants-in-aid except in cases in which recommendations for special aid have been made:—

(*a*) That no grant be given to an institution which has become self-supporting by means of fees, and which needs no further development to meet the wants of the locality.

(*b*) That the amount of State aid (exclusive of scholarships from public funds) do not exceed one-half of the entire expenditure on an institution.

(*c*) That as a general rule this maximum rate of aid be given to girls' schools, primary school and normal schools.

30. That all Directors of Public Instruction aim at the gradual transfer to local Native management of Governments schools of secondary instruction (including schools attached to first or second grade colleges), in every case in which the transfer can be effected without lowering the standard or diminishing the supply of education, and without endangering the permanence of institutions transferred.

32. It is satisfactory to find that the principles of this important chapter are generally accepted by the Local Governments. There may be slight

difficulties, however, in adapting some of them to existing local arrangements—thus recommendation 1 (that teachers in Non-Government Schools be allowed to obtain certificates by examination without normal training) is objected to in Madras, where there is a very complete system of normal training. But if the examination for certificates is properly conducted, the exceptions proposed in the rule might usefully be allowed. The matter is one for a conference to settle. Recommendation 2, regarding the mode of calculating grants to schools where the teachers, being employed by religious or charitable associations, draw no regular salary, is also objected to in Madras; but the Governor General in Council think it right that a reasonable salary should be assumed as the basis of calculation in such cases. His Excellency in Council has already explained why he agrees with the Commission that the payment-by-results system is not suited to colleges. A careful revision of the grant-in-aid rules, made in consultation with managers of aided schools, should be carried out where this has not already been done. The policy laid down in recommendation 10, that the improvement and extension of private institutions shall be in future the principal care of the Department, meets with general acceptance, and His Excellency in Council hopes that real effect may be given to it. It should be understood that board schools and municipal schools are not private institutions in the sense contemplated by the Commission. What is wanted is to draw forth genuine private enterprise, and to encourage the transfer of Government schools and board schools to the hands of trustees who will interest themselves in their maintenance, and thus set free the funds of the public for the extension of education in other directions. It is not fostering education by private enterprise to give a school that has no endowment or subscription—only its fee income—a grant sufficient to defray the balance of its expenses. Such a school is in fact a Government or board school. Hence the value of the principle that State aid should not exceed half the entire expenditure on an institution, those interested being thus compelled to raise funds to supplement the fee income.

33. The Government of India accepts the cautious and well-considered proposals of the Commission on the subject of the gradual withdrawal of Government from the charge of institutions of a high order, and especially from colleges. These recommendations are quite in accordance with the policy of Government as explained in paragraph 10 of the Resolution appointing the Commission. It was said—

> In pursuance of this policy it is the desire of Government to offer every encouragement to Native gentlemen to come forward and aid, even more extensively than heretofore, in the establishment of schools upon the grant-in-aid system; and His Excellency in Council is the more anxious to see this brought about, because, apart altogether from the consequent pecuniary relief to Government, it is chiefly in this way that the Native community will be able to secure that freedom and variety of education which is an essential condition in any sound and complete educational system. It is not, in the opinion of the Governor General in Council, a healthy symptom that all the youth of the country should be cast, as it were, in the same Government educational mould. Rather is it desirable that each section of the people should be in a position to secure that description of education which is most consonant to its feelings and suited to its wants. The Government is ready therefore to do all that it can to foster such a spirit of independence and self-help. It is willing to hand over any of its own colleges or schools in suitable cases to bodies of Native gentlemen who will undertake to manage them satisfactorily as aided institutions; all that the Government will insist upon being that due provision is made for efficient management and extended usefulness. It will be for the Commission to consider in what mode effect can most fully be given to these views, and how the grant-in-aid system may best be shaped so to stimulate such independent effort, and make the largest use of the available Government funds.

It is left to the Local Governments to give effect to the recommendations on this subject gradually and as local circumstances permit. It is, as has been repeatedly declared, in no degree the wish of the Government of India to discourage high education in any way whatever. On the contrary it believes it to be one of its most important duties to spread and foster it. What it specially, however, desires is to secure assistance to the limited funds of the State by calling forth every available private agency in connection with every branch of public instruction. It is in connection with high education, and in view of the direct pecuniary advantages which it holds out to those who follow it, that the Government thinks it can most properly insist on the fullest development of the principle of self-help.

34. With reference to the modified conscience clause embodied in the proviso to recommendation 25, the Secretary of State has decided that, as no practical difficulty has arisen from the absence of such a condition in the scheme of education laid down in the Despatch of 1854, the proviso had better be dropped. The following recommendation (26) may also therefore be dispensed with.

Special Classes—Chapter IX of the Report.

35. Chapter IX deals with the subject of special classes—(1) Native Chiefs and Noblemen; (2) Muhammadans; (3) aboriginal races; (4) low castes; and (5) the poorer classes. As to the education of the sons of Chiefs and Nobles, the Government of India will only remark that institutions designed for them should be entirely self-supporting. The Governor General in Council has the subject of Muhammadan education at present under separate consideration; and will merely say here that, in view of the backward condition into which in some Provinces the members of that community have fallen, he thinks it desirable to give them in some respects exceptional assistance. The proposals bearing upon the education of aboriginal races are approved. His Excellency in Council attaches great importance to the provision of adequate educational facilities for children of low caste parents. In their recommendations bearing on this point in Chapter IX, the Commission re-affirm the principle that no boy be refused admission to any Government college or school merely on the ground of caste, and they recommend that it be applied with due caution to every institution, not reserved for special classes, which is wholly maintained at the cost of public funds, whether provincial, municipal, or local. They had already touched upon the subject in their recommendations under indigenous and primary education (Nos. 8, 9 and 14, Chapter III, and 25 and 26 of Chapter IV). In the case of aided schools the Commission, as already explained, propose to stimulate the admission of low-caste pupils by requiring institutions wishing to exclude them to register themselves as "special schools," by favouring schools which do not so register, and by requiring the maintenance of a due proportion between special and other primary schools.

There are doubtless many parts of India, even at the present day, where much tact will have to be shown by the officers of Government in leading the managers of aided schools to throw their institutions open to low-caste children. It has been above explained that no compulsion is to be used, but it is hoped that by the exercise of that due caution on which the Commission rightly insist, and through the example set by Government and other schools supported by public funds, progress may be made in rendering the aided schools of the country available for all classes of the community. As regards the poorer classes generally, the Commission would make due provision for free studentships and special schools suited to their wants.

Female Education—Chapter X of the Report.

36. The Governor General in Council has nothing to add to what the Commission say on the subject of female education (Chapter X). All their proposals appear to be suitable and are generally approved by Local Governments.

Legislative—Chapter XI of the Report.

37. In their Chapter XI the Commission discuss the question of legislation. The Local Governments appear to be unanimous in deprecating any special educational legislation at the present time. Under all the Acts for settling the conditions of local self-government in municipalities and rural tracts, provision, more or less complete, has been made for education, and the wish is generally expressed that each province should be left to work on the lines laid down in the local laws, and that any further legislative action should be deferred until it be seen whether the results are satisfactory or the reverse.

38. The Governor General in Council is content for the present to accept in this matter the conclusions of the Local Governments, in reliance upon their hearty co-operation in the complete application of the principles now laid

down by the Government of India with the approval of the Secretary of State. The local boards will therefore ordinarily form the school board for the area under their jurisdiction. It will probably be found desirable to appoint special educational committees of the boards, and some local enactments permit the association of outsiders on such committees with the members of the boards. The boards will also doubtless see it to be advisable to encourage the formation of school committees in connection with individual institutions or groups of institutions. The chief matter is that the Local Government shall see that the boards give full effect to the policy of Government, and that they work the grant-in-aid rules equitably and liberally, maintaining the essential principles of the Government system, and encouraging the development of private enterprise in education. Their relations to the Department, and the position of inspecting officers, must be determined by the Local Governments, having regard to the capacity and character of each board and the advanced or backward character of the tract for which it is appointed. The Governor General in Council has no desire to insist on universal uniformity. As regards control of funds, most of the local enactments do not provide for a separate school fund. This will make it the more necessary for the Local Government to see that a clear understanding is come to with each board as to the provision to be made for education and the due appropriation of the Government subsidy. The working of the boards should be fully noticed in the Annual Provincial Education Reports.

Financial—Chapter XVI of the Report.

39. After all, the most important question in connection with the spread of education in India is that of the provision of funds. The Governor General in Council is glad to find from the reports of the Local Governments that they are alive to the necessities of the case and ready to do what they can to meet them. The *Bengal* Government estimates that 14 lakhs of rupees of additional charge are required to enable it to do all it desires for primary and aided education. It hopes that 1½ lakhs of this burden will be taken up by the municipalities of the Province, and for the rest it proposes to increase its own allotments as its resources permit, hoping in nine years' time to work up to the maximum. Bengal is a province where private liberality has already come forward to some extent, and where the fees paid for education are substantial. But the Governor General in Council is not without hope that the era of private enterprise in education is only now beginning in Bengal, and he trusts the Local Government will do all it can to elicit and encourage a large development of such effort. The *Madras* Government pledges itself in future to contribute for education 5 per cent. of its Provincial income. The payments from local funds and town funds are also expected to grow, and altogether it is anticipated that 21 lakhs of rupees per annum will be forthcoming in the immediate future as against 14 lakhs estimated by the Commission for 1881-82. The *Bombay* Government also promises to increase its allotments as its funds permit. The *North-Western Provinces and Oudh* Government has not yet submitted any financial report. The *Punjab* Government is unable to increase its payments. In the *Central Provinces* 5 per cent. of the Provincial income is to be set apart for education. The cess contribution is rising; towns are expected to contribute more largely; and considerable donations from private liberality have been received for the establishment of colleges at Jubbulpore and Nagpore. In *Assam*, taking provincial and local revenue together, about 5½ per cent. is given to education. The allotments have steadily increased. In *Coorg* and *Hyderabad* all the funds necessary in the backward condition of the Provinces are forthcoming. The rate of advance must everywhere be determined by the means of all kinds at the disposal of the Local Governments. In Bombay, the Punjab, and some other Provinces private munificence has been very prominent, especially in connection with higher education. The Government of India feels sure that there will be no falling off in this respect. The Local Governments should also, as far as their means permit, supplement this increased local effort by contributions from provincial revenues. In urging on Local Governments a more liberal policy in regard to educational expenditure, the Government of India is aware that the policy is

one the proposed development of which was not contemplated on the conclusion of the provincial contracts, under which education is purely a provincial charge. The Governor General in Council will, therefore, should necessity arise, and should a review of the financial situation of any Local Government show that it is unable to increase expenditure on education to the extent contemplated, be prepared to consider any claims that may reasonably be put forward for assistance from Imperial revenues, and to deal with them in as liberal a spirit as the condition of Imperial finances at the time will permit. The Government of India is, however, confident that the several Local Governments will not make applications of this nature, unless, on a review of their whole resources, it is found to be inevitable. In the event of assistance being required, the Government of India desires it, therefore, to be understood that this will be granted, not solely on the terms of the provincial contract in respect of education, but with regard to the results of the contract as a whole, and to the present state and prospects of the finances of the Province concerned, as well as of the Imperial finances. In introducing the new schemes of local self-government, the Governor General in Council has always deprecated any attempts to impose additional financial burdens on the local boards. It is, however, hoped that they will themselves, in view of their increased powers and responsibilities, be prepared hereafter to provide further funds for the extension of education, as circumstances may from time to time permit.

40. The Governor General in Council has already conveyed to the President and Members of the Commission the thanks and acknowledgments of the Government of India. The labours of the Special Committee who drafted the chapters of the report are particularly deserving of cordial recognition. His Excellency in Council has now much pleasure in making public the following extract from a despatch from the Secretary of State:—

> I am glad to avail myself of this opportunity to express my entire satisfaction at the manner in which the Commission have discharged the duty entrusted to them. They have examined with great care and impartiality the past history and present condition of education in every province of British India (except Burma), and it is difficult to over-estimate the value of their labours. I request that your Lordship will convey my thanks to the President and Members of the Commission, official and unofficial, for the very important public service which they have rendered.

ORDER.—Ordered that the foregoing Resolution be communicated to the Department of Finance and Commerce, to the several Local Governments and Administrations, and to the President and Members of the Education Commission; and that it be published in the *Gazette of India*.

A. MACKENZIE,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

No. 949R.C., dated 22nd October 1884.

RESOLUTION—By the Government of India, Public Works Department.

Assam Railway Surveys.

Read again—

Public Works Department Resolution No. 59R.C. of the 24th January 1884.

Public Works Department Resolution No. 433R.C. of the 30th May 1884.

Read now—

No. 2190, dated 6th August 1884.

From—The Secretary to the Chief Commissioner, Assam, Public Works Department,
To—The Secretary to the Government of India, Public Works Department.

I am directed by the Chief Commissioner to forward for the orders of Government the accompanying Report No. 1527, dated 31st July 1884, by the Engineer-in-Chief, Assam Railway Surveys, detailing the operations in connection with these surveys since November 1883.

2. The estimates and plans detailed in the list appended to Mr. Buyers' Report are also sent herewith

3. In reference to paragraph 41 of the Report, the Chief Commissioner, I am to say, will be glad if arrangements can be made next season for the investigation of the line between the Dhansiri and the Daiang rivers referred to by Mr. Molesworth, as Mr. Elliott is inclined to concur with that officer in thinking that a practicable line with much less waterway will be found here.

4. In regard to the proposed bridge over the Dhansiri at Golaghat the Chief Commissioner hopes it will be constructed as a combined road and railway bridge. It will be necessary eventually to have a road bridge here, and the opportunity might be taken to combine both in one

5 From paragraph 18 of Mr. Buyers' Report it would appear that the discovery of limestone on the Doigrung river near the village of Murphulani, and another small outcrop on the Nambar nearer the line, was *recently* made. This, I am to say, is *not* so, as the existence of this limestone, as well as the limestone north of the Jamuna river referred to in paragraph 62 has long been known. A kiln was constructed at the first-mentioned spot over two years ago in view to testing the capabilities of this limestone, and orders have already been issued by the Chief Commissioner for the further exploration and testing of this material during the next dry season.

6 In reference to paragraph 19, the Chief Commissioner is of opinion that the line should be taken to Golaghat even if it is out of the way, in view to the development here of a large trade eventually, as noted by the Engineer-in-Chief.

7. The quotation in paragraph 6 in connection with large importation of rice from Assam should be modified, for although there are some quantities, they are not what might strictly be termed large.

8. As regards paragraph 67, the Chief Commissioner strongly objects to the principle of laying a railway on a Trunk Road under any circumstances, and in the case of the line to the east of the Digru river it is proved by the Engineer-in-Chief that the Trunk Road here is wholly unsuitable on professional grounds for a railway, the idea therefore of utilising the road should be abandoned.

9. In reference to paragraph 72 where the Engineer-in-Chief thinks the Dimapur valley route preferable to that along the Trunk Road, the Chief Commissioner, I am to say, considers Mr. Buyers' arguments are sound, and that the Dimapur valley route possesses superior claims.

10. The line of the Dhodur Alli—an old road above Golaghat, and referred to in paragraph 74—is no doubt the best that is obtainable not only on account of its proximity to many of the most flourishing tea gardens in Assam, but because it crosses the rivers at much narrower and more favorable crossings. But the Chief Commissioner objects to the Dhodur Alli itself being appropriated for the railway.

11. In reference to paragraph 79 where the Engineer-in-Chief thinks it desirable to have two parties engaged in the hills during the next season, I am to say that on reference to the Deputy Commissioner's report on North Cachar it is observed that 80 coolies were employed last year by the survey party, a very moderate number, but the District Officer could only supply these by a ten days' rotation, that is, it took 240 men a month or 1,200 men in five months to supply this number, a larger period of service would have made them discontented. These facts, I am to say, are brought forward to show the difficulties in supplying labor. Mr. Elliott is most anxious to help the survey in every way, but the population of North Cachar is very scanty, and if double the number of coolies employed last year will be wanted next season it will be a severe tax upon them.

12. In conclusion I am to express the Chief Commissioner's satisfaction at the amount of work done during the past working season, and at the enlarged evidence that the line can be made at or below the original estimate.

ASSAM RAILWAY SURVEYS.

Report on Survey Operations during the season 1883-84.

No. 1527, dated 31st July 1884.

From—The Engineer-in-Chief, Assam Railway Surveys,

To—The Secy. to the Chief Commissioner, Assam, Public Works Department.

I have the honor to forward estimates and plans, as detailed in accompanying list, representing the results of the work accomplished since November 1883, in connection with the Assam Railway Surveys. Explanatory notes are attached to each estimate.

2. *Four divisions formed.*—In expectation of an adequate staff being forthcoming four survey divisions were formed, but when the parties proceeded to take the field it was only found possible to make up two divisions to any thing like a satisfactory strength, and the two which received the preference, as being the most remote and difficult to reach, were the North Cachar Hills and the Lumding Dimapur Divisions.

3. *Distribution.*—Though the Government of India letter No. 981R.C., dated 2nd November 1883, containing instructions for the season's operations did not reach me until after the staff had been located on their several sections, I had learnt, during my visit to Simla in September, what the nature of those instructions would probably be, and I was thus enabled to make a distribution which proved to be in accordance with what was desired. One party was sent to the North Cachar Hills, two to the Dimapur valley, and the fourth to the branch from the Lumding river towards Gauhati.

4. *Work not generally started until middle of December.*—The various parties left Shillong about the middle of November, some quite unavoidable delay having been incurred in recruiting khalasees, but what with the long march, and detention on the road owing to bad weather, and for the purpose of enlisting jungle cutters, it was the middle of December before three of the parties reached the scene of work and were able to commence operations.

5. *Arrangement for supplies and coolies in the North Cachar Hills made by the Deputy Commissioner and the Sub-Divisional Officer.*—To meet the wants of the party in the North Cachar Hills, Mr. Knox Wight, Deputy Commissioner of Cachar, and Mr. Soppitt, the Sub-Divisional Officer, had collected large supplies of food at Gunjong, the sub-divisional head-quarter's station; a considerable proportion of these were carried up all the way from Silchar. They had also made all arrangements for the coolies required for jungle-cutting. The Executive Engineer, in charge of the hill section, was thereby relieved of much trouble and the assistance rendered by the above officers greatly facilitated his work.

6. *Difficulties in the Dimapur valley on account of coolies deserting.*—For the work in the Dimapur valley a large number of coolies were enlisted in the Kamrup district, but these proved a most unsatisfactory lot, and within a few weeks the bulk of them had deserted. Fortunately the Deputy Commissioner of the Naga Hills was able, from the first to furnish 40 Mekir coolies for the division between the Lumding river and Dimapur, and these did very good work, but on the lower division between Dimapur and Golaghat, where the Executive Engineer was dependent on the Kamrup coolies work, for sometime, came almost to a stand, in consequence of the desertion of the men, and he was only relieved of great anxiety when he succeeded in collecting some Mekirs from the adjacent hills. So far as our experience goes only hill coolies are of any use in heavy jungle.

Food supplied by the Commissariat Department.—The food supply of the men working in the Dimapur valley would have been a matter of difficulty, and would have taken a considerable time to arrange, had it not been for the kindness of Colonel Rowband, the Commissariat Officer at Shillong, in arranging for permission to draw all that was wanted from the Commissariat godown at Dimapur.

7. *No difficulties on the Gauhati branch as regards coolies or supplies.*—On the Gauhati branch there were no special difficulties either as regards coolies or supplies, thanks in a great measure to the assistance of Mr. Primrose, Officiating Deputy Commissioner of Nowgong.

8. *Special difficulties in the way of survey.*—From what has been written above, some of the difficulties in the way of the survey will have been perceived : to these must be added the rough nature of the country and the heavy jungle in parts, the unsettled weather and the unhealthy climate. Progress, therefore, is necessarily slow when compared with what is attainable in more favorable districts, and is obtained at the expense, possibly, of more real hard work, as it certainly is of infinitely greater discomfort and risk. The work of the season may be divided into two main heads (1) Divisional Surveys ; (2) Personal Examination of the country apart from these.

DIVISIONAL SURVEYS.

No. I.—Division, North Cachar Hills.

9. *Staff employed.*—The staff engaged on this division consisted of the following officers :—

Mr. E. J. Moore, Executive Engineer.
„ H. T. Gwyther, Assistant Engineer.
„ J. A. Wallace, „ „
„ B. A. Maine, Sub-Engineer.

10. *Work started from the watershed between the Mahur and Mupa rivers.*—Work was commenced in the middle of December at the gap in the watershed between the Mahur and Mupa rivers, noted in paragraph 5 of my report on the exploration of the North Cachar Hills during the season 1882-83, and was thence carried northwards into the Mupa valley. I accompanied Mr. Moore from Shillong in order to put him on the right track which he would otherwise probably have had much difficulty in striking.

Reasons for doing this.—My object in starting work from this point was to get an estimate for the section through the Mupa valley which had appeared to me to be on the whole by far the most difficult piece of ground on the proposed line in the hills out of the Jatinga valley.

For some reasons I should have preferred starting work on three divisions from the common point of junction near the Lumding river, but there were practical difficulties in the way of collecting supplies and coolies there, which would have delayed the work, and the season's operations in the hills might have been confined to the section of the country along the Langladisa, in which there are evidently no very great engineering difficulties.

11. *Executive Engineer's instructions.*—Mr. Moore's instructions were, to make a careful survey of the Mupa valley between the point from which he started and the watershed at the head of the Dijakho, and then to lay down a line over this section on which to base an estimate before proceeding to extend the survey farther north, using no gradient more severe than 1 in 70 or curve of smaller radius than about 600 feet.

Tedious nature of the work.—The rough nature of the ground and the heavy jungle rendered this a more tedious operation even than I had expected and with the utmost exertions of himself and staff, it took three months to finish. Upwards of 13 miles of preliminary trial lines were run, and a large number of cross sections were taken necessitating more than 14 miles additional jungle cutting ; the final line is about 6½ miles long and there were thus, by the time this was finished, about 35 miles of jungle cut.

12. *Best alignment in the Mupa valley approximately obtained but a slight alteration required in the run upto the Dijakho watershed.*—Mr. Moore considers that he has got very approximately the best line obtainable, but since extending the survey it has been found that it will be advisable to cut through the watershed at the head of the Dijakho at a somewhat lower level, and this will necessitate a slight alteration of the alignment between the crossing of the Boila and Chain 236 and the watershed by throwing it farther down the slope of the hills ; this will improve the gradient and it is not anticipated that it will practically affect the estimate one way or the other.

13. *Prominent features of the country.*—It is not necessary to say very much regarding the nature of the ground and the character of the work on this short section beyond what the plan and longitudinal section show for themselves. The country is covered with dense jungle which of course adds greatly to the difficulty of survey ; the hill sides have generally steep slopes terminating in places in perpendicular cliffs at the base of which the Mupa runs, and they are cut into deep ravines by numerous small water courses owing to a heavy rainfall working on friable rock and soil.

14. *Best ground along right bank of the Mupa and description of section.*—The preliminary surveys showed that the ground along the right bank of the Mupa is very much better than that along the left bank, and in order to make the most of it, Mr Moore has run his line sharp down to the river from the starting point, with the ruling gradient of 1 in ·70, crossing it at chain 95.

Allowing a short piece of level over the bridge, the gradient of 1 in 70 is prolonged for about three-fourths of a mile, and then the line rises and falls, as the ground is most favorable, until the Boila river is reached at chain 236, after which there is a steady ascent of 1 in 70 up to the Dijakho watershed ; but as has been already noticed this gradient will be somewhat improved by piercing the watershed at a lower level.

15. *Curves.*—Curves of 573 feet radius (10°) have with one solitary exception been employed ; flatter curves could only be introduced at considerable extra cost, and though some

saving could be effected by the introduction of sharper ones it would not probably be so great as to render any such change, which would always operate detrimentally against the working of the line, at all desirable.

I may, however, note that when making the preliminary estimate I fully contemplated the employment of curves of 400 feet radius.

16. *Heaviest work encountered in running up to the Dijakho watershed.*—It will be seen that by far the heaviest work is concentrated in about one mile of the ascent to the Dijakho watershed: here 4 tunnels aggregating 530 lineal yards have been estimated through four spurs.

It may be found advisable to tunnel through the two high spurs near the Mupa, but these have been taken as open cuttings throughout in the estimate.

17. *Mupa and Boila viaducts.*—Two considerable streams the Mupa and Boila are crossed and their ravines are estimated to be spanned by viaducts, in each case, of one central 100 feet with side 40 feet girders, supported on wrought iron cylinders of the pattern given in Indian State Railways Type Drawings E.P. No. 2, filled with portland cement concrete. Trestles formed of these cylinders will not probably be cheaper than ordinary brickwork piers, but they can be more rapidly erected, with less skilled labor, and are preferable in a country subject to violent earthquakes; besides all means by which the use of lime can be economised are to be studied for the carriage of this will be difficult. The question of water way has not had to be considered in these two instances for it is most economical to bridge the entire ravine in both.

18. *Extension of survey to the Langting river.*—After finishing this section Mr. Moore was not able to accomplish more in the season than to examine the country and run trial lines as far as the Langting river, but, from these and cross sections taken in connection with them, a line has been laid down on the plan, and, on the section which this gives, an estimate has been framed which it is believed may be accepted as very approximately accurate.

19. *Country becomes easier on extension.*—It will be seen that after crossing the Dijakho watershed, the work becomes very much lighter, as the contours of the ridges and spurs are more rounded and the slopes comparatively gentle and less fissured.

20. *Obligatory points and gradients.*—There are apparently three obligatory points on this section, *viz.*, at chains 495, 510, and 630 where the line is carried through depressions in spurs thrown out from the main ridge.

Gradients of 1 in 70, with intermediate pieces of level, have been employed, and they suit the line laid down on the plan best, but as the final line will doubtless not follow exactly the same traces, it must not be assumed that the same gradient will rigidly adhered too. Apparently, however, it will be necessary to run down with the gradient of 1 in 70 for about two miles from the Dijakho watershed.

21. *Station sites.*—There is very fair ground for a station about chain 560, the next station south would be in the Mahur valley, about 12 miles distant, and there is no good site between. There may be some difficulty about water here, for the Dijakho runs dry, but probably it may be obtained in the usual way by sinking a well, should this fail it may be pumped up from the Langting. It would give too long a run to place the station by the Langting, and besides this would throw it on to a high bank; but it may be remarked that water is abundant in the Mahur valley, and there will probably be no difficulty at the next station site on the north side, so that it will not be absolutely necessary to make this an engine watering station.

22. *Line taken along western slope of ridge in preference to eastern.*—This section of line runs along the western slopes of a ridge separating the small streams Dijakho and Langdreng both of which flow into the Langting. Mr. Molesworth in his note, dated the 27th March 1884, of his journey across the North Cachar Hills, has remarked that I had suggested the examination of an alternative line, along the eastern side of this ridge, but to gain this it has been found that much heavier work would be entailed for some distance after passing through the Dijakho watershed, and a uniform gradient of about 1 in 70, after it was reached, into the Langting valley.

23. *Comparison of final ad preliminary estimates.*—The estimates, which have been prepared, give the means of testing the accuracy of my preliminary estimate on two very different descriptions of ground.

In paragraph 5 of Report on the exploration of the North Cachar Hills, it will be seen that I took the Mupa valley section as 5½ miles long and estimated the cost at Rs. 1,80,000 per mile. This section is found to be 6·648 miles long and the estimate comes to Rs. 1,80,552 per mile, a very close approximation as regards the mileage rate, but longer by upwards of one mile. This is owing to the difficulty I had in fixing on the map, the exact point where the watershed between the Mahur and Mupa was crossed. The piece from the Dijakho watershed to the Langting is 5·55 miles and the estimate amounts to Rs. 99,109 per mile: this is a portion of the section extending from the Dijakho to the Gireso watershed, of which I estimated the length to be 18 miles and the cost Rs. 1,00,000 per mile, and I allowed for this portion 6 miles scaled from map, *plus* ¼ for curves equal to 7½ miles, so that the true distance and estimate are both within the mark; the mileage rate is very close.

24. *Length of section remaining to be surveyed between the Langting and Lumding junction.*—There probably remain yet nearly 30 miles to connect the survey with the junction

point near the Lumding, for the course of the Lumding is quite incorrectly shewn on the map, and the junction of the Langladisa should be further north, so that the valley of the Langladisa is actually considerably longer than would appear; it is, however, an easy valley, and therefore though, being included in the hill section, the length of that will be slightly increased thereby, the estimate will not be affected, for that was taken in this valley at the same mileage rate as the section in the plains, and the mileage of the latter will be correspondingly decreased.

25. *Credit due to staff.*—I could not have had a better man than Mr. Moore for the work in the hills, and his staff have seconded his labors with energy and zeal.

II.—Lumding-Dimapur Division.

26. *Staff employed on the Lumding-Dimapur Division.*—The following staff has been engaged on the survey of this section:—

Mr. T. H. Tyndall, Temporary Executive Engineer.
„ C. J. S. Baker, Assistant Engineer.
„ R. Campbell, „ „

27. *Reasons for fixing the starting point about seven miles west of Dimapur.*—This party started work from the neighbourhood of Dimapur, while another party started at the same time and from the same point to work north towards Golaghat. The point selected by me, on the map, for I had not seen the country, was about seven miles west of Dimapur on the watershed between the head of the Deolao, a tributary of the Jamuna, and a small stream running into the Dhansiri, and the reason for selecting it was that it lay conveniently on a line carried along the apparent watershed between the Dhansiri and the Jamuna which appeared to offer the best alignment.

28. *This point found unsuitable and therefore abandoned for one nearer Dimapur.*—Mr. Tyndall spent a month in running trial lines from this point, but found, in every direction he tried, the ground so broken, that he moved much closer to Dimapur where the ground appeared to him more favorable. North of the original starting point the ground was much easier, but this change necessitated the abandonment of some work there.

29. *Two traverses run and plans and estimates given for both.*—One traverse it will be seen follows very closely the left bank of the Dhansiri for 19 miles when it turns to the right and terminates on the summit of the ridge forming the watershed between the Dhansiri and the head of the Langpher: another, which has been carried as far as the valley of the Diphu river, a tributary of the Jamuna, leads off from mile 12 on the first, and would be a more direct line for the Lumding junction. Plans, sections and estimates are forwarded for both. The estimates, however, for each are based, not upon the exact traverse, but upon an alignment, laid down upon the plans as nearly as possible coincident with it; and further anticipated improvements in the alignment are shewn by blue lines, the effects of which will be to reduce the distance.

30. *Reasons for failure in completing the survey.*—I regret very much that the party were not able to carry the survey through to the Lumding. The country is no doubt a peculiarly difficult one to survey: the view which the valley presents when looked down upon from the high ranges which surround it is in a measure deceptive, and particularly is this the case with regard to the distant central portions; shrouded in dense forest, its minute features cannot be detected, and the whole appears a slightly undulating plain; no human tracks exist, and to become acquainted with it almost every step must be tediously cut, while even then all knowledge is confined to the narrow trace; owing to these causes difficulties are unexpectedly encountered which necessitate the abandonment of much work. It would be the best plan I believe in a country of this description, utterly unknown, to cut a trace through, in the first place regardless of minor difficulties in the features of the ground, and to make use of this at a base for farther operations; at any rate such appears to me to be the lesson taught by the past season's work.

31. *Farther examination of the country between the Lumding and Dhansiri.*—A certain amount of farther acquaintance has, however, been gained of the country lying between the points up to which the traverses have been carried and the Lumding junction. Mr. Campbell, Assistant Engineer, came across from the Dhansiri to the Lumding, where he met me in April; he descended from the ridge on which the traverse ends near mile 24½, and found himself almost at once in what proved, to his surprise, to be the bed of the Langpher, for this river is not shewn within many miles of this; in fact the map right round from Dimapur to the Dyung is very misleading. Starting from zero of the Gauhati branch survey, we examined the country for some miles east in the direction of the Dhansiri and I found it to be very much the same in its features, as far as we went, as the first few miles of that branch, the section of which may be referred to, in order to get an idea of what a line taken fairly straight through it would be, but which I should think is susceptible of considerable improvement by winding about, as the low ridges, which lie between the Lumding and the Langpher are not continuous, but broken by frequent depressions. The jungle is not quite so dense as it is nearer Dimapur.

32. *Site for junction station.*—About two miles east of zero there is a very good site for a junction station on an open level plateau upwards of one mile long and half a mile broad with good water convenient.

33. *Best line may be got in the direction of the Diphu traverse.*—Mr. Campbell unfortunately fell ill, but I advanced to within ten miles, judging by the map, of the point which the Diphu traverse reached, and this may be taken as the interval as yet unexplored and regarding which nothing is clearly known. I am not at all sure that the best line will not be got in the direction of the Diphu traverse, it ought to be shorter than one taken so far up the Dhansiri as the other traverse has gone, and I saw nothing to favor the idea that an easier line would be got between the end of this and the Lumding junction.

I found a very easy small valley running up from the Langpher which led me on to a watershed which I believe to be the head of the Diphu, but the season was too far advanced for me to carry the exploration farther in this direction, and I was anxious also to see the country above Nowgong.

34. *Estimates.*—It will be seen that the estimate for the 24·56 miles of what, to distinguish it, may be called the Dhansiri traverse, amounts to Rs. 66,564 per mile, while that for 21·87 miles of the Diphu line is Rs. 68,685 per mile. The distance from the end of either traverse to the junction station site near the Lumding is apparently the same, and may be taken at 22 miles. As a preliminary estimate last year, I put down Rs. 80,000 per mile for all the work in the Brahmaputra valley and I have little doubt that this mean rate will amply cover the cost of the section from the Lumding to Dimapur, in fact to work up to it a rate of Rs. 95,000 per mile is available for these 22 miles.

35. *Another season necessary to complete survey.*—It will be necessary to devote another season to the survey of this section, and I can only hope that the line then obtained will be so satisfactory that farther elaboration will be considered unnecessary.

36. *The whole valley under forest but well adapted for cultivation.*—The whole country along the valley between the Lumding and Dimapur is under jungle and there is not a single clearance for cultivation. However, while exploring in April, I met men from the hills on the north prospecting for village sites and on the Lumding, below the Langladisa opposite the Gauhati branch, I found two villages established where last year, there had been none and was informed by one of the men that they had been driven from the south side of the Dyung by tigers, and that they had come there as the soil was good, especially for cotton, and they were no longer so afraid of the Nagas.

I am told that many years ago there was a police outpost on the Langpher, and some villages, all of which were cut up by Nagas. Not a trace of these now exists unless the castor oil plants growing in places denote the sites of former cultivation. There is no apparent reason why cultivation should not extend along the whole of the valley, and it is probable that in the course of time with a railway and security for life and property it will do so.

There are large areas of level ground admirably adapted for tea. A planter with some knowledge of the Dimapur valley told me that the soil was "magnificient," and that with a railway, land will be rapidly taken up for gardens.

37. *No important engineering work so far as the survey extends.*—There is no work of any engineering importance along the Dhansiri traverse. At a few points spurs come down to the river, and at two opposite miles 6 and 19, to avoid these, the traverse has been carried across bends of the river as shown on the plan. I think, however, if the final line is carried along this way that it will be better, and probably cheaper, to cut through these spurs, even at the expense of cuttings 50 or 60 feet deep, than to divert the Dhansiri as shewn, and bank across the old bed.

38. *No large bridges.*—There are no bridges of any importance : the largest consists of only two spans of 40 feet ; in fact there is no gathering ground to permit the formation of any large stream, the watershed between the Dhansiri and Diphu being at no great distance.

39. *Flood level in the Dhansiri.*—No flood levels of the Dhansiri could be obtained above Dimapur owing to the entire want of population ; the levels shewn have been arrived at by taking the highest recorded flood level at Dimapur, and running this up proportionally to the inclination of the bed of the river ; the heights are probably in excess and if so, err on the safe side.

40. *The Diphu traverse.*—The Diphu line after leaving the Dhansiri at the 12th mile, shows a somewhat heavier section and a tortuous alignment, but any line across from the Dhansiri to the Lumding must have a large number of curves to avoid heavy earthwork.

So far as it goes the work cannot be called at all heavy except in the last two miles, but Mr. Tyndall says he was turned by some very rough country in front of him and he therefore went back and carried his survey farther along the Dhansiri. If the distance between the ends of the two traverses and the Lumding junction be equal and the costs the same, the Diphu route would be both shorter and cheaper, as regards total cost, than the Dhansiri.

41. *Hardships experienced.*—This party experienced much bad weather, and worked under greater discomfort than any other ; the absence of bamboos and grass in the forest prevented their getting good huts built, and this no doubt partly affected the health of the men. It is I am persuaded through no want of energy that they failed to accomplish the task before them.

III.—Dimapur-Golaghat Division.

42. *Work started on 2nd and 3rd Division simultaneously from a common point.*—It has already been noticed that work was started on this division simultaneously with that on the 2nd division from a common point.

43. *Work accomplished.*—Mr. Clift, the Executive Engineer, had only one Assistant Engineer, Mr. Lilley, to help him, and the difficulties he encountered at the outset, owing to the desertion of his coolies, have already been noticed. It is greatly to Mr Clift's credit, that, notwithstanding this, he carried a survey through to Golaghat and an alternative, offering a somewhat shorter route into Upper Assam, to near the village of Jamugurighon, on the right bank of the Darang.

44. *Remarks on country between the Dhansiri and Darang river with reference to Mr. Molesworth's proposal to carry the line along it.*—Mr. Molesworth, Consulting Engineer to the Government of India for State Railways, in his note dated the 24th October 1883, on my report on the exploration of the North Cachar Hills, suggested the examination of the country between the Dhansiri and the Darang rivers on a line which he roughly indicated on the map. This note did not reach me until after work had been commenced, but I may remark that from a simple study of the map, I had in the first place sketched in identically the same line, crossing the Dhansiri at the same point, previous to preparing my report in order to arrive at the through distance to Dibrugarh, but on making enquiries in Shillong, I was informed that the country between the two rivers, was low, flooded during the rains, full of bi's and quite impracticable; for these reasons I laid the line down along the left bank of the Dhansiri; but for these objections the line between the two rivers is very obviously the one to take.

After receipt of Mr Molesworth's note I made further enquiries and all that I was able to learn until I personally visited the Dimapur valley in the end of January, corroborated the above statements; then, when I was at Barpathar, two natives, one of them the mauzadar of the place, the other a shikari, who professed to have shot through the jungle, told me that the bils were confined to the sides of the two rivers and that it was possible to get ground the whole way along the centre above the influence of floods. I have never met any European who has been through this tract of country and as I had to hurry back to meet Mr Molesworth I had not time to examine it myself. Mr Clift tells me that the Executive Engineer of the Naga Hills states that it is impracticable. I desired Mr Clift if possible to cut a trace through, but he could not muster sufficient coolies to undertake the work without abandoning the Golaghat line, along the left bank of the Dhansiri, which was already advanced and which it would have been suicidal to abandon on the meagre and most unsatisfactory reports obtained. It was better to get one line through to Golaghat, which we knew to be practicable, than to run the risk of having nothing to shew, should the general opinion regarding the other route prove to be correct.

45. *Nature of country.*—The length of the line from opposite Dimapur to Golaghat is 45 miles, or nine miles less than the road mileage between opposite points. The valley to within six miles of Golaghat, with the exception of a patch of cultivation at Barpathar, is covered with heavy forest, hence many of the difficulties have been encountered here which have already been enumerated in the 2nd division and it is needless to recapitulate.

The ground is less broken generally than it is south of Dimapur, or rather the belt of level land extends much farther back from the bank of the Dhansiri, but on the other hand the drainage crossed is heavier, in places however low spurs, thrown out from the hills to the west, come down to the river and cannot be avoided. Buried in the jungle are occasional bils, and a considerable amount of work has been lost to get a line avoiding these as much as possible.

The propinquity of a road, with rest houses, has facilitated movements and reduced discomforts and has therefore been a help to the work.

46. *Estimate.*—The estimate amounts to Rs. 65,276 per mile, and includes the cost of a bridge across the Dhansiri at Golaghat of 6 spans of 100 feet supported on cast iron screw piles 2½ feet diameter, the roadway being carried on the bottom boom to allow greater headway with a lower formation, reducing thereby the height of bridge and bank, and the length of gradient of 1 in 150 towards the Golaghat station which is especially desirable.

There is no other bridging of any magnitude, and no special difficulties are anticipated in the foundations; the beds of the streams show either stiff clay or gravel.

47. *Estimate under the preliminary one.*—The estimate is very much less than that of Rs. 80,000 per mile which I took in my preliminary calculation, but, as stated in my report, that was based on Colonel Lindsay's estimate for a line between Gauhati and Goalpara, and not on any personal acquaintance with the country.

48. *Questions affecting rates.*—High rates will have to be given to attract labor into the Dimapur valley, which has an evil reputation for unhealthiness, and to allow for the shortness of the working season. The great bulk of the labor will probably have to be imported from Bengal. These facts have been kept in view in fixing the rates for such items as earthwork, brickwork, and ballast; but the high cost under these heads is partly counterbalanced by the present low price of iron, which affects bridging and permanent-way, and the low figure taken for sleepers which can be obtained in any quantities in the forest through which the line passes.

I must also note that a higher rate would have had to be fixed for brickwork had not a valuable outcrop of nummulitic limestone, sufficient at any rate for all our work in the Dimapur valley, been found on the Doegrung river, near the village of Murphulani, and another smaller outcrop on the Nambor nearer the line; the sites are marked on the index map. It is very probable that a careful examination of the country in this direction may lead to farther discoveries.

The high price of brickwork in Assam is in a great measure due to the absence of limestone, the bulk of the lime used being brought round from Sylhet, and if any large beds are discovered, they would prove very valuable not only to the railway but to the province generally.

Mr. LaTouche of the Geological Survey hopes to be able to spend some time in October or November in examining the ground in this neighbourhood. Small outcrops of coal have been found close to the limestone.

49. *Alternative line by Jamugurigaon.*—The alternative line which crosses the Dhansiri near Barpothar and the Daiang near Jamugurigaon is estimated to cost Rs. 65,776 per mile or Rs. 500 per mile more than the line *viâ* Golaghat, but this is because the cost of the large bridges over these two rivers is distributed over a shorter mileage.

A line taken across here would probably save three miles in the through distance and about two lakhs of rupees, but for various reasons I am not inclined to recommend its adoption, though, without seeing the country above Golaghat, it would be rash to give a decided opinion.

Golaghat is not a place of any great importance at present, but considerable sized boats can get up the Dhansiri so far, during the greater part of the year, whereas they cannot get up as far as Barpothar or Jamugurigaon, and with a railway passing through it, a large trade may in course of time be developed between it and the country lying to the north. A branch line may also in time be desired to the bank of the Brahmaputra and this would be shorter from the Golaghat route, while if limestone should be found in any large quantities near Murphulani, there would be another argument in favor of its adoption.

IV.—Lumding-Roha Division.

50. *Forms portion of Gauhati branch.*—This is a portion of the proposed branch line to Gauhati which would take off from the main line at a point between the Lumding and Langpher rivers. A good site for the junction station has already been indicated about two miles east of zero of this branch survey, but over at least the greater part of these two miles it is probable that the main and the branch lines may best follow a common alignment.

51. *Chainage on plans does not agree with chainage on ground.*—The chainage on the plans and sections is numbered from the Lumding, but this does not follow the order in which the line was surveyed and pegged out.

52. *Only one Assistant Engineer available to start the survey.*—When work was started, only one officer, Mr. Denne, Assistant Engineer, was available, and he commenced operations in the end of November from a point on the Assam Trunk Road about two miles on the Gauhati side of Roha; this is the terminal point on the plans and sections. Mr. Denne worked singlehanded until the end of January when Mr. W. H. Sherman, Executive Engineer, arrived and took over the Division, but by this time the survey had reached the Jamuna river.

53. *Reasons for discrepancy in chainage.*—Mr. Molesworth and I in the middle of February found the survey carried a short way south of the Jari Jan. Up to this point the country is fairly open, what jungle is met with not being very heavy, and as far as the Jamuna there is a considerable population along the banks of the Kopili villages, for some miles, being practically continuous. Towards the Lumding the jungle is heavier, and as it becomes unhealthy late in the season, and the previous year in marching through it I had experienced considerable difficulty with regard to drinking water, I advised Mr. Sherman to move as soon as possible to the Lumding and work back; this he did and in consequence the chainage of the plans does not agree with the chainage marked on the ground.

54. *Only a trial traverse run at Lumding end.*—Mr. Sherman wisely contented himself with running some kind of a line from the Lumding to connect with the survey already done, and time did not permit him to elaborate the work. The estimates, therefore, are for a line which can be very considerably improved at the Lumding end.

55. *Estimates.*—The total length of line from the Lumding to the Trunk Road near Roha is 56·715 miles, the estimate for which amounts to Rs. 40,06,354, which gives a rate of Rs. 70,640 per mile.

Mr. Sherman has also given me estimates for the above divided into two sections; the first extending from the Lumding to the Lanka Jan, 13·10 miles, is estimated to cost Rs. 1,09,404 per mile, but without doubt this can be greatly reduced: the second comprises the remainder of the division, 43·615 miles, the estimate for which gives a mean rate of Rs. 58,997 per mile. The alignment of this last section may possibly be somewhat improved, but with the effect of rather reducing the through distance and total cost than the mileage rate, which is already, considering the high rates of labour, very low, for reasons which will appear.

56. *Description of line.*—Commencing from zero, about a mile north of where the Langladisa joins the Lumding, the line runs for about 4½ miles between the Lumding and Langpher rivers. The distance between these two rivers at zero scales 6 miles, whereas the actual distance is only about two miles: this corroborates what I remarked, in the report on the exploration of the North Cachar Hills, regarding there being some mistake in the position of the Lumding here.

The ground is very undulating, and in the fourth mile a high ridge is cut through. A high and costly bridge over the Langpher is necessitated by the nearness of the crossing to the Dyung the floods of which must affect the tributary for a considerable distance up, owing to the small fall in its bed. I think a great saving can be effected by crossing the Langpher higher up; this would remove the bridge further away from the influence of the Dyung floods, and from my examination of the country in April last, it seemed to me, that the crossing might advantageously be placed so far up as to out-flank the high ridge. Between the Langpher and mile 7 the work is light, but from that, onward to the Lanka Jan, near mile 13, the traverse crosses a succession of ridges and ravines at right angles. Immediately to the west of mile 8 there is a large bil, which extends almost to the Dyung; if the line is kept to the east of this bil, as this traverse is there seemed to me no hope of materially reducing the work here, except possibly by extending the line by a circuit more to the east, but as this would apparently only lengthen the line, without reducing the total cost, it is objectionable. It is however very probable that a better line may be got by passing west of the bil.

Between miles 10 and 13 the banks and cuttings are very heavy, but I found that by throwing the line a very little over to the west, the high ridges might be almost entirely avoided and the quantity of earth-work reduced to quite a moderate amount; the line has been taken straight and unfortunately has cut the ridges at their highest points. Up to the Lankha Jan there is uniform forest, but north of this the country opens out, and exploration becomes much easier, while the ground itself is less broken. There is a considerable amount of drainage, flowing from the east and north into the Kopili, crossed between the Lanka Jan and the Jogi (Jori) Jan, which is near mile 28: the line between these streams skirts for some distance the edge of low lying ground, much of which is under rice cultivation about the group of villages bordering the Lalung Bil, to serve which it is proposed to provide a station in the 17th mile.

It will be observed that from mile 28 to the end, only three large bridges are provided and not a single small one, and an inspection of the map is alone almost sufficient to explain the reason; indeed, the three streams which it is proposed to bridge might be blocked were it not for interfering with the boat traffic. It will be seen that the alignment runs between two systems of drainage, connected however by the above three main channels; that the first of these, the Jori Jan, connects with the second, the Jamuna, and that again, through the Titulisar and the Haria, with the Kallang, a loop of the Brahmaputra. The Jori Jan is merely an escape channel of the Kopili, which carries off some of its water to the Kallang as indicated, and there is no doubt that all the water of the Jamuna might be sent down the Titulisar into the Kallang and not allowed to cross the line into the Kopili, to be again crossed between Roha and Gauhati. The third, the Titamari, again is only a short connecting channel between the Kallang and the Kopili, in which the current flows in one direction or the other according as to which of the two rivers happens to be in highest flood.

The highest ground is generally along the edge of the Kopili: when the water spills over the right bank, it finds its way at will by a multitude of depressions into the Kallang but until it tops the bank, the above three channels offer the only means of escape for the Kopili flood in that direction. The railway embankment will confine the flood when it reaches such a height, and leave it only these three means of escape; one of the effects will be to increase the current from the Kopili through the bridges, but it is believed that ample waterway has been allowed to meet this contingency.

The Kopili channel is evidently not large enough to carry off all the water that comes down, and another effect of interfering with the overflow will probably be to increase its capacity, by the action of the water itself in eroding the banks and straightening the course. The flood level marked on the section is the highest of which any record has been obtained; this flood is stated to have occurred 30 or 40 years ago (it may have been in the same year as the great flood in Sylhet and Cachar) and formation has been kept in no place less than 2½ feet above it. The line will intersect a few petty basins, the drainages of which fall into the Kopili under ordinary circumstances, but as their watersheds are said to be with one exception, and it can be diverted below the flood level, no special provision is required to pass the water across the line.

It may be advisable to keep the line at two or three points farther away from the river where this has a set towards it and to prevent further erosion of the river bank by spurs or groynes; I think also the line may be somewhat straightened over the last few miles.

57. I have suggested to the Executive Engineer certain improvements, which it appeared to me, might be made in the alignment of the first thirteen miles, and on these suggestions and his own knowledge of the country farther north, he has marked on the index map in blue an alternative for future investigation, extending from zero to mile 30 near the village of Kumrakata. The effect of this alteration, it is believed, will be to reduce the through distance by 1¼ miles and the total mean milcage rate to roughly Rs. 68,000.

The whole of the country, however, between zero and the village of Kumrakata requires further examination, and I have added a dotted blue line shewing a route which I think also should be examined, though native reports regarding the jungle south of the Lalang Bil are not favorable.

58. Mr. Molesworth in his note, dated the 27th March 1884, stated that the cost of the branch from the Lumding to Gauhati should not, in his estimation, come to more than Rs. 66,000 or 68,000 per mile; the estimates accompanying give for the section of 56·715 miles, actually laid out, a rate of Rs. 70,640 per mile as already stated; improvements which are no doubt possible in the alignment will probably bring this down to Rs. 68,000 per mile, but I may mention that I believe that Mr. Molesworth, in making his estimate, allowed Rs. 3,300 per mile less than I have done on the four heads, stations, staff quarters, station machinery and plant, so that if his figures were taken, even on the present alignment his estimate would suffice for this section, and I believe it will be sufficient for the remaining portion to Gauhati with my figures under these heads. Taking into consideration more specially, the high price of labor, I am inclined to think that these figures are not too high, but with the improvements in the alignment which I have indicated, there can, I think, be no doubt, that the branch line can be made for the rate, Mr. Molesworth has stated.

59. *Waterways.*—The largest streams have in the above description been specified. On the present alignment the bridge over the Langpher is by far the largest on the division. It consists of 6 spans of 100 feet, but it has been remarked how it can probably be very materially reduced: three hundred lineal feet waterway would be ample to take all the water of the Langpher itself without doubt, but at the point where the traverse crosses a high bridge is necessary and there is no economy in restricting the waterway for it would throw the abutments into very low ground. The flood level shown on the section is due to the Dyung floods, and has been obtained by working up from the highest flood mark pointed out at the point where the Dyung is joined by the united streams of the Lumding and Langpher about two miles below the line crossing, for owing to the want of population on the Langpher there is no means of obtaining it directly. Both this and the Lumsakhong 5 spans of 40 feet, are properly speaking ravine viaducts.

For the Lanka Jan, Jori Jan and Jamuna, spans of four 40 feet, three 40 feet, and four 60 feet respectively, have been allowed. The Jamuna is provided with a pier abutment at the north end to permit of the bridge being extended if the waterway is found insufficient.

For the Titamari a central span of 100 feet is provided to pass boat traffic and two side spans of 40 feet to take the spill water of the Kopili or Kallang and a road under the west span.

The estimates are for brickwork in piers and abutments, but an alternative estimate has been made for screwpiles in some of the bridges; these would appear to be somewhat more expensive, but if it is found that the use of them will expedite the work, they may be employed without materially affecting the estimate.

In the Langpher bridge, however, it will, I think, be best to adhere to brick piers on account of the danger from drift timber and the probable nature of the foundations.

On the first thirteen miles there are a number of treble 6 feet arched culverts in high banks, which on account of their length of barrel are costly and have therefore been included under "Major bridges." It has not been thought advisable to try and reduce the cost of these by placing them on the slopes of the ravines, as these are steep and as far as can be judged of loose soil, but it is possible that rock may be found closely underlying the soil, and it may then be economical to have recourse to that expedient; it must however be remembered that it is believed the alignment is capable of considerable improvement here, and with this the height of bank, and consequently the length of barrel, would be considerably reduced, and the reason for such an expedient disappear. The Executive Engineer states that he has made a comparative estimate of the cost of a culvert placed on the slope, with a stepped masonry channel to carry the water down to the bottom of the ravine and that he finds it more expensive.

The bridge estimates, both on this and the other divisions, have been prepared from rough sketchs as I have not thought it necessary to incur the delay of making detailed drawings for this preliminary work.

No borings were taken in the beds of the streams, but judging from appearance in each case, it is believed that ample depths have been allowed.

60. *Stations.*—The estimates of this division only make a proportional allowance for the junction station, which is two miles east of zero. The first station is in mile 7, which will give nearly 9 miles run from the junction, but if the line is carried west of the bil referred to, this station will be on the bank of the Dyung and somewhat more favorably situated for picking up the traffic passing along that river. The other stations have been placed with due regard to distance, so as best to serve the country traversed. A station will be required just beyond the terminal point near the trunk road, and it will probably be advisable to give a goods siding from it to the bank of the Titamari to reduce the cost of the carriage of the considerable traffic which this station may expect to draw from the Kallang and the Kopili.

61. It will be seen that the severest gradient adopted on this section, as well as throughout the Dimapur valley, so far as the survey has extended, is 1 in 150 and I hope to be able

to keep to this, which was also the ruling gradient adhered to on the line between Comillah and Cachar, in the Assam valley. The intermediate hill section will, it is believed, require nothing more severe than about 1 in 70.

Local Resources and Labor.

62. The following remarks regarding local resources and labor apply to all the divisions generally. Sandstone is found along the line throughout the North Cachar Hills and also in the hills north of the Langpher, but so far as I have seen, it is generally of very inferior quality, and even were it otherwise the difficulty of procuring quarry men and stone dressers in any number and the high price of lime, would preclude the adoption of rubble masonry in the plains at least.

Brickwork has therefore been generally estimated for.

All the materials for making bricks are plentiful. Lime is however the great difficulty. I have already noticed that limestone has been found in the Dimapur valley, and if the outcrops have been fairly reported upon, they should yield at least enough lime for the work in the Dimapur valley itself. I have heard that limestone exists in a valley north of the Jamuna river, and if this is true, though I have nothing but a vague rumour to the effect at present to go upon, it would come in most useful for the Gauhati branch: otherwise we must hope that the Dimapur valley may be able to furnish it, but failing this we can apparently only look to Sylhet for our supplies both for the work on the branch line and in the North Cachar Hills.

With the Dimapur valley lime, it is probable that sand can be used, where this can be found of good quality, but with the fat Sylhet lime it is customary to use only surkhi, and that slightly underburnt, to render it somewhat hydraulic.

If limestone is found to exist in sufficient quantities in the Dimapur valley, it will be another argument in favor of making the section from Golaghat to the Lumding first as Mr. Molesworth has proposed.

63. The question of labor is also a very serious one for the supply is very scarce in Assam, and the bulk of it will have to be imported, and to introduce the large amount that will be required on heavy railway works, special arrangements will have to be made, necessitating probably the organization of a special recruiting agency.

How to supply food without fail in adequate quantities, and the least possible cost, to large number of laborers, working in jungles far from bazaars, and all sources of supply will at the outset prove a subject for anxious consideration. Therefore I am of opinion that the construction of the central portion at least of the North Cachar Hills Section, extending from the head of the Jatinga to the head of the Langlatisa, which is farthest from the sources of supply of labor, food, and lime should not be put in hand, until the rails have been carried up to the foot of the hills on each side with the exception perhaps of such work as tunnelling, which cannot be pushed beyond a certain point and which might seriously delay the through opening of the line. The estimated rates for the hill work are based on the assumption that this will be done.

64. Assam imports large quantities of rice and of other common articles of food, and the railway during construction will increase the demand; considering this and that very large quantities of railway material will have to be carried up the Brahmaputra, if work is pushed on simultaneously from both ends, and not piecemeal, by sections, from the Chittagong end, which of course would be a very slow way of carrying it out, and I believe would never be contemplated, it would be most satisfactory and economical to establish a small flotilla of steamers to carry every thing required for the line, railway material, food, and laborers. These steamers might return with coal for the Railway in Northern and Eastern Bengal.

The rates which the Steamer Companies at present charge for carriage of iron from Calcutta are exhorbitant. Major Willans informs me that he is paying Rs. 1-3 per maund for carriage of rails to Kokilamukh opposite Jorhat, the carriage by railway from Chittagong if that were made, at such a rate as one-third of a pie per maund per mile, would only amount to 13½ annas. The River Companies would have vastly to reduce their rates before it would be as cheap to do the platelaying from Golaghat up the Dimapur valley, for instance, with material carried by them as by telescoping it out from Chittagong, but there are other considerations which would make it pay to do the platelaying from the Northern and at almost any cost.

65. *Remarks connected with the economical and expeditious construction of the line.*—The southern half of the North Cachar Hills Section would no doubt be done with labor, food and materials drawn through Cachar, but the northern half would be most expeditiously and economically carried out had it lines both to Golaghat and Gauhati to draw upon; the former would be invaluable if lime can be got from the Dimapur valley, but labor and food could be most cheaply drawn through the Gauhati branch. If it be a question of which should be preferred, then I should not hesitate to decide in favor of the line from Lumding to Golaghat

both on the grounds that it forms a section of the main line, and that it would be more useful to the province in facilitating greatly communication with the Naga Hills, for the Gauhati branch would be of little use, except towards the construction of the railway until connected with Cachar or extended into Upper Assam, and of course labor and food can be brought round by Golaghat.

It would much facilitate the movement of labor, materials and food in the Dimapur valley, and would besides give confidence to the laborers, if a temporary line were laid down, and with this view immediately, it is decided to start work; arrangements should be made to deliver as soon as possible about 100 miles of rails and fastening at Golaghat, the sleepers for which can be had on the spot.

A few miles of light portable railway can probably be most profitably employed, especially in the hills but such questions may be left for discussion until the survey is farther advanced.

COUNTRY BETWEEN GAUHATI AND THE DHANSIRI RIVER BY THE TRUNK ROAD.

66. *Gauhati Roha-Section.*—I have been over most of the ground between Gauhati and Roha by the Trunk Road twice, the first time being with Mr. Molesworth in February. As a result of these journeys I have marked on the accompanying index map approximately what I think will be found to be the best course for the line. A fairly easy passage can be got through the hills between Gauhati and the Digru river on the continuation of the valley for some distance up which an old road between Gauhati and Sonapur runs. Any heavy work will be confined, by the report of Mr. Denne, Assistant Engineer, who examined it, to a length of about 1½ miles, and nothing worse than a couple of deep, though not long, cuttings will be encountered.

The line on this section only crosses two large streams, *viz.*, the Digru and the Kopili; the Um Jam which is crossed by the Trunk Road being avoided by taking the railway across the Kopili below its confluence. East of this crossing the line would keep between the Kopili and the Kallang, and it may be found best to block all the minor drainage.

There can, I think, be no doubt that the estimate of Rs. 68,000 per mile will be sufficient.

67. *Trunk Road alignment objectionable.*—East of the Digru river the alignment of the Trunk Road has been advocated, but no one with any knowledge of the subject would be guilty of doing this. Of course the ground is that the road embankment is there ready. The road will always be useful in supplying a means of approach to the station. Apart from destroying its usefulness as a road by placing the rails upon it, such policy would be an extravagant one, and seriously increase rather than decrease the total cost of the line, for the road alignment is a very tortuous one, apparently adopted quite regardless of this particular and with a view to save earthwork, bridging not being considered. Even if adopted, it would require in many places, if not generally, to be raised, and in others to be widened, while when the sinuosities had been taken out and suitable curves adapted, probably not much more than half the original road would remain, and, after all, the result would be a longer line and a greater expenditure than there need have been.

As an example of the saving that may be effected in distance, and consequently in cost, I would point out, that when compared with the 16 miles east of Nonkhlao by road, the alignment I have marked is from 3 to 4 miles shorter, crosses only one large stream instead of two, and avoids a large amount of minor drainage.

68. *Reason for not being able to examine country above Golaghat.*—It had been my intention, after setting Mr. Moore to work in the North Cachar Hills, to march from Gauhati up the Trunk Road as far as Dibrugarh, and thence to return by the Dimapur valley and the Gauhati branch. I should thus have seen the whole country above Gauhati, that could come within the scope of my work, but the announcement of Mr. Molesworth's intention to pay a visit to the North Cachar Hills, forced me to alter my plans and left me with only sufficient time to pay a hurried visit to the Dimapur valley before joining him at Gauhati.

69. *Roha-Dhansiri Section.*—As I was particularly anxious to see the country along the Trunk Road between Nowgong and the Dhansiri river, I took it on my return from the Lumding in April, and I may at once state that I was so unfavorably impressed with the portion of it east of Joklabundha, that I am most thoroughly confirmed in the opinion, which I formed on other grounds and expressed in my report on the exploration of the North Cachar Hills, that it would be a mistake to take the railway by this route.

Mr. Ward in the note which he wrote on that report, when Officiating as Chief Commissioner, used as an argument against the line from the Lumding to Roha that it would pass through a swampy country. I therefore did not expect that the line which he advocated along the Trunk Road would be open to this objection at least, and that to a very much greater extent. I doubt very much if the country between Roha and the Lumding is any worse than that between Roha and Gauhati as regards the ratio which marsh or bil land bears to arable; whereas from Joklabundha to the Dhansiri the vast bulk of the narrow strip of land between the hills and the Brahmaputra is a swamp, and as far as I could learn, it is too low for anything to be grown upon it.

70. *Approximate best alignment marked on map.*—In case, however, this route should be eventually selected for a railway, I have drawn on the map the line which I think will approximately be found the best to take.

71. *Description of country between Roha and Dhansiri river.*—Of course the trunk road would not be followed between Roha and Nowgong for that would involve two crossings of the Kallang with heavy bridges. After crossing the Titamari, nearly on the alignment of the present survey to the Lumding, it would diverge north-east, and from the Ilaria river to about Samagoorie, thirteen miles beyond Nowgong, it would encounter little drainage, as the bulk of this is intercepted by the Noaloie or Nianoye nullah, which runs almost parallel to the direction of the line. Between Nowgong and Samagoorie there is a series of villages, closely linked together, along the east bank of the Kallang; the road follows almost every winding of the river keeping generally close to the bank and between the river and the villages; it is quite unfitted for the railway, for there is scarcely such a thing as a couple of hundred yards of straight upon it; but even were it perfectly straight it would not be worth taking, for I do not suppose it has an average height of bank of so much as two feet, and the railway besides destroying the road would require to be fenced, and then innumerable foot crossings would have to be given to allow the villagers access to the river on which they are dependent for water, in addition to the larger crossings required for trade.

The railway should run some distance behind the villages which form only a narrow belt.

Between Samagoorie and a point about 3 miles beyond Joklabundha, a considerable saving can be effected on the road mileage. There is a cluster of villages along the Kallang for the last five or six miles before Joklabundha is reached, but otherwise the population appears much more sparse after Samagoorie is passed. Soon after leaving Joklabundha jungle is entered upon, and there is scarcely the vestige of a hut to be seen for about 20 miles, the few there are being chiefly about a tea garden, nor is there land suitable for bearing a population. For three or four miles the road twists and turns, cutting through a network of narrow spurs and ravines the bottoms of which are morasses, and runs up and down with very severe gradients: it then passes for about five miles across very low ground, an uninterrupted swamp covered with dense canegrass, skirting the foot of the hills with an average 4 to 6 feet bank; again it crosses for two miles another belt of spurs and ravines and then enters upon another stretch of 4 or 5 miles of swamp. After these twenty miles the character of the country considerably improves; the width of the belt of land between the Brahmaputra and the hill increases; the same swamp continues but there is generally a ledge of fairly level ground along the foot of the hills above the Brahmaputra flood; this ledge is however intersected by numerous small streams which would make bridging a heavy item in the cost of the line; at some points it is only 200 or 300 yards broad, at other it breaks up into ravines or is encroached upon by the swamp running right up to the foot of the hills, but, broadly speaking, the tendency is for the width to increase the farther east we go, and opposite the Diphlu tea garden, I judged the width to be about three miles.

The road generally skirts very near the edge of the ledge or step and is no better than a surface track. The villages are mean and very few and far between. There are four or five tea gardens, but these during their busiest season have easy access to the Brahmaputra by tributary streams, and even were it otherwise they are not worth considering.

72. *Dimapur valley route preferable to that along the Trunk Road apart from question of connection with the Cachar line.*—Such then, broadly considered, is this country through which it has been proposed to carry the railway; a country practically uncultivated, because the ground does not exist fit for cultivation and which must remain so until its surface is raised, if in the meantime the Brahmaputra does not carry it away. If it were a garden teeming with population, with the Brahmaputra to serve it so near, there might yet be grounds for preferring the route by the Dimapur valley, but considering what it is now, and what for an indefinite period it must remain, it appears to me not to have the slightest claim to consideration. Leaving out entirely the question of connection with Cachar, and supposing the problem to be simply the establishment of railway communication between the upper and lower portions of the Assam valley proper, it seems to me that the Dimapur valley route possesses superior claims. No doubt that line is about thirty miles longer, and between the Lanka Jan and Golaghat passes through about 100 miles of forest, with scarcely any population, but the great bulk of it can be brought under cultivation and the soil is admirably suited for tea. The railway would open this country out in a way it can never be opened out otherwise, whereas the other route is already well served by the Brahmaputra and the Kallang. The Naga Hills also would be served. Mr. Ward has stated that to serve the Naga Hills a tramway might be laid along the Dimapur valley from Golaghat or some other point on the railway but with this added, the cost of the scheme he advocated would be greater than that of the direct Dimapur valley. The cost of the Trunk Road line, as it may be called, would certainly not be less mile for mile than that of the alternative.

73. *But this connection must follow, with opinions in its favor.*—But, the feasibility of the North Cachar Hills route having been established, the advantages of the Dimapur valley route cannot be treated independently of the connection with Cachar for that, even if not established at first, is certain to follow. I have already gone into the advantages of that connection and shall not enter upon them again here. I have learnt nothing to make me alter my views, but on the contrary, I am more than ever convinced that they are right. Mr. Molesworth has satisfied himself regarding the feasibility of the route picked out by me through the hills, and has confirmed the advantages of that route over any other while the opinion of any Tea Planters with whom I have had an opportunity of communicating or of explaining the subject, from Nowgong upwards, has been unhesitatingly given in its favor.

I append on this subject copy of an interesting letter, dated 19th July, which I have received from Mr. Phillips, Chief Superintendent of the Assam Tea Company's Gardens, Nazira. Mr. Phillips is, I believe, about the most influential Planter in Assam, and has charge of the largest concern employing upwards of 7,000 imported coolies. As I had not been able to visit Upper Assam above Golaghat, I asked him to favor me with his own opinion and to procure that also of Planters whose tea passes through the hands of Calcutta Agents, as to which scheme, *viz.*, a line to Fakirgunj opposite Dhubri or one to Chittagong and Chandpur, would suit them best and it will be seen that the opinion is quite in favor of the latter.

The Kamrup Planters might (probably would) prefer a scheme that would give them a line to Dhubri, but they are of small account in the consideration of any scheme. The total tea manufactured in Kamrup in 1882 only amounted to 11,175 maunds, and it is doubtful if they had the railway whether they would make any extensive use of it. Part of the tea, though not much, comes from the north side of the Brahmaputra, and that would certainly not take the railway, while in Kamrup generally, the bulk of the garden labor, I am informed, is local and not imported.

74. *The Dadur Ali probably offers the best alignment above Golaghat.*—I have not, as noted, seen any of the country above Golaghat, but all the information I have acquired points to the line of the Dadur Ali, an old road, being the best. The most detailed information on this point is contained in a letter dated the 21st February 1884, addressed by Mr. Phillips, to the Secretary to the Chief Commissioner of Assam, in the Public Works Department. This alignment would carry the railway south of the Trunk Road and of the stations of Jorhat and Sibsagar, and it is claimed for it, that it passes near many of the most flourishing gardens in Assam.

There is evidently an advantage in keeping the railway away from the Brahmaputra, for this will always complete with it for traffic, and by doing so the belt of valley south of the river will be more equally intersected and served than if the railway were to run direct from Golaghat to Jorhat and thence along or near the Trunk Road to Dibrugarh.

The great bulk of the tea gardens I am informed lie south of the Trunk Road.

For these reasons were a line carried by the Trunk Road route between Roha and the Dhansiri, it would be desirable after crossing the Dhansiri to make for Golaghat, or a point near it, and on this account there is not so great a difference between the length of this and the Dimapur valley route as I calculated in my report of last year.

75. *Alternative line between Roha and Dimapur through the Jamuna valley.*—It may be worth mentioning that were it a matter of vital importance, and at the sacrifice of other consideration, to reduce the length of line between Upper and Lower Assam, this might be effected by running direct from Roha to Dimapur by the Jamuna valley: this route would only be very slightly longer than that by the Trunk Road to Golaghat. The Junction Station would in that case be at Dimapur, considering that it is important not to increase the through distance between Upper Assam and Cachar. The two parties, which worked in the Dimapur valley marched by this route, and report that there are no engineering difficulties on it, but I cannot recommend any such scheme and indeed think it would be a very great mistake. The length of line to construct would be about twenty-five miles greater than by the proposed schemes, and all traffic between Lower Assam and Cachar would have to go about seventy miles farther round than it would have to do if the direct route between Roha and the Lumding existed; in fact the tax on this would no doubt be soon found to be so intolerable that the direct line would be demanded; the only benefits it would confer would be to shorten by about two hours the railway journey between Lower and Upper Assam and to reduce the transit charges between the two parts by the amounts due to a saving of something like 20 miles in distance.

76. *Unable to add anything to what has already been written regarding the financial prospects of the line.*—I am unable to add anything to what I have already written regarding the financial prospects of the line which can be of any value. The total registered trade of the Brahmaputra valley during 1880-81 and 1881-82 was stated in last year's report, but it must remain a matter for pure speculation as to what proportion of that trade would be diverted from the river to the railway and to what extent the railway would create fresh trade for itself.

Any estimate based on present traffic returns would probably be very soon exceeded.

It is not probable that I should have been in any better position to write on this subject even had I been able to visit the upper portion of the valley and have consulted a large number of the Planters. They are all doubtless eager for the railway, but they could not have enlightened me as to what amount of traffic the railway might attract. I have heard very diverse opinions.

77. *Length and estimate of the Gauhati less than previously assumed.*—I must notice that the length of the branch line from the Lumding to Gauhati will probably be only 111 miles, which at the rate of Rs. 68,000 per mile will give a total cost of Rs. 75,48,000 instead of the figures taken in the report on the exploration of the North Cachar Hills, *viz.*, 122 miles at Rs. 80,000 per mile equal to total cost Rs. 97,60,000.

The estimates have been remarked on elsewhere, but there has been a saving in the distance on the section surveyed, and the alignment I have marked between Roha and Gauhati shows a yet larger proportional one when compared with the Trunk Road mileage, which in the absence of any knowledge of the country was taken.

78. *Opening out tea gardens at the Lumding.*—I would also remark that since writing the above I have received a letter from a Planter, stating that he has been reading the reports on the railway surveys, and that he intends to open out a garden at the Lumding, and asking for a rough sketch of the proposed route so that he may pick out a convenient site. Many others, I have no doubt, will follow his example when they feel assured that the line is to be put in hand.

79. *Suggestions for programme of survey operations during season, 1884-85.*—It remains for me to suggest a programme for next season's operations. Mr. Moore should return to the North Cachar Hills and carry on the survey towards the Lumding while another party should be sent to complete the survey between the Lumding and Dimapur. Mr. Molesworth has recommended that the survey from the Cachar line into the Jatinga valley should be put in hand, and I think that this would be the most useful way of employing a third party. There remains to consider what to do with the fourth party. Judging by what was accomplished in the North Cachar Hills last season, it will take eight years, with only one party each year to complete the survey of the Hill Section, apart from laying down the final line.

I should like to see two parties engaged in the hills, but there are difficulties about coolies, unless, however, the survey is to drag along for years, these difficulties must be faced.

I must remark, however, that two of my parties only consist of one Executive Engineer and one Assistant Engineer each, and for the hill work, it would be necessary to increase the strength, so that if one more Assistant Engineer at least is not forthcoming, it would be better to put the fourth party to survey from Golaghat upwards, and while this was going on the Executive Engineer in charge could detach a subordinate to cut a trace through the forest between the Dhansiri and Daiang rivers north of Dimapur, which it was not possible to get done last season. I trust that early orders may be issued as it takes about two months to make all the arrangements for taking the field, and the working season is short.

80. *Conclusion.*—In conclusion I trust that the services of the staff, who have discharged their arduous duties, to my entire satisfaction amidst much discomfort and with much risk to health may be brought to the favorable notice of the Government of India.

No. 1555, dated 19th July 1884.

From—J. Phillips, Esq., Chief Superintendent, Assam Company,

To—The Engineer-in-Chief, Assam Railway Survey, Shillong.

I have the honor to acknowledge the receipt of your letter No. 1405, dated the 31st May last, and regret that indisposition and press of other work have prevented me replying to it earlier.

2. The subject of your letter is one that must interest most deeply all residents and proprietors of land in this province, and it is pleasing to us all to find that there appears to be good grounds to expect that the Government of India are taking in hand vigorously the question of bringing the province into easy communication with the marts and ports of Bengal, and have at length, as I assume is the case, concluded that the river route is not adapted practically to secure this object which opinion has long been held by residents in the province.

3. You desire me to give you my views as to which of the two routes from Golaghat towards Bengal would be most likely to benefit Tea Planters in Assam, *viz.*, one from Golaghat to Fakirgunj and the other from Golaghat to Chittagong with a branch to Chandpur for delivery of produce for Calcutta.

4. For the conveyance of produce, that is, tea, it has been found that the fewer transhipments it undergoes the better, hence although when the Eastern Bengal Railway was first opened a considerable quantity of tea was sent by that line from Kooshtea, this mode of acceleration has been completely given up owing to the violence the chests received whilst being loaded into and unloaded from the trucks and hackeries in Calcutta. Tea from Assam is now loaded into flats which convey it direct to the jetties in that city, and it is found preferable to put up with the extra time occupied so that the chests may be placed in the warehouses without being injured.

5. Calcutta must be looked upon as the market for the bulk of the crop of tea produced in Assam, Sylhet and Cachar, although some few estates ship their produce direct to England, notably, the Assam Company, Noakacharree Tea Company, Jhanzi Tea Association, Jorhat Tea Company, Meleng Tea Estate, Brahmaputra Tea Company, and some others in this district.

6. Your proposal therefore to deliver the tea for Calcutta at Chandpur, from whence a choice of carriage exists, *viz.*, steamers or native boats, meets entirely all objections that could

be urged against the Chittagong route. The provincial line having a terminus at Fakirgunj would place us in but a little better position than we occupy at present, as from that station to Calcutta, we should still only have steamers offering to carry our cargo, and it is notorious that for the limited business done from Assam there can be no free and open competition, and we will be compelled to pay whatever charges are demanded by the practical monopolists as at present.

7. It is certain that no tea would be sent to Calcutta *viâ* Dhubri or Goalundo by rail.

8. Shippers to England direct will be able to secure cheaper transit from Chittagong to London, as I understand that the port is open all the year round and regularly visited by the British India and other first class Ocean steamers.

Transit through Calcutta entails upon such shippers charges which could be considerably reduced if the business was done at Chittagong, provided freight and insurance from this port is not heavier than from Calcutta.

9. Upwards also, as you point out, the cheap rice and other crops from Sylhet and Tippera would be brought into the province at a lower cost than is paid to bring from Serajgunj.

At present rice from Serajgunj is costing all estates in this district, Rs. 3-4-0 and Rs. 3-8-0 per maund.

10. The connection of Upper Assam with Cachar and Sylhet by direct line has undoubtedly very much to recommend it, more especially as the branch to Chandpur puts us in connection with the Central Bengal and Eastern Bengal Railways which would bring mails, passengers and immigrants more quickly to the province than they could expect to come if the circuitous route *viâ* Dhubri and Gauhati was adopted.

11. Politically there would also be much gained by this line, as administration—military and civil—of all districts and their bordering hill tracts, would be much facilitated by it, and it would then probably be found advisable to attach the Maimensing, Tippera and Chittagong districts to Assam and to administer the affairs of the whole of the Assam valley and the territory south of the Megna and Brahmaputra under one Chief Executive Officer.

12. As regards the financial prospects of this scheme, I think you must obtain information on these out of Assam as residents in the province are, as a rule, so confined in their undertakings as to be able to give little assistance or advice beyond their own little concerns and responsibilities. You can obtain, of course, local information and advice which will be reliable, but, for the broad subject of shewing the financial results from the investment of the capital required to lay down say, 550 miles of railway, you will have to gather your information from experts who have worked in larger fields than Assam, and I could not myself venture any opinion that would in any way aid you.

We have at any rate admittedly vast and valuable resources in the province which only require labor and capital to develop them, and these can only be introduced when communications are improved.

The climate of Upper Assam has everything to recommend it as a residence for Europeans who are able to work with health and energy at all seasons of the year in it, and if this line should become an accomplished fact, there is a moral certainty that great benefits to the province would accrue, and I hope it will be found also that these will compensate investors for the outlay incurred.

Under similar circumstances elsewhere, they have done so, and why should they not in Assam?

I regret that I do not feel justified in going further in my remarks under this head than the foregoing, but will be glad to collect for you such information as you would like to have to consider when you extend your inspection above Golaghat, when I shall be very pleased to lay it before you in Nazira which station you will be passing through or near.

13. I will thank you for any information you may be able to give me regarding the port of Chittagong to make me clear on the point of its adaptability for the business of this Company.

RESOLUTION.—The report, estimates, &c., now submitted to the Government of India relate to the surveys, made during the cold season of 1883-84, of the undernoted sections of the proposed Chittagong-Assam Railway, which comprised—

(1) a few miles of the hilly portion of the line in the Dijako and Mupa Valleys;

(2) the portion of the Gauhati Branch between Lumding Junction and Roha;

(3) the section between Golaghat and Lumding Junction.

The surveys are confirmatory, so far as they go, of the opinions previously expressed as to the feasibility and cost of the proposed railway.

2. As regards the section in the Dijako and Mupa Valleys, while the surveys establish the fact that a feasible line can be obtained in one of the most difficult portions of the hill route, and that the cost will be about the figure previously estimated, the details will have to be worked out with careful cross sections before the line can be finally located. The effect of this will, it is believed, be rather to reduce than increase the estimated cost. These surveys appear also to establish the fact that the western side of the range flanking the Dijako Valley affords a very fair line for a railway.

3. With regard to the surveys between Lumding Junction and Roha, the line from Roha to the 12th or 14th mile from the Junction may be accepted as not capable of any material improvement, but the remaining length will have to be carefully examined. The alignment here is doubtless capable of considerable improvement.

4. The examination of the country between Lumding Junction and Golaghat must be considered as preliminary only; nothing is established beyond the fact that a line with no very heavy work can be obtained between Golaghat and Lumding, but there appears to be very little doubt that further examination will result in a considerable improvement of the alignment.

5. The construction of the section between Golaghat and the Lumding river is of the first importance; it is also necessary that the construction of the sections in the plains, both to the north and to the south of the hilly portion, should be well advanced before the construction of the latter is commenced. In this view Mr. Buyers should be instructed to concentrate work during the coming cold season on the detailed survey of the Lumding-Golaghat section on the one side, more especially on the route previously suggested by the Consulting Engineer for State Railways between the Dhansiri and Daiang rivers, and of the Jatinga Valley and its approaches on the other, withdrawing the staff on the Gauhati Branch which is of minor importance.

ORDER.—Ordered, that this Resolution be forwarded to the Chief Commissioner, Assam, for information and guidance, the plans and sections being at the same time returned.

Also that it be published in the Supplement to the *Gazette of India*, in continuation of Public Works Department Resolution No. 433R.C. of 30th May 1884.

W. S. TREVOR, *Colonel, R.E.*,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 22nd OCTOBER 1884.

GENERAL REMARKS.—There has been a heavy and seasonable burst of the north-east monsoon in the Madras Presidency, and prospects have much improved everywhere, except in Bellary and Anantapur. In Mysore rain has again been heavy and general, and the prospects of the season are now encouraging. There has been good rain in Coorg, and the prospects of the crops are favourable. More rain is still required in parts of Poona, Sholapur, Belgaum, and Dharwar. In the Deccan and Southern Mahratta Country rain was general, excepting in Kaladgi, where it is much wanted. In Nasik and Khandesh the crops have been slightly injured by excessive rain.

In the Berars and Hyderabad and in the Central India and Rajputana States there was little or no rain during the week, but the prospects of the crops are on the whole very favourable. There was no rain in the Punjab and the North-Western Provinces and Oudh during the period under report. In the former province the *kharif* harvest promises to be very favourable. In the North-Western Provinces and Oudh the *kharif* crops are generally in good condition, though they have been injured in some places by excessive rain. In the Central Provinces agricultural prospects are generally good. Except in Cuttack, no rain fell in Bengal during the week. Paddy on high and low lands are still in need of rain. In Assam the prospects of the *sali* crops are fair. Rain is much needed at Gauhati. In British Burma the condition of the crops is generally good, though more rain would be beneficial in a few districts.

The last report of the Meteorological Department, dated 23rd instant, states that showers have fallen in Assam, at Burdwan and Saugor Island, and at some places in the Bombay Presidency, while at most stations in the Carnatic as well as at Bangalore rain has been general.

Agricultural operations remain for the most part unchanged. Sowing and ploughing for the *rabi* are generally in progress throughout the country. The *kharif* is being harvested in Bombay, North-Western Provinces and Oudh, and in the Punjab. Harvest operations are also in progress in some districts of Madras.

The public health is generally good. Prices are generally stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Madras—(Oct. 22nd)		
Bellary ...	·65 (average)	Pasture very scanty.
Kurnool ...	·82 (average)	Standing crops good; sowing of white *cholum* progressing; harvest early cereals, outturn below half. Some small-pox and cattle-disease.
Ganjam ...	·63 (average)	Small-pox, cholera, and cattle-disease prevalent.
Kistna ...	·57 (average)	Standing crops generally good; harvest dry crops, outturn below average. River 2·70 feet over anicut. Small-pox, fever, and cattle-disease in places.
Chingleput (Madras) ...	5·58 (average)	Standing crops good; harvest paddy and *ragi*, yield half the average. Small-pox in 3 taluks; 41 deaths from cholera.
Coimbatore ...	3·60 (average)	Standing crops benefited by recent rain; harvest paddy and *ragi*, outturn about average.
Tanjore ...	6·89 (average)	Standing crops good. Rivers 3 to 10 feet. Harvest wet and dry crops, outturn below average. 46 deaths from cholera.
Madura ...	3·11 (average)	Prospects considerably improved throughout; pasture scanty. 28 deaths from cholera.
Malabar ...	3·53 (average)	Second crop cultivation progressing. Fever and slight small-pox prevalent; 2 deaths from cholera.
Travancore ...	12·21	Second crop cultivation progressing. Fever, small-pox, and cholera in parts.
		General Remarks.—General prospects. Heavy and seasonable burst of north-east monsoon general from Nellore and Cuddapah southward. Prospects much improved and good, except in Bellary and Anantapur. Prices rising in Bellary.
Bombay—(Oct. 22nd)		
Karachi ...	*Nil*; total from 1st January to date at Tatta, 5·13; Jerruck, 9·71; Sakro, 12·96; Kotri and Ghorabari, 8·92.	Fever generally prevalent; diarrhœa of a bad type in Kotri, 12 deaths out of 19 from 15th to 19th, no fresh case since; cattle-disease in 8 talukas, loss of 192 cows and buffaloes, and 60 sheep and goats; small-pox in Moghul, Bin, and Ghorabari talukas, 1 fresh case, 2 deaths, 6 remaining sick. Prices—wheat, red rice, and *bajri* in Karachi 26, 28 and 40; in Kotri 24 and 38; in Sujawal 24, 34 and 40; and in Tatta 26, 30 and 36 pounds per rupee, respectively.
Hyderabad ...	*Nil*	River at Kotri on 20th, 9 feet 5 inches against 7 feet last year. Fever in 11, small-pox in 2, and cattle-disease in 4 talukas. Prices of grain steady.
Ahmedabad ...	*Nil*	Reaping of *kharif* crops in progress; crops healthy. Fever in Dholka, Gogo, Dholera, Viramgaum, and Parantij. Wheat 31 and *bajri* 33 pounds per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Bombay—*contd.*		
Baroda ...	·25	Total rainfall 47·92. Public health good. Harvests commenced in Naosari and Kadi divisions. Prices—*bajri* 34 and rice 23 pounds per rupee.
Surat ...	·1	Total rainfall 39·92. *Kharif* harvest commenced in places; standing crops healthy; preparations for *rabi* progressing. Cholera in Jalalpur taluka, 4 cases, 2 deaths. *Juari* 29 and *nagli* 40 pounds per rupee.
Nasik ...	Rain throughout the district, except in Peint.	Break urgently wanted. Public health good. *Kharif* crops in good condition, but slightly damaged in parts by excessive rain; *rabi* sowing is in progress. Wheat 40, *bajri* 33½, and rice 21 pounds per rupee.
Colaba (Bombay) ...	Rain on 4 days; total of week 1·38.	Total to date 73·6, being 3·10 above average; abnormal temperature 2° cool to 1° warm; vapour in air defective from 15th to 17th; abnormal wind veered from north-east on 19th to south on 21st; thunder and lightning from 18th to 21st.
Poona ...	Good rain—1·0 at Sirur; light showers in 6 talukas.	More rain wanted eastward, where *kharif* crops are not good. Scarcity of fodder in the east. *Bajri* 33 and *juari* 24; in Poona *bajri* 28 and *juari* 30 pounds per rupee.
Ahmednagar ...	Nagar, 2·48; Kopargaon, ·71; Parner, ·41; Jamkhed, Sheogaon, Newasa, and Sangamner, none; slight in remaining talukas.	*Kharif* crops are in good condition; harvesting in progress in Hainer, Shrigonda, Jamkhed, Sheogaon, and Kopargaon; sowing of *juari* completed in all talukas, except Akola, where it is just begun. Fever prevalent in Sheogaon. *Bajri*—maximum 48 pounds per rupee in Akola, minimum 36 in Karjat; *juari*—maximum 60 pounds in Sangamner, minimum 34 in Karjat.
Sholapur ...	Sholapur, 2·51; Barsi, ·8; Madha, ·65; Karmala, ·17; Pandharpur, 1·4; Sangola, 1·14; Malsiras, ·60.	*Juari* 33 pounds 28 tolas and *bajri* 33 pounds 9 tolas per rupee. Prospects somewhat brighter. More signs of rain.
Dharwar ...	1·33; Hangal, ·65; Mugud, ·52; Ranibennur, ·32; Bankapur and Ron, ·22; Karajgi and Kal[illegible] ·14; Gadag, in Navalgund, Nargund, Mandarji, and Kod.	Rain has done some good to crops in Dharwar, Ranibennur, and Hangal talukas; rain urgently required throughout the district. Sowing of late crops retarded in eastern talukas, where also scarcity of fodder is being felt; standing crops suffering from drought. There are still signs of rain, which has been falling, though slightly, since last three days in Dharwar and adjoining talukas. 35 deaths from cholera. Prices rose greatly, but have again fallen: average prices [illegible] rice 26 pounds per rupee.
Kanara ...	Karwar, ·16; Kumpta, ·73.	Total rainfall 93·52. C[illegible] in Karwar 15 seers; district average 14¾ seers [illegible]. Small-pox, 2 deaths in Kumta; fever in Honavar and Haliyal talukas. Rice harvest continues on coast. Weather cloudy.
Rajkot ...	......	General health good; weather warm and cloudy; fever generally prevails; cholera in Dhoraji, Upteta, and Jetpur. *Bajri* 38 and *juari* 52 pounds per rupee.
		General Remarks.—Good rain throughout the Deccan and Southern Mahratta Country, excepting Kaladgi where it is much wanted; more rain also required in parts of Poona, Sholapur, Belgaum, and Dharwar. Crops slightly injured by excessive rain in parts of Nasik and Khandesh; *kharif* harvest and *rabi* sowing in progress in most districts. Fever in parts of 14 districts; cholera, small-pox, and cattle-disease in a few districts.
Bengal—(Oct. 22nd)		
Chittagong ...	*Nil*	Weather cooler at nights. Prospects of crops fair. Prices stationary. Sporadic cases of cholera and cattle-disease still continue; general health good.
Dacca ...	*Nil*	Crops generally fair, though injured somewhat by want of rain and subsidence of water; cutting of jute completed and that of sugarcane commenced; pulses being sown. Public health generally good.
24-Pergunnahs (Calcutta)	*Nil*	Prospects of *amun* paddy good; sugarcane doing well; ploughing and sowing of *rabi* crops going on. Prices of common rice stationary. Public health generally good; ordinary fever prevails in the interior. State of river normal.
Moorshedabad ...	*Nil*	Weather seasonable. *Dearah* lands must be resown owing to late rise in rivers. Heavy showers of rain, of which there is no prospect, much wanted for *amun*, condition being worst in thanas Sootee and Mirzapore. Ordinary rice selling at from 12 to 13½ seers per rupee.
Rajshahye ...	*Nil*	Weather very cloudy. Rain still wanted for *amun*. Few cases of cholera reported from Nowgong.
Burdwan ...	*Nil*	*Aus* being reaped; prospects bad if rain holds off. Prices slightly lower.
Rungpore ...	*Nil*	Weather fair. Prospects of crops not very favourable. Prices of food-grains rising. Malarious fever prevalent.
Bhagalpur ...	*Nil*	Prospects of crops good; *rabi* being sown. Prices of rice stationary.
Purneah ...	*Nil*	Prospects of crops fair, except in Motihari and Dhamduka; *rabi* cultivation progressing. Common rice 14 seers per rupee. Much fever. Ganges and Kusi falling.
Patna ...	*Nil*	Sowing of *rabi* crops in full progress; *cheena* looks well; rain wanted for standing paddy. Public health good, except in Bihar subdivision, where cholera still prevails.

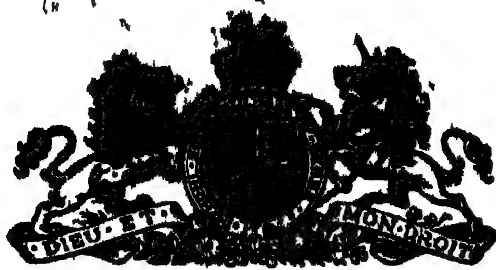
Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Bengal—*contd.*		
Durbhunga ...	*Nil*	Prospects of paddy only moderately fair and not the same everywhere; *rabi* sowing commenced. Prices slightly falling. Public health good.
Hazaribagh ...	*Nil*	Weather cloudy. Paddy on low lands doing well; rain much needed for paddy on high lands; lands for winter crops being prepared. Cases of small-pox in certain thanas, otherwise general health good.
Cuttack ...	·25	More rain expected. Prospects of *sarad* crops good. Sufficient rain fell last week in Kandrapara in parts of Sadr sub-division; rain wanted in Jajpore. Price of rice almost stationary. Public health good.
		General Remarks.—There has been slight rain in Cuttack, Puri, Backergunge, and Mymansingh. Rain very much wanted for paddy on high lands which has suffered. Paddy on low lands also requires rain. Prices of rice high, but almost stationary. Sowing of *rabi* crops in full progress. Sporadic cases of cholera still reported from nine districts, and fever beginning to be prevalent in several districts. Reports have come in at Nawada of beggars dying of starvation.
N. W. Provinces and Oudh—		
Benares (Oct. 21st)	No rain	The *kharif* crops are all good, including sugarcane and late rice, though *mung, bajra,* and *urd* have been slightly damaged by excessive rain, as already reported; sowing for the *rabi* crop is in progress. Health of men good; save a little fever in the city; no cattle-disease. Prices nearly stationary. Bazars well supplied
Gorakhpur („ 18th)	......	Fine weather; floods subsiding. *Rabi* sowings somewhat delayed by late rains. Cholera decreasing. Prices very slightly rising.
Fyzabad („ 21st)	No rain	Clear weather; west wind. *Rabi* sowing going on. Public health good; cattle-disease in part of district.
Lucknow („ 20th)	No rain	Rice and *kodo* nearaly cut; *rabi* crops are being sown. Health of people good, but slight cattle-disease reported in tahsil [illegible] Supplies sufficient. Prices stationary
Rae Bareli („ „)	......	Weather cloudy; wind [illegible] health good. Supplies abundant. [illegible] stationary.
Partabgarh („ 21st)	......	*Rabi* sowings in full swing; *bajra* being cut; prospects excellent General health good. Prices almost stationary.
Allahabad („ „)	No rain	*Rabi* sowings nearly completed. Health good. Prices falling.
Cawnpore („ 20th)	No rain	Weather clear. The cessation of the rains has improved the prospects of the *kharif* crops; *rabi* ploughing and sowings are in progress. Fever and [illegible] are prevalent; no cattle-disease.
Farukhabad („ 21st)	......	Weather fine; fever decreasing. Ploughing for *rabi* in progress.
Sitapur („ „)	......	Clear weather; westerly wind. Wheat sowings have commenced, and prospects are favourable. Cholera reported from pargana Misrik.
Bareilly („ 20th)	......	Condition of crops fair. Market stationary. Slight fever, but cholera disappearing; cattle healthy.
Moradabad („ 21st)	No rain	*Rabi* ploughing in progress; *bajra* and *dhan* being out. Fever less prevalent.
Kumaon („ 20th)	......	Weather fine. Harvest all reaped. General health good. Prices falling. Cattle-disease continues.
Agra („ 21st)	No rain	*Kharif* being cut; *rabi* ploughings and sowings going on. No cholera reported during week; but fever very prevalent. Prices steady.
Jhansi („ „)	......	Prospects fair; cultivation of land for the *rabi* in progress. Prices falling. Cholera stopped, but fever prevalent.
Aligarh („ „)	......	Weather fine, but rather warm. Slight cholera reported from Atrauli and Sikandrarao; fever prevalent throughout the district. *Kharif* crops considerably damaged by last rain. Prices show fall in *juari* and rise in gram, *bajra*, and *mung*.
Meerut („ 20th)	No rain	West wind; weather seasonable. Hopes entertained that damage by recent rains may turn out less than at first expected. Fever prevalent; cholera continues in Hapur. Supplies sufficient. Prices steady.
Saharanpore („ 21st)	......	Weather seasonable. Fever abating; cholera has ceased in Deobund. Rice and *makki* being reaped; wheat sowing begun. Little change in prices. Some cattle-disease in Nakur.
		General Remarks.—No rain is reported during the week. Agricultural prospects are good, though damage has, in some places, been caused by the recent heavy rains; ploughing and sowing operations for the *rabi* are in progress. The general health is good, and there is no marked change in prices.
Punjab—(Oct. 22nd)		
Delhi ...	......	Fever prevalent. *Rabi* sowings in progress. Prices of gram and *bajri* rising, and of other food-grains stationary.
Hissar ...	......	Fever prevalent; cattle-disease in Rohtak. *Rabi* sowings progressing. Prices stationary or rising.
Umballa ...	......	Fever still prevalent throughout the district. *Makki* harvested; rice and *juari* being harvested; yield expected to be above average; sowing of gram, barley, and mustard in progress. Prices stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Punjab—*contd.*		
Jullundur ...	......	Ordinary autumnal fever prevalent. *Rabi* ploughings commenced; prospects of coming harvest favourable. Prices stationary.
Amritsar ...	......	Slight fever. Prices almost stationary.
Sialkot ...	......	Health good. *Kharif* harvest above average, except that of cotton and maize.
Ferozepore ...	......	Fever prevalent in the district. Probable yield of *kharif* crops good. Prices rising.
Lahore ...	......	Slight fever prevalent. Crop prospects fair. Prices stationary.
Rawalpindi ...	......	Fever in five and cattle-disease in one tahsil. Expected yield of *kharif* harvest above average in one, average in four, and below average in one tahsil. Prices falling.
Mooltan ...	......	Fever still prevailing in the district. Expected *kharif* yield average; *rabi* sowings comm enced. Prices steady.
Dera Ismail Khan ...	......	Health and prospects good. Coming yield above average.
Peshawar ...	......	Health and *kharif* prospects good. Prices falling.
		General Remarks.—No rain during the week. Fever very prevalent. *Kharif* prospects very favourable; *rabi* sowings commenced.
Central Provinces—(October 22nd)		
Nagpur ...	*Nil*	Weather cloudy and close. *Kharif* prospects fair; *rabi* sowings progressing. Fever prevalent. Prices steady.
Jubbulpore ...	·62	Weather cloudy and warm. Reaping of *dhan* commenced; *rabi* sowings progressing. Prices stationary.
Saugor (Oct. 21st)	*Nil*	Bright sunshine. Paddy and *kodo* being cut; *til* and cotton unfavourable; *juari* a little better; *rabi* land under preparation. Fever prevalent. Prices steady.
Seoni ...	·6	Weather hot and cloudy. Reaping of rice and *rabi* sowings commenced. Prices steady.
Hoshangabad ...	*Nil*	Weather cloudy and warm. *Rabi* sowings commenced. Fever prevalent. Prices stationary.
Khandwa ...	·37	Weather cloudy. Cotton, *til*, and *tur* flowering; prospects indifferent. Health good. Rice 14[illegible], wheat 24¾, and *juari* 30 seers per rupee.
[illegible]	·55	Weather cloudy and hot. Rice doing well; *kodo* and cotton damaged; *rabi* land under preparation. Prices falling.
Sambalpur (Oct. 18th)	·5	Weather cloudy and warm. Prospects of crops good. Fever prevalent; cattle-disease in one tahsil. Prices stationary.
		General Remarks.—Weather close and cloudy, with slight rain. Prospect of crops unchanged. Health fair. Prices steady.
British Burma—(Oct. 22nd)		
Akyab (Oct. 18th)	0·28	Total rainfall 179·23. Cholera still prevalent, in town also, but less severely in districts. Crops healthy.
Bassein („ „)	2·90	Total rainfall 97·77. Cattle-disease in two townships.
Rangoon („ „)	0·10	Total rainfall 84·73.
Amherst (Moulmein) („ „)	0·57	Total rainfall 173·89. Prospects of crops good.
Tavoy („ „)	2·30	Total rainfall 159·93. Slight small-pox and cholera. Prospects of crops excellent.
Pegu („ „)	1·48	Total rainfall 108·39. Crops promising.
Henzada („ „)	0·44	Total rainfall 86·84. Slight small-pox in town. Crop prospects favourable, but in some parts more rain is wanted.
Prome („ „)	1·91	Total rainfall 40·83. Slight cholera in one township. More rain wanted, but plants are in good condition.
Toungoo („ „)	0·18	Total rainfall 71 inches.
Thayetmyo („ „)	0·32	Total rainfall 31·24. Crops generally promising fairly. Harvests will probably be ½ of average.
		General Remarks.—Cholera continues in Akyab; slight small-pox in parts, otherwise public health good; some cattle-disease in Irrawaddy Delta. Crop prospects unaltered.
Assam—(Oct. 22nd)		
Gauhati ...	No rain during week ending 21st instant.	Weather becoming perceptibly cold; days hot; nights and mornings cool. Prospects of *sali* paddy fair, that of tea not good. Rain much needed at this time. Lands being ploughed for mustard; sugarcane doing well. Public health fair.
Sylhet ...	*Nil*	State and prospects of crops same as last week. Cholera and small-pox still prevalent.
Cachar ...	*Nil*	Days warm; nights cool. Rain much wanted for rice and tea. Health good. Common rice 12¼ seers per rupee.
Dibrugarh ...	0·13	Weather cool. Prospects of *sali* crop fair. District healthy.
Mysore and Coorg—(Oct. 22nd)		
Bangalore ...	1·9	Standing crops are improving in condition, and prospects of season are encouraging. Public health good.
Mysore ...	4·0 rain has been general all over the province.	
Mercara ...	4·59	Harvesting of *ragi* and picking of cardamoms have commenced; coffee ripening in parts; prospects of rice crops good.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Berar & Hyderabad—(Oct. 22nd)		
Amraoti ...	1·18	Weather cloudy. Crops in good condition; *rabi* sowings commenced. Wheat 20 and *juari* 30 seers per rupee.
Akola ...	......	Weather cloudy. Crops in good condition; cotton in flower.
Hyderabad ...	Average rainfall during the week, ·84.	Total rainfall from 1st January 30·82. *Kharif* and *abi* crops prospering; more rain will damage standing crops and *rabi* sowings. No sickness. Prices—wheat 13, coarse rice 12, white *juari* 16¼, yellow *juari* 20½, and *tur* 19 seers per halli sicca rupee.
Central India States—(Oct. 22nd)		
Indore ...	0·8	Total rainfall 36·64. Weather normal. Health good.
Morar (Gwalior) ...	*Nil*	Total rainfall 32·68. Fever unusually severe both in Morar and Lashkar.
Sutna ...	......	Weather warm and cloudy. Health and prospects good.
Neemuch ...	*Nil*	Weather seasonable. *Mukka* has been reaped; land is being prepared for opium and *rabi* crops. Public health good.
Goona ...	......	Health and prospects good.
Bhopal ...	......	No report received.
Agar ...	0·26	Health and prospects good.
Sehore ...	*Nil*	Weather clear. Prospects of crops and public health good; but *kharif* much injured by late rains.
Nowgong ...	*Nil*	Public health indifferent and fever prevalent. Weather fine and agricultural prospects improving.
Manpur (Bhopawar) ...	*Nil*	Prospects good. 3 fatal cases of cholera in Dhar and 3 in Burwani, of which two fatal; health otherwise good.
Rajputana—(October 22nd)		
Abu (Oct. 22nd)	*Nil*	Weather quite clear, cool, and seasonable.
Sirohi (" 19th)	*Nil*	Tanks, wells, and crop prospects good. Weather seasonable.
Marwar (" 17th)	*Nil*	Fever abating. Crops in good condition. Jodhpore city tenantless. Nights cool. Prices stationary.
Meywar (" 19th)	*Nil*	Tanks and wells good. Health fair. Sowings commenced. Weather seasonable.
Harowti (" 18th)	*Nil*	Weather cloudy. Nights cold. Sowings progressing. Health good. Prices stationary.
Jhallawar (" 17th)	*Nil*	Total rainfall 31·26. Weather seasonable. Health fair.
Ajmere (" 21st)	*Nil*	Weather seasonable. Sowings proceeding. Health satisfactory.
Jeypore (" ")	*Nil*	Weather seasonable. Sowings progressing. Prices steady. Fever prevalent, otherwise health good.
Bhurtpore ...	......	No report received.
Ulwur (Oct. 21st)	*Nil*	Cultivation continues. Fever decreasing. Prices falling.

E. C. BUCK,
Secy. to the Govt. of India.

Printed and Published for the Government of India *at the* Government Central Branch Press, Simla.




The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA. SATURDAY, OCTOBER 25, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

	R	a	p.
Subscription for *Gazette* and Supplement per annum	15	0	0
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Subscription for Supplement only	6	0	0
Postage	3	0	0
For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement	0	4	0

Postage on single copies varies according to weight.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

E. J. DEAN,

Publisher, Gazette of India.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The following orders and genera have been appointed for the B.A. Examination in Zoology of 1885 :—

Vertebrata.

Carnivora.

Invertebrata.

Merostomata.

Reptilia.

Crocodilia (Indian genera.)

Aves.

Peristeromorphæ (Indian genera.)

CHARLES H. TAWNEY,

Registrar.

SENATE HOUSE,

The 22nd October 1884.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 10th October 1884.

No. 26.—Assistant Surgeon Umesh Chandra Sen, of the Bengal Provincial Establishment, is dismissed the service, with effect from the 11th August 1884.

J. M. CUNINGHAM, M.D.,

Surgeon-General with the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Simla, the 20th October 1884.

No. 7.—Mr. D. B. Cromartie, an Assistant Superintendent of the 1st Grade, is allowed furlough for fourteen months, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 6th September 1884.

No. 8.—Mr. C. E. Horsley, an Assistant Superintendent of the 1st Grade, is allowed furlough on medical certificate for twenty-five days, in extension of the leave granted to him in Notification No. 4, dated 15th September 1884, under Section 52 of the Civil Leave Code, with effect from the forenoon of the 7th September 1884.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN, P. W. D.

NOTIFICATION.

Quetta, the 10th October 1884.

No. 12.—With reference to Revenue and Agricultural Department Notification (Surveys) No. 573, dated 2nd October 1884, Lieutenant S. G. Burrard, R.E., reported his departure from the Biluchistan Agency on the forenoon of the 25th August 1884.

J. BROWNE, *Colonel, R.E.,*
Secy. to Agent to the Govr. Genl. for Biluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 18th October 1884.

No. 3231.—The undermentioned Hospital Assistant, who has passed his Septennial Professional Examination, is promoted to the next higher class, with effect from the date specified against his name:—

NAME.	DATE OF COMPLETION.		Date of passing the professional examination.	Date of promotion.
	14 years' service.	7 years' service.		
WITH ENGLISH QUALIFICATION.				
Kirpa Ram . .	...	Sept. 8, 1884	Sept. 8, 1884	Sept. 8, 1884

By Order,

D. ROBERTSON, *Captain,*
1st Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 20th October 1884.

No. 3258 *G.*—Lieutenant-Colonel P. W. Powlett, Resident, Western Rajputana States, availed himself, on the afternoon of the 24th of September 1884, of the privilege leave granted him in this Office Notification No. 2429 G., dated the 6th of August 1884, making over charge of his Office to Lieutenant-Colonel C. A. Baylay, Political Agent, Kotah.

No. 3261 *G.*—The privilege leave granted to Lieutenant-Colonel C. A. Baylay, Political Agent, Kotah, in this Office Notification No. 2772 G., dated the 5th of September 1884, is extended by three days.

Major H. B. Abbott, Political Agent, Jhallawar, held charge of the current duties of the Kotah Agency, in addition to his own, from the forenoon of the 29th of August to the afternoon of the 21st of September 1884, during Lieutenant-Colonel Baylay's absence.

No. 3263 *G.*—With reference to this Office Notification No. 3261 G., dated 20th October 1884, Major H. B. Abbott, Political Agent, Jhallawar, resumed charge of the current duties of the Office of the Political Agent, Kotah, in addition to his own, from Lieutenant-Colonel C. A. Baylay, on the forenoon of the 22nd of September 1884, consequent on the deputation of the latter officer to officiate as Resident, Western Rajputana States, *vice* Lieutenant-Colonel P. W. Powlett, proceeding on privilege leave.

No. 3265 *G.*—Major P. W. Smith, 2nd-in-Command, Merwara Battalion, returned to duty on the 30th September 1884, from the privilege leave granted him in this Office Notification No. 2439 G., dated 6th August 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER, RAJPUTANA, P. W. DEPT.

NOTIFICATION.

Mount Abu, the 18th October 1884.

No. 2552 *S.*—Under the Civil Leave Code (sixth edition), Appendix C I., Military Furlough Rules of 1868, Chapter I, XVIII, the Governor General's Agent and Chief Commissioner is pleased to grant to Lieutenant-Colonel H. Y. Murray, Superintending Engineer, 3rd Class, Temporary, and Officiating Secretary to the Agent, Governor General, and Chief Commissioner in the Public Works Department, Rajputana, twelve days' preparatory leave, with effect from forenoon of the 19th October 1884, to enable him to embark for Europe on the furlough on private affairs for two hundred and seventy-three days granted to him by the Government of India, in the Military Department, in Notification No. 405, dated 18th July 1884, and telegram dated 7th October 1884.

By Order,

WM. G. CUMMING, *Major, R.E.,*
Offg. Secy. to the Agent to the Govr. Genl., & Chief Commr., Rajputana, P. W. Dept.

CHIEF COMMISSIONER OF AJMERE-MERWARA, IN THE P. W. D.

NOTIFICATIONS.

Mount Abu, the 16th October 1884.

No. 2490 S.—Whereas land is required in the Ajmere District for a public purpose, *viz.*, for an extension of Ajmere Cantonments, this declaration is made in accordance with the provisions of Section 6 of Act X of 1870 :—

District.	Pargana.	Village.	AMOUNT REQUIRED.			Purpose for which required	REMARKS.
			For Occupation.		Total.		
			Permanent.	Temporary.			
			A. R. P.	*A. R. P.*	*A. R. P.*		
Ajmere .	Ajmere .	Ajmere	A. 56 2 13	...	56 2 13	For extension of Ajmere Cantonment.	The plans may be seen at the Office of Assistant Commissioner, Ajmere.
			B. 10 2 11	...	10 2 11		
			C. 8 0 0	...	8 0 0		
			D. 11 1 17	...	11 1 17		
			G. Road ...	...	...		
			H. 60 0 9½	...	60 0 9½		
			I. 4 1 0	...	4 1 0		

This Notification is in supersession of the Chief Commissioner's Notification No. 500, dated the 20th July 1882, published at page 592, *Gazette of India*, Part II.

The 17th October 1884.

No. 2500 S.—The land designated below being required for safety of the Todgarh (Fort) Tehsil Building, this declaration is made accordingly :—

District.	Pargana.	Village.	AREA REQUIRED.			Purpose for which required.	REMARKS.
			Permanent	Temporary.	Total.		
			Sqr. yds.	*Sqr. yds.*	*Sqr. yds.*		
Ajmere .	Todgarh .	Todgarh .	187	...	187	For the safety of the Todgarh (Fort) Tehsil Building.	The plan may be inspected at the Office of the Assistant Commissioner.

This declaration is made under Section 6 of Act X of 1870 (The Land Acquisition Act), and the Assistant Commissioner of Ajmere is hereby directed to take orders for the acquisition of the land specified above under Section 7 of that Act.

By Order,

H. Y. MURRAY, *Lieut.-Colonel*,

Offg. Secy. to the Chief Commr., Ajmere-Merwara, in the P. W. D.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th October 1884.

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans: Of 1832-33	4 per cent. Loans: Of 1835-36.	4 per cent. Loans: Of 1842-43.	4 per cent. Loans: Of 1854-55.	4 per cent. Loans: Transfer of 1865	4 per cent. Loans: Reduced 4 per cent Loan of 1879.	4 per cent. Loans: Total.	4½ per cent. Loans: Of 1870.	4½ per cent. Loans: Of 1878.	4½ per cent. Loans: Transfer Loan of 1879, 4½ per cent. Portion.	4½ per cent. Loans: Total.	Transfer Loan of 1879, seven shillings per cent. Portion.	5 per cent. Loan of 1856-57.	GRAND TOTAL.
Balance of 30th September 1884	54,100	13,36,853	27,74,800	2,35,45,900	99,89,600	2,96,83,637	2,44,53,300	9,17,84,090	46,26,300	94,53,300	10,17,51,900	11,58,31,500	1,24,500	56,200	20,79,50,390
Add—															
Amount enfaced at Madras between 1st and 15th October 1884	. .	. . .	1,100	14,500	6,000	14,900	11,400	47,900	. . . .	18,000	14,000	32,000	. . . .	. . . .	79,900
Amount enfaced at Bombay between 1st and 15th October 1884	. .	. . .	. . .	. . . .	20,000	48,000	. . .	68,000	. . . .	10,000	24,000	34,000	. . . .	. . . .	1,02,000
Amount enfaced at Calcutta between 1st and 15th October 1884	. .	. . .	11,000	1,93,100	3,500	3,98,000	24,000	6,29,600	. . . .	1,00,000	1,60,500	2,60,500	. . . .	. . . .	8,90,100
	54,100	13,36,853	27,85,900	2,37,53,500	1,00,19,100	3,01,44,537	2,44,88,700	9,25,29,590	46,26,300	95,81,300	10,19,50,400	11,61,58,000	1,24,500	56,200	20,89,22,390
Deduct—															
Amount written off in the London Registers	. .	. . .	. . .	2,37,000	32,500	95,500	56,500	4,21,500	36,500	31,000	1,15,600	1,83,100	. . . .	. . . .	6,04,600
Balance on 15th October 1884	54,100	13,36,853	27,85,900	2,35,16,500	99,86,600	3,00,49,037	2,44,32,200	9,21,08,090	45,89,800	95,50,300	10,18,34,800	11,59,74,900	1,24,500	56,200	20,83,17,790

NOTE.—From 9th June 1867 to 15th August 1884, enfaced from India 5,019 lakhs; re-transferred from London 4,303 lakhs.

		enfaced from India	re-transferred from London
From 9th June 1867 to 15th August 1884		5,019 lakhs	4,303 lakhs
,, 16th Aug. 1884 to 31st Aug.	,,	8 ,,	9 ,,
,, 1st Sept. ,, to 15th Sept.	,,	10 ,,	5 ,,
,, 16th ,, ,, to 30th	,,	7 ,,	5 ,,
,, 1st Oct. ,, to 15th	,,	10 ,,	6 ,,
		5,054 lakhs.	4,328 lakhs.
		4,328 ,,	
Balance against India		726 lakhs.	

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 21st October 1884.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 21st October 1884.

LIABILITIES.		R	a.	p.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		41,59,306	4	4
	R a. p.			
Public Deposits at Head Office	1,01,99,598 14 0	1,86,13,655	11	11
Public Deposits at Branches	84,14,056 13 11			
Other Deposits at Head Office and Branches		2,64,02,870	8	1
Bank Post Bills, &c.		3,61,510	13	1
Sundries		13,16,506	13	7
RUPEES		7,08,53,850	3	0

ASSETS.		R	a.	p.
Government Securities		71,10,890	0	0
Other authorized Investments		39,13,490	0	0
Loans on Government and other authorized Securities		83,55,892	14	0
Accounts of Credit on Government and other authorized Securities		75,46,591	15	3
Bills discounted and purchased		1,48,85,002	0	5
Balances with other Banks		8,70,268	3	6
Bullion		28,721	8	11
Dead Stock		11,83,543	4	7
Stamps		8,527	2	0
Sundries		6,29,201	3	2
		4,45,32,128	3	9
	R a p			
Cash and Currency Notes at Head Office	1,46,83,992 12 1	2,63,21,721	15	3
Cash and Currency Notes at Branches	1,16,37,729 3 2			
RUPEES		7,08,53,850	3	0

By order of the Directors,
W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

BANK OF BENGAL,
Calcutta, 23rd October 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

Rate for Demand Loans 4 per cent
Percentage 56 3.

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Bangalore, the 18th October 1884.

No. 15.—The Chief Commissioner is pleased, under Section 138 of the Civil Leave Code, to grant one month's privilege leave of absence to Kongandia Mudaya, Subedar of the Padinalknad Taluk, with effect from the 9th October 1884.

2. Kuttetti Chengappa, Parpatigar of Mercaranad, and Acting Subedar of the Yelsavirshme Taluk, is appointed to act as Subedar and 3rd Class Magistrate of the Padinalknad Taluk, during K. Mudaya's absence, or until further orders.

By Order,

H. WYLIE, *Major,*

Secretary to the Chief Commr. of Coorg

EXAMINER OF STATE RAILWAY ACCOUNTS, MADRAS.

NOTICE

Madras, the 8th October 1884.

The Office of the Examiner of Accounts, Bellary-Kistna and Cuddapah-Nellore State Railways, at present stationed at Madras, will be removed to Bellary, its permanent Head Quarters, from and after Monday, 3rd November 1884. All letters and telegrams which cannot reach Madras by Saturday, 1st November 1881, should be addressed to Bellary.

A. GRANT,

Offg. Examiner, State Ry. Accounts.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 15th October 1884.

No. 44.—Lieutenant J. A. Tanner, R.E., Assistant Engineer, 1st Grade, passed the Departmental Standard Examination in Hindustani on the 6th October 1884.

No. 45.—Lieutenant C. E. Norton, R.E., Assistant Engineer, 2nd Grade, is transferred from the head-quarters of the Inspector General, Military Works, to the Rawalpindi Command, Military Works.

J. J. McLEOD INNES, *Colonel, R. E.,*

Inspr. Genl of Military Works.

DIRECTOR GENERAL OF RAILWAY S.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 13th October 1884.

No. 62.—Mr. G. P. Rose, Assistant Engineer, 1st Grade, is transferred from the Rewari-Ferozepore State Railway to the Sind-Peshin State Railway, Northern Section.

No. 63.—With reference to Public Works Department Notification No. 229, dated 24th September 1884, Mr. A. Sprenger, Executive Engineer, 2nd Grade, is posted to the Sind-Saugor Railway Surveys.

No. 64.—Mr. H. S. Harington, Executive Engineer, 4th Grade, sub. *pro tem.*, is, on return from furlough, posted to the Sind-Saugor Railway Surveys.

The 15th October 1884.

No. 65.—Mr. J. M. Rutherford, Class II of the State Railway Superior Revenue Establishment, Traffic Department, has been granted leave for seven days, in extension of that notified in Director General's Notification No. 31, dated 29th May 1884.

The 16th October 1884.

No. 66.—Messrs. E. H. Tuck and W. A. Johns, Assistant Engineers, 2nd Grade, are transferred from the Jhansi-Manikpur State Railway to the Sind-Pishin State Railway, Northern Section.

The 17th October 1884.

No. 67.—With reference to Public Works Department Notification No. 241, dated the 7th October 1884, the Honorable Mr. E. H. S. Napier, Assistant Engineer, 2nd Grade, is posted to the Sind-Sagar Railway Survey.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

Report of a Deserter from the 1st Battalion, Royal Welsh Fusiliers, dated at Dum-Dum, this 21st day of October 1884.

Number, Rank, and Name,—No. 2483, Private John Wilson.	At what Place Enlisted,—Thames Police Court, London.
Age,—25 years 9 months.	Parish and County in which Born,—Helligoland.
Size,—5 feet 6½ inches.	Marks,—Two scars left fore-arm, scar lower part of neck, eyebrows meet.
Colour of—Complexion, fresh; Hair, dark-brown; Eyes, brown.	Trade,—Porter.
Date of Desertion,—16th October 1884.	Coat or Jacket,— / Waistcoat,— / Breeches or Trowsers,— } Regimentals.
Place of Desertion,—Dum-Dum.	REMARKS,—
Date of Enlistment,—15th January 1884.	Under 5 years' service.

C. ELGEE, *Colonel,*
Comdg. 1st Battn., Royal Welsh Fusiliers.

Report of a Deserter from the 2nd Battalion, West Yorkshire Regiment of Foot, dated at Sialkot, this 19th day of October 1884.

Number, Rank, and Name,—No. 10 Bde/[illegible] Private James Murray.	At what Place Enlisted,—Tullamore, King's County.
Age,—23 years.	Parish and County in which Born,—Clune—Leitrim.
Size,—5 feet 6¼ inches.	Marks,—
Colour of—Complexion, fresh; Hair, brown; Eyes, grey.	Trade,—Baker.
Date of Desertion,—25th September 1884.	Coat or Jacket,—White Summer Clothing.
Place of Desertion,—Sialkot.	Waistcoat,—
Date of Enlistment,—22nd September 1880.	Breeches or Trowsers,—White Summer Clothing.
	REMARKS,—Both eyes cast inwards.
	Under 5 years' service.

E. W. SAUNDERS, *Colonel,*
Comdg. 2nd Battn. W. Yorkshire Regt.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Dates.	Silver tendered, estimated value.	Certificates issued of		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Oct. 13	...	...	1,68,664	8,82,745	1,26,68,101	1,10,[illegible],499
" 14	...	...	3,00,170	5,50,263	1,31,75,684	1,13,[illegible],099
" 15	...	...	1,50,945	4,07,871	1,33,29,86[illegible]	1,14,[illegible],281
" 16	...	...	2,95,219	1,29,649	1,36,39,624	1,17,00,394
" 17	...	...	1,35,701	802	1,37,72,237	1,19,39,447
" 18	Holiday.					

R. V. RIDDELL. *Major, R.E.*,
Mint Master.

CALCUTTA MINT.
The 20th October 1884.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Allahabad Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
11	D 20—40299	100	Lala Kamta Prasad, Faizabad.

ALLAHABAD,
The 22nd October 1884.

A. H. ANTHONY,
Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
174	R 10—12366 O 97—30622	100 100	Mr. Jas. Lackersteen, 1, Tottie's Lane, Calcutta.

CALCUTTA,
The 24th October 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		R	
28	B 78—71983	50	H. M. Abdul Kareem Sahib, Madras.

FORT ST. GEORGE,
The 13th October 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl.,
In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 23rd October 1884

Baxter, Arthur.	Hawk, C W.	Seale, H.
Colledge, L. D.	Heath, Robert.	Simeon, C.
Criper, Wm. R.	Hendry, Hasell.	Stack, Richard F.
Culloden, Mrs. H. A.	King, L. B B.	Suldanha, Frank.
Daveney. W.	Maurer, EmanuelGeorge,	Warko, Leslie.
Grant, Mrs. H. N. P.	Secretary, European	Weir, W.
Hardless, Charles R.	Assurance Society.	Whitley, J. E.
Harrington, B. R.	Phillips, E. A.	Wilson, Rev. John.

Letters marked "Care of Post Office"

Adda, Henry.	H M. W	Murgatroyd, C. A.
Alice, Mrs.	Handy, Major B. R. F.	P R O.
Bernard, Madame.	Harman, J M.	Piot, Monsieur.
Besbaron, G.	Harrison, Lieut. E. B.	Reed, Willoughby.
Boileau, Captain H.	Hoskins, A C.	"Regina"
Bott, Fred.	Hurst, W. H.	Robinson, Ellen.
Brigg, E. A.	King, W.	Schomerully, Mr.
Brooks, L.	Lampard, Henry.	Selous, Edmund.
Caurey, Captain.	Lawless, Hiram.	Seatan, S.
C. G.	Lindberg, Mrs	"Stanhope"
Chapman, Frank.	Livingston, Archibald.	Stobie, J C.
Cooper, H.	Lopez, E.	Thompson, James.
Dodd, Col. C. A.	Lynum, R.	Torer, H. S.
E. S. H.	Matson, E.	Uren, Thomas.
Evans, F. Bowle.	Mawson, J. R.	Webb, Mrs C. J.
Evans, Peter.	May, H.	Whymper F.
Fredalis, Soul.	"Merchant"	Wilson, Theos.
Golding, Herbert.	Merrick, Edward C.	X I Z.
Gill, F. N. G.	Morris, Pieteo M.	X Z. G.

Registered Letters.

Altman, J. F.	Cherkes, Laya.	Wrent, Jos B.
Bisnee, S. R.	Ferclourd, Duglass.	

E HUTTON,

Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 20th October 1884.

Bickers, M. E.	Hocking, Sergeant.	Muir, Surgeon-Major H. S.
Bose, Jogendra Nath	Hughers, Rev. J.	Paul, Jadu Nath.
Brensley, Dr. C. E. W.	Luard, Col F. P.	Power, T.
Hennessy, Mr.	MacDonald, D.	Russell, Dr. D. M
	Mayo, Dr.	

A. P. GHOSAL,

Postmaster, Barrackpore.

Calcutta, the 25th October 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	1st Nov.	P & O. Str. *Revenna*.
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	28th Oct.	From Bombay.
Foreign Mails *via* Bombay	28th "	From Bombay.*
Do. Book Post and Pattern Packets	27th "	Ditto.
Rangoon and Moulmein	29th "	Str *Khandalla*.†
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	29th "	Strs. *Mahratta*.

* Also for Cape Colonies through United Kingdom can be forwarded.
† Also for Port Blair can be sent by this opportunity.
N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,

Presidency Post Master

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Approaches to Paumben Pass
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Appendices—Origin and Course of Property in Land—The Law and Constitution of India in 1765—The Permanent Settlement as designed by Parliament—Permanent Settlement; its Objects and Results—Government and Ryots Zemindars before the Permanent Settlement—Zemindars after the Permanent Settlement—Village Proprietors and Ryots—Ryots—The Ryot since the Permanent Settlement, and Government's obligations towards him—Zemindars and Ryots from 1793 to 1859—Zemindars and Ryots as Landlords and Tenants, according to the Administration Reports—Condition of Zemindars and Ryots in the present day, per Administration Reports—Middlemen—Waste Lands and Miscellaneous—Obscurities in the Regulations of 1793.

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The Gazette of India.

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CALCUTTA, SATURDAY, OCTOBER 25, 1884.

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Receipts	Amount.	Disbursements.	Amount.
	R a. p.		R a. p.
Subscriptions	6,111 14 9	Annuity	726 13 9
Entrance Fees	22 0 0	Expenses of Management	392 13 0
Miscellaneous	0 7 0	Government of India (Amount deposited)	6,235 0 9
Government of India (Amount withdrawn)	1,290 0 0	Balance on 31st December 1883	455 6 9
Deposit	26 5 9		
Balance on 1st October 1883	359 6 9		
TOTAL R	7,810 2 3	TOTAL R	7,810 2 3

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NURSING DASS AUDDY,
Secretary.

CALCUTTA,
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The 23rd October 1884.

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GISBORNE & CO.

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The Non-transferable Treasury Note No. 000062, of the 5 per cent. of 1872, for R500, originally standing in the name of Gopika Bai, Manager of Mandir Vittal Rookhmai of Ramtek, and last endorsed to Gopika Bai, Manager of Mandir Vittal Rookhmai, Ramtek, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

GOPIKA BAI,
Manager of Mandir Vittal Rookhmai, in Ramtek.

NAGPUR,
The 17th September 1884.



SUPPLEMENT TO

The Gazette of India.

No. 43.] CALCUTTA, SATURDAY, OCTOBER 25, 1884.

OFFICIAL PAPERS.

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DEPARTMENT OF REVENUE, AGRICULTURE AND COMMERCE.

PRICES CURRENT OF FOOD-GRAINS [illegible] FORTNIGHT [illegible] OF SEPTEMBER [illegible]

QUANTITIES [illegible] RUPEE [illegible] SEERS OF 80 TOLAS.

Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), Sorghum. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	[illegible] Present fortnight.	[illegible] Past fortnight.	[illegible] Corresponding fortnight of 1883.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Ganjam	11 13	11 13	8 13	...	...	...	13 0	13 0	17 0	13 13	13 13	17 14	...	...	...	...	...	...
Vizagapatam	14 8	14 0	10 0	...	...	...	9 8	9 8	9 8	11 5	11 5	11 5	...	...	24 13	23 11	27 11	27 11
Godavery	14 6	13 8	9 14	...	...	...	11 14	12 14	10 14	15 0	14 0	15 0	25 0	26 14	23 0	...	...	...
Kistna	14 11	13 11	9 5	...	...	...	13 0	13 0	14 0	13 10	13 10	14 11	21 13	21 13	20 13	...	...	...
Nellore	15 5	14 13	10 5	...	...	...	12 14	12 14	13 6	14 0	14 0	14 0	23 0	23 0	21 10	...	...	...
Cuddapah	14 11	14 0	14 0	...	...	...	12 6	11 8	12 6	13 5	12 0	13 5	22 14	22 2	30 0	23 8	23 8	31 14
Anantapur	12 8	14 6	13 6	...	...	...	11 3	11 3	12 13	13 0	13 0	14 0	20 10	25 11	33 0	19 11	22 10	[illegible]
Bellary	15 5	15 6	17 5	...	...	...	11 13	11 13	11 13	13 0	13 0	13 0	23 11	22 11	39 2	16 14	16 14	[illegible]
Kurnool	12 6	11 2	12 11	...	...	...	11 6	11 0	11 0	12 2	11 6	12 2	24 11	20 6	33 6	...	17 8	33 11
Madras	10 5	10 5	11 0	...	...	...	11 8	11 8	13 8	14 2	14 2	15 2	23 13	23 13	23 5	20 8	20 8	28 12
Chingleput	...	...	...	...	...	...	13 14	14 3	13 8	14 5	15 2	15 2	...	...	...	...	...	25 2
North Arcot	10 2	10 3	9 11	...	...	...	13 6	13 8	13 8	14 8	14 8	16 5	...	...	32 13	...	...	29 11
South Arcot	9 6	10 2	9 6	...	...	...	13 0	13 0	14 13	13 10	13 10	15 11	...	...	...	24 10	22 6	31 10
Tanjore	8 13	9 8	11 0	...	...	...	12 0	12 14	17 6	14 3	...	...	19 0	...	30 3	25 6	25 6	40 10
Trichinopoly	8 14	8 14	9 3	...	...	...	10 13	13 0	15 13	12 0	13 0	16 11	18 8	...	30 13	20 5	24 2	39 8
Madura	9 0	10 14	12 0	...	...	...	11 2	11 8	15 2	12 8	12 3	16 8	22 11	23 8	37 5	28 8	28 8	35 6
Tinnevelly	9 10	9 10	10 10	...	...	...	10 11	10 11	16 5	11 10	11 10	16 13	18 6	18 6	...	19 8	19 8	...
Coimbatore	10 11	11 3	13 2	...	...	...	13 8	12 10	14 6	14 8	13 10	15 6	22 10	24 6	27 13	25 6	23 10	31 13
Nilgiris	8 8	9 3	10 10	...	...	...	9 10	9 10	11 3	11 3	11 3	12 0	20 0	20 0	20 0	19 10	18 8	21 0
Salem	11 14	13 10	13 5	...	...	...	13 2	13 10	14 0	13 8	14 2	14 11	25 8	26 6	33 14	23 0	23 13	[illegible]
South Canara	9 8	8 10	8 10	...	...	...	9 11	9 11	9 11	13 11	13 3	14 3	...	...	...	...	...	...
Malabar	8 10	8 10	7 14	...	...	...	14 3	13 13	15 6	15 0	14 10	16 3	...	...	...	...	...	...
Bombay	12 0	11 12	10 0	21 13	19 9	23 8	7 12	7 8	7 8	11 13	11 10	12 10	17 0	16 0	13 12	15 15	16 12	15 15
Ahmedabad	16 8	17 0	12 0	24 0	25 0	19 8	6 8	6 8	6 8	11 0	11 0	12 8	20 8	20 0	15 0	20 0	20 0	14 8
Kaira	13 0	13 8	11 7	24 10	24 10	20 0	9 0	9 0	10 0	11 12	12 0	13 10	20 8	18 0	15 0	18 0	19 0	13 14
Surat	13 10	13 10	11 4	12 8	12 8	12 4	7 5	7 5	7 6	8 3	8 3	8 5	14 3	14 3	19 4	13 10	13 10	14 0
Broach	12 0	12 0	12 4	...	...	...	9 12	9 12	9 15½	12 12	12 12	12 12	16 0	16 0	16 0	12 12	13 12	13 14
Tanna (Salsette)	10 10	10 10	10 5	10 8	10 8	12 14	8 0	8 0	9 0	9 4	9 4	10 9	12 14	12 14	13 10	12 13	12 12	12 8
Colába (Alibág)	8 0	8 0	8 8	...	...	...	6 0	6 0	7 8	10 8	10 8	12 8	...	...	...	...	...	...
Khandesh (Dhulia)	23 2	18 12	14 14	...	...	...	7 2	7 2	7 9	10 12	10 12	10 13	20 6	20 6	17 11	17 10	17 10	[illegible]
Násik	17 0	17 0	14 4	...	...	...	6 0	6 0	7 7	10 6	10 6	12 0	...	...	...	14 8	14 8	[illegible]
Ahmednagar	15 15	15 11	14 5	...	...	...	7 11	7 11	8 11	10 0	10 6	11 2	17 2	18 1	27 0	15 11	15 9	[illegible]
Poona	12 10	12 10	12 10	9 4	9 4	9 4	8 9	8 9	9 13	9 0	8 14	11 0	15 4	15 4	21 12	13 13	[illegible]	[illegible]
Sholápur	14 9	14 15	14 8	...	...	...	9 8	9 12	10 7	10 6	10 10	11 5	17 4	15 15	27 10	19 4	[illegible]	[illegible]
Kaládgi (Bagalkot)	17 0	19 0	19 0	12 8	13 8	16 0	7 8	7 12	6 8	11 0	10 12	11 8	21 0	22 0	32 0	21 12	[illegible]	[illegible]
Sátara	11 2	13 6	13 6	...	...	...	8 3	8 8	8 14	10 0	10 0	11 7	13 5	13 5	20 0	13 15	[illegible]	[illegible]
Belgaum	18 5	18 10	16 0	12 10	13 5	14 0	14 0	14 0	12 0	14 8	14 8	12 8	19 8	19 6	17 14	20 4	[illegible]	[illegible]
Dharwar (Hubli)	22 0	23 0	23 0	...	...	...	13 0	13 0	13 0	15 0	15 0	16 0	23 0	24 0	27 0	25 0	25 0	[illegible]
Ratnágiri	7 4	10 9	7 15	...	...	...	7 13	8 9	8 9	8 8	9 14	14 2	13 0	13 0	...	11 10	[illegible]	[illegible]
Kanara (Karwar)	9 0	9 0	9 0	...	...	...	7 0	7 0	8 0	12 0	12 0	12 0	16 0	16 0	16 0	13 6	[illegible]	[illegible]
Pánch Maháls (Godhra)	13 5	12 4	10 8	...	...	...	10 0	10 0	11 6	11 6	11 6	13 5	17 12	17 12	20 0	17 12	17 12	[illegible]
Aden	7 0	7 0	7 0	...	...	...	5 10	5 10	6 3	6 8	6 3	7 0	9 5	9 5	12 7	7 5	[illegible]	[illegible]
Asirgarh	17 0	16 13	13 12	...	...	...	11 0	11 0	11 12	13 0	13 8	14 0	22 0	22 0	19 0	25 0	25 0	[illegible]
Baroda	12 13	12 13	9 15	17 8	18 10	13 10	7 9	7 9	8 8	9 15	10 8	11 1	17 8	18 10	15 12	16 5	16 5	[illegible]
Disa	13 12	13 4	14 4	...	...	...	6 7	6 10	6 14	8 2	8 2	9 0	21 0	21 0	12 6	23 0	[illegible]	[illegible]
Nimach	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nasirabad	21 5½	19 8½	17 8	27 0	25 7½	24 0	6 0	6 0	6 0	7 0	7 0	7 0	25 10½	23 0	30 10½	16 10½	[illegible]	[illegible]
Rajkot	19 0	18 8	15 0	...	...	...	6 6	6 6	6 8	8 0	8 0	9 0	26 8	25 0	17 0	19 0	[illegible]	[illegible]
Upper Sindh Frontier	14 8	14 0	13 12	20 0	21 4	24 8	10 0	10 0	11 4	11 4	11 4	13 4	23 8	22 12	29 0	22 12	[illegible]	[illegible]
Karachi	14 10	14 2	13 0	19 0	20 0	24 0	8 0	8 0	9 0	15 0	14 0	15 0	19 0	19 0	22 0	19 0	[illegible]	[illegible]
Haidarabad (Nakar)	16 0	16 0	15 0	25 0	25 0	26 0	11 0	11 0	12 0	14 8	14 8	16 0	24 0	26 0	26 0	24 0	[illegible]	[illegible]
Shikarpur	14 8	14 8	13 8	22 0	21 8	22 8	11 8	11 8	11 12	12 0	12 2	16 0	21 8	21 0	26 12	[illegible]	[illegible]	[illegible]
Sukkur	16 0	16 8	14 8	23 0	24 0	27 8	11 0	10 0	10 8	12 0	12 0	14 8	25 0	24 0	29 6	[illegible]	[illegible]	[illegible]
Thar and Parkar (Umarkot)	16 0	16 7	12 0	...	...	...	...	...	...	13 4	13 6	12 6	...	...	...	19 0	[illegible]	[illegible]
Western Districts.																		
Burdwan	14 4	14 8	13 4	22 0	22 0	25 0	12 0	12 0	17 8	15 0	14 4	26 0	...	...	...	...	...	...
Bancoorah	15 8	15 0	13 0	17 0	16 0	14 0	13 12	13 0	19 0	15 8	14 8	25 0	...	...	...	...	...	...
Beerbhoom	16 8	16 8	15 12	...	...	...	11 8	12 0	16 8	14 0	14 0	22 8	...	...	...	...	...	...
Midnapore	12 0	12 0	14 0	20 0	20 0	17 0	14 0	15 0	17 0	18 0	18 0	24 0	...	...	...	...	...	...
Hooghly	16 0	15 0	13 0	...	...	...	8 0	8 0	9 0	12 8	12 8	18 0	...	...	...	...	...	...
Howrah	14 8	14 8	13 0	...	...	...	11 0	11 4	14 0	13 0	13 4	19 0	...	...	...	...	...	...

Districts.	[illegible] Present fortnight.	[illegible] Past fortnight.	[illegible] Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Ganjam	[illegible]	25 10	25 8	30 0	30 0	26 10	215 13	215 13	215 13	...	...	...	13 13	13 13	13 13
Vizagapatam	[illegible]	[illegible]	26 5	32 13	32 13	32 13	93 5	93 5	95 3	14 0	14 0	14 10	12 14	12 14	14 0
Godavery	[illegible]	31 13	27 5	32 8	31 8	33 10	145 13	194 6	194 6	14 10	14 10	14 10	14 10	14 10	14 10
Kistna	[illegible]	28 8	25 0	29 10	30 13	29 10	145 13	145 13	145 13	15 11	15 11	15 11	14 10	14 10	15 3
Nellore	[illegible]	25 8	21 13	23 2	23 2	23 2	93 5	93 5	93 5	14 13	14 13	15 6	14 13	14 13	14 13
Cuddapah	[illegible]	28 8	21 8	25 13	25 13	33 8	194 6	194 6	194 6	17 2	17 2	17 2	16 10	16 10	16 10
Anantapur	[illegible]	25 8	32 0	26 14	23 0	37 0	...	...	...	14 5	14 5	14 5	14 5	14 5	14 5
Bellary	[illegible]	22 5	32 0	20 3	25 13	37 0	94 13	94 13	94 13	15 3	15 3	15 13	14 14	14 11	15 6
Kurnool	...	...	...	25 8	19 8	33 0	139 0	140 14	147 8	14 13	14 13	14 13	14 6	14 6	14 6
Madras	[illegible]	23 2	24 11	26 2	26 2	26 2	88 13	88 13	85 0	17 5	17 5	16 14	16 8	16 8	16 8
Chingleput	[illegible]	27 6	24 11	23 6	25 11	25 11	92 5	92 5	92 5	17 6	17 6	17 5	17 0	17 0	17 0
North Arcot	[illegible]	34 3	30 13	26 10	26 10	28 10	140 0	140 0	140 0	15 6	15 6	15 6	14 13	14 13	14 13
South Arcot	[illegible]	29 6	34 2	27 6	30 3	26 8	218 13	213 13	201 11	18 14	18 14	19 5	18 0	18 0	18 6
Tanjore	27 3	28 11	29 5	24 8	26 3	28 0	170 2	170 2	194 6	17 0	16 10	15 10	16 10	16 2	15 3
Trichinopoly	[illegible]	30 2	34 2	26 8	26 14	30 13	97 3	97 3	97 3	16 10	16 10	17 13	16 3	16 3	17 0
Madura	27 14	27 14	35 11	23 10	26 11	31 2	116 10	111 13	145 13	17 5	17 5	17 5	16 13	16 13	16 5
Tinnevelly	[illegible]	31 2	...	26 0	26 0	31 5	70 0	70 0	70 0	17 13	17 13	18 11	17 6	17 6	18 5
Coimbatore	24 10	26 3	29 13	30 6	32 5	34 3	97 3	97 3	131 3	15 2	15 2	15 2	14 10	14 10	14 10
Nilgiris	[illegible]	20 8	31 10	21 10	21 10	24 14	161 13	161 13	161 13	13 0	13 0	12 14	12 0	12 0	12 0
Salem	26 10	30 13	31 10	29 3	33 8	36 6	151 10	151 10	151 10	18 0	18 0	17 8	16 14	16 14	16 14
South Canara	21 3	21 3	18 11	18 6	18 11	22 3	109 5	109 5	109 5	14 14	14 14	13 6	13 13	13 13	17 3
Malabar	20 6	20 6	21 14	26 14	26 14	26 14	121 8	121 8	121 8	15 5	15 5	14 6	14 6	14 6	13 8
Bombay	[illegible]	11 15	10 15	16 2	18 5	16 2	62 6	62 6	62 6	12 9	14 6	14 6	12 9	12 9	12 9
Ahmedabad	...	...	...	16 0	16 0	15 0	80 0	80 0	80 0	16 8	16 8	16 0	16 0	16 0	16 0
Kaira	[illegible]	20 4	18 0	18 8	16 8	15 8	80 0	80 0	80 0	...	...	...	16 0	16 0	16 0
Surat	...	...	...	14 14	14 14	14 0	80 0	80 0	80 0	13 10	13 10	13 9	13 10	13 10	13 9
Broach	...	...	...	12 8	13 8	12 12	106 0	106 0	106 0	14 8½	14 8½	14 8½	14 8½	14 8½	14 8½
Tanna (Salsette)	13 5	13 5	25 11	15 10	15 10	13 4	70 0	70 0	71 0	15 3	15 3	15 12	13 5	13 5	15 10
Colába (Alibág)	...	...	...	13 0	13 0	12 0	120 0	120 0	120 0	13 0	14 0	13 0	12 8	13 8	12 8
Khandesh (Dhulia)	...	...	...	23 2	23 2	14 4	140 0	140 0	140 0	14 0	14 0	13 0	13 14	13 14	12 14
Násik	20 11	20 11	18 6	21 0	21 0	15 4	128 0	128 0	128 0	15 10	15 10	14 5	15 8	15 8	14 5
Ahmednagar	...	...	...	22 5	22 2	18 12	81 1	87 0	79 0	14 4	14 6	14 6½	14 0	14 4	14 4
Poona	15 6	15 6	15 6	19 9	19 9	16 11	68 0	68 0	68 0	13 10	13 10	13 10	13 6	13 6	13 6
Sholápur	...	...	...	20 3	21 0	20 1	80 0	75 4	71 0	13 8	13 8	13 8	13 4	13 4	13 4
Kaládgi (Bagalkot)	...	...	...	19 12	21 0	18 8	100 0	100 0	100 0	12 6	12 4	11 0	12 0	12 0	10 8
Sátara	...	...	...	16 14	18 3	16 14	116 8	116 8	116 8	13 13	13 13	13 2	13 2	13 2	12 6
Belgaum	[illegible]	[illegible]	12 0	19 0	19 0	16 0	60 0	60 0	65 0	11 8	11 8	11 0	11 0	11 0	10 0
Dharwar (Hubli)	[illegible]	[illegible]	[illegible]	20 0	21 0	16 0	80 0	80 0	80 0	8 0	8 0	8 6	8 0	8 0	8 0
Ratnágiri	[illegible]	[illegible]	[illegible]	11 3	14 0	14 11	120 0	120 0	120 0	11 0	12 15	13 2	10 6	12 15	12 15
Kanara (Karwar)	20 0	20 0	13 0	25 0	15 0	12 8	213 5	213 5	213 5	11 0	12 0	11 8	10 8	11 0	10 8
Pánch Maháls (Godhra)	[illegible]	20 0	20 0	22 13	22 13	20 0	160 0	160 0	200 0	16 0	16 0	16 0	15 4	15 4	15 4
Aden	...	...	...	9 5	9 5	9 5	65 5	65 5	65 5	...	...	...	32 0	32 0	32 0
Asirgarh	...	...	...	21 8	21 8	17 8	150 0	150 0	160 0	12 0	12 0	11 0	12 0	12 0	11 0
Baroda	17 8	16 10	17 8	15 2	15 12	12 13	75 0	70 0	80 0	15 0	14 10	13 9	14 0	14 9	13 7
Disa	...	...	...	15 10	14 4	15 8	137 8	137 8	137 8	13 8	13 8	12 8	13 0	13 0	12 0
Nimach	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Nasirabad	...	...	...	24 10½	24 0	26 4½	86 10½	90 0	80 0	16 14	16 14	16 0½	15 14	15 14	15 1½
Rajkot	...	...	...	21 12½	21 4	14 0	60 0	60 0	70 0	48 0	48 0	50 0	32 0	32 0	40 0
Upper Sindh Frontier	[illegible]	[illegible]	[illegible]	20 0	20 0	22 12	200 0	200 0	160 0	*12 11	*12 11	*12 12½	12 10*	12 10*	12 8*
Karachi	[illegible]	[illegible]	[illegible]	20 0	19 0	17 0	90 0	90 0	90 0	17 11	17 11	17 12	17 0	17 0	17 0
Haidarabad (Nakar)	[illegible]	[illegible]	[illegible]	16 0	17 0	21 0	320 0	320 0	320 0	14 8	14 8	14 8	14 0	14 0	13 0
Shikarpur	...	...	...	21 0	20 4	20 12	210 0	200 0	240 0	14 0	14 0	14 8	13 8	13 12	14 0
Sukkur	...	...	...	22 0	22 0	20 0	120 0	120 0	110 0	14 0	14 0	13 0	13 0	13 0	12 8
Thar and Parkar (Umarkot)	...	...	...	...	...	...	160 0	160 0	160 0	14 12	14 12	14 12	14 12	14 12	14 12
Western Districts.										Prices per md. of 40 seers. R. a. p.	R. a. p.	R. a. p.			
Burdwan	...	...	...	[illegible]	19 0	21 0	120 0	120 0	120 0	2 14 9	2 14 8	2 15 4	13 10a	13 0	13 [illegible]
Bancoorah	...	...	...	17 8	17 8	17 8	240 0	240 0	240 0	3 3 0	3 3 6	3 3 6	12 12b	13 0	12 0
Beerbhoom	...	...	...	[illegible]	18 12	21 0	160 0	160 0	160 0	3 2 6	3 2 6	3 2 9	13 0c	12 0	12 0
Midnapore	...	...	...	[illegible]	16 0	16 0	155 0	155 0	155 0	3 0 3	3 0 3	2 14 0	13 12e	12 12	12 8
Hooghly	...	...	...	[illegible]	17 0	17 0	120 0	120 0	120 0	2 14 [illegible]	2 14 9	2 14 0	13 9d	13 9	13 9
Howrah	...	...	...	[illegible]	17 8	17 12	80 0	80 0	80 0	3 0 0	3 0 0	3 0 0	13 0	13 0	13 0

[illegible] the retail prices of salt per rupee were :—Cutna 14 seers, Cutwa 12 seers, and Raneegunge 13-4 seers. [illegible]

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT [illegible] FOR THE 2nd HALF OF SEPTEMBER 1884—continued.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Districts.	Wheat: Present fortnight.	Wheat: Past fortnight.	Wheat: Corresponding fortnight of 1883	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar, Holcus Sorghum): Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bajrah Millet (Cumboo, Bajra, Penicillaria Spicata): Present fortnight	Bajrah Millet: Past fortnight	Bajrah Millet: Corresponding fortnight of 1883
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Central Districts.																		
Calcutta	17 10	17 10	15 5	26 10	26 12	20 0	8 6	8 6	11 8	10 8	10 12	16 0	11 7	11 7	20 10	11 8	11 8	21 5
24-Pergunnahs	14 0	14 0	12 12	17 8	17 8	18 0	8 0	8 0	8 0	12 4	11 8	13 5		...		...	...	...
Nuddea	16 0	16 0	14 8	20 0	20 0	24 10	11 2	11 3½	15 4	12 0	12 0	18 4½	...	...	...	...	...	...
Khoolna				...	...	...	13 0	12 8	16 0	16 0	17 0	22 0	...	...	...	...	...	...
Jessore	14 0	14 0	11 8				12 0	12 0	16 0	15 0	16 0	21 0	...	...	...	...	...	...
Moorshedabad	18 0	18 8	16 12	...			10 0	10 0	16 0	13 0	13 0	21 8		...	...	...	...	...
Dinagepore	16 12	14 0	16 0	17 0	17 8	16 0	12 0	12 0	19 0	13 0	13 0	21 0	...	...	...	...	...	...
Rajshahye	17 0	16 8 to 19 3	16 0	24 0	24 0	29 0	11 8	9 0 to 13 6	15 0	15 0	15 0	17 0 to 18 0		...	...	...	...	...
Rungpore	18 0	18 0	13 5	...			10 0	9 6	13 5	11 10	11 10	19 0		...	...	...	...	...
Bogra	17 1	16 2	18 0	...			9 15	9 12	12 0	12 0	13 8	22 8	...	...	...	...	...	...
Pubna	19 8	19 8	18 12		...		7 14	8 4	8 4	13 12	13 8	17 4	...	...	...	...	...	...
Darjeeling	10 0	...	8 0	10 0		8 0	5 0	5 0	5 0	10 0	11 0	13 0	...	...	...	...	...	...
Jalpaiguri	10 0	10 0	10 0	20 0	20 0	20 0	11 0	11 0	12 8	16 0	...	18 0	...	...	...	...	...	...
Eastern Districts.																		
Dacca	16 0	16 0	13 8	...	23 0	22 10	8 0	11 10	16 0	11 0	14 0	17 12	...	...	...	...	...	...
Furreedpore	20 0	20 0	21 0	31 0	34 0	30 0	11 0	12 0	18 0	12 0	13 0	20 0		...	...	...	...	...
Backergunge				...	...		13 0	13 0	18 0	16 0	16 0	21 0	...	...	...	...	...	...
Mymensingh	12 0	12 0	12 0	...	...	...	10 0	10 0	13 4	11 8	13 8	18 12		...	...	...	...	...
Chittagong	15 0	15 0	11 4	...	...	...	13 0	13 0	16 0	16 0	16 0	17 0	...	...	...	...	...	...
Noakholly				...	...		14 0	13 0	19[a] 0	17 0	14 0	21 0	...	...	...	...	...	...
Tipperah	13 5	13 5	11 12	...	...		12 12	12 12	17 0	16 0	16 0	20 12	...	...		...	...	...
Chittagong Hill Tracts	...			...			11 6	13 5	13 0	13 5	16 0	11 0	...		...	...	...	...
Hill Tipperah	12 0	12 0	10 0	...		...	14 0	12 0	16 0	16 0	14 0	20 0		...	...	...	...	...
Behar.																		
Patna	21 0	21 0	21 0	25 0	25 0	29 0	11 4	11 4	15 0	12 0	12 0	18 0	...	...	...	...	...	...
Gya	17 8	18 0	17 8	21 8	21 0	23 0	9 4	9 0	13 [illegible]	11 4	11 4	16 8	...	...	...	...	...	...
Shahabad	18 0	19 0	[illegible] to 17 0	22 0	19 0	24 0	9 0	8 0	[illegible] to 12 0	13 0	12 8	16 0 to 18 0	...	...	...	20 0	20 0	26 0
Durbhunga	17 10	17 9	14 0	20 15	20 15	24 0	9 5	9 15	11 0	12 1	13 3	16 0	...	...	...	...	...	...
Mozufferpore	17 0	17 0	17 0	26 0	26 0	30 0	11 0	9 0	10 0	13 0	13 0	15 0	...	...	...	...	...	...
Sarun	19 8	19 0	17 0	25 0	25 0	28 0	8 0	8 0	10 0	13 4	13 0	17 8	26 0	24 0	29 0	...	...	...
Chumparun	14 0	15 0	19 0	21 0		31 0	11 0	11 0	14 0	15 8	11 8	17 0	...	...	...	...	...	...
Monghyr	19 0	18 14	17 13	21 0	21 0	27 12	9 8	9 7	13 10	10 8	10 8	16 4		...	...	...	...	...
Bhágalpur	18 15	18 4	15 2	18 15	20 3	25 4	10 1	10 1	15 10	12 10	12 10	18 7	...	...	...	...	...	...
Purneah		16 0	19 0			...	11 0	12 0	15 0	15 0	13 0	18 0	...	...	...	...	...	...
Maldah	20 0	20 0	18 0			...	9 0	11 0	15 0	12 0	11 0	18 0	...	...	...	...	...	...
Sonthal Pergunnahs	18 0	16 0	13 8			...	12 0	11 0	17 8	14 0	14 8	23 0	...	...	...	...	...	...
Orissa.																		
Cuttack	18 6	15 6	13 2				13 2	13 2	13 2	13* 6	18 6	21 0		...	...	...	...	...
Pooree	13 2	11 7	11 13	...	...		17 2	13 12	21 0	18 3	15 1	23 10	...	...	...	...	...	...
Balasore	16 0	16 0	16 0	11 0	11 0	...	13 0	13 0	16 0	10 0	19 0	28 0	...	...	...	...	...	...
CHOTA NAGPORE.																		
South-Western Frontier Agency.																		
Hazáribágh	14 0	13 8	15 0	15 8	15 0	24 0	11 0	10 8	10 0	12 0	11 12	18 0		...	...	...	...	...
Lohardugga	12 0	12 0	16 0			20 0	12 0	12 0	16 0	18 0	11 0	20 0	...	...	...	...	...	...
Singbhoom	18 0	18 0	18 0	22 0	22 0	24 0	20 0	20 0	32 0	21 0	24 0	36 0	...	...	...	...	...	...
Manbhoom	18 0	13 0	13 0	...			13 0	13 0	17 0	20 0	19 0	27 0	...	...	...	...	...	...

* In the interior price of rice ranged from 19 to 20-4 seers per rupee
d1 In the sub-divisions the retail prices of salt per rupee were —Baraset and Bussirhat 13 seers, Barrackpore 12-12 seers, and Dum-Dum 13 seers.
e In the sub-divisions the retail prices of salt per rupee were —Kooshtea 13 seers, Ranaghat 12-14 seers, Meherpore 12 seers, and Chooadanga 11-8 seers.
f In Bagirhat sub-division the retail price of salt was 11 seers per rupee
g In the sub-divisions the retail prices of salt per rupee were —Jhenidah and Narail 12 seers, and Bougong 13 seers.
h In the sub-divisions the retail price of salt at Jungypore and Kandi was 12 seers per rupee
i In the sub-divisions the retail prices of salt per rupee were —Nitpore 12 seers and Raigunge 11-8 seers.
j In the sub-division the retail price of salt at Nattore and Nowgong was 12 seers per rupee
k In the sub-divisions the retail prices of salt per rupee were —Gaibanda and Kurigram 13 seers, and Nilphamari 12 seers.
l The retail price of salt at Serajgunge was 13 seers per rupee
m The retail price of salt in Kurseong was 8 seers per rupee, and in Silligoree 10 seers per rupee
n In the sub-divisions the retail prices of salt per rupee were —Manickgunge 12 seers, Narraingunge 13 seers, and Moonshegunge 10 seers 10½ chittacks.
o In the sub-divisions the retail prices of salt per rupee were —Goalundo 13 seers, and Madaripore 12 seers.
p In the sub-divisions the retail prices of salt per rupee were —Patuakhali 10 10 seers, and Perozepore 11 seers.
q In the sub-divisions the retail prices of salt per rupee were,—Kishoregunge 10-10 seers, Atten 12 seers, and Jamalpore 11-4 seers.

Other Millets, Ragi, &c. (Kavaru, Veragu, Suwee, Cheena, Coraloo, Murhwa, Kuglee, Panicum Miliaceum, &c.): Present fortnight	Other Millets: Past fortnight	Other Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale prices per maund of 40 seers: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883	Districts.
Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R a. p.	R a. p.	R a. p.	S Ch	S Ch	S Ch	
															Central Districts.
...	...	...	19 11	22 0	20 0	100 0	100 0	90 0	2 12 0	2 11 6	2 12 0	12 13	12 14	13 5	Calcutta
...	...	...	17 8	17 8	18 0	90 0	90 0	80 0	3 0 0	3 0 0	3 0 0	13 13d1	12 13	12 13	24-Pergunnahs
...	...	...	21 5½	21 5½	18 13				3 0 0		3 0 0	12 12e	11 10¼	11 10¼	Nuddea
...	...	...	16 0	16 0	16 0	220 0	200 0	180 0	3 2 0	3 2 0	3 4 0	12 0f	12 0	10 8	Khoolna
...	...	...	16 0	18 0	16 0	120 0	120 0	120 0	3 1 0	3 2 0	3 2 0	10 12g	10 12	10 12	Jessore
...	...	...	21 0	21 0	20 0	120 0	120 0	120 0	3 1 3	3 3 0	3 0 0	12 0h	12 0	13 0	Moorshedabad
...	...	...	16 0	17 0	20 0	160 0	160 0	160 0	3 2 0	3 2 0	3 6 0	11 0i	12 8	11 8	Dinagepore
...	...	...	21 0	21 0	19 8	240 0	240 0	240 0	3 0 0	3 0 0	3 1 3	12 12j	12 12	12 0	Rajshahye
...	...	...	20 0	15 4	17 3	100 0	100 0	110 0	3 5 0	3 5 0	3 5 0	11 14k	11 14	11 14	Rungpore
...	...	...	17 1	18 0	16 6	80 0	75 0	62 8	3 5 4	3 5 4	3 2 8	12 0	12 0	12 0	Bogra
...	...	...	17 4	17 4	18 12	200 0	200 0	200 0	3 1 0	3 1 6	3 2 6	12 6l	12 6	12 0	Pubna
[illegible] 0	12 0	12 0	10 0	10 0	10 0	102 8	102 8	128 0	4 8 0	4 8 0	4 8 0	8 0m	8 0	8 0	Darjeeling
...	...	...	16 0	16 0	16 0	128 0	128 0	128 0	3 4 0	3 4 0	3 4 0	12 4	12 4	12 0	Jalpáiguri
															Eastern Districts.
...	...	...	16 0	16 0	19 0	90 0	110 0	99 0	3 0 0	3 0 0	3 0 0	13 0n	13 0	13 5	Dacca
...	...	...	16 0	16 0	20 0	120 0	120 0	120 0	3 2 0	3 2 0	3 5 0	12 0o	12 0	12 0	Furreedpore
...	...	...	17 0	17 0	18 0	120 0	120 0	120 0	3 0 0		2 11 0	13 0p	13 0	13 0	Backergunge
...	...	...	14 8	14 8	15 0	...	...	...	3 2 0	3 2 0	3 4 0	12 8q	12 4	12 4	Mymensingh
...	...	...	13 0	14 0	13 0	120 0	...	...	...	4 13 0	...	...	...	...	Chittagong
...	...	...	12 0	12 0	12 0		...	...	3 2 0	3 6 0	3 2 0	10 0r	10 0	10 0	Noakholly
...	...	...	16 0	16 0	18 0		...		3 2 0	3 2 0	3 2 0	12 8s	12 8	12 4	Tipperah
...	...	...				320 0	320 0	320 0	5 0 0	5 8 0	6 0 0	6 6	6 6	6 4	Chittagong Hill Tracts
...	...	...	14 0	14 0	14 0	...	...	...	3 4 0	3 4 0	3 4 0	11 0	11 0	11 0	Hill Tipperah
															Behar.
...	...	...	24 0	24 0	28 0	100 0	100 0	180 0	3 2 0	3 2 0	3 1 6	10 8	10 8	9 12	Patna
...	...	...	22 0	22 0	21 0	240 0	220 0	160 0	3 4 0	3 4 0	3 5 0	11 0t	11 0	11 0	Gya
...	...	...	22 0	22 8	25 0	140 0	140 0	120 0	3 1 0	3 1 0	3 1 0	12 0t1	12 0	12 8	Shahabad
[illegible] 8	25 5	30 0	20 15	22 0	22 8	176 0	176 0	180 0	3 8 3	3 8 3	3 10 0	12 7t2	12 1	10 0	Durbhunga
...	...	...	20 0	20 0	22 0	140 0	140 0	140 0	3 4 0	3 4 0	3 4 0	12 8t3	12 0	12 0	Mozufferpore
[illegible] 0	24 0	30 0	21 4	21 0	26 0	160 0	160 0	160 0	3 6 0	3 3 0	3 4 0	11 0u	11 0	11 0	Sarun
...	...	...	16 0	17 0	24 0				3 4 0	3 4 0	3 6 0	12 0u1	12 0	11 0	Chumparun
...	...	...	21 12	23 1	25 3	126 0	126 0	160 0	2 14 6	2 11 6	3 2 4½	12 4v	12 9	12 1	Monghyr
...	...	...	21 7	22 1	22 11	151 8	151 8	151 14	3 0 0	3 0 0	3 0 0	12 10v1	12 10	12 10	Bhágalpur
...	...	...	18 0	18 0	19 0	160 0	160 0	160 0	3 13 0	3 13 6	4 0 0	10 12w	10 12	9 0	Purneah
...	...	...	18 0	20 0	21 0	160 0	200 0	160 0	3 2 6	3 2 6	3 2 0	12 0	12 0	12 0	Maldah
...	...	...	19 0	18 0	18 0	200 0	200 0	200 0	3 7 0	3 4 6	3 12 0	11 0x	11 12	10 0	Sonthal Pergunnahs
															Orissa.
[illegible] 12	15 12	15 12	21 0	21 0	18 6	80 0	80 0	80 0	2 12 0	2 12 0	2 12 0	14 0	14 0	14 0	Cuttack
...	...	...	17 2	18 6	17 1	105 0	105 0	120 0	2 7 0	...	2 12 0	16 0		13 0	Pooree
...	...	...	18 0	16 0	16 0	120 0	120 0	120 0	3 6 0	3 6 0	4 2 0	10 8y	10 12	9 3	Balasore
															CHOTA NAGPORE.
															South-Western Frontier Agency.
[illegible] 0	27 0	30 0	17 0	17 0	20 0	240 0	240 0	240 0	3 11 0	3 11 0	3 7 0	10 0	10 0	10 8	Hazáribágh
[illegible] 0	24 0	28 0	13 0	12 0	15 0	120 0	120 0	100 0	4 12 0	4 4 0	4 0 0	8 0	9 0	9 0	Lohardugga
...	...	...	18 0	13 0	24 0	180 0	180 0	180 0	4 0 0	4 0 0	4 7 0	9 0	9 0	8 0	Singbhoom
...	...	...	17 0	16 4	15 0	240 0	240 0	120 0	3 6 0	3 4 0	3 9 0	11 12	10 10	10 12	Manbhoom

r The retail price of salt in the interior ranged from 9 to 12 seers per rupee.
s The retail price of salt at Brahmanbariah and Chandpore was 12-8 seers per rupee
t In the sub-divisions the retail prices of salt per rupee were :—Nowada 10 seers, and Aurungabad 12 seers.
t1 In the sub-divisions the retail prices of salt per rupee were —Buxar 12 seers, and Bhabhua 11 seers
t2 In the sub-divisions the retail prices of salt per rupee were ,—Tajpore 11-8 seers, and Madhubani 11 seers.
t3 In the sub-divisions the retail prices of salt per rupee were —Seetamarhi 11 seers, and Hajipore 12 4 seers
u In the sub-divisions the retail price of salt per rupee at Sewan and Gopalgunge was 12 seers.
u1 In the interior the retail price of salt ranged from 10 to 13 seers per rupee.
v In the sub-divisions the retail prices of salt per rupee were —Beguserai 11 seers, Jamui 11-8 seers.
v1 In the sub-divisions the retail prices of salt per rupee were —Banka 12 seers, Madhupura 10-8 seers, and Soopole 11
w The retail price of salt in the Kissengunge sub-division was 10 seers per rupee.
x In the sub-divisions the retail prices of salt per rupee were :—Rajmehal 12 seers, and Godda 11 seers.
y The retail price of salt at Bhuddruck was 9-8 seers per rupee.

PRICES CURRENT OF FOOD-GRAINS [illegible] 1884—continued.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Province	Districts	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowari), Holcus Sorghum. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Spiked Millet (Cumbu, Bajra), Penicillaria Spicata. Present fortnight.	Spiked Millet. Past fortnight.	Spiked Millet. Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Assam	Sylhet Cachar Goálpará Gáro Hills Kámrúp Darrang Nowgong Sibságar Lakhimpur Khási & Jaintiá Hills Nága Hills	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
N. W. Provinces	Dehra Dún	19 0	19 0	17 8	26 0	26 0	26 0	6 8	6 8	6 8	10 0	10 0	10 0	26 0	26 0	24 0	21 0	21 0	20 0
	Saháranpur	23 10½	23 10½	18 13	27 14½	27 14½	23 10½	7 8½	7 8½	7 8½	10 12	10 12	10 12	29 8	29 8	26 14	23 10½	23 10½	23 10½
	Muzaffarnagar	24 6	23 10	17 14	30 12	29 11	33 0	6 9	6 9	6 9	11 0	11 0	11 8	26 6	26 6	28 11	22 0	22 0	22 0
	Meerut	22 0	22 0	18 0	26 8	26 8	27 8	6 8	6 8	6 0	12 0	12 0	13 0	26 0	26 0	27 0	22 0	22 0	19 0
	Bulandshahr	22 8	22 4	19 0	30 0	28 10	28 0	6 0	6 0	6 0	10 0	9 0	10 0	29 0	27 8	26 0	24 0	20 9	16 0
	Aligarh	21 4	21 0	17 12	33 0	31 0	24 8	5 8	5 8	6 0	10 4	10 4	10 0	22 8	22 8	24 0	20 0	20 0	16 0
	Kumaun	11 8	11 8	15 0	15 0	15 0	18 0	8 0	8 0	10 0	8 8	8 8	12 0	...	...	...	...	...	...
	Garhwál	14 0	14 0	20 0	17 8	17 8	22 0	8 0	8 0	9 0	11 8	11 0	15 0	...	...	...	22 0	22 0	20 0
	Bijnor	19 2	19 6	19 2	23 10	23 6	29 8	8 7	8 7	10 2	9 9	9 4	12 6	...	...	...	...	...	...
	Moradabad	21 0	21 0	20 10	27 0	27 0	29 6	9 8	9 8	9 0	12 0	11 12	13 0	28 0	27 0	25 8	28 0	28 0	15 4
	Budaun	19 8	20 11	20 4	30 0	30 0	30 0	6 0	9 9½	6 0	13 3	12 0	16 3	...	...	...	...	...	...
	Bareilly	20 0	20 0	19 1	26 14	26 14	26 9	6 4	5 0	7 8	11 14	11 14	13 7	25 0	23 12	27 8	26 4	25 0	20 0
	Sháhjahánpur	24 0	24 0	20 8	33 0	33 4	33 8	8 0	8 4	10 0	16 0	16 4	15 12	...	...	...	...	...	...
	Tarái Pergunnahs	23 6	22 8	24 6	30 0	32 8	40 0	8 2	8 2	8 12	15 0	14 6	14 0	30 0	35 0	40 0	25 0	25 0	25 0
	Muttra	20 0	19 12	17 8	27 8	27 0	23 0	7 0	7 0	7 0	11 8	11 8	11 0	26 0	26 0	22 0	25 0	25 0	18 0
	Agra	19 4	19 4	17 0	27 0	26 8	24 8	5 0	5 0	5 8	10 0	10 0	11 8	23 0	23 0	23 0	24 0	24 0	20 0
	Farukhabad	22 3½	22 8	18 11	30 10	30 8½	26 12	7 0	7 0	7 4	11 14½	12 9½	12 9	24 8	24 8	24 12	27 4	27 4	23 7
	Mainpuri	21 0	21 0	18 0	29 0	29 0	24 0	4 0	4 0	4 0	8 0	9 0	10 0	...	...	...	...	...	...
	Etáwah	22 0	21 0	17 0	27 0	26 0	22 8	6 0	6 0	6 0	11 8	11 0	12 0	25 0	25 0	24 0	25 0	25 0	19 8
	Etah	22 4	22 3	18 8	29 2	29 5	25 4	7 8	7 11	6 8	12 2	11 0	11 8	...	...	18 0	...	...	16 0
	Jalaun	23 0	23 0	18 0	24 0	24 0	20 0	9 0	9 0	10 0	10 0	10 0	11 0	26 0	26 0	25 0	25 0	25 0	22 0
	Jhánsi	23 12	22 14	21 4½	27 0	25 14	30 9	7 0	7 0	7 8	13 0	12 0	12 12	26 0	26 0	28 11	17 8	17 8	22 8
	Lalitpur	27 4	26 12	21 6	36 0	36 0	36 0	8 0	8 0	9 0	11 0	11 0	11 8	37 8	36 0	33 4	26 0	28 0	24 8
	Cawnpore	22 12	22 8	19 0	31 0	30 8	28 8	9 0	9 0	10 0	12 0	12 0	13 8	28 8	28 8	27 0	29 0	28 8	24 0
	Fatehpur	20 12	20 4	16 14	27 8	28 0	25 12	10 0	10 0	10 8	13 12	13 8	14 0	...	...	...	...	...	...
	Bánda	25 0	25 0	23 0	32 0	33 0	32 0	8 0	7 8	8 0	13 0	12 0	12 8	31 0	31 0	36 0	32 0	31 0	33 0
	Allahabad	18 12	19 8	17 8	26 0	25 8	29 0	7 8	8 0	11 0	14 8	14 8	15 0	25 12	26 0	31 0	24 8	24 0	20 0
	Hamírpur	22 0	22 2	18 9	...	...	...	9 0	9 0	8 4	11 4	11 4	9 4	28 2	28 2	27 14	28 2	29 4	26 14
	Jaunpur	21 11	21 11	19 0	28 15	28 15	30 5	7 1	7 0	7 12	12 12	11 0	14 2	...	...	...	...	19 0	...
	Gorakhpur	18 4	19 13	18 0	23 6½	24 5	27 0	13 8	13 8	12 2½	14 12	16 8	14 12	33 5	33 3	36 0	...	14 5	...
	Basti	20 10	19 8	18 0	23 0	21 8	30 0	10 0	10 0	12 0	12 8	12 4	16 0	...	...	...	...	...	...
	Azamgarh	18 1	18 1	16 10	22 8	22 8	24 12	11 2	11 2	10 5	13 0	13 0	14 0	29 8	29 8	31 0	20 10	20 10	20 10
	Mirzapur	18 0	17 0	16 0	23 0	23 0	25 0	8 0	8 0	10 0	13 0	12 0	12 0	23 0	23 0	26 0	22 0	22 0	24 0
	Benares	18 11	19 8	16 13	25 0	24 6	25 12	9 3	9 3	10 5	14 1½	12 3	17 1	24 6	24 6	26 0	23 5	22 12	25 8
	Gházipur	18 0	18 0	18 5	23 8	23 3	26 11½	6 7	6 7	9 0	12 14	12 4	15 7	...	...	33 7½	19 5	19 5	25 12
	Balia	18 10	18 0	18 12	23 2	21 14	26 4	11 0	11 0	10 0	13 10	13 10	17 8	25 12	24 8	...	19 8	19 8	...
	Philibhít	20 0	19 12	21 14	28 12	30 0	37 8	12 8	10 4	15 0	15 0	13 0	16 4	...	...	...	...	...	...
	Almora	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oudh	Sultánpur	22 0	22 0	20 0	30 0	30 0	32 0	11 0	11 0	11 0	16 0	16 0	16 0	...	...	...	...	...	...
	Partábgarh	21 9	21 9	20 0	30 0	30 11	32 8	16 5	14 0	16 0	16 8	15 5	18 0	...	...	...	...	...	...
	Fyzabad	19 14	20 6	17 6	25 0	24 8	28 0	9 0	9 0	10 0	15 0	15 8	16 8	40 0	...	38 0	...	...	...
	Kheri	23 0	23 0	22 0	31 0	32 0	36 0	7 0	7 0	7 0	20 0	17 0	14 0	36 0	36 0	44 0	30 0	30 0	...
	Lucknow	23 4	23 0	17 12	31 8	30 8	27 7	6 0	6 0	6 0	14 0	13 4	12 14	27 0	27 0	27 2	29 4	28 12	28 [illegible]
	Bára Banki	22 0	22 0	18 8	28 0	28 0	26 0	6 0	6 0	10 0	13 0	13 0	14 0	44 0	44 0	36 0	28 0	28 0	20 0
	Bahraich	21 0	21 0	16 0	28 0	28 0	30 0	12 8	12 8	9 0	14 0	14 0	17 0	26 0	26 0	36 0	...	...	18 0
	Rai Bareli	22 14	22 12	19 0	27 14	27 12	27 8	...	...	...	16 0	15 0	15 0	...	...	...	...	...	23 0
	Sitapur	25 8	25 0	21 6	34 0	34 0	34 8	8 0	8 0	8 0	19 0	17 0	16 2	29 0	29 0	28 0	27 0	27 9	25 0
	Gonda	22 8	22 4	21 5	23 8	24 8	39 4	14 8	13 0	15 0	15 4	14 12	15 8	35 10½	25 8	39 12	25 8	24 8	27 8
	Unáo	22 8	22 8	18 8	28 0	30 0	27 0	8 0	8 0	10 0	14 0	13 0	14 0	40 0	28 0	28 0	22 0	28 0	21 0
	Hardui	23 8	22 8	16 14	33 0	32 0	27 11	6 0	6 0	5 10	12 0	12 0	11 4	...	...	...	...	...	16 14
Punjab	Gujránwála Lahore Ferozepore Sirsa Hissar Rohtak Gurgaon Delhi Karnál Umballa Ludiana Simla	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Districts	[illegible] Millets, Ragi, &c. [illegible] Panicum Miliaceum, &c. Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.	Province
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R a. p.	R a. p.	R a. p.	S. Ch.	S. Ch.	S. Ch.	
Sylhet Cachar Goálpará Gáro Hills Kámrúp Darrang Nowgong Sibságar Lakhimpur Khási & Jaintiá Hills Nága Hills	...	...	...	...	...	...	...	...	...	...	...	...	No return received			Assam
Dehra Dún	...	...	...	25 0	23 12	20 0	160 0	160 0	160 0	11 8	11 8	11 0	11 0	11 0	10 8	N. W. Provinces
Saháranpur	...	...	...	29 8	29 8	24 11½	129 0	129 0	129 0	13 3	13 3	13 2½	12 14½	12 14½	12 14½	
Muzaffarnagar	...	...	...	29 4	28 11	23 2	132 0	132 0	110 0	12 10	12 10	12 6	12 2	12 2	11 8	
Meerut	...	...	...	26 8	26 8	23 0	110 0	110 0	110 0	13 0	13 0	12 8	12 8	12 8	12 0	
Bulandshahr	...	...	...	24 8	24 2	22 0	120 0	160 0	140 0	13 4	13 0	11 8	...	...	...	
Aligarh	...	...	...	25 0	23 8	22 0	120 0	120 0	120 0	12 4	12 4	12 8	12 0	12 0	12 0	
Kumaun	...	...	...	11 0	11 0	12 0	200 0	200 0	200 0	8 0	8 0	9 0	7 0	7 0	7 0	
Garhwál	...	...	...	8 0	8 0	9 0	280 0	280 0	280 0	7 8	7 0	9 0	6 14	6 4	8 2	
Bijnor	...	...	...	22 8	23 10	20 13	135 0	135 0	135 0	...	...	...	11 4	11 4	11 8	
Moradabad	...	...	...	23 0	24 0	21 14	125 0	125 0	125 0	13 4	13 4	12 10	13 0	13 0	12 8	
Budaun	...	...	...	20 6	20 6	24 9½	192 0	192 0	192 0	12 0	12 0	11 6	11 11½	11 6	10 12½	
Bareilly	...	...	...	21 4	21 14	23 2	100 0	125 0	125 0	12 13	13 2	12 3	12 8	12 8	11 14	
Sháhjahánpur	...	...	...	23 0	23 8	23 4	160 0	160 0	160 0	13 4	13 6	13 0	11 6	11 6	11 0	
Tarái Pergunnahs	...	...	...	17 8	17 8	20 0	120 0	120 0	120 0	10 0	11 4	11 0	9 12	11 0	11 0	
Muttra	...	...	...	23 8	22 8	21 8	120 0	110 0	120 0	14 8	14 8	13 0	14 0	14 0	12 8	
Agra	...	...	...	23 0	23 0	23 0	100 0	100 0	100 0	14 0	14 0	13 8	13 8	13 8	13 0	
Farukhabad	...	...	...	23 8½	23 3	24 12	114 8	114 8	150 0	13 4½	12 12	12 4	12 5	11 12	11 10	
Mainpuri	...	...	...	21 8	20 8	22 0	160 0	160 0	160 0	13 0	13 0	11 8	12 0	12 8	11 0	
Etáwah	...	...	...	26 0	23 8	24 0	100 0	100 0	100 0	14 0	13 0	12 0	13 8	12 0	11 0	
Etah	...	...	...	25 4	22 0	21 0	145 0	140 0	180 0	12 14	13 8	12 0	12 6	12 2	11 4	
Jalaun	...	...	...	30 0	29 0	28 0	140 0	140 0	140 0	12 0	12 0	11 0	11 0	11 0	10 0	
Jhánsi	...	...	...	24 0	24 3	28 14	200 0	200 0	200 0	11 12	11 12	11 0	10 12	10 12	10 0	
Lalitpur	...	...	...	32 8	37 0	31 0	160 0	160 0	160 0	11 8	12 0	12 0	11 0	11 0	11 0	
Cawnpore	...	...	...	27 0	28 0	28 8	130 0	130 0	145 0	14 0	14 0	13 8	13 8	13 8	13 0	
Fatehpur	...	...	...	25 6	26 8	29 8	160 0	160 0	200 0	11 8	11 0	11 0	11 4	10 12	10 12	
Bánda	...	...	...	34 0	33 0	37 0	160 0	160 0	160 0	11 8	11 8	12 0	11 0	11 0	11 0	
Allahabad	...	...	...	27 0	26 12	29 12	120 0	120 0	160 0	12 0	12 0	12 0	11 0	11 0	11 0	
Hamírpur	...	...	...	32 10	33 9	32 8	140 0	140 0	140 0	11 4	11 0	11 8	9 15	10 0	10 8	
Jaunpur	...	...	...	23 12	23 12	28 4	120 0	130 0	148 12	10 12	10 12	10 12	10 10	10 10	10 10	
Gorakhpur	...	...	...	21 9½	23 0	28 13	160 0	160 0	160 0	11 0	11 0	10 9½	10 13	10 13	10 6½	
Basti	...	...	...	21 0	20 8	27 0	180 0	180 0	160 0	10 8	10 8	8 8	9 12	9 12	8 0	
Azamgarh	...	...	...	21 0	21 0	25 0	177 8	177 8	147 8	11 2	11 2	10 8	10 8	10 8	9 14	
Mirzapur	...	...	...	22 0	22 0	26 0	100 0	100 0	70 0	10 0	10 0	10 0	8 0	8 0	8 0	
Benares	...	...	...	23 14	22 12	24 6	90 0	90 0	90 0	10 11	10 11	10 6½	9 13½	9 13½	10 2	
Gházipur	...	...	...	21 14	21 14	27 8	128 12	128 12	128 12	11 9	11 9	10 15½	10 5	10 5	10 5	
Balia	...	...	...	22 8	22 8	25 0	100 0	100 0	90 0	11 12	11 12	11 4	11 8	11 8	11 4	
Philibhít	...	...	...	20 0	19 12	25 0	150 0	150 0	150 0	13 0	13 0	13 0	12 8	12 8	12 8	
Almora	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Sultánpur	...	...	...	25 0	24 0	31 0	160 0	160 0	160 0	12 8	12 8	12 4	11 12	11 12	12 0	Oudh
Partábgarh	...	...	...	23 0	23 8	28 0	180 0	190 0	200 0	12 0	12 0	11 0	10 12	11 2	10 10	
Fyzabad	...	...	...	22 8	22 8	26 8	120 0	120 0	120 0	11 8	11 0	11 8	11 0	10 8	11 0	
Kheri	...	...	...	23 8	23 0	26 0	140 0	140 0	120 0	10 8	10 8	11 0	10 0	10 0	10 8	
Lucknow	...	...	...	24 13	24 8	23 3	120 0	120 0	115 0	11 8	11 8	11 2½	11 0	11 0	10 10½	
Bára Banki	...	...	...	26 0	26 0	25 0	120 0	120 0	130 0	12 0	12 0	12 0	11 0	11 0	11 0	
Bahraich	...	...	...	25 0	25 0	24 0	160 0	160 0	160 0	...	...	...	11 0	11 0	9 8	
Rai Bareli	...	...	...	26 12	26 8	25 0	200 0	200 0	160 0	...	...	...	9 14	9 12	12 0	
Sitapur	...	...	...	27 8	27 8	27 8	160 0	160 0	160 0	12 8	12 8	12 8	12 0	12 0	11 8	
Gonda	...	...	...	22 12	23 12	32 8	200 0	200 0	200 0	11 8	11 8	11 4	11 4	11 4	11 0	
Unáo	...	...	...	26 8	26 8	26 0	160 0	160 0	160 0	...	...	...	11 8	11 0	11 0	
Hardui	...	...	...	25 0	25 0	20 14	160 0	160 0	200 0	11 0	11 0	9 6	7 8	7 8	7 8	
Gujránwála Lahore Ferozepore Sirsa Hissar Rohtak Gurgaon Delhi Karnál Umballa Ludiana Simla	...	...	...	...	...	...	...	...	...	...	...	...	No return received			Punjab

PRICES CURRENT OF [illegible] FOR THE 1ST HALF OF SEPTEMBER 1884—*continued*.

QUANTITIES [illegible] SEERS OF 80 TOLAS.

Province	Districts	Wheat. Present fortnight. S. Ch.	Wheat. Past fortnight. S. Ch.	Wheat. Corresponding fortnight of 1883. S. Ch.	Barley. Present fortnight. S. Ch.	Barley. Past fortnight. S. Ch.	Barley. Corresponding fortnight of 1883. S. Ch.	Rice (best sort). Present fortnight. S. Ch.	Rice (best sort). Past fortnight. S. Ch.	Rice (best sort). Corresponding fortnight of 1883. S. Ch.	Rice (common). Present fortnight. S. Ch.	Rice (common). Past fortnight. S. Ch.	Rice (common). Corresponding fortnight of 1883. S. Ch.	Great Millet (Cholam, Jowár, *Holcus Sorghum*). Present fortnight. S. Ch.	Great Millet. Past fortnight. S. Ch.	Great Millet. Corresponding fortnight of 1883. S. Ch.	[illegible]. Present fortnight. S. Ch.	[illegible]. Past fortnight. S. Ch.	[illegible]. Corresponding fortnight of 1883. S. Ch.
Punjab—*continued*.	Kángra																		
	Jullundur																		
	Hoshiárpur																		
	Gurdáspur																		
	Amritsar																		
	Siálkot																		
	Gujrát																		
	Jhelum																		
	Ráwalpindi																		
	Shahpúr	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Jhang																		
	Montgomery																		
	Mooltan																		
	Muzaffargarh																		
	Dera Ghází Khán																		
	Dera Ismail Khán																		
	Bannu																		
	Kohát																		
	Peshâwár																		
	Házára																		
Central Provinces.	Saugor	26 0	27 8	23 8	...	...	...	11 0	10 0	8 0	12 0	11 0	10 0	...	...	...	...	...	...
	Damoh	32 8	32 0	26 8	...	...	...	14 8	13 8	12 0	15 8	15 8	13 8	...	...	...	...	...	...
	Jubbulpore	23 8	22 8	20 0	23 0	23 8	22 0	9 0	9 0	11 0	13 0	13 0	16 0	24 0	24 0	24 0	19 0	19 0	17 0
	Mandla	34 0	32 0	26 0	...	...	...	14 8	14 8	15 0	18 0	17 0	19 0	...	...	...	...	...	...
	Seoni	28 0	28 0	21 0	...	...	...	13 0	13 0	13 8	18 0	18 0	18 0	...	...	...	...	...	...
	Narsinghpur	21 0	21 0	17 8	...	...	...	9 0	[illegible]	4 0	11 8	11 8	11 8	...	...	...	...	...	...
	Hoshangabad	20 4	20 4	15 6	...	...	...	5 0	4 0	4 0	10 2	10 2	9 9	...	...	21 0	...	...	...
	Nimár	24 12	22 11	16 8	...	...	...	12 9	11 9	12 9	14 14	14 14	14 14	30 0	26 4	20 10	28 0	28 0	20 0
	Betúl	27 0	27 0	18 0	...	...	...	11 0	11 0	10 8	12 0	12 0	11 0	22 0	22 0	19 8	...	...	...
	Chhindwára	25 8	25 4	25 8	...	...	...	7 9	7 8	8 8	12 14	12 8	14 8	28 15	27 8	31 0	...	...	...
	Wardha	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nágpur	26 0	25 4	18 12	...	...	...	9 12	9 12	8 12	14 12	14 12	16 0	29 12	27 1	29 8	...	...	...
	Chánda	25 0	26 0	19 0	...	...	...	...	...	...	17 8	17 8	15 0	26 0	26 0	30 8	...	...	...
	Bhandára	24 8	25 0	22 0	...	...	...	10 8	10 0	10 0	19 8	18 0	22 8	22 8	23 0	35 0	...	...	...
	Bálaghát	23 0	23 0	20 0	...	...	...	15 0	15 0	18 0	22 0	21 0	27 0	...	...	...	...	...	...
	Raipur	28 0	28 0	21 0	...	...	...	15 0	15 0	17 8	23 0	23 0	31 8	...	...	...	...	...	...
	Biláspur	48 1	39 15	26 0	...	...	...	26 2	21 14	47 8	39 1	31 15	58 0	...	...	...	...	...	...
	Sambalpur	24 8	24 8	15 0	...	...	...	24 8	22 12	28 0	26 4	20 5	32 0	...	...	...	...	...	...
British Burma.	*Arakan Division.*																		
	Akyab	...	...	...	...	...	...	9 8	9 8	7 0	13 8	13 0	9 0	...	...	...	...	...	...
	Northern Arakan	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kyoukpyoo	...	...	...	...	...	...	12 12	12 7	9 8	14 4	13 15	11 0	...	...	...	...	...	...
	Sandoway	...	...	...	...	...	...	17 2	17 2	...	19 2	19 2	...	...	...	...	...	...	...
	Pegu Division.																		
	Rangoon Town	15 2	15 0	11 2	...	...	...	11 0	13 0	11 4	12 2	14 2	13 8	...	...	...	...	...	...
	Pegu	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tharrawaddy	...	...	...	...	...	...	7 2	7 2	7 2[illegible]	7 14	7 14	7 14[illegible]	...	...	...	...	...	...
	Prome	14 9	14 9	9 11	...	...	...	10 12	10 12	9 9	12 7	12 7	13 1	...	...	...	...	...	...
	Irrawaddy Division.																		
	Bassein	...	...	...	...	...	...	13 15	12 6	12 6	16 10	14 1	13 13	...	...	...	...	...	...
	Henzada	...	...	...	...	...	...	11 15	10 4	11 15	15 10	15 10	15 10	...	...	...	...	...	...
	Thonegwa	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Thayetmyo	15 1	15 1	9 4	...	...	...	9 6	9 6	10 0	10 6	10 6	11 13	...	...	...	...	...	...
	Tenasserim Division.																		
	Moulmein Town & Amherst	9 0	9 0	12 2	...	...	...	9 11	9 11	9 0	12 2	12 2	12 8	...	...	...	...	...	...
	Tavoy	...	...	...	...	...	...	13 0	13 0	12 6	17 15	17 15	17 15	...	...	...	...	...	...
	Mergui	...	...	...	...	...	...	13 13	13 13	15 6	14 14	14 14	17 11	...	...	...	...	...	...
	Toungoo	...	...	...	...	...	...	10 10	10 10	12 13	12 13	12 13	14 8	...	...	...	...	...	...
	Shwaygyin	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Salween																		
Hyderabad Assigned Districts.	Secunderabad	13 8	14 13	16 5	...	...	...	8 4	8 4	7 14	11 4	11 4	10 8	17 12	17 12	22 8	...	21 7	27 [illegible]
	Bolarum	14 13	16 8	18 8	...	...	...	9 0	9 0	8 1	10 15	10 13	9 10	18 15	20 9	26 6	...	...	...
	Chudderghat	11 8	14 0	13 8	...	...	...	8 0	7 8	7 0	10 0	11 4	9 0	18 0	18 8	23 0	24 0	24 0	[illegible]
	Amraoti	24 0	23 0	15 8	11 8	11 8	10 0	9 0	9 0	8 0	10 0	10 0	10 0	28 0	27 0	26 0	16 0	16 0	[illegible]
	Akola	24 0	24 0	16 0	...	...	...	7 5	7 5	7 0	11 0	11 0	13 0	26 0	26 0	27 0	20 0	20 0	[illegible]
	Ellichpur	20 0	19 8	16 0	6 0	6 0	14 0	8 0	8 0	10 0	10 8	10 2	13 0	24 0	24 12	26 0	16 0	16 0	[illegible]
	Buldána	25 0	24 0	18 0	...	...	...	...	...	...	11 0	11 0	11 0	25 0	25 0	25 0	24 0	24 0	[illegible]
	Wún	21 8	21 0	18 0	...	...	...	7 0	7 0	8 0	11 8	11 8	13 0	24 0	22 8	26 8	...	...	...
	Básim	25 0	26 0	21 0	...	...	...	6 0	6 0	5 12	11 0	10 0	13 0	20 0	20 0	28 0	...	...	...

Districts	[illegible]. Present fortnight. S. Ch.	[illegible]. Past fortnight. S. Ch.	[illegible]. Corresponding fortnight of 1883. S. Ch.	Gram. Present fortnight. S. Ch.	Gram. Past fortnight. S. Ch.	Gram. Corresponding fortnight of 1883. S. Ch.	Firewood. Present fortnight. S. Ch.	Firewood. Past fortnight. S. Ch.	Firewood. Corresponding fortnight of 1883. S. Ch.	Salt. Wholesale. Present fortnight. S. Ch.	Salt. Wholesale. Past fortnight. S. Ch.	Salt. Wholesale. Corresponding fortnight of 1883. S. Ch.	Salt. Retail. Present fortnight. S. Ch.	Salt. Retail. Past fortnight. S. Ch.	Salt. Retail. Corresponding fortnight of 1883. S. Ch.
Kángra															
Jullundur															
Hoshiárpur															
Gurdáspur															
Amritsar															
Siálkot															
Gujrát															
Jhelum															
Ráwalpindi															
Shahpúr	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
Jhang															
Montgomery															
Mooltan															
Muzaffargarh															
Dera Ghází Khán															
Dera Ismail Khán															
Bannu															
Kohát															
Peshâwár															
Házára															
Saugor	...	...	...	25 8	27 0	28 0	140 0	140 0	160 0	9 12	9 12	9 4	9 8	9 8	9 0
Damoh	...	...	...	32 0	32 0	39 0	200 0	200 0	200 0	10 0	10 0	9 8	9 8	9 8	9 4
Jubbulpore	...	...	...	29 0	29 0	26 8	110 0	110 0	130 0	11 0	11 0	11 8	10 12	10 8	11 0
Mandla	[illegible] 0	30 0	25 0	45 0	45 0	47 0	256 0	256 0	256 0	...	...	...	9 8	10 0	9 0
Seoni	...	...	...	32 0	32 0	25 0	220 0	220 0	220 0	10 8	10 8	11 0	10 4	10 4	10 8
Narsinghpur	...	...	...	32 0	34 0	24 0	140 0	140 0	140 0	11 0	11 0	11 0	10 8	10 8	10 8
Hoshangabad	...	...	...	29 4	36 0	23 8	140 0	140 0	160 0	11 14	11 12	11 8	11 0	11 0	10 8
Nimár	...	...	...	25 13	25 13	20 4	120 0	120 0	160 0	13 13	13 13	13 13	13 0	13 0	13 0
Betúl	[illegible]	18 8	15 0	26 0	26 0	18 0	320 0	320 0	320 0	10 8	10 8	8 8	10 0	10 0	8 0
Chhindwára	[illegible] 0	17 0	16 8	27 4	31 0	29 8	200 0	200 0	200 0	10 1	9 0	9 0	9 9	8 0	8 0
Wardha	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
Nágpur	...	...	...	21 12	22 12	20 8	120 0	150 0	140 0	12 0	12 0	12 0	11 12	11 12	11 12
Chánda	...	...	...	27 0	27 0	21 8	360 0	360 0	360 0	...	...	...	11 0	11 0	9 8
Bhandára	...	...	...	22 8	23 0	22 0	180 0	180 0	96 0	11 0	11 0	10 4	10 8	10 8	10 0
Bálaghát	...	...	...	25 0	26 0	27 0	275 0	275 0	275 0	11 0	10 0	9 4	9 8	9 8	9 0
Raipur	...	...	...	21 0	20 0	26 8	64 0	64 0	64 0	11 0	10 0	10 0	10 0	9 0	9 0
Bilâspur	[illegible] 0	100 0	128 4	36 8	34 0	31 0	120 0	120 0	120 0	...	...	...	9 0	9 0	9 0
Sambalpur	...	...	...	18 0	18 0	16 8	125 0	125 0	128 0	12 0	12 0	11 12	11 0	11 0	10 0
Arakan Division.															
Akyab	...	...	...	10 0	10 0	10 0	264 0	240 0	180 0	40 0	35 0	35 0	35 0	30 0	30 0
Northern Arakan	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
Kyoukpyoo	...	...	...	4 0	4 0	4 0	50 0	50 0	50 0	...	...	...	30 0	30 0	30 0
Sandoway	...	...	...	...	...	...	469 11	469 11	...	...	...	...	22 13	22 13	...
Pegu Division.															
Rangoon Town	...	...	...	17 5	21 2	19 2	320 0	320 0	320 0	50 11	50 11	50 11	22 10	22 10	22 10
Pegu	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
Tharrawaddy	...	...	...	8 14	8 14	16 5[illegible]	535 11	535 11	535 11[illegible]	...	...	...	22 5	22 5	35 11[illegible]
Prome	...	...	...	12 7	12 7	15 9	167 9	167 9	139 11	29 9	29 9	25 5	18 10	18 10	16 9
Irrawaddy Division.															
Bassein	...	...	...	11 7	13 12	11 6	264 7	205 15	273 6	35 7	26 9	*28 14	28 6	25 1	25 10
Henzada	...	...	...	...	...	...	183 8	183 8	183 8	29 9	29 9	29 9	29 9	29 9	29 9
Thonegwa	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
Thayetmyo	...	...	...	13 13	13 13	13 13	245 0	245 0	245 0	29 9	29 9	25 5	18 15	18 15	18 15
Tenasserim Division.															
Moulmein Town & Amherst	...	...	...	12 2	12 2	12 8	220 0	220 0	220 0	30 8	30 8	35 8	20 15	20 15	25 5
Tavoy	...	...	...	...	...	...	399 3	399 3	399 3	24 2	24 2	24 2	16 1	16 1	16 1
Mergui	...	...	...	...	...	...	428 0	428 0	428 0	36 8	36 8	24 5	29 3	29 3	16 2
Toungoo	...	...	...	9 1	9 1	12 8	24 0	24 0	24 0	25 0	25 0	22 0	18 12	18 12	14 1
Shwaygyin	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
Salween															
Secunderabad	[illegible]	[illegible]	[illegible]	17 4	17 12	16 5	115 0	115 0	125 0	10 13	10 11	10 14	10 4	10 8	10 6
Bolarum	...	...	...	18 10	19 7	19 7	116 14	116 14	116 14	...	...	...	10 12	10 9	10 13
Chudderghat	...	...	...	[illegible] 0	18 0	15 0	80 0	80 0	80 0	...	...	...	9 12	9 12	9 8
Amraoti	...	...	...	20 0	20 0	17 0	70 0	70 0	64 0	13 0	13 0	12 8	12 8	12 8	12 0
Akola	...	...	...	[illegible] 0	20 0	18 0	64 0	64 0	64 0	12 0	12 0	11 0	11 0	11 0	10 0
Ellichpur	...	...	...	17 2	17 4	15 0	128 0	80 0	64 0	...	...	...	11 0	11 0	11 0
Buldána	...	...	...	20 0	20 0	16 0	...	...	...	...	...	...	10 0	10 0	11 0
Wún	...	...	...	18 0	18 0	18 0	200 0	175 0	200 0	...	...	...	11 0	11 0	11 0
Básim	...	...	...	21 0	21 0	20 0	64 0	64 0	64 0	9 8	11 0	10 8	9 0	10 0	10 0

* [illegible]

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2ND HALF OF SEPTEMBER 1884—concluded.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), Holcus Sorghum. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Spiked Millet (Cumbu, Bajra). Present fortnight.	Spiked Millet. Past fortnight.	Spiked Millet. Corresponding fortnight of 1883.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Coorg	8 2	9 0	8 11	9 11	9 13	9 14	12 6	12 8	15 3	17 11	17 11	19 14	...	...	...	...	...	...
Jeypore	18 8	17 8	17 0	27 0	25 0	24 0	6 0	6 0	6 0	7 8	7 8	8 0	22 0	22 0	23 0	22 0	22 0	21 12
Kishengurh	17 4	17 4	17 8	25 8	25 8	22 0	9 0	9 0	9 0	10 0	10 0	10 0	17 8	17 8	22 8	17 8	17 8	17 8
Kerrowlee	20 0	*	18 7	23 14	*	27 8	10 0	*	10 0	11 4	*	11 4	26 14	*	27 8	23 0	*	23 13
Ulwur	20 1	20 0	18 6	27 5	27 5	24 10	6 12	6 12	8 10	10 5	10 5	10 8	24 6	23 8	23 7	23 7	23 8	23 0
Bhurtpore (City)	18 15	19 3	*	26 8	27 4	*	7 6	7 3	*	9 0	8 9	*	22 3	22 3	*	23 15	23 15	*
Ajmere	17 0	18 0	16 0	26 0	26 0	23 8	8 0	8 0	5 0	8 0	8 0	8 0	26 0	24 0	20 0	20 0	20 0	18 0
Deoli Cantonment	25 6	24 4	19 7	36 14	34 0	27 8	...	...	...	9 4	9 4	13 0	30 0	30 0	20 8	25 0	22 0	18 0
Erinpura	19 15	17 13	15 9	26 7	24 6	23 13	...	...	...	7 5	7 0	7 11	20 0	21 0	19 11	20 0	20 0	19 0
Sirohee	16 0	15 4	18 0	25 0	25 0	20 0	7 0	6 0	6 8	8 0	8 0	7 8	18 0	18 8	14 0	19 0	19 0	15 0
Abu	16 10	15 4	12 9	20 8	20 0	18 12	6 0	6 0	6 8	7 6	7 4	8 0	...	...	...	16 0	15 12	13 13
Anadra	17 4	17 0	13 12	23 0	23 0	20 12	6 8	6 8	7 0	8 0	8 0	8 8	...	...	...	18 0	18 0	14 12
Bálmere	15 8	14 8	15 4	...	...	...	5 4	5 0	6 0	8 12	7 0	8 8	...	...	...	30 0	29 0	28 0
Jeysalmere, Hilly Tracts of Meywar	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Meywar (Oodeypore)	22 10½	21 1½	14 7½	32 0½	29 11	18 12	8 9½	8 3¼	8 15½	...	...	...	...	...	...	...	...	...
Bánswára (Meywar Agency)	25 0	25 0	21 4	...	...	...	10 0	10 0	10 0	15 0	15 0	15 0	...	...	...	...	...	...
Partábgarh („)	22 8	21 6	17 15	...	...	...	8 12	8 7	8 12	11 4	11 4	11 14	...	...	...	...	...	...
Marwar (Jodhpore)	18 12	17 12	16 0	25 0	22 8	20 0	5 0	6 4	6 8	7 8	7 12	7 8	21 4	20 0	20 0	20 0	20 0	20 0
Bikaneer	18 0	18 4	10 8	...	...	...	8 11	8 11	8 8	6 12	6 12	5 12	...	...	...	17 12	15 8	16¼ 0
Boondee	31 0	30 12	24 0	50 0	50 0	36 0	6 8	6 8	10 0	7 0	7 0	11 0	46 0	48 0	34 8	...	...	...
Kotah	30 0	30 0	22 8	40 0	40 0	25 0	7 0	7 0	8 0	7 8	7 8	11 0	42 8	40 0	28 0	18 0	18 0	18 8
Tonk	24 0	22 12	20 0	36 0	31 0	29 0	6 8	7 8	6 8	7 8	8 8	8 8	40 0	33 12	28 12	...	...	...
Jhallawar	26 13	25 14	18 4	40 9	40 0	20 0	...	...	...	10 3½	10 3½	7 1	41 6	40 14	25 0	17 0½	16 6	17 1
Shahpoora	23 4	21 4	20 1	34 0	23 8	25 8	7 8	7 8	10 0	9 8	9 8	15 0	25 8	25 0	23 0	19 8	19 6	15 0
Dholpur	18 14	18 7	17 0	27 0	25 5	24 12	9 0	9 0	10 2	10 2	10 2	10 11	22 8	22 9	23 5	27 0	22 8	21 10
Indore	20 0	19 3	14 8	...	...	...	9 8	9 3	8 9	10 0	10 0	10 0	26 10	26 10	20 0	22 14	24 0	19 8
Gwalior	18 12	18 12	16 12	21 0	21 0	21 0	7 5	7 5	7 5	8 13	8 11	9 2	24 10	22 8	24 5	21 0	20 1	18 12
Goona	30 0	30 0	23 12	21 0	21 0	20 0	8 0	8 0	8 0	9 0	9 0	9 8	45 0	45 0	36 0	20 0	20 0	20 0
Baghelkhand (Sutna)	25 0	24 4	26 1	37 8	33 8	43 0	8 0	8 0	7 0	18 8	17 12	17 12	...†	...†	37 8	18 0	19 8	30 0

* Not received. † Not sold.

Millets (Ragi, Marua, etc.). Present fortnight.	Millets. Past fortnight.	Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.	Districts.
Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur
2	30 11	31 0	22 4	23 5	29 14	110 0	110 0	110 0	10 9	10 9	10 3	10 3	9 13	9 11	Coorg
..	...	...	24 0	22 0	22 0	...	...	...	15 8	16 0	15 0	15 4	15 12	14 12	Jeypore
..	...	...	20 4	20 4	23 12	...	...	...	...	...	...	16 0	16 0	16 0	Kishengurh
..	...	...	28 0	*	30 0	...	...	...	13 4	*	13 5	13 4	*	13 0	Kerrowlee
..	...	...	25 13	24 7	24 0	...	...	...	16 4	16 4	15 7	15 8	15 8	14 12	Ulwur
..	...	...	22 8	22 2	*	...	...*	...	12 12	12 4	*	12 0	12 0	*	Bhurtpore (City)
..	...	...	24 0	22 8	24 0	80 0	80 0	80 0	17 8	17 8	17 0	15 8	15 8	15 0	Ajmere
..	...	...	31 9	28 6	27 9	220 0	220 0	220 0	13 4	13 6	13 6	12 4	12 0	12 12	Deoli Cantonment
									R a. p.	R a. p. per md.	R a. p.				
..	...	...	21 2	21 2	21 4	170 0	160 0	160 0	3 0 4	3 0 4	3 1 3	13 0	13 0	12 0	Erinpura
..	...	...	18 8	21 0	18 0	...	130 0	160 0	...	...	3 0 0	...	13 5	12 5	Sirohee
..	...	...	17 8	17 8	15 12	160 0	160 0	160 0	3 1 6	3 1 3	3 8 0	13 0	13 0	11 8	Abu
..	...	...	20 0	20 0	17 12	...	...	...	2 13 3	2 13 3	3 4 0	14 4	14 4	12 4	Anadra
..	...	...	13 0	13 0	15 0	280 0	280 0	300 0	2 7 0	2 7 0	2 5 0	16 0	16 0	17 0	Bálmere
..	...	...	...	...	...	...	...	...	...	...	...	No return received			Jeysalmere, Hilly Tracts of Meywar
									S. Ch.	S. Ch.	S. Ch.				
..	...	...	21 14	21 14	15 3¾	200 0	200 0	200 0	12 1½	12 1½	10 8½	11 11½	11 11½	10 2½	Meywar (Oodeypore)
									R a. p.	R a. p. per md.	R a. p.				
..	...	...	35 0	35 0	37 0	...	...	...	3 5 9	...	...	12 8	12 8	10 0	Bánswára (Meywar Agency)
..	...	...	32 8	30 0	20 5	...	...	...	3 5 9	...	...	16 8	16 8	16 7½	Partábgarh („)
..	...	...	20 10	18 12	20 0	120 0	100 0	...	2 10 9	2 10 9	2 9 0	15 0	15 0	15 10	Marwar (Jodhpore)
									S. Ch.	S. Ch.	S. Ch.				
..	...	...	18 8	17 4	18 0	...	...	...	...	...	...	11 8	11 8	11 8	Bikaneer
..	...	...	46 0	45 0	34 8	160 0	160 0	160 0	11 8	11 8	11 8	11 0	11 0	11 4	Boondee
..	...	...	37 0	37 0	28 0	240 0	240 0	240 0	10 0	11 0	12 8	10 0	10 8	12 0	Kotah
..	...	...	30 0	28 0	29 4	80 0	90 0	107 0	13 6	13 4	13 8	13 2	13 0	13 4	Tonk
..	...	...	31 10	32 12	25 5	...	...	...	10 3½	10 3½	10 2	9 15½	9 15½	9 14	Jhallawar
..	...	...	26 8	26 8	23 8	160 0	160 0	160 0	13 4	13 12	12 14	12 14	13 10	12 12	Shahpoora
..	...	...	21 6	20 13	24 12	...	...	...	13 12	13 12	13 8	12 14	12 14	12 10	Dholpur
..	...	...	22 5	21 14	17 2	100 0	100 0	100 0	11 8	11 8	12 0	11 0	11 0	11 6	Indore
..	...	...	18 4	18 8	22 13	127 12	127 12	109 8	12 9	12 9	...	12 0	11 14	11 7	Gwalior
..	...	...	34 0	34 0	32 0	200 0	200 0	200 0	12 12	12 12	12 8	12 8	12 8	12 0	Goona
..	...	...	33 8	32 0	36 9	160 0	160 0	160 0	11 14	11 10	12 4	11 0	11 2	11 8	Baghelkhand (Sutna)

‡ Eight pies per bundle.

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

[S]UPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALF OF JUNE AND 1st HALF OF SEPTEMBER 1884, PUBLISHED IN PAGES 1112, 1113, 1120, 1121, 1428, 1429, 1430 AND 1431 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 26th JULY AND 11th OCTOBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

[Di]stricts.	Wheat.			Barley.			Rice. Best sort			Rice. Common.			Great Millet (Cholum, Jowar), *Holcus Sorghum*.			Bulrush Millet (Cumboo, Bajra). *Penicillaria Spicata*.			Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c.			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			AVERAGE WAGE PER MONTH.		
	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Able-bodied Agricultural Labourer.	Syce or Horse-keeper.	Common Mason, Car[penter or Smith]
	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	R a.	R a.	[illegible]
[2nd Ha]lf of June [1]884.																																				
[illegible] Sindh Fron[tier]																																				
[illegible]	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10 0	8 0	30
[illegible]	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10 0	8 0	30
[illegible]	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	10 0	8 0	30
[illegible]	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5 8	...	11
[illegible]	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5 10	6 0	[illegible]
[illegible]	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 0	4 0	[illegible]
[illegible]	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 to 5	4 to 6	[illegible]
[1st H]alf of Sep[tem]ber 1884.																																				
[illegible]walla	26 8	25 4	22 4	46 0	46 0	35 0	...	...	...	11 0	14 0	12 0	40 0	40 0	32 0	26 0	26 0	23 0	...	...	...	39 4	36 4	29 8	90 0	90 0	95 0	15 0	14 9	15 4	14 12	14 8	15 0	...	...	[illegible]
[illegible]	25 0	25 0	20 0	40 0	39 0	32 0	...	...	...	10 0	10 0	11 0	30 0	30 0	32 0	26 0	26 0	24 0	...	...	...	36 0	36 0	29 0	80 0	80 0	80 0	15 0	15 0	15 0	14 0	14 0	14 0	...	...	[illegible]
[illegible]	24 0	23 8	20 0	44 0	40 0	38 0	...	...	...	11 0	10 0	10 0	32 0	30 0	36 0	...	...	...	...	...	...	40 0	38 8	30 8	90 0	90 0	100 0	14 0	14 8	13 4	13 8	14 0	13 0	...	...	[illegible]
[illegible]	19 0	18 8	21 0	30 0	29 8	35 0	...	...	...	10 0	10 0	11 0	32 0	30 0	33 0	26 0	24 0	28 0	...	...	...	37 0	34 0	33 0	120 0	120 0	120 0	13 8	13 8	12 0	13 0	13 0	11 8	...	...	[illegible]
[illegible]	20 0	18 8	18 8	30 0	29 0	29 0	...	...	...	10 0	10 0	9 0	30 0	25 0	28 0	25 0	23 0	25 0	...	...	...	30 0	28 8	27 0	120 0	120 0	120 0	13 0	13 0	12 0	12 0	12 0	11 8	...	...	[illegible]
[illegible]	22 0	20 0	18 8	26 0	26 0	24 0	...	...	...	10 0	11 0	8 0	25 0	23 0	22 0	23 0	23 0	21 0	...	...	...	26 0	25 0	23 0	80 0	100 0	100 0	12 0	12 0	12 0	11 0	11 0	11 0	...	...	[illegible]
[illegible]	21 0	21 0	19 8	30 0	30 0	27 0	...	...	...	10 0	10 0	10 0	24 0	24 0	25 0	24 0	24 0	22 0	...	...	...	25 0	25 0	22 0	160 0	140 0	120 0	12 0	12 0	12 0	12 0	12 0	12 0	...	...	[illegible]
[illegible]	21 0	21 0	17 8	29 0	28 0	24 8	...	...	...	10 0	10 0	12 0	25 0	23 0	23 8	22 0	22 0	19 0	...	...	...	26 0	25 8	21 0	80 0	90 0	80 0	12 8	12 8	12 8	11 8	11 8	11 [illegible]	...	...	[illegible]
[illegible]	23 0	22 8	19 0	30 0	30 0	26 8	...	...	...	10 0	11 8	10 0	22 0	21 0	24 0	16 0	16 0	22 0	...	...	...	26 0	25 0	24 0	160 0	160 0	140 0	12 8	12 8	12 0	12 4	12 4	11 12	...	...	[illegible]
[illegible]	24 8	24 8	20 8	32 0	30 0	30 0	...	...	...	12 0	12 0	10 0	40 0	32 0	32 0	20 0	25 0	15 0	...	...	...	31 8	32 0	27 0	180 0	180 0	160 0	14 4	14 8	14 2	14 0	14 0	14 0	...	...	[illegible]
[illegible]	27 8	23 0	23 0	33 0	33 0	33 0	...	...	...	12 0	12 0	10 8	32 0	27 0	30 0	25 0	26 0	19 0	...	...	...	35 8	35 8	29 0	100 0	100 0	100 0	15 0	15 0	14 0	14 12	14 8	14 0	...	...	[illegible]
[illegible]	17 8	15 8	15 0	21 0	2[illegible]	...	...	...	...	10 8	12 0	...	20 0	19 8	...	...	17 0	...	...	...	...	16 0	15 8	18 4	80 0	80 0	80 0	10 0	10 0	11 0	9 6	9 6	10 5	...	...	[illegible]
[illegible]	19 0	19 0	20 0	25 0	28 0	32 0	...	...	...	12 0	12 0	14 0	...	...	...	...	...	...	...	...	...	23 0	21 0	18 0	120 0	120 0	140 0	10 8	10 8	10 8	10 0	10 0	10 0	[illegible]	[illegible]	[illegible]
[illegible]	28 8	28 0	20 0	40 0	38 0	30 0	...	...	...	8 0	8 0	6 0	32 0	32 0	28 0	30 0	30 0	24 0	...	...	...	34 0	33 0	25 8	110 0	110 0	110 0	15 0	14 12	14 8	14 8	14 4	14 0	[illegible]	[illegible]	[illegible]
[illegible]	30 0	28 0	20 0	38 0	38 0	24 0	...	...	...	12 0	12 0	11 0	30 0	30 0	...	24 0	24 0	20 0	...	...	...	32 0	31 0	24 0	120 0	120 0	110 [illegible]	14 0	14 0	14 0	13 12	13 12	13 12	[illegible]	[illegible]	[illegible]
[illegible]	31 0	31 0	24 8	40 0	40 0	28 0	...	...	...	14 0	14 0	14 0	32 0	24 0	30 0	14 0	14 0	14 0	...	...	...	34 0	31 0	25 8	120 0	120 0	120 0	14 0	13 8	13 0	13 0	13 0	13 0	[illegible]	[illegible]	[illegible]
[illegible]	28 4	27 0	21 8	41 0	41 0	30 0	...	...	...	11 8	11 8	11 8	40 0	41 0	27 4	26 8	26 8	24 8	...	...	...	40 0	39 0	30 8	90 0	90 0	80 0	15 0	15 4	15 6	14 12	14 12	14 12	[illegible]	[illegible]	[illegible]
[illegible]	29 0	27 8	22 0	48 0	44 0	35 0	...	...	...	13 0	13 0	13 0	40 0	39 0	32 0	25 0	25 0	29 0	...	...	...	35 0	33 0	26 8	120 0	120 0	120 0	16 0	16 0	15 8	15 8	15 8	15 0	[illegible]	[illegible]	[illegible]
[illegible]	30 8	28 0	23 0	47 0	45 0	36 0	...	...	...	11 12	11 12	12 0	44 0	44 0	36 8	43 0	42 0	33 8	...	...	...	34 8	33 0	26 0	100 0	100 0	100 0	*	*	*	16 0	16 0	15 0	[illegible]	[illegible]	[illegible]
[illegible]	28 8	28 0	21 0	44 0	40 0	28 0	...	...	...	10 0	9 0	10 0	32 0	32 0	33 0	33 0	33 0	29 0	...	...	...	33 0	32 0	25 0	120 0	140 0	120 0	16 8	16 8	16 0	16 0	16 0	15 8	[illegible]	[illegible]	[illegible]
[illegible]pindi	32 0	30 0	23 0	52 0	46 0	32 0	...	...	...	12 0	12 4	7 8	50 0	50 0	36 8	52 0	48 0	35 8	...	...	...	38 0	36 0	29 0	105 0	90 0	88 0	15 10	15 8	15 4	15 6	15 4	14 12	[illegible]	[illegible]	[illegible]
[illegible]	28 0	28 0	26 0	37 0	37 0	41 0	...	...	...	12 0	12 0	15 0	35 0	35 0	34 0	35 0	35 0	34 0	...	...	...	34 0	35 0	36 0	240 0	240 0	320 0	17 0	17 0	17 0	16 0	16 0	16 0	[illegible]	[illegible]	[illegible]
[illegible]	21 0	21 4	21 4	31 0	31 0	30 0	...	...	...	10 0	10 0	9 4	24 0	23 0	26 11	30 0	30 0	30 0	...	...	...	27 8	28 0	26 11	200 0	200 0	200 0	14 12	14 12	14 0	14 4	14 2	13 12	[illegible]	[illegible]	[illegible]
[illegible]gomery	21 8	21 8	17 0	31 0	34 0	26 0	...	...	...	9 0	9 0	5 8	24 0	20 0	...	...	...	...	...	...	...	35 0	36 0	27 0	200 0	200 0	200 0	13 0	13 0	13 0	12 0	12 0	11 0	[illegible]	[illegible]	[illegible]
Mooltan	18 0	18 0	15 8	26 0	27 0	27 0	...	...	...	10 0	10 0	10 0	28 0	25 0	24 0	27 0	20 0	24 0	...	...	...	26 0	26 0	24 0	100 0	100 0	90 0	15 0	15 4	14 0	14 8	14 12	13 8	[illegible]	[illegible]	[illegible]
Muzaffargarh	20 0	21 0	17 0	25 0	25 0	25 0	...	...	...	6 0	6 0	5 0	21 0	20 0	21 0	23 0	23 0	16 0	...	...	...	21 8	22 0	21 0	120 0	120 0	90 0	*	*	*	13 0	13 8	13 8	[illegible]	[illegible]	[illegible]
Dera Ghazi Khán	20 0	20 0	17 8	26 4	26 4	27 8	...	...	...	11 4	11 4	10 0	27 8	25 10	32 8	25 0	22 7	30 0	...	...	...	25 0	25 0	23 12	125 0	125 0	100 0	28 12	28 12	31 4	27 8	27 8	28 12	[illegible]	[illegible]	[illegible]
Dera Ismail Khán	23 7	22 6	21 4	32 15	33 14	35 0	...	...	...	8 12	8 12	8 2	30 0	30 0	40 0	26 4	26 4	30 0	...	...	...	32 11	31 9	30 0	125 0	125 0	125 0	45 8	42 8	50 0	42 8	40 0	47 8	[illegible]	[illegible]	[illegible]
Bannu	37 8	36 4	29 6	48 2	47 8	41 4	...	...	...	8 2	8 2	8 12	30 0	30 0	45 0	35 0	27 8	30 0	...	...	...	45 0	45 10	30 10	80 0	80 0	80 0	80 0	80 0	100 0	60 0	60 0	80 0	[illegible]	[illegible]	[illegible]
Kohát	29 5	30 10	19 10	56 1	56 1	31 14	...	...	...	12 12	11 8	11 8	...	...	30 10	...	35 11	30 10	...	...	...	30 10	33 12	25 8	102 0	102 0	102 0	61 3	61 3	71 6	58 11	58 11	56 5	[illegible]	[illegible]	[illegible]
Peshawar	27 8	27 4	20 8	52 0	48 8	32 0	...	...	...	11 6	10 12	11 5	50 0	50 0	54 0	34 0	32 13	27 4	...	...	...	32 0	30 8	24 0	105 0	105 0	105 0	42 10	44 4	44 8	44 8	43 0	4[illegible] 0	[illegible]	[illegible]	[illegible]
Hazára	30 0	30 0	25 0	42 0	39 0	40 0	...	...	...	12 0	12 0	12 0	...	...	34 0	36 0	24 0	28 0	...	...	...	28 0	27 0	24 0	110 0	110 0	140 0	13 8	*	*	12 0	12 0	11 8	[illegible]	[illegible]	[illegible]
Secunderabad	14 13	14 13	16 9	...	...	...	8 4	8 4	7 8	11 4	11 4	10 8	17 12	18 13	22 3	21 7	21 7	27 0	23 0	23 0	28 4	17 12	18 4	17 8	115 0	115 0	125 14	10 11	10 11	10 14	10 8	10 8	10 6	...	[illegible]	[illegible]
Bolarum	16 3	16 2	18 3	...	...	...	9 0	9 0	8 1	10 13	10 4	9 10	20 9	19 9	26 6	...	...	...	...	...	...	19 7	18 15	19 7	115 14	116 14	116 0	...	...	...	10 9	10 12	10 12	...	[illegible]	[illegible]
Chadarghat	14 0	18 8	13 8	...	...	...	7 8	7 8	7 0	11 4	11 0	9 0	18 8	18 12	27 0	24 0	24 8	28 0	...	...	...	18 0	18 0	17 0	80 0	80 0	80 0	...	...	...	9 12	9 12	9 0	...	[illegible]	[illegible]

* No wholesale salt sold.

[Depart]ment of Finance and Commerce,
(Statistical Branch.)

D. M. BARBOUR,
[Secretary to the Government of India.]

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

COMPARATIVE RETURN OF TRAFFIC CARRIED ON THE UPPER AND LOWER GANGES CANALS, FOR THE HALF-YEAR ENDING 31ST MARCH, 1884.

	Demands				Same period of previous year.	
	*Balance from previous half-year.	For current half-year.	Collections during current half-year.	Balance uncollected.	Demands.	Collections.
1	2	3	4	5	6	7
	R	R	R	R	R	R
Tollage.						
Private boats	3,431	9,721	13,065	87	10,368	10,434
Government boats.	...	625	625	..	937	937
Rafts	...	1,308	1,308	...	840	840
Carrying operations.						
Boating (Govt.)	...	1,257	1,257	...	1,296	1,296
Fines and sundries.	...	37	37	...	30	30
Ground-rent	...	286	286	...	187	187
Total	3,431	13,234	16,578	87	13,658	13,724
Upper Ganges Canal.	1,774	7,502	9,230	46	7,452	7,486
Lower ditto	1,657	5,732	7,348	41	6,206	6,238
Total	3,431	13,234	16,578	87	13,658	13,724

Nature of Cargo.	Current half-year.			Corresponding period of previous year.		
	Up.	Down.	Total.	Up.	Down.	Total.
8	9	10	11	12	13	14
	Mds.	Mds.	Mds.	Mds.	Mds.	Mds.
Grains	85,046	52,861	137,907	98,798	98,764	197,562
Cotton	...	66,262	66,262	...	98,275	98,275
Oilseeds	3,456	1,112	4,568	3,932	28,686	32,618
Salt	2,420	24,234	26,654	4,114	100,364	104,478
Metals	49,938	4,311	54,249	17,576	6,678	24,254
Miscellaneous goods.	102,783	118,935	221,718	91,705	70,657	162,362
Building materials.	2,098,522	187,900	2,286,422	146,863	646,190	793,053
Firewood	61,806	258,983	320,789	40,216	129,479	169,696
Bamboos	80	62,638	62,718	676	73,932	74,608
Timber	24,353	63,792	88,145	3,046	94,768	97,814
Miscellaneous timber.	3,390	2,341	5,731	780	1,747	2,527
Total	2,431,794	843,369	3,275,163	407,706	1,349,540	1,757,246

Tonnage.						Ton mileage.						Value of goods.						Number of passengers.					
1884.			1883.			1884.			1883.			1884.			1883.			1884.			1883.		
Upper Ganges (Local).	Lower Ganges (Local).	Through.	Upper Ganges (Local).	Lower Ganges (Local).	Through.	Upper Ganges (Local).	Lower Ganges (Local).	Through.	Upper Ganges (Local).	Lower Ganges (Local).	Through.	Upper Ganges (Local).	Lower Ganges (Local).	Through.	Upper Ganges (Local).	Lower Ganges (Local).	Through.	Upper Ganges (Local).	Lower Ganges (Local).	Through.	Upper Ganges (Local).	Lower Ganges (Local).	Through.
15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
35,143	72,776	12,392	19,223	28,766	16,563	1,680,196	674,578	2,930,558	962,473	814,815	3,624,208	R7,48,324	R7,56,204	R12,27,361	R8,98,085	R7,53,573	R17,41,334	637	455	540	665	186	78

ALLAHABAD;
The 20th August 1884.

H. W. CONDUITT,
Offg. Asst. Secy. to Govt., N.-W. P. and Oudh, P. W. D., I. B.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

COMPARATIVE RETURN OF TRAFFIC ON THE UPPER AND LOWER GANGES CANALS, FOR THE YEARS ENDING 31st MARCH, 1884 AND 1883.

	Demands.				Corresponding period of previous year.			1883-84.			1882-83.		
	Balance from previous year.	For current year.	Collections during current year.	Balance uncollected.	Demands.	Collections.	Nature of Cargo.	Up.	Down.	Total.	Up.	Down.	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14
TOLLAGE.	R	R	R	R	R	R		Mds	Mds.	Mds.	Mds.	Mds.	Mds.
Private boats	20	18,476	18,409	87	16,768	17,529	Grains	125,532	149,206	274,738	134,084	177,072	311,156
Government boats	...	1,047	1,047	...	1,525	1,525	Cotton	...	77,013	77,013	249	107,940	108,189
Rafts	...	4,194	4,194	...	3,101	3,101	Oilseeds	6,729	27,652	34,581	21,240	82,140	103,380
CARRYING OPERATIONS.							Salt	5,511	134,344	139,855	6,741	188,678	195,419
							Metals	63,758	8,506	72,264	29,523	12,031	41,554
							Miscellaneous goods.	343,718	312,233	655,951	139,392	100,106	239,498
Boating (Government).	...	2,207	2,207	...	1,530	1,530	Building materials.	2,117,220	319,522	2,436,742	298,270	759,810	1,058,080
Fines and sundries.	...	81	81	...	164	164	Firewood	148,912	457,341	606,253	68,363	116,133	284,496
Ground-rent	...	1,129	1,129	...	380	380	Bamboos	1,275	319,107	320,382	727	322,452	323,179
							Timber	29,145	200,944	230,089	5,493	189,677	195,170
TOTAL	20	27,134	27,067	87	23,468	24,229	Miscellaneous timber.	7,818	9,114	16,932	1,875	4,305	6,180
Upper Ganges Canal.	10	16,663	16,627	46	13,598	13,991							
Lower ditto	10	10,471	10,440	41	9,870	10,238							
TOTAL	20	27,134	27,067	87	23,468	24,229	TOTAL	2,849,618	2,015,182	4,864,800	705,957	2,160,344	2,866,301

	Tonnage.						Ton mileage.						Value of goods.						Number of passengers.					
	1883-84.			1882-83.			1883-84.			1882-83.			1883-84.			1882-83.			1883-84.			1882-83.		
	Upper Ganges Canal (Local).	Lower Ganges Canal (Local).	Upper and Lower Ganges Canals through.	Upper Ganges Canal (Local).	Lower Ganges Canal (Local).	Upper and Lower Ganges Canals through.	Upper Ganges Canal (Local).	Lower Ganges Canal (Local).	Upper and Lower Ganges Canals through.	Upper Ganges Canal (Local).	Lower Ganges Canal (Local).	Upper and Lower Ganges Canals through.	Upper Ganges Canal (Local).	Lower Ganges Canal (Local).	Upper and Lower Ganges Canals through.	Upper Ganges Canal (Local).	Lower Ganges Canal (Local).	Upper and Lower Ganges Canals through.	Upper Ganges Canal (Local).	Lower Ganges Canal (Local).	Upper and Lower Ganges Canals through.	Upper Ganges Canal (Local).	Lower Ganges Canal (Local).	Upper and Lower Ganges Canals through.
1	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
	66,429	88,408	23,869	40,571	40,246	24,472	3,066,949	1,426,175	5,580,609	1,986,782	1,784,111	5,538,658	R12,84,881	R14,31,798	R21,07,856	R7,97,901	R16,50,805	R25,34,543	1,804	466	587	1,523	152	142
TOTAL	178,706						10,073,733						48,23,985						2,857					

ALLAHABAD;
The 20th August 1884.

H. W. CONDUITT,
Offg. Asst. Secy. to Govt., N.-W. P. and Oudh, P. W. D., I. B.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

COMPARATIVE RETURN OF TRAFFIC CARRIED ON THE AGRA CANAL FOR THE HALF YEARS ENDING 31st MARCH, 1884 AND 1883.

	Demands.		Collected during current half year.	Balance uncollected.	Same period of previous year.		Nature of Cargo.	Current half year.			Corresponding period of previous year.			Tonnage.		Ton mileage.		Value of Goods.		Number of Passengers.	
	Balance from previous half year.	For current year.			Demands.	Collections.		Up.	Down.	Total.	Up.	Down.	Total.	1884.	1883.	1884.	1883.	1884.	1883.	1884.	1883.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
	R	R	R	R	R	R		Mds.	Mds.	Mds.	Mds.	Mds.	Mds.	Tons.	Tons.	Miles.	Miles.	R	R	No.	No.
Tollage.							Grains	925	23,785	24.710	952	22,325	23,277								
Private boats	...	1,653	1,653	...	1,524	1,524	Cotton	...	12,677	12,677	...	1,358	1.358								
Government boats	...	554	554	...	336	336	Oilseeds	...	...	...	...	100	100								
Rafts	...	...	...	...	...	...	Salt	...	100	100	...	30	30								
							Metals	275	...	275	...	...	...								
							Building materials	81,378	3,500	84,878	86,825	5,294	92,119	5,787	5,571	621,340	615,146	2,99,743	2,00,299	19	Nil.
Carrying Operations.							Miscellaneous goods	1,170	30,733	31,903	5,925	21,729	27,654								
							Firewood	175	...	175	1,500	...	1,500								
Boating (Government)	...	2,183	2,183	...	911	911	Bamboos	...	400	400	...	...	...								
Fines	...	...	...	...	..	...	Timber	...	2,000	2,000	...	5,450	5,450								
Ground rent	...	...	...	...	...	...	Miscellaneous materials	...	400	400	...	183	183								
Total	...	4,390	4,390	...	2,771	2,771	Total	83,923	73,595	1,57,518	95,202	56,469	1,51,671	...	...	...	...	...	...	...	...

ALLAHABAD;
The 20th August 1884.

H. W. CONDUITT,
Offg. Asst. Secy. to Govt., N.-W. P. and Oudh, P. W. D., I. B.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

COMPARATIVE RETURN OF TRAFFIC CARRIED ON THE AGRA CANAL FOR THE YEARS ENDING 31st MARCH 1884 and 1883.

	Demands.		Collected during current year.	Balance uncollected.	Same period of previous year.		Nature of Cargo.	1883-84.			1882-83.			Tonnage.		Ton mileage.		Value of Goods.		Number of Passengers.	
	Balance from previous year.	For current year.			Demands.	Collections.		Up.	Down.	Total.	Up.	Down.	Total.	1883-84.	1882-83.	1883-84.	1882-83.	1883-84.	1882-83.	1883-84.	1882-83.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Tollage.	₹	₹	₹	₹	₹	₹		Mds.	Mds.	Mds.	Mds.	Mds.	Mds.								
Private Boats	...	2,923	2,923	...	2,167	2,167	Grains	925	68,940	69,865	2,052	37,275	39,327								
							Cotton	...	12,877	12,877	...	2,543	2,543								
Government Boats	...	1,007	1,007	...	700	700	Oilseeds	...	1,300	1,300	...	100	100								
							Salt	150	100	250	...	30	30								
Rafts	...	...	...	...	...	...	Metals	275	...	275	...	...	...								
							Miscellaneous goods	1,350	53,838	55,188	7,320	29,504	36,824	11,161	8,257	1,270,608	902,025	₹5,06,743	₹3,02,728	19	Nil.
Carrying operations.							Building materials	156,638	3,500	160,138	126,052	9,989	136,041								
Boating (Government)	...	2,673	2,673	...	1,319	1,319	Firewood	175	300	475	1,500	755	2,255								
							Bamboos	...	400	400	...	235	235								
Fines and sundries	...	...	...	...	...	...	Timber	...	2,000	2,000	...	7,240	7,240								
Ground rent	...	...	...	...	...	...	Miscellaneous timber	...	1,050	1,050	...	183	183								
Total	...	6,603	6,603	...	4,186	4,186	Total	159,513	144,305	303,818	136,924	87,854	224,778	...	...	...	...	...	...	...	...

ALLAHABAD:
The 20th August 1884.

H. W. CONDUITT,
Offg. Asst. Secy., to Govt., N.-W. P. and Oudh, P. W. D., I. B.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

Comparative Statement of the Net Indian Sea and Land Customs Revenue (excluding Salt Revenue) for the first six months of the official year 1884-85, and of the thirteen preceding years.

(In Thousands of Rupees.)

FOR THE SIX MONTHS APRIL TO SEPTEMBER.

YEAR.	Bengal.				Bombay.				Sindh.				Madras.				British Burma.				Total British India.					YEAR.
	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	Total Import Revenue.	Export Revenue.	Total Revenue.	
871-72	5,38	36,54	10,61	52,53	3,81	18,83	1,84	24,48	66	50	68	1,84	1,7[illegible]6	6,22	7,32	15,30	78	2,00	9,51	12,29	12,39	64,09	76,48	29,96	1,06,44	1871-72.
872-73	6,59	36,64	11,34	54,57	2,70	19,48	1,54	23,72	53	49	1,09	2,11	1,[illegible]4	5,85	5,64	13,43	1,60	2,25	18,00	21,85	13,36	64,71	78,07	37,61	1,15,68	1872-73.
1873-74	5,16	32,43	8,39	45,98	2,91	17,90	1,53	22,34	58	33	58	1,19	1,8[illegible]4	6,68	7,21	15,73	1,62	2,39	14,08	18,00	12,11	59,64	71,75	31,79	1,03,54	1873-74.
1874-75	5,95	38,28	6,22	50,45	3,20	19,74	1,61	24,55	59	30	66	1,55	1,7[illegible]4	6,95	6,74	15,43	2,03	3,18	9,77	14,98	13,51	68,45	81,96	25,00	1,06,96	1874-75.
1875-76	6,14	38,71	7,63	52,48	3,34	20,11	3,40	26,85	62	42	87	1,91	2,[illegible]10	7,21	6,92	16,23	1,80	2,31	17,51	21,62	14,00	68,76	82,76	36,33	1,19,09	1875-76.
1876-77	6,31	30,89	6,07	43,27	3,92	17,55	52	21,99	70	32	11	1,13	2,[illegible]82	6,55	4,34	13,71	2,23	2,53	12,40	17,16	15,98	57,84	73,82	23,44	97,26	1876-77.
1877-78	7,05	39,19	7,27	53,51	4,37	21,09	49	25,95	1,08	36	18	1,62	2,[illegible]56	3,85	85	7,26	2,42	2,72	9,3[illegible]	14,44	17,48	67,21	84,69	18,09	1,02,78	1877-78.
1878-79	6,55	31,32	6,59	44,46	4,05	18,70	1,07	23,82	91	25	10	1,26	2,[illegible]97	4,74	2,05	9,76	3,63	3,34	12,94	19,91	18,11	58,35	76,46	22,75	99,21	1878-79.
1879-80	5,92	31,25	4,30	41,47	4,39	15,84	86	21,09	1,49	38	10	1,97	2,[illegible]64	4,41	2,72	9,77	3,35	3,05	16,89	23,29	17,79	54,93	72,72	24,87	97,59	1879-80.
1880-81	6,57	29,00	5,15	40,72	4,15	22,93	77	27,85	2,11	54	10	2,75	2,[illegible]39	5,28	4,52	12,19	2,34	3,80	18,30	24,44	17,56	61,55	79,11	28,84	1,07,95	1880-81.
1881-82	6,72	28,20	7,42	42,34	5,03	20,69	72	26,44	1,89	58	14	2,61	2,[illegible]	5,02	3,11	10,55	3,33	3,76	21,67	28,76	19,39	58,25	77,64	33,06	1,10,70	1881-82.
1882-83	7,01	...	7,35	14,36	5,12	—105*	62	4,69	1,71	3	25	1,99	2,63	1	2,10	4,74	3,99	3	26,41	30,43	20,46	—98*	19,48	36,73	56,21	1882-83.
1883-84	6,95	6	8,99	16,00	5,27	20	52	5,99	1,75	1	20	1,96	2,62	7	2,70	5,39	3,81	8	19,25*	23,14	20,40	42	20,82	31,66	52,48	1883-84.
1884-85	5,90	17	4,97	11,04	4,80	20	77	5,77	1,92	3	21	2,16	2,32	1	3,16	5,49	3,82	5	13,92	17,79	18,76	46	19,22	23,03	42,25	1884-85.

* The amount refunded is greater than the duty collected.

DEPARTMENT OF FINANCE AND COMMERCE,
STATISTICAL BRANCH;
Calcutta, 20th October 1884.

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

No. XXV OF 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways	Total mean length open.	Receipts for week ending 29th September 1883		Total mean length open.	Receipts for week ending 27th September 1884.		Total receipts from 1st April to 29th September 1883.		Total receipts from 1st April to 27th September 1884.		Total Increase in 1884-85.	Total Decrease in 1884-85.
			Total.	Per mile open		Total.	Per mile open.	Total	Per mile open per week	Total.	Per mile open per week		
	Guaranteed.		R	R		R	R	R	R	R	R	R	R
20th Sept. 1884	Oudh and Rohilkhund	547	96,183	176	.	(a)		(b)27,85,699	196	(c)24,29,953	173	. . .	3,55,746
27th ditto .	Sind, Punjab and Delhi	785	2,11,388	288	706	1,52,970	217	55,86,699	290	51,16,535	272	. . .	4,70,164
27th ditto .	Madras	861	1,41,054	164	861	1,24,492	145	33,79,039	151	35,08,893	158	1,29,854	. . .
27th ditto .	South Indian . .	655	77,501	118	654	86,169	132	20,32,066	119	22,78,095	136	2,46,029	. . .
27th ditto .	Great Indian Peninsula	1,450	3,88,214	268	1,450	4,08,376	278	1,65,29,626	438	1,64,01,162	439	. . .	1,28,464
27th ditto .	Bombay, Baroda and Central India .	461	1,50,703	327	461	1,50,475	326	55,85,469	466	55,86,236	471	767	. .
	TOTAL .	4,709	10,65,018	226	(d)4,132	9,17,482	222	3,58,98,598	293	3,53,20,874	292	. . .	5,77,724
	State.												
4th Oct. 1884	East Indian .	1,509	8,99,002	596	1,509	7,10,849	471	2,53,98,055	617	2,01,34,325	519	. .	52,63,730
27th Sept 1884	Eastern Bengal(e)	228	1,46,643	643	233	1,93,811	832	24,81,988	409	23,19,866	387	. . .	1,62,122
4th Oct. 1884	Nalhati .	27	1,436	53	27	1,542	57	11,458	59	10,305	57	. . .	1,153
27th Sept 1884	Northern Bengal	239	49,964	209	249	58,250	234	10,25,344	168	9,83,745	154	. .	41,598
27th ditto .	Kaunia-Dharla .	32	1,933	60	37	2,626	71	49,136	59	62,356	71	13,220	. . .
4th Oct. 1884	Tirhoot . .	166	17,107	103	193	18,977	98	4,29,344	100	5,90,601	119	1,61,257	. . .
4th ditto .	Patna-Gya .	57	15,079	261	57	13,086	229	2,21,509	149	2,57,063	175	35,554	. . .
27th Sept. 1884	Cawnpore-Achnera .	138	11,004	80	241	22,947	95	2,68,613	75	4,46,920	71	1,78,307	. . .
4th Oct 1884	Dildarnagar-Ghazipur	12	686	57	12	570	47	23,160	75	25,188	83	2,028	. . .
4th ditto .	Rajputana Malwa	1,117	1,81,459	165	1,120	1,81,190	162	59,66,660	205	56,30,199	196	. . .	3,36,461
4th ditto .	Rewari Ferozepur .	89	8,876	100	140	7,940	57	2,05,029	89	3,46,749	96	1,41,720	. . .
4th ditto .	Wardha Coal . .	45	11,152	248	45	11,150	248	3,52,153	301	2,60,051	225	. . .	92,102
4th ditto .	Nagpur and Chhattisgarh	149	10,251	69	149	13,321	89	6,39,745	165	6,24,383	163	. . .	15,362
27th Sept. 1884	Burma .	161	20,812	129	254	32,072	126	6,76,167	162	9,09,953	155	2,33,786	. . .
4th Oct. 1884	Sindia . .	75	5,119	69	75	7,025	94	1,51,284	78	1,68,519	88	17,235	. . .
27th Sept 1884	Punjab Northern .	421	66,208	157	417	46,967	105	15,88,129	145	14,35,175	125	. . .	1,52,954
27th ditto .	Indus Valley	660	1,38,607	210	660	1,26,300	191	37,29,001	217	36,09,244	213	. .	1,19,757
27th ditto .	Amritsar-Pathankot .				66	3,388	51	.		96,294	62	96,294	. . .
	TOTAL .	3,616	6,89,366	191	4,005	7,41,465	185	1,78,49,019	190	1,78,06,911	174		42,108
	Assisted Companies.												
27th Sept. 1884	Bengal Central . .	35	2,155	62	126	10,059	80	54,899	60	2,36,151	74	1,81,252	. . .
27th ditto .	Assam . .	39	1,859	47	70	3,528	50	(f)23,089	55	94,873	57	71,784	. . .
4th Oct. 1884	Southern Mahratta .		.	.	214	6,740	31	. .	.	72,016	25	72,016	. . .
20th Sept. 1884	Bengal and North-Western . . .	. .	.		.	(a)	.			(g)38,397	22	38,397	. .
	TOTAL .	71	4,014	54	(h)410	20,327	50	77,988	59	4,11,437	49	3,63,449	. . .
	Native States.												
27th Sept. 1884	Bhavnagar Gondal .	193	12,154	63	193	13,784	71	4,91,671	98	6,07,900	123	1,16,229	. . .
4th Oct. 1884	Jodhpur	19	367	19	44	660	15	19,421	39	24,239	29	4,818	. . .
27th Sept. 1884	Nizam's .	121	18,402	152	121	14,631	121	3,99,600	127	4,91,792	158	92,192	. . .
27th ditto .	Mysore . . .	86	8,573	100	120	14,781	115	1,37,075	61	1,80,732	71	43,657	. . .
	TOTAL	419	39,496	94	487	43,856	90	10,47,767	96	13,04,663	114	2,56,896	. . .
	GRAND TOTAL .	10,327	26,96,921	261	10,543	24,33,979	231	8,02,71,127	299	7,50,08,210	265	. .	52,63,217
	GROSS ESTIMATED EXPENSES	. .	. . .	. .	. .	. .	.	3,86,67,227	144	3,71,53,531	131	. . .	. . .
	NET RECEIPTS .	.	. . .	.	.	.	.	4,16,04,200	155	3,78,54,679	134	. . .	37,49,521

(a) Return not received.
(b) Total receipts from 1st April to 22nd September 1883.
(c) Total receipts from 1st April to 20th September 1884.
(d) Exclusive of the mileage of Oudh and Rohilkhund Railway (547).
(e) Excludes share of the earnings of the Bengal Central Railway, but includes the receipts of the late Calcutta and South-Eastern State Railway.
(f) Total receipts from 16th July to 29th September 1883.
(g) Total receipts from 2nd April to 20th September 1884.
(h) Exclusive of the mileage of Bengal and North-Western Railway (69).
(i) Exclusive of the mileage of Oudh and Rohilkhund and Bengal and North-Western Railways (547+69).

SIMLA.

FRED. FIREBRACE, Major, R.E.



The Gazette of India.

PUBLISHED BY AUTHORITY.

Nº 44.} SIMLA, SATURDAY, NOVEMBER 1, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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[illegible] Act Amendment Bill, 1884.

SUPPLEMENT No. 44.

PART I

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 31st October, 1884.

No. 19.—His Excellency the Viceroy and Governor General has been pleased to accept the resignation by the Hon'ble D. G. Barkley of his office of Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—JUDICIAL.

Simla, the 29th October 1884.

No. 1374.—In exercise of the power conferred by Section 5 of Act XIV of 1874 (The Scheduled Districts Act, 1874), the Governor of Bombay in Council is pleased, with the previous sanction of the Governor General in Council, to extend Section 40 of Act XIV of 1869 (The Bombay Civil Courts Act, 1869) to the Province of Sind.

EXAMINATIONS.

The 29th October 1884.

No. 43.—The following Regulations respecting the examination of candidates for the Civil Service of India, to be held in June 1885, are published for general information :—

EXAMINATIONS FOR THE CIVIL SERVICE OF INDIA.

Regulations for the Open Competition of June, 1885.

N.B.—The Regulations are liable to be altered in future years.

1. On the 2nd June, 1885, and following days, an Examination open to all qualified persons will be held in London (*a*). Not fewer than persons will be selected, if so many shall be found duly qualified; *viz.*, for the Lower Provinces of Bengal (including Assam); for the Upper Provinces of Bengal (including the Punjab and Oudh); for Burma; for Madras, and for Bombay (*b*).

2. No person will be deemed qualified who shall not satisfy the Civil Service Commissioners—

(i) That he is a natural-born subject of Her Majesty.

(ii) That his age will be above seventeen years and under nineteen years on the 1st January, 1885. [*N.B.—In the case of Natives of India this must be certified by the Government of India, or of the Presidency or Province in which the Candidate may have resided.*]

(iii) That he has no disease, constitutional affection, or bodily infirmity unfitting him, or likely to unfit him, for the Civil Service of India.

(iv) That he is of good moral character.

3. Should the evidence upon the above points be *primâ facie* satisfactory to the Civil Service Commissioners, the Candidate, on payment of the prescribed fee (*c*), will be admitted to the Examination. The Commissioners may, however, in their discretion, at any time prior to the grant of the Certificate of Qualification hereinafter referred to, institute such further inquiries as they may deem necessary; and if the result of such inquiries, in the case of any Candidate, should be unsatisfactory to them in any of the above respects, he will be ineligible for admission to the Civil Service of India; and if already selected will be removed from the position of a Probationer.

4. The Examination will take place only in the following branches of knowledge:—

	Marks.
English Composition	300
(*d*) History of England—including a period selected by the Candidate...	300
(*d*) English Literature—including books selected by the Candidate ...	300
Greek	600
Latin	800
French	500
German	500
Italian	400
(*e*) Mathematics (pure and mixed)	1,000
Natural Science; that is, the Elements of any two of the following Sciences, *viz.*:— Chemistry, 500; Electricity and Magnetism, 300; Experimental Laws of Heat and Light, 300; Mechanical Philosophy, with outlines of Astronomy, 300.	
Logic	300
Elements of Political Economy	300
(*f*) Sanskrit	500
(*f*) Arabic	500

Candidates are at liberty to name any or all of these branches of knowledge. No subjects are obligatory.

(*a*) An order for admission to the Examination will be sent to each Candidate on the 19th of May.
(*b*) The numbers will be announced hereafter.
(*c*) The fee (£5) will be payable by means of a special stamp according to instructions which will be communicated to Candidates.
(*d*) A considerable portion of the marks for English History and Literature will be allotted to the work selected by the Candidate. (See notice on p. 4.) In awarding marks for this, regard will be had partly to the extent and importance of the periods or books selected, but chiefly to the thoroughness with which they have been studied.
(*e*) The Examination will range from Arithmetic, Algebra, and Elementary Geometry, up to the elements of the differential and integral calculus, including the lower portions of applied Mathematics.
(*f*) The standard of marking in Sanskrit and Arabic will be determined with reference to a high degree of proficiency, such as may be expected to be reached by a Native of good education.

5. The merit of the persons examined will be estimated by marks; and the number set opposite to each branch in the preceding regulation denotes the greatest number of marks that can be obtained in respect of it.

6. The marks assigned to Candidates in each branch will be subject to such deduction as the Civil Service Commissioners may deem necessary (*g*), in order to secure that "a Candidate be allowed no credit at all for taking up a subject in which he is a mere smatterer."

7. The Examination will be conducted on paper and *vivâ voce*, as may be deemed necessary.

8. The marks obtained by each Candidate, in respect of each of the subjects in which he shall have been examined, will be added up, and the names of the several Candidates who shall have obtained, after the deduction abovementioned, a greater aggregate number of marks than any of the remaining Candidates, will be set forth in order of merit, and such Candidates shall be deemed to be Selected Candidates for the Civil Service of India, provided they appear to be in other respects duly qualified. Should any of the Selected Candidates become disqualified, the Secretary of State for India will determine whether the vacancy thus created shall be filled up or not. In the former case, the Candidate next in order of merit, and in other respects duly qualified, shall be deemed to be a Selected Candidate. A Selected Candidate declining to accept the appointment which may be offered to him will be disqualified for any subsequent competition.

9. Selected Candidates, before proceeding to India, will be on probation for two years, during which time they will be examined periodically, with a view of testing their progress in the following subjects (*h*) :—

	Marks.
1. Law	1,250
2. Classical Languages of India—	
Sanskrit	500
Arabic	400
Persian	400
3. Vernacular Languages of India (each)	400
4. The History and Geography of India	350
5. Political Economy	350

In these Examinations, as in the open competition, the merit of the Candidates examined will be estimated by marks, and the number set opposite to each subject denotes the greatest number of marks that can be obtained in respect of it at any one Examination. The Examination will be conducted on paper and *vivâ voce*, as may be deemed necessary. The last of these Examinations will be held at the close of the second year of probation, and will be called the "Final Examination," at which it will be decided whether a Selected Candidate is qualified for the Civil Service of India. At this Examination Candidates will be permitted to take up any one of the following branches of Natural Science, *viz.*,—Agricultural Chemistry, Botany, Geology, or Zoology, for which 350 marks will be allowed.

10. Candidates will be tested during their probation as to their ability to perform journeys on horseback; and no Candidate will be deemed qualified for the Civil Service of India who fails to satisfy the Civil Service Commissioners of his competence in this respect.

11. Any Candidate who, at any of the periodical Examinations, shall appear to have wilfully neglected his studies, or to be physically incapacitated for pursuing the prescribed course of training, will be liable to have his name removed from the list of Selected Candidates.

12. The Selected Candidates who, at the Final Examination, shall be found to have a competent knowledge of the subjects specified in Regulation 9, and who shall have satisfied the Civil Service Commissioners of their eligibility in respect of nationality, age, health, character, and ability to ride, shall be certified by the said Commissioners to be entitled to be appointed to the Civil Service of India, provided they shall comply with the regulations in force at the time for that Service.

(*g*) Marks assigned in English Composition and Mathematics will be subject to no deduction.

(*h*) Full instructions as to the course of study to be pursued will be issued to the successful Candidates as soon as possible after the result of the Open Competition is declared.

13. Persons desirous to be admitted as Candidates must apply on forms, which may be obtained from "The Secretary, Civil Service Commission, London, S.W.," at any time after the 1st December, 1884. The forms must be returned so as to be received at the office of the Civil Service Commissioners on or before 31st March, 1885 (*i*).

The Civil Service Commissioners are authorized by the Secretary of State for India in Council to make the following announcements:—

(1) *Selected Candidates will be permitted to choose, according to the order in which they stand in the list resulting from the Open Competition, so long as a choice remains, the Presidency (and in Bengal the Division of the Presidency) to which they shall be appointed; but this choice will be subject to a different arrangement, should the Secretary of State, or the Government of India, deem it necessary* (*k*).

(2) *The Probationers, having passed the necessary Examinations, will be required to report their arrival in India within such period after the grant of their Certificate of Qualification as the Secretary of State may in each case direct.*

(3) *The seniority in the Civil Service of India of the Selected Candidates shall be determined according to the order in which they stand on the list resulting from the Final Examination.*

(4) *An allowance amounting to £300 will be given to all Candidates who pass their probation at one of the Universities or Colleges which have been approved by the Secretary of State, viz., the Universities of Oxford, Cambridge, Dublin, Glasgow, Edinburgh, St. Andrew's, and Aberdeen; University College, London; and King's College, London; provided such Candidates shall have passed the required Examinations to the satisfaction of the Civil Service Commissioners, and shall have complied with such rules as may be laid down for the guidance of Selected Candidates.*

(5) *Selected Candidates desiring to remain in this country an additional year after the completion of their two years' probation for the purpose of taking a degree at one of the Universities abovementioned should apply to the Secretary of State for India for permission to do so. Besides the allowances abovementioned, a bonus of £150 will, as a temporary and experimental measure, be paid to any Candidate who, having obtained permission to remain an additional year, passes an examination qualifying for a degree in Honors at Oxford or Cambridge. This privilege will be hereafter extended to any other of the Universities above referred to, at which an academical distinction is obtainable which, in the opinion of the Secretary of State, corresponds to a degree in Honors at Oxford or Cambridge and to obtain which the additional year's residence in this country is necessary.*

(6) *All Selected Candidates will be required, after having passed the first periodical Examination, and before receiving the first instalment of their allowance, to attend at the India Office for the purpose of entering into an agreement binding themselves, amongst other things, to refund in certain cases the amount of their allowance in the event of their failing to proceed to India. A surety will be required.*

(7) *After passing the Final Examination, each Candidate will be required to attend again at the India Office, with the view of entering into covenants by which, amongst other things, they will bind themselves to agree to such Regulations for the provision of pensions for their families as may be approved by the Secretary of State for India in Council. The stamps payable on these covenants amount to £1.*

(8) *Candidates rejected at the Final Examination of 1887 will in no case be allowed to present themselves for re-examination.*

(*i*) These forms should be accompanied by evidence on the points mentioned in Regulation 2 and by a list of the subjects in which the Candidate desires to be examined. Evidence of health and character must bear date not earlier than 1st March, 1885. Applications for leave to alter or add to the list of subjects named will not be entertained unless received on or before the 4th of May.

(*k*) This choice must be exercised immediately after the result of the Open Competition is announced, on such day as may be fixed by the Civil Service Commissioners.

Notice respecting the Examination in the History of England and English Literature.

History of England.

For the guidance of Candidates who may have a difficulty in making their selections for special study under this head, the following list is given as indicating the character and amount of reading that would be regarded as satisfactory.

Any one of the following periods, to be studied generally in "Bright's History," and particularly in portions selected by the Candidate, of the Text books named:—

1. **Henry II. to Edward III., A.D. 1154-1377.**—Stubb's Select Charters; Stubb's Constitutional History of England.

2. **The Tudors, A.D. 1485-1603.**—Hallam's Constitutional History of England; Froude's History of England.

3. **The Stuarts, A.D. 1603-1714.**—Hallam's Constitutional History of England; Macaulay's History of England.

4. **A.D. 1714-1805.**—Lord Stanhope's History; Sir T. E. May's Constitutional History; *either* Massey's Reign of George III. *or* Lord Stanhope's Life of Pitt.

English Literature.

Under this head there will be (besides the general paper) a special paper on the following books:—

1. **Chaucer.**—Prologue and Clerk's Tale.
2. **Shakespeare.**—As You Like It, Antony and Cleopatra.
3. **More.**—Utopia.
4. **Byron.**—Childe Harold.
5. **Burke.**—Thoughts on Present Discontents, Reflections on the French Revolution.

The oral examination in English Literature will have reference chiefly to such works, *not included in the foregoing list*, as the Candidate may offer for the purpose.

EVIDENCE OF AGE TO BE REQUIRED FROM CANDIDATES FOR THE CIVIL SERVICE OF INDIA.

I.—Every candidate born in England or Wales should produce a Certificate from the Registrar-General of Births, Marriages, and Deaths, or from one of his provincial Officers. This Certificate may be obtained at Somerset House, or from the Superintendent Registrar of the district in which the birth took place.

II.—A Candidate who is a Native of India must have his age certified by the Government of India, or of the Presidency or Province in which he may have resided.

III.—Every other Candidate *not producing the Certificate* mentioned in Clause I must prove his age by Statutory Declaration, and should also, if possible, produce a record of Birth or Baptism from some official Register; under which term may be included the Parochial Registers of Baptisms, the non-Parochial Registers of Baptisms and Births deposited at Somerset House under Acts of Parliament, the Register kept at the India Office of persons born in India, &c., &c. This Regulation applies—

1. To all Candidates not born in England or Wales.
2. To Candidates who, though born in England or Wales, cannot produce the Registrar-General's Certificate.

The Civil Service Commissioners reserve to themselves the right of deciding in each case upon the sufficiency of the evidence produced, but they subjoin the following general rules for the guidance of Candidates:—

(*a*) The Declaration should specify precisely the date and place of birth, and should, if possible, be made by the father or mother of the Candidate. If made by any other person, it should state the circumstances which enabled the Declarant to speak to the fact. If an entry in a Bible or other family record be referred to, the Bible or other record must be produced at the time of making the Declaration, and must be mentioned in the Declaration as having been so produced.

(*b*) If the Candidate was born in England or Wales, the Declaration must contain a statement that after due inquiry no entry has been found in the books of the Registrar-General; or a separate Declaration must be made to that effect.

(*c*) If no extract from any Register is produced, the Declaration must contain a statement that after due inquiry no such Record is believed to exist; or a separate Declaration must be made to that effect.

(*d*) Statutory Declarations must be exactly in the form prescribed by the Act of 5 and 6 William IV., c. 62. A printed form, if required, will be supplied on application to the Civil Service Commissioners.

N.B.—Clergymen who are not Magistrates are not qualified to take Declarations.

CIVIL SERVICE OF INDIA.

FORM OF APPLICATION; TO BE FILLED UP BY CANDIDATES.

*** *This form must be sent so as to be received at the Office of the Civil Service Commission on or before the 31st March, 1885.*

*Date*____________________

SIR,

BEING desirous to offer myself as a Candidate at the Examination for the Civil Service of India, which is appointed to commence on the 2nd of June, 1885, I transmit herewith, as required by the Regulations—

(1) A certificate of my birth, showing that I was born on the day of 18 , and that therefore my age was above 17 years and under 19 years on the 1st of January, 1885.

(2) A certificate signed by

of my having "no disease, constitutional affection, or bodily infirmity unfitting me, or likely to unfit me, for the Civil Service of India."

(3) Proof of my moral character, *viz.*:—

(1) A testimonial from

(2) A testimonial from

(4) A statement of the branches of knowledge in which I desire to be examined.

I have also to state, with reference to Section 2, Clause (i) of the Regulations, that I am a natural-born subject of Her Majesty.

I am, SIR,

Your obedient Servant,

*Name in full*____________________

*Address*____________________

____

To the Secretary,
Civil Service Commission.

(1) If a General Register Office certificate cannot be obtained, the instructions printed on the other side will show what evidence should be supplied. If evidence is already in the hands of the Commissioners, strike out "A certificate of my birth," and insert "Evidence is already in the possession of the Commissioners."

(2) The terms indicated by the marks of quotation must appear in the certificate, which must be given after personal examination, and bear date not earlier than 1st March, 1885.

(3) Two testimonials must be sent bearing date not earlier than 1st March, 1885. One of them should be given by an intimate acquaintance (not a relative) of not less than three or four years' standing; the other, if the candidate has recently left school, should be given by his late schoolmaster, or, if he has had employment of any kind, by his late employer. If the candidate has been at any University, he should send a certificate of good conduct from his College tutor.

(4) This should be given on the form herewith. If the History of England or English Literature be named, the schedule should also be filled up.

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1885.

SELECTION OF SUBJECTS TO BE FILLED UP AND RETURNED WITH THE FORM OF APPLICATION.

*** *Place your Initials against the Subjects which you select, and strike out the remainder.*

Subject	INITIALS.
English Composition	....
* History of England	....
* English Literature	....
Greek	....
Latin	....
French	....
German	....
Italian	....
Mathematics (Pure)	....
" (Mixed)	....
Natural Science, *viz.*—	
Chemistry	....
Electricity and Magnetism...	....
Experimental Laws of Heat and Light...	....
Mechanical Philosophy and Astronomy...	....
Logic	....
Elements of Political Economy	....
Sanskrit	....
Arabic	....

Two of these only may be selected. (Chemistry; Electricity and Magnetism; Experimental Laws of Heat and Light; Mechanical Philosophy and Astronomy.)

Any Candidate who wishes to decline Oral Examination in any of the subjects selected by him, or the Practical Examination in Chemistry, should fill up the subjoined statement :—

¶ You may insert here the word "not."

I do ¶ wish to be examined *orally* in____________________

____

____

¶ You may insert here the word "not."

I do ¶ wish to be examined *practically* in Chemistry.

*Signature*____________________

*Date*____________________

* State Periods and Books selected on the next sheet.

[over]

To the Director of Examinations,
Civil Service Commission.

CIVIL SERVICE OF INDIA.

OPEN COMPETITION OF 1885.

History of England.—Period selected by the undersigned Candidate :—

English Literature.—Books selected by the undersigned Candidate :—

Signature ________________

To the Director of Examinations,
Civil Service Commission.

FORESTS.

The 27th October 1884.

No. 797 F.—Mr. J. Copeland, Sub-Assistant Conservator of Forests in the Punjab, and Officiating Assistant Conservator of Forests of the 3rd Grade, is confirmed in the latter appointment, with effect from the 1st October 1884.

Mr. A. Watson, temporarily an Assistant Conservator of Forests in Biluchistan, is appointed to be a Sub-Assistant Conservator of Forests in the Punjab, with effect from the date on which he was relieved of his duties in Biluchistan. Mr. A Watson will officiate as an Assistant Conservator of Forests of the 3rd Grade, with effect from the same date.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—SURVEYS.

Simla, the 29th October 1884.

No. 622—32-23 S.—Mr. F. Fedden, Assistant Superintendent of the 2nd Grade, Geological Survey of India, is granted furlough for 23 months under Section 50, Chapter V of the Civil Leave Code, with effect from the 15th November 1884, or any later date on which he may avail himself of it.

T. W. HOLDERNESS,
Under-Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—INTERNAL.

Simla, the 27th October, 1884.

No. 3965 I.—In continuation of the Notification of the Government of India in the Foreign Department, No. 2392I., dated the 25th June, 1884, the Governor-General in Council is pleased to invest Mr. R. E. Acklom, Superintendent of the Rajputana-Malwa Railway Police, and Magistrate of the 1st Class, with the additional powers under Sections 133, 144, 174, 186, 191 (*a*), 191 (*b*), 260, and 524 of the Criminal Procedure Code, to be exercised within the sections of the Rajputana-Malwa Railway system mentioned in Schedule A of Foreign Department Notification, No. 1008I., dated the 21st March, 1884.

The 30th October, 1884.

No. 4024 I.—His Excellency the Viceroy and Governor-General is pleased to confer upon Rao Bahadur Manibhai Jasbhai, Diwan of Cutch, the title of "Diwan Bahadur," as a personal distinction.

EXTERNAL.

The 28th October, 1884.

No. 2831 E.—Surgeon R. J. Baker, M.B., Indian Medical Department, is appointed to the medical charge of the Civil Camp with the Zhob Expeditionary Force from the date of taking charge thereof.

GENERAL.

No. 2070 G.—Major H. B. Abbott, Additional Political Agent of the 1st Class, and Political Agent, Jhallawar, is appointed to hold charge of the current duties of the office of Political Agent, Kotah, in addition to his own duties, with effect from the 22nd September, 1884, during the employment of Lieutenant-Colonel C. A. Baylay as Officiating Resident in the Western States of Rajputana.

The 30th October, 1884.

No. 2092 G.—With reference to Foreign Department Notification, No. 1409G., of the 22nd July, 1884, the recognition of the appointment by the Government of India of Mr. C. W. Simson, as Consular Agent for the Austro-Hungarian Empire at Coconada, has been confirmed by Her Majesty's Government.

No. 2096 G.—The services of Mr. S. O. B. Ridsdale, C.S., are replaced at the disposal of the Government of the North-Western Provinces and Oudh, with effect from the afternoon of the 11th October, 1884, the date on which he was relieved of his duties as Officiating Commissioner of the Hyderabad Assigned Districts by Mr. F. Henvey, C.S.

No. 2099 G.—Mr. W. Lee-Warner, C.S., Junior Under-Secretary, sub. *pro tem.*, is appointed to officiate as Under-Secretary to the Government of India in the Foreign Department, *vice* Mr. H. M. Durand, C.S.I., C.S., Officiating as Secretary, with effect from the 26th October, 1884.

No. 2100 *G.*—Mr. A. H. T. Martindale, C.S., Officiating Political Agent of the 3rd Class, and Assistant Secretary, is appointed to be Junior Under-Secretary to the Government of India in the Foreign Department, sub. *pro tem.*, *vice* Mr. W. Lee-Warner, C.S., Officiating as Under-Secretary, with effect from the 26th October, 1884.

No. 2101 *G.*—Major E. A. Fraser, Political Assistant of the 1st Class, is appointed to officiate as a Political Agent of the 3rd Class, with effect from the 26th October, 1884. Major Fraser is posted as Assistant Secretary to the Government of India in the Foreign Department, *vice* Mr. A. H. T. Martindale, C.S., appointed Junior Under-Secretary, sub. *pro tem.*, with effect from the date of assuming charge.

No. 2103 *G.*—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. F. Masotti, Consul for Belgium at Bombay, as Acting Consul-General for Belgium in British India, during the absence of Herr E. Van Eetvelde.

H. M. DURAND,

Offg. Secretary to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 31st October, 1884.

APPOINTMENTS.

No. 570.—DIVISIONAL STAFF—

Major-General J. I. Murray, C.B., Bengal S. C., to the Divisional Staff of the Army, *vice* Lieutenant-General C. Cureton, C.B., whose term of service on the staff has expired. Dated 21st October, 1884.

FURLOUGH AND LEAVE.

No. 571.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel J. F. F. Cologan, Bengal S. C., Wing Commander and 2nd-in-Command, 33rd Native Infantry, (p. a.) for two years, under rule IX of the regulations of 1868.

Major C. McK. Hall, General List, Infantry, Wing Commander and 2nd-in-Command, 5th Punjab Infantry (p. a.) for two years, under rule IX of the regulations of 1868.

Lieutenant H. H. Dobbie, Bengal S. C., Wing Officer and Adjutant, 30th Native Infantry, (m. c.) for one year, under rule I of the regulations of 1875.

No. 572.—Lieutenant-General C. Cureton, C.B., Bengal S. C., is permitted to proceed to, and reside in, England.

No. 573.—Major C. W. Brereton, R.A., Assistant to the Inspector General of Ordnance, Madras Circle, is granted leave in India (p. a.) for three days, with effect from the 1st September, 1884.

No. 574.—Sub-Conductor J. Donovan, Sub-Engineer, 3rd grade, Punjab Public Works Department, is granted furlough in and out of India (m. c.) for one year, under rule VI of the regulations of 1875, with effect from the date of quitting his station.

No. 575.—Surgeon-Major J. C. Shaw is granted furlough without pay for five days, with effect from the 3rd September, 1884, in extension of that allowed in G. G. O. No. 433 of 1884.

No. 576.—Surgeon G. A. Cones has been granted six months' extension of the furlough allowed in G. G. O. No. 552 of 1883.

No. 577.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel and Brevet-Colonel J. C. C. Daunt, V.C., Bengal S. C., (m. c.) for six months.

Lieutenant-Colonel C. H. Luard, R.E., (p. a.) for 220 days.

Major and Brevet Lieutenant-Colonel R. F. C. A. Tytler, General List, Infantry, (p. a.) for 15 days.

Major W. G. C. Halkett, Bengal S. C., (m. c.) for two months.

Captain M. C. Barton, R.E., (p. a.) for one month.

Lieutenant H. S. Massy, Bengal S. C., (m. c.) for three months.

LONDON GAZETTE.

No. 578.—The following extracts are published for general information:—

London Gazette, dated the 19th September, 1884, page 4169.

WAR OFFICE;

Pall Mall, 19th September, 1884.

MEMORANDA.

To be Honorary Major on retirement.

Deputy-Commissary and Honorary Captain John Lyons, Bombay Establishment. Dated 8th May, 1884.

To be Honorary Captain on retirement.

Assistant-Commissary and Honorary Lieutenant Martin Corkery, Bombay Establishment. Dated 14th May, 1884.

To be Honorary Captains.

Assistant-Commissaries and Honorary Lieutenants Patrick Carr and John Henry Sharpe, Bengal Establishment. Dated 26th February, 1884.

Deputy-Commissary and Honorary Lieutenant Andrew Forsyth, Bengal Establishment. Dated 17th May, 1884.

To be Honorary Lieutenants.

Deputy-Assistant Commissary Terence O'Brien, Bengal Establishment. Dated 26th February, 1884.

Deputy Assistant-Commissary Thomas Davies Bond, Bengal Establishment. Dated 17th May, 1884.

Deputy Assistant-Commissary Robert Chalmers, Bengal Establishment. Dated 17th May, 1884.

Deputy Assistant-Commissary John Howlett Quilter, Bengal Establishment. Dated 14th June, 1884.

INDIAN STAFF CORPS.

To be removed to the Unemployed Supernumerary List.

General Crauford Trotter Chamberlain, C.S.I., Bengal. Dated 23rd August, 1884.

Lieutenant-General Sir Samuel James Browne, V.C., K.C.B., K.C.S.I., Bengal. Dated 20th September, 1884.

To be General.

Lieutenant-General William Templer Hughes, C.B., Bengal. Dated 23rd August, 1884.

To be Lieutenant-Generals.

Major-General Charles Terrington Aitchison, C.B., Bombay. Dated 23rd August, 1884.
Major-General Sir Charles Henry Brownlow, K.C.B., Bengal. Dated 7th September, 1884.

To be Major-Generals.

Colonel William Robert Houghton, Bombay. Dated 23rd August, 1884.
Colonel Lewis William Buck, Madras. Dated 7th September, 1884.

To be General on the Retired List.

Lieutenant-General Richard Hamilton, C.B., Madras Dated 23rd August, 1884.

To be Lieutenant-Generals on the Unemployed Supernumerary List.

Major-General William Scott Simpson, Madras. Dated 23rd August, 1884.
Major-General Sir Richard John Meade, K.C.S.I., C.I.E., Bengal. Dated 7th September, 1884.
Major-General John Murray Macgregor, Madras. Dated 7th September, 1884.
Major-General George Holroyd, Bengal. Dated 7th September, 1884.
Major-General John Robert McMullin, Bengal. Dated 7th September, 1884.
Major-General Frederic J. B. Priestley, Madras. Dated 7th September, 1884.
Major-General Frederic Peter Layard, Bengal. Dated 7th September, 1884.
Major-General Alfred Cooper, Madras. Dated 7th September, 1884.
Major-General Arthur Howlett, C.B., Madras. Dated 7th September, 1884.
Major-General George Sligo Alexander Anderson, Bombay. Dated 7th September, 1884.

INDIAN LOCAL SERVICE.

To be Major-Generals.

Colonel William Butler Butler-Shawe, Bengal Infantry. Dated 23rd August, 1884.
Colonel Charles Renny Blair, Bombay Infantry. Dated 7th September, 1884.

To be General on the Unemployed Supernumerary List.

Lieutenant-General Alexander Robert Manson, Bombay Infantry. Dated 23rd August, 1884.

To be Lieutenant-Generals on the Unemployed Supernumerary List.

Major-General Wredenhall Queiros Pogson, Bengal Infantry. Dated 23rd August, 1884.
Major-General Folliott Walker Baugh, Bengal Infantry. Dated 23rd August, 1884.

London Gazette, dated the 30th September, 1884, pages 4282 and 4283.

INDIA OFFICE;
30th September, 1884.

The Queen has approved of the following Promotions among the officers of the Staff Corps and Indian Military Services, made by the Governments in India:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major Charles Kenneth Mackinnon. Dated 20th July, 1884.

To be Major.

Captain Albert de Claney Rennick. Dated 6th July, 1884.

To be Captains.

Lieutenant Harry John Bolton. Dated 17th July, 1884.
Lieutenant Harry Heptinstall Rose Heath. Dated 24th July, 1884.

BREVET.

To be Colonels.

Lieutenant-Colonel Francis Sawbridge Cherry, Madras Cavalry. Dated 3rd May, 1884.
Lieutenant-Colonel Arthur Haldimand Prinsep, Bengal Cavalry. Dated 21st July, 1884.

To be Lieutenant-Colonels.

Major William Douglas Brodie Ketchen, Madras Cavalry, in succession to Major-General C. P. Hildebrand, Bengal Infantry, transferred to the Unemployed Supernumerary List. Dated 10th December, 1883.
Major Harvey Young Murray, Bengal Cavalry, in succession to Colonel (borne as Major-General on the Indian Gradation List) A. B. Marsack, Madras Staff Corps, transferred to the Unemployed Supernumerary List. Dated 16th December, 1883.
Major Adam Wilson Graham, Bengal Infantry, in succession to Major-General J. M. Earle, Bengal Infantry, transferred to the Unemployed Supernumerary List. Dated 16th December, 1883.
Major George Thomas Halliday, Bengal Cavalry, in succession to Lieutenant-General A. W. Lucas, C.B., Bombay Staff Corps, transferred to the Unemployed Supernumerary List. Dated 1st January, 1884.
Major William Henry Beckett, Bengal Infantry, in succession to Major-General F. Schneider, Bombay Staff Corps, transferred to the Unemployed Supernumerary List. Dated 1st January, 1884.
Major Thomas James Quin, Bengal Infantry, in succession to Major-General G. B. Mainwaring, Bengal Staff Corps, transferred to the Unemployed Supernumerary List. Dated 1st January, 1884.
Major Neville Fraser Parker, Bengal Infantry, in succession to Major-General R. M. Macdonald, Madras Staff Corps, transferred to the Unemployed Supernumerary List. Dated 1st January, 1884.
Major Charles Nesbit Hodgson, Bengal Infantry, in succession to Major-General J. C. P. Baillie, Bengal Infantry, transferred to the Unemployed Supernumerary List. Dated 1st January, 1884.
Major (now Lieutenant-Colonel) Willoughby Wallace Hooper, Madras Cavalry, in succession to Colonel (borne as Major-General on the Indian Gradation List) C. S. Elliot, Madras Staff Corps, transferred to the Unemployed Supernumerary List. Dated 14th April, 1884.

PENSIONS.

No. 579.—Conductor Roger John Dennett, Commissariat Department, is transferred to the pension establishment.

PROMOTIONS.

No. 580.—Under the provisions of the Royal Warrant of the 10th November, 1881, the name of Colonel G. H. M. Aynesley, Madras Staff Corps, is placed on the list of Major-Generals on the Indian Gradation List, in consequence of the transfer to the Unemployed Supernumerary List of Major-General C. Dumbleton, Bengal Cavalry, on the 4th August, 1884.

No. 581.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major and Brevet Lieutenant-Colonel Howard James Barton, 26th October, 1884.

BENGAL ARMY.

Cavalry.

To be Lieutenant-Colonel.

Major and Brevet Lieutenant-Colonel George Charles Jackson, 20th October, 1884.

BREVET.

To be Colonel.

Lieutenant-Colonel John Macgregor Kerr, Madras Cavalry, 21st September, 1884.

RESIGNATIONS.

No. 582.—Second Grade Assistant Apothecary Peter Alexander Maybert, Subordinate Medical Department, is permitted to resign the service.

RETIREMENTS.

No. 583.—Deputy Surgeon-General John Edward Tuson, M.D., has been permitted to retire, with effect from the 8th September, 1884, subject to Her Majesty's approval.

No. 584.—Surgeon-Major Thomas Gray Skardon is permitted to retire, with effect from the 31st October, 1884, subject to Her Majesty's approval.

REWARDS.

No. 585.—GOOD SERVICE PENSIONS—

It is notified that on the recommendation of the Government of India, Her Majesty's Government has been pleased to confer a good service pension on the undermentioned officer, with effect from the date specified:—

From the 27th July, 1884, in room of Major-General A. B. Johnson, C.B., Bengal S. C., succeeded to the Colonel's allowance.

COLONEL GEORGE TOMKYNS CHESNEY, ROYAL (LATE BENGAL) ENGINEERS.

Dates of Commissions.

2nd Lieutenant	... ...	8th December, 1848.
Lieutenant	... ...	1st August, 1854.
Captain	... ...	27th August, 1858.
Brevet Major	... ...	28th August 1858.
Major	... ...	5th July, 1872.
Brevet Lieutenant-Colonel	...	14th June, 1869.
Lieutenant-Colonel ...	...	1st April, 1874.
Brevet Colonel	... ...	1st October, 1877.
Colonel	... ...	10th January, 1884.

Appointments.

Regimental duty,—8th December, 1848, to March, 1851.
Assistant Executive Officer, Public Works Department, Punjab,—March, 1851, to March, 1852.
Executive Engineer, Public Works Department, Punjab,—March, 1852, to March, 1856.
Assistant Principal, Thomason College, Roorkee,—March, 1856, to May, 1857.
Brigade Major of Engineers, Delhi Field Force,—May, 1857, to September, 1857.
Assistant Principal, Thomason College, Roorkee,—October, 1857, to June, 1858.
Executive Engineer, North-Western Provinces,—June, 1858, to January, 1859.
Principal, Civil Engineering College, Calcutta,—January, 1859, to 20th January, 1862.
Inspector General, Public Works Accounts, and Under-Secretary to Government, Public Works Department,—21st January, 1862, to 30th April, 1864.
Accountant General, Public Works Department,—1st May, 1864, to 23rd April, 1870.
Deputy Secretary to Government of India, Public Works Department,—17th September, 1869, to 23rd April, 1870.
President, Royal Indian Engineering College, Coopers Hill,—May, 1870, to November, 1880.
Secretary to the Government of India, Military Department,—1st December, 1880, to date.

War Services.

Indian Mutiny, 1857.—Was present at the action of Budlee-ki-Serai, and served as Brigade Major of Engineers throughout the siege of Delhi, being very severely wounded at the assault. Despatches, *London Gazette*, 15th December 1857; medal with clasp, and brevet of Major.

SPECIAL.

No. 586.—In continuation of G. G. O. No. 449 of 1884, the following appointment to the staff of the Zhob Valley Expeditionary Force is sanctioned, with effect from the 10th October, 1884:—

Major A. Gaselee, Wing Commander, 4th Punjab Infantry, to be Assistant Quartermaster General.

MILITARY WORKS DEPARTMENT.

No. 587.—With reference to Foreign Department Notification No. 1293G., dated 1st July, 1884, the services of Captain R. Jennings, R.E., are placed at the disposal of the Military Works Department.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 50.—Commander Alfred Carpenter, R.N., to be Surveyor in charge of the Marine Survey of India, *vice* Commander Dawson, with effect from the 27th October, 1884.

DISMISSALS.

No. 51.—Mr. D. Smith, Assistant Engineer, Indian Marine, is dismissed the service.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 28th October 1884.

No. 261.—Major W. G. Cumming, R.E., Superintending Engineer, 3rd Class, British Burma, is appointed to officiate as Superintending Engineer

and Secretary to the Agent to the Governor General for Rajputana in the Public Works Department.

No. 262.—With reference to Section 4 of the Indian Railway Act, IV of 1879, His Excellency the Governor General in Council is pleased to sanction the use of locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby, on the undermentioned Railways:—

Rohilkhund-Kumaon Railway.

Bareilly-Pilibhit Railway.

The 29th October 1884.

No. 263.—The services of Lieutenant-Colonel W. A. J. Wallace, R.E., having been placed at the disposal of the Public Works Department, he is appointed to act as Consulting Engineer to the Government of India for Guaranteed Railways, Lahore, during the absence on furlough of Lieutenant-Colonel C. H. Luard, R.E., or until further orders.

No. 264.—Mr. J. Macmillan, Executive Engineer, 1st Grade, Bengal, is permitted to retire from the service, with effect from 6th October 1884.

The 30th October 1884.

No. 265.—Colonel B. Lovett, C.S.I., R.E., Superintending Engineer, 3rd Class, temporary rank, Bengal, reverted to his substantive rank of Executive Engineer, 1st Grade, with effect from 23rd October 1884.

The 31st October 1884.

No. 266.—Major E. A. Trevor, R.E., Examiner of Accounts, is, on return from furlough, reappointed Examiner of Accounts, Military Works.

No. 267.—Mr. R. G. Macdonald, Officiating Examiner of Accounts, Military Works, is appointed Inspector of Accounts, Public Works Department.

No. 268.—The services of Mr. J. S. Brown, Executive Engineer, 4th Grade, sub. *pro tem.*, temporarily attached to the Simla Imperial Circle, are replaced at the disposal of the Director General of Railways.

No. 269.—Lieutenant W. Ellis, R.E., Queen's Own Sappers and Miners, Madras, employed on Submarine defence duty at Rangoon, is graded in the Public Works Department as Assistant Engineer, 2nd Grade, Supernumerary.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 1, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884:—

No. 15 of 1884.

A Bill to amend the Oudh Estates Act, 1869.

WHEREAS it is expedient to amend the Oudh Estates Act, 1869; It is hereby enacted as follows:—

Amendment of definition of "registered" in section 2 of Act I of 1869.

1. Subject to the saving in section 2 of this Act, for the definition of "registered" in section 2 of the said Act, there shall be deemed to have been substituted from the date of the passing of the said Act the following definition, namely:—

"Registered."

"'Registered' means—

"(*a*) in the case of a will, registered according to the law for the time being in force relating to the registration of assurances, or deposited with a Registrar according to the law for the time being in force relating to the deposit of wills; and

"(*b*) in the case of any other instrument, registered according to the law for the time being in force relating to the registration of assurances."

Saving of certain wills.

2. Nothing in section 1 shall affect any will—

(*a*) declared by a judicial decision pronounced before the twenty-third day of October, 1884, to be invalid on the ground that it was not registered in accordance with the provisions of the said Act; or

(*b*) of which the validity is being questioned on that ground in a suit commenced before the twenty-third day of October, 1884.

STATEMENT OF OBJECTS AND REASONS.

IT has recently been held by the Privy Council that a will that was deposited under the provisions of Part IX of Act VIII of 1871 was not "registered" within the meaning of section 13 and the definition in section 2 of the Oudh Estates Act 1869, which declares that "'registered' means registered according to the provisions of the rules relating to the registration of assurances for the time being in force in Oudh."

2. The consequences of this ruling, which affects also section 20 of the Act, where a similar provision occurs, are most important, since the procedure that is now pronounced to be inadequate to satisfy the requirements of the law has been constantly acted on. It is stated that the taluqdárs never suspected that the validity of wills formally deposited in the registration offices under sealed covers could be called in question. Moreover, it scarcely could have been intended that taluqdárs should be required to register their wills open, and it seems obvious that they cannot in the future be required to do so, which they will have to do under the decision of the Privy Council if the law remains unaltered.

3. Under these circumstances, it is considered advisable to amend Act I of 1869 so as to legalize the existing practice. This is done by the present Bill, and as the omission to fulfil the requirements of the law which has taken place in the past would seem to have been unintentional and due to a prevalent and hitherto undisputed misapprehension of its meaning, retrospective effect has been given to the amendment which covers all wills hitherto or at present only deposited and not registered, except wills already declared invalid by judicial decision or being questioned in a suit commenced before the date of the introduction of the Bill.

J. W. QUINTON.

The 23rd October, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884 :—

No. 16 OF 1884.

A Bill to amend Act XXII of 1881.

1. WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows :—

In the said Act, after section 34, the following section shall be inserted :—

Power to invest police-officers with powers of excise-officers.

"34A. The Local Government may, from time to time, invest any police-officers of or above the grade of head constable, either by name or in virtue of their offices, with the powers conferred on excise-officers by sections 27, 28 and 29 of this Act; and every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an excise-officer within the meaning of this Act."

STATEMENT OF OBJECTS AND REASONS.

SECTION 46 of Act X, 1871, corresponding to section 59 of Act XXI of 1856, enabled Local Governments to confer on certain police-officers powers of searching for and seizing spirituous liquors and intoxicating drugs and arresting persons found in possession of them. These powers have been conferred and exercised up to the present time in the North-Western Provinces and Oudh, and are essential to the efficiency of the excise-administration, as no separate establishments for the prevention of smuggling are maintained in those provinces, and the land-revenue officials have little leisure for excise-duties.

2. The excise law came under revision in 1881 and was re-enacted in a somewhat simpler form by Act XXII of that year.

Section 24 of that Act gives Collectors power to appoint persons by name or by virtue of their office to be officers for the collection of the excise revenue, but as police-officers are not specially mentioned among the persons to be so appointed, and as section 20 of Act V, 1861, precludes the exercise by them of any such authority, it has been held that they cannot be appointed to discharge excise functions, and that the power of so employing them conferred upon Local Governments by Act X, 1871, has been taken away by the Act of 1881.

3. This seems to have escaped notice when Act XXII of 1881 was passed. In the Statement of Objects and Reasons, in the Report of the Select Committee and in the speeches of the Hon'ble Member in charge of the Bill, nothing whatever is said of depriving the Local Governments of the power hitherto enjoyed by them of employing police-officers on excise-duties. Mr. Whitley Stokes, accounting for the omissions in the later Act, stated that they were provided for by other enactments or were fit subjects for executive orders. The omission now brought to light does not fall under either of these categories, and it is impossible to suppose that a power held to be necessary for the excise-administration was taken away from Local Governments by a side wind.

4. The Government of the North-Western Provinces and Oudh urge that the omission should now be rectified, and with this object the present Bill is introduced.

The 23rd October, 1884.

J. W. QUINTON.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

MEDICAL ATTENDANCE ON, AND SUPPLY OF MEDICINES TO, GOVERNMENT CLERKS AND THEIR FAMILIES.

No. 14/447-51.

Extract from the Proceedings of the Government of India, in the Home Department (Medical),— dated Simla, 25th October 1884.

Read the undermentioned papers :—

Home Department Circular letter to Local Governments and others, Nos. 3986-3996, dated the 31st August 1869.

Home Department letter to the Government of the Punjab, No. 639, dated 12th October 1875.

Home Department letter to the Surgeon-General, Indian Medical Department, No. 425, dated 27th July 1876.

Home Department Resolution, Nos. 13—632-639, dated 18th December 1879.

Military Department letter to the Surgeon-General, Her Majesty's Forces, No. 689S.C., dated 23rd August 1883.

Military Department letter to the Inspector General of Military Works, No. 88C., dated 25th January 1884.

Letter from Director General of Ordnance to the Military Department, No. 159E., dated 14th April 1884.

RESOLUTION.

The papers read above relate to medical attendance on, and supply of medicines to, Government clerks and their families. Doubts having arisen as to the application of these orders in the case of certain offices, the Governor General in Council is pleased to prescribe the following rules in supersession of all previous orders on the subject, with effect from the 1st January 1885 :—

(1) All clerks of all Government offices are entitled to gratuitous medical attendance and medicines for themselves.

(2) All clerks of Army Head Quarters offices are entitled to similar privileges for themselves and their families.

(3) Subject to the above rules, clerks drawing Rs. 250 per mensem and upwards are entitled to the services of the Civil Surgeon, and those drawing less than that amount to the services of the Assistant Surgeon or medical subordinate provided for the purpose, it being understood that, in conformity with paragraph 4 of circular letter, dated 31st August 1869, above quoted, the attendance of the Civil Surgeon should be given in all cases of emergency or of great danger or difficulty, when applied for by the subordinate medical attendant.

ORDER.—Ordered, that a copy of this Resolution be forwarded to the Local Governments and Administrations noted in the margin for information and guidance. In places where there is no druggist's shop, medicines may continue to be supplied from the Government Stores;

Bengal.	British Burma.
North-Western Provinces and Oudh.	Assam.
Punjab.	Coorg.
Central Provinces.	Hyderabad.

that a copy be forwarded to the Governments of Madras and Bombay for information;

and that a copy be forwarded to all the other Departments of the Government of India and to the Surgeon-General with the Government of India for information.

Also that the Resolution be published in the Supplement to the *Gazette of India* for general information.

A. MACKENZIE,

Secretary to the Government of India.

A

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, Simla, on Thursday, the 23rd October, 1884.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I., G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of the Panjáb, K.C.S.I., C.I.E.
His Excellency the Commander-in-Chief, G.C.B., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble C. P. Ilbert, C.I.E.
The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.
The Hon'ble T. C. Hope, C.S.I., C.I.E.
The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.
The Hon'ble J. W. Quinton.
The Hon'ble D. G. Barkley.
The Hon'ble H. J. Reynolds.

PÁNCH MAHÁLS LAWS BILL.

The Hon'ble MR. ILBERT moved for leave to introduce a Bill to amend the law in force in the Pánch Mah). He said:—"This Bill has been prepared at the request of the Government of Bombay. The territory known as the Pánch Mahál is at present one of the scheduled districts in that Presidency, and the object of this measure is to regulationize it and to assimilate the law in force in it to that in the neighbouring Kaira district."

The Motion was put and agreed to.

OUDH ESTATES ACT, 1869, AMENDMENT BILL.

The Hon'ble MR. QUINTON moved for leave to introduce a Bill to amend the Oudh Estates Act, I of 1869. He said:—

"This legislation is undertaken at the instance of the Government of the North-Western Provinces and Oudh, and of the associated body of the Oudh taluqdárs known as the British Indian Association.

"Act I of 1869 defines the rights of taluqdárs and others in certain estates in Oudh, and regulates the succession thereto. Sections 13 and 20 empower taluqdárs to make bequests of their estates under certain circumstances by wills executed not less than three months before the death of the testator, and registered within one month from the date of their execution. In the Preliminary chapter, 'registered' is defined to mean registered according to the provisions of the rules relating to the registration of assurances for the time being in force in Oudh.

"The practice which has since obtained among Oudh taluqdárs making a will under the Estates Act is to deposit the will in a sealed cover with the registrar; and until lately it was believed that this was all that the law required.

"In 1882, however, a case came in appeal before the Court of the Judicial Commissioner, in which—although the point was not put in issue in the Court of first instance—the Judicial Commissioner held that a will so deposited was invalid, so far as it affected the landed estate, because it had not been registered.

"This judgment was appealed to the Privy Council. Their Lordships ruled that the Judicial Commissioner was right; that under the rules of Act VIII of 1871—the Registration Act applicable—deposit was one thing and registration another; and that a will deposited under the provisions of that Act relating to the deposit of wills was not thereby registered within the meaning of the Oudh Estates Act.

"The Government of the North-Western Provinces and Oudh now urge that the consequences of this ruling are most important, since the procedure that it pronounces to be inadequate has been constantly acted on; and the President of the British Indian Association, in a memorial to the Lieutenant-Governor and Chief Commissioner, asserts that the taluqdárs were never led either by the civil officers or the legal advisers whom they consulted in such matters to suspect that the validity of wills formally deposited in the registration offices under sealed covers could be called in question.

"It is obvious that taluqdárs cannot be expected in future to register their wills open. If this be insisted on, sections 13 and 20 would probably remain a dead-letter.

"Under these circumstances, it is considered advisable to amend Act 1 of 1869 so as to legalize the existing practice This is done by the present Bill, and, as the omission to fulfil the requirements of the law which has taken place in the past would seem to have been unintentional and due to a prevalent and hitherto undisputed misapprehension of its meaning, retrospective effect has been given to the amendment, which covers all wills hitherto or at present only deposited and not registered, except wills already declared invalid by judicial decision or being questioned in a suit commenced before the date of the introduction of the Bill."

The Motion was put and agreed to.

The Hon'ble MR. QUINTON also introduced the Bill.

The Hon'ble MR. QUINTON also moved that the Bill and Statement of Objects and Reasons be published in the *North-Western Provinces and Oudh Government Gazette* in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

EXCISE ACT, 1881, AMENDMENT BILL.

The Hon'ble MR. QUINTON also moved for leave to introduce a Bill to amend the Excise Act, 1881. He said:—

"The Act is itself an Act to amend the law relating to the excise-revenue in Northern India, British Burma and Coorg. The few remarks called for at this stage of the Bill have reference, I would explain, to the North-Western Provinces and Oudh, but, should the Motion be accepted, the other Local Governments to whose territories the Bill is applicable will be given an opportunity of expressing their opinions upon it before the Council is asked to pass it into law.

"It has been prepared, at the instance of the Government of the North-Western Provinces and Oudh, in order to legalize a practice, which has prevailed in those Provinces since 1856, of employing officers of Police above a certain rank as Excise-officers for the prevention of smuggling. With the other branch of the excise-administration, namely, the collection of revenue, Police-officers have no concern whatever.

"Act X of 1871, which consolidated and amended the excise law in Northern India, British Burma and Coorg by its 46th section, corresponding to section 59 of Act XXI of 1856, enabled the Local Governments to confer on officers

of the Police Department powers with respect to the seizure of, and search for, spirituous and fermented liquors and intoxicating drugs of every description, and the arrest of persons found in possession thereof. This power has been fully exercised up to the present time, and on it the Government has to rely for the prevention of smuggling, as no separate establishments are entertained for that purpose. Formerly a functionary styled the Abkárí Dárogha was maintained in each district, but he was found to be more ornamental than useful, and after mature deliberation his office was abolished.

"No doubt as to the legality of the practice arose till a short time ago, when a decision in a criminal case by the Judge of Agra led the Government to look closer into the question, and it then appeared that under the law now in force it was open to argument whether Police-officers could be employed on excise-duties.

"That law, Act XXII of 1881, purported, as I have said, to amend the law relating to the excise-revenue in Northern India, British Burma and Coorg; and its sixth chapter, which treats of officers and their powers, has no provision corresponding to section 46 of Act X of 1871 and section 59 of Act XXI of 1856, to which I have already referred. Section 2 of the Act, it is true, saves all powers conferred under the Excise Act of 1871, but it has been held that this must be read with section 20 of the Police Act, which prohibits the exercise of any authority by Police-officers other than that therein specified, and that nothing short of an Act of the legislature can now legalize their employment as Excise-officers.

"It may be asked, how it comes that so important a point was overlooked for so long by the Government of the North-Western Provinces and Oudh? The answer is that such an effect of Act XXII of 1881 was neither intended nor foreseen when that Act was passed.

"The Statement of Objects and Reasons makes no mention of any alteration of the law as regards the excise-functions of Police-officers; it is not alluded to in the speeches of the Hon'ble Member in charge of the Bill—the then Legal Member; and the Report of the Select Committee is altogether silent upon it. Mr. Whitley Stokes did not include it in the substantial alterations made by the Bill, and appears to have thought that it was a matter to be regulated by executive order, and that any legislative provision on the subject was superfluous. As occasionally happens, an effort to attain brevity brought about obscurity. It is impossible to suppose that a power on which Local Governments mainly relied for preventing injury to the excise-revenue by smuggling was thus taken away by a side wind, or that, if this result of the Bill had been contemplated, it would have been allowed to pass without comment from the Governments affected by it while the Bill was being carried through Council.

"The Bill on the table merely restores to Local Governments the power which they possessed under the previous law, which some of them at least have been exercising up to the present time in the belief that they had never been deprived of it."

The Motion was put and agreed to.

The Hon'ble Mr. Quinton also introduced the Bill.

The Hon'ble Mr. Quinton also moved that the Bill and Statement of Objects and Reasons be published in the *North-Western Provinces and Oudh Government Gazette*, the *Panjáb Government Gazette*, and the *Central Provinces* and *British Burma Gazettes* in English and in such other languages as the Local Governments think fit.

His Excellency the President:—"I should like to ask one question with regard to the Bill. I understand from the remarks of Mr. Quinton that the Bill has been introduced at the request of the Government of the North-Western Provinces and Oudh. I suppose that it will not be extended to the Panjáb, the Central Provinces or British Burma unless the Governments of those Provinces desire that it should be so extended?"

The Hon'ble Mr. Quinton:—"The draft Bill does not provide for that."

His Excellency THE PRESIDENT:—"You mean that before the Bill passes out of Select Committee and comes on finally in Council the views of those Governments will be received?"

The Hon'ble MR. QUINTON:—"Yes, my Lord; certainly."

The Motion was put and agreed to.

INDIAN RAILWAYS BILL.

The Hon'ble MR. HOPE moved for leave to introduce a Bill to amend and consolidate the law regulating the construction and working of Railways. He said:—

"We have at present, as the Council are aware, a certain amount of law relating to railways. This law, however, may be said to be not only of a very scant and meagre nature, but also to relate almost exclusively to the actual conditions of the working of railways as between the Railway Companies and the public; that is to say, it chiefly relates, speaking very broadly, to various acts on the part of one or the other, all of which conduce more or less to the satisfactory carrying on of the railway business from day to day. Besides this, however, there are many other branches of the question which our law—I can only speak broadly in a sketch of this kind—does not touch at all. I may illustrate these branches by mentioning some of them, namely, the nature of the numerous obligations of a Company in constructing a line and also in working it, in order to ensure its safety and convenience; to secure due accommodation for landholders on both sides of the line and protection of their rights; to enforce proper enquiries into the various questions, or the accidents, which may arise; to regulate rates and fares so that the public shall not be at the mercy of the Companies as powerful monopolists; to provide for the systematic keeping of accounts in the interests both of the Government, which, I am sorry to say, still very often has to guarantee the Railway Companies, and also of the shareholders themselves. All these and various other matters, of more or less importance, have hitherto been provided for in the best way possible in the contracts between the Government and the Companies, or by departmental rules and regulations. As regards State Railways, however, such matters have been entirely within the discretion of the Executive Government. These contracts have been found in the course of years to be often incomplete or obscure; each new railway which has been established or guaranteed has got for itself a separate contract, the result being that there is a very considerable amount of difference in each regarding matters of the same nature, which ought to be dealt with uniformly in all cases. Besides this, we have been urged by several of the large Railway Administrations to introduce an Arbitration Act for the settlement of differences which occasionally arise between them, owing principally to the large increase in the interchange of railway traffic in India, which is likely still to develop further with the growth of our railway systems. Experience has also shown the necessity for a compulsory reference to arbitration in certain cases, where the continuance of disputes is likely to be prejudicial to the interests of the public.

"This is, I think, a general description of the Bill which I am moving for leave to introduce, sufficient to satisfy the Council that some legislation is desirable.

"As regards the further steps to be taken, I have only to say that it is not contemplated to introduce the Bill at the present time. The rough draft of the Bill has been prepared in the Public Works Department, and all provisions in the existing contracts and in Indian Acts or English Statutes or Bills which appeared suitable have been embodied in it. What is contemplated is that this draft shall be referred to the various Local Governments, Chambers of Commerce and Railway Administrations throughout India before its introduction into the Council. I hope to be able, if the Council agree to the Motion now before them, to introduce a considerably amended draft in the course of the current session at Calcutta, after we have received and considered the various opinions which are to be called for on the measure in the manner I have indicated."

The HON'BLE MR. ILBERT said:—

"My hon'ble friend Mr. Hope has explained that the draft which he proposes to circulate for criticism is merely a rough draft prepared by the Public Works Department.

"It has not yet been considered in the Legislative Department, and it will have to be very carefully scrutinised in that Department before it is introduced into this Council. I have read the draft somewhat hastily, and have made some suggestions as to the form and arrangement of the clauses; but the Bill raises a good many difficult questions, some of which I should like to have a further opportunity of considering, and which the Council will be in a better position to consider after the draft has received that external criticism to which Mr. Hope has explained that he proposes to submit it."

His Excellency THE PRESIDENT said:—

"The remarks that have fallen from my hon'ble friends, Mr. Hope and Mr. Ilbert, will show that in giving my assent to the introduction of this Bill I am in no way committed to any provisions which it may contain, and which, as Mr Hope has explained, are at present only in rough draft, and therefore not in a condition to be submitted to me. I entirely agree that it is desirable to consolidate and amend the law relating to railways in this country in various ways; and I am very glad to find that Mr. Hope proposes to consult public bodies and persons interested in railways, either as shareholders, managers of companies, or on behalf of the public, before the Bill is introduced into this Council. It will, of course, before its introduction, be submitted to my successor, Lord Dufferin, who will by that time have assumed the office of Viceroy; and for myself I have only to say that I agree that a Bill for consolidating and amending the law regarding railways in India is undoubtedly needed."

The Motion was put and agreed to.

The Council adjourned *sine die.*

Mr. Whitley Stokes did not [illegible] D. FITZPATRICK,

SIMLA; The 30th October, 1884. *Secretary to the Government of India, Legislative Department.*

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 29th OCTOBER 1884.

GENERAL REMARKS.—The north-east monsoon continues to be favourable in Madras, and good rain has again fallen in several districts. In Bellary and Anantapur prospects have now considerably improved, and prices are falling. In Mysore the rainfall was again general, crops are in fair condition, and the prospects of the season are favourable. In Coorg agricultural prospects are good. Good rain fell throughout the Deccan and Southern Mahratta Country during the week under report; standing crops have been much benefited, and general prospects greatly improved. In a few districts the crops have been slightly damaged by excessive rain. In the Central India and Rajputana States and in the Berars and the Nizam's Territories agricultural prospects continue very good. Slight rain fell in a few districts of the Punjab, and the prospects of the harvest are very favourable. Except in the Saugor district, there was no rain in the Central Provinces, where agricultural prospects are generally good. In the North-Western Provinces and Oudh rain fell in a few districts, and prospects are uniformly good. In Bengal rain has been almost general, but was insufficient in many districts. In Tipperah more rain is still much wanted. Rain fell in the Assam districts, and the prospects of the *rabi* crop are generally good. In British Burma the condition of the crops is generally very favourable.

According to the last report of the Meteorological Department, dated 30th instant, rain has fallen generally in South Madras, and showers are reported from Rawalpindi, Rajahmundry, and Moulmein.

There is no change to record in agricultural operations. In Bombay, the Punjab, in places in the North-Western Provinces and Oudh, and in Hyderabad the *kharif* is being harvested, while ploughing and sowing for the *rabi* are generally in active progress throughout the country.

Fever is very prevalent in the Punjab and the Central Provinces, elsewhere the public health is good.

Prices are falling in Bellary and Anantapur in the Madras Presidency; in the Punjab they are fluctuating, and elsewhere they are generally stationary.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Madras—(Oct. 29th)		
Bellary ...	3·06 (average)	Standing crops much benefited. More rain wanted in 4 taluks. 4 deaths from cholera in Alur taluk.
Kurnool ...	2·59 (average)	Standing crops good; sowing of white *cholum* continues; harvest early cereals, outturn below half. Small-pox in 2 taluks.
Ganjam ...	3·1 (average)	Small-pox and cholera prevalent.
Kistna ...	3·83 (average)	Standing crops generally good; harvest dry crops, outturn below average. River 2·50 feet over anicut. Small-pox, fever, and cattle-disease in places, 5 deaths from cholera in Narasaraopet taluk.
Chingleput (Madras) ...	6·6 (average)	Standing crops good: harvest paddy, outturn half. Small-pox in 3 taluks; 26 deaths from cholera.
Coimbatore ...	1·14 (average)	Standing crops good; agricultural operations progressing; harvest paddy and *ragi*, outturn nearly average.
Tanjore ...	2·76 (average)	Standing crops generally good; harvest wet and dry crops, outturn below average. 40 deaths from cholera.
Madura ...	1·62 (average)	Prospects considerably improved. 127 deaths from cholera.
Malabar ...	·94 (average)	Second crop cultivation progressing. Small-pox and cattle-disease prevalent; slight fever in two taluks; 3 deaths from cholera.
Travancore ...	·14	Cultivation progressing. 5 deaths from cholera. *General Remarks.*—General prospects. North-east monsoon continues favourable. Prospects much improved. Prices falling in Bellary and Anantapur.
Bombay—(Oct. 29th)		
Karachi ...	No rain	Total rainfall from 1st January in Dadu 6·87, in Ketibandar 10·30, and in Mugalbhin 13·56. River at Kotri on 27th, 8 feet 8 inches against 6 feet 9 inches on same date last year. Fever generally prevalent; cholera in Kotri, 69 cases, 38 deaths, also in Johi and Shah Hassan, 19 cases, 13 deaths; small-pox in 5 villages in the districts, 12 fresh cases, no deaths, 9 remaining sick; cattle-disease in 7 talukas, some loss in 5. Rats doing damage in Jati and Shahbandar, and in Manjhand taluka. *Barani* cultivation suffered from insufficient rain. *Makri* insect in Shahbandar. Prices—wheat, red rice, and *bajri* in Karachi 26, 28 and 40; in Sehwan 36, 32 and 36; in Mirpur Batoro 22, 36 and 44; and in Sakro 17, 28 and 48 pounds per rupee, respectively.
Hyderabad ...	......	River at Kotri on 27th, 8 feet 8 inches against 6 feet 9 inches last year. *Rabi* operations in progress. A few cases of sporadic cholera in Hyderabad town and suburbs; fever in 12, small-pox in 2, and cattle-disease in 4 talukas. Prices of grain steady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Bombay—*contd.*		
Ahmedabad ...	......	Slight damage to *bajri* in Gogo and Dhandhuka by recent rain; reaping of *kharif* crops in progress, and sowing of *rabi* commenced. Fever in some talukas. Wheat 30 and *bajri* 32 pounds per rupee.
Baroda ...	......	Public health fair, but fever pretty general everywhere; cattle-disease in Vijapur. Prices—*bajri* 34½ and rice 23 pounds per rupee.
Surat ...	·11	Total rainfall 40·3. *Kharif* reaping commenced; crops healthy; sowing of *rabi* progressing. Fever in some talukas. *Juari* 30 and *nagli* 42 pounds per rupee.
Nasik ...	*Nil*	Weather fair and dry. *Kharif* crops being harvested; *rabi* sowing completed in places. Public health good. Wheat 40, *bajri* 33¾, and rice 21 pounds per rupee.
Colaba (Bombay) ...	·64 on 22nd	Total to date 73·70, being 3·47 above average; average abnormal temperature 1° cool. Vapour in air excessive from 22nd to 24th, and very defective from 25th to 28th; wind normal. Thunder and lightening on 22nd and 23rd.
Poona ...	Rain throughout the district, maximum at Purandhar, 8·38; minimum at Sirur, ·86.	State of crops improved by late rains; *rabi* sowing progressing. *Bajri* 32 and *juari* 34; in Poona, *bajri* 28 and *juari* 30 pounds per rupee.
Ahmednagar ...	Rain général throughout the district, varying from 4·47 in Pahura to ·73 in Kopargaon.	Harvesting in progress in Parner, Shrigonda, Jamkhed, Sheogaon, Newasa, Kopargaon, and Sangamner; condition of *kharif* crops good; sowing of *juari* completed in Akola. Fever still prevalent in Sheogaon. *Bajri*—maximum 54 pounds per rupee in Sangamner, minimum 36 in Shrigonda; *juari*—maximum 60 pounds in Sangamner, minimum 36 in Shrigonda.
Sholapur ...	Sholapur, 3·67; Barsi. 5·73; Madha, 1·97; Karmala, 1·65; Pandharpur, 1·88; Sangola, 2·20; Malsiras, 2·29.	*Juari* 34 pounds 2 tolas and *bajri* 32 pounds 29 tolas. Prospects tolerably good, except in Malsiras. Easterly winds set in, and no more rain expected.
Dharwar ...	Gadag, 7·52; Ranibennur, 6·64; Karajgi, 6·33; Navalgund and Nargund nearly 6·0; Mugud, 4·10; Mandargi and Kod, 2·95; Dharwar, 2·26; Hubli, 1·30; Bankapur and Kalghatgi, 1·14; Hangal, ·89 and 4·50.	Rain has done immense good; rice and other crops which had suffered from drought will improve; sowing of late crops has commenced, except in Gadag taluka, where it is hindered by excess of moisture. Scarcity of drinking-water in eastern talukas has been removed. All danger of famine or necessity for relief works is past. Cholera prevails slightly. Great fall in prices; average prices—*juari* 45 and rice 28 pounds per rupee.
Kanara ...	Karwar, 2·54; Kumpta, 5·81; Sirsi, 2·30; Haliyal, 1·0.	Total rainfall 96·6. Common rice in Karwar 15 seers; district average 11⅝ seers per rupee. Rice harvest continues on coast. Weather settled fair.
Rajkot ...	·12	Total rainfall 39·20. General health good. Weather little cold in the morning and hot during the day. Fever generally prevails; cholera in Dhoraji, Kutirjana, and Jetpur. *Bajri* 37 and *juari* 54 pounds per rupee. *General Remarks.*—Good rain throughout the Deccan and Southern Mahratta Country. Standing crops much benefited, and general prospects greatly improved; crops slightly damaged by excessive rain in parts of Ahmedabad, Khandesh, Colaba, and Ratnagiri, and by rats and insects in parts of Karachi. *Kharif* harvest and *rabi* sowing in progress in almost all districts. Cholera in parts of 10 and fever in 15 districts; small-pox and cattle-disease in a few places.
Bengal—(Oct. 28th)		
Chittagong ...	6·04	Rain has done immense good to standing crops; prospects favourable. Prices stationary. Cholera still reported, otherwise public health good.
Dacca ...	2·17	Prospects of crops favourable, owing to recent rain; pulses being sown; lands being ploughed for chillies, mustard, and potatoes. Public health generally good.
24-Pergunnahs (Calcutta)	1·68	Prospects of *amun* paddy generally satisfactory; sowing of *rabi* crops commenced; sugarcane doing well. Common rice selling at from 11½ to 15½ seers per rupee. Fever continues in parts of Bassirhat division, otherwise public health good. State of river normal.
Moorshedabad ...	2·15	Weather cloudy and warm, rough and stormy on 24th and 25th; rain has been general and will do much good, specially to *amun*. Public health fairly good.
Rajshahye ...	2·20; Nattore, 2·46; Nowgong, 1·76.	Weather bright and cool. Rain of 24th, 25th, and 26th will save *amun* to a great extent and facilitate *rabi* sowings. Health fair.
Burdwan ...	1·52; Cutwa, 3·82; Culna, 1·89; Raniganj, 1·47.	Prospects of crops improved by late rain which was general; the outturn of *amun* paddy expected to be about 4 annas; *aus* crop about 8 annas and sugarcane about 12 annas. Prices slightly falling. Public health good.
Rungpore ...	0·51	Weather seasonable. Prospects of crops continue bad. Price of rice stationary. Fever prevalent.
Bhagalpur ...	0·69	Prospects of crops good. Rice selling at 13¼ seers per rupee. Some cases of cholera and small-pox in Banka and some fever in the north.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Bengal—*contd.*		
Purneah ...	1·18	Prospects of crops very fair in north, but poor in south; *rabi* sowing progressing. Common rice 14 seers per rupee. Rivers falling. Fever very prevalent.
Patna ...	3·86	Sowing of *rabi* crops and poppy continues; rain benefited standing paddy and *rabi*. Cholera still prevails in Seelao thana in Behar sub-division, otherwise public health good.
Durbhunga ...	4·14	Prospects of standing paddy and early *rabi* sowings improved; late *rabi* sowings partially injured. Prices stationary. Public health on the whole good.
Hazaribagh ...	Slight rain	Weather clear and becoming cool. Prospects of paddy good; sowing of winter crops continues. Public health good.
Cuttack ...	1·02	Weather fair. *Sarad* crops coming into ear; *laghu sarad* ripening; *rabi* crops germinating. Prices of rice almost unchanged. Cholera abating; public health generally good.
		General Remarks.—Rainfall almost general, but insufficient in many districts. Much rain still wanted in Tipperah. Sowing of *rabi* crops going on in many districts and that of poppy and potatoe in a few; prospects of crops generally fair; paddy crops not good in Beerbhoom, Nuddea, and Rungpore. Prices almost stationary. Some cholera and fever prevails in several districts and small-pox in two; public health generally good. It is reported that in Nawada that only 2 or 3 beggars died rather from disease than starvation.
N. W. Provinces and Oudh—		
Benares (Oct. 28th)	2·0 of rain in each tahsil on 25th.	Seeds sown a day or two before the rains, will not germinate, and will have to be resown; sugarcane and rice will all benefit by the rain. Slight fever lingers in the city, otherwise the health of men and cattle good. Prices fluctuate slightly. Grain having fallen; barley and *bajri* having risen in price.
Gorakhpur („ 27th)	Slight rain at the end of week.	*Rabi* sowings in progress. Cholera almost disappeared. Prices stationary.
Fyzabad („ 20th)	Rain during the week from ·2 to ·7.	*Rabi* sowing in progress. Prices stationary. Health of people and condition of cattle good.
Lucknow („ 27th)	No rain	Weather clear. *Rabi* sowing continues. *Hewat* crops doing well. Supplies sufficient. Prices steady. Health of people good. Slight cattle-disease still reported in tahsil Malihabad.
Rae Bareli („ „)	......	Weather fine, but occasionally cloudy. *Rabi* sowings in full swing. Health of men and condition of cattle good. Prices almost stationary.
Allahabad („ 28th)	Heavy fall of rain on 25th in 7 tahsils; 3·6 at Sadr; much less in other places.	The fall of rain is most beneficial to all crops. Health excellent. Prices rising slightly owing to demand for seed.
Cawnpore („ 27th)	No rain	Weather clear and cool. *Kharif* prospects fair; *rabi* ploughings and sowings in progress. Fever and ague generally prevalent. A little cattle-disease in pargana Narwal. Prices steady.
Farukhabad („ 28th)	......	Weather fine. *Rabi* sowings in progress. *Bajri* being cut. Health of people improving.
Sitapur („ „)	......	Westerly winds prevail. *Rabi* sowings continue. Cholera reported last week has abated.
Bareilly („ 27th)	......	Crops in good condition. Prices stationary. Fever prevalent; cattle healthy.
Kumaon („ „)	Slight shower once	Weather again clear. *Kharif* crops all cut; ploughing for *rabi* begun. Prices stationary. General health good; cattle-disease continues.
Agra („ 28th)	No rain during week	*Kharif* being harvested and *rabi* being sown. No cholera; fever very prevalent. Prices steady.
Jhansi („ „)	......	*Mung*, *urd*, and *tili* are being cut; *rabi* ploughing and sowing in progress. Prices show a tendency to fall. Fever prevalent.
Meerut („ 27th)	No rain	Wind mainly west, but shifting occasionally. Fever continues, cholera at Hapur and Meerut. Supplies sufficient. Prices steady.
		General Remarks—Rain in a few districts during the week. Agricultural condition uniformly good. *Rabi* sowings in full progress. Prices steady and health normal.
Punjab—(Oct. 20th)		
Delhi ...	No rain	Reaping commenced. Fever continues. Prices of wheat, barley, *bajri*, and *juari* falling; gram rising and rice stationary.
Hissar ...	......	Fever prevalent; slight cattle-disease in Rohtak. *Kharif* being harvested and *rabi* operations progressing.
Umballa ...	......	Fever prevalent, but improvement observable. *Makki* and rice harvested; *juari* being harvested, yield expected to be above the average; sowing of gram, barley, and mustard in progress. Prices of food-grains stationary.
Jullundur ...	......	Ordinary fever. *Kharif* harvest being reaped and *rabi* ploughings progressing. Prices steady.
Amritsar ...	·10	Slight fever. Harvest in good state. Prices of wheat, barley, and rice stationary; gram and *bajri* rising and *juari* falling.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Punjab—*contd.*		
Sialkot ...	Rain at Zafarwal, ·2	Health good. Harvest above average. Prices stationary.
Ferozepore ...	·10	Fever prevalent in the district. Probable yield of *kharif* crops good. Prices of wheat, gram, and barley rising.
Lahore ...	·3	General health good. State of crops fair.
Rawalpindi ...	·70	*Kharif* outturn above average in two and average in four tahsils.
Mooltan ...	......	Fever still prevalent. Expected *kharif* yield average; *rabi* sowings commenced. Prices stationary.
Dera Ismail Khan ...	......	Health and prospects good. Coming yield above the average and very general.
Peshawar ...	......	Slight fever. *Kharif* crops being harvested. Prices falling.
		General Remarks.—Slight rain during the week. Fever still prevalent. *Kharif* crops still being harvested, and the yield expected to be generally good; *rabi* sowing commenced in several districts. Prices of food-grains fluctuating.
Central Provinces—(October 29th)		
Nagpur ...	......	Weather clear and cold. *Kharif* crops in good order; *rabi* sowings in progress. Fever prevalent. Prices stationary.
Jubbulpore ...	*Nil*	Weather clear and cool. Reaping of *dhan* and *rabi* sowings continue. Fever in places. Wheat 25 and rice 14 seers per rupee.
Saugor (Oct. 28th)	Heavy rain at Kurai	Paddy and *kodo* being cut; *til*, cotton, and *juari* not matured; *rabi* land under preparation; sowings commenced in places. Fever prevalent. Prices steady.
Seoni ...	*Nil*	Weather clear. *Rabi* sowings progressing; much land dried up through sudden cessation of rain. Prices slightly fallen.
Hoshangabad ...	*Nil*	Weather cloudy. *Rabi* sowings continue. Fever prevalent. Rain wanted. Wheat 22 and rice 11 pounds per rupee.
Khandwa ...	*Nil*	Weather cloudy. Prospects fair. Health good and prices stationary.
Raipur ...	*Nil*	Weathers till lately cloudy, now clear. Rice earing; wheat and pulse being sown. Fever prevalent. Prices steady. Wheat 30 and rice 30 pounds per rupee.
Sambalpur (Oct. 25th)	*Nil*	Weather cloudy. Fever and cattle-disease abating. Prospects good. Common rice 28 seers per rupee.
		General Remarks.—Clear weather prevails throughout almost the whole province; the late clouds have disappeared without rain, except in the Saugor district. *Rabi* sowings are in progress, and prospects are generally good. Fever is very prevalent in some districts.
British Burma—(Oct. 29th)		
Akyab (Oct. 25th)	7·07	Total rainfall 186·30. Cholera continues in town and district. Crop prospects good. Season favourable.
Bassein (" ")	3·92	Total rainfall 101·69. Cattle-disease in one township.
Rangoon (" ")	1·93	Total rainfall 86·66. Slight cholera in town.
Amherst (" ") (Moulmein)	1·51	Total rainfall 175·40. General appearance of crops good.
Tavoy (" ")	0·54	Total rainfall 160·47. Prospects of crops excellent.
Pegu (" ")	0·60	Total rainfall 108·99. Crops promising.
Henzada (" ")	2·38	Total rainfall 89·22. Crop prospects favourable; plants strong and healthy.
Prome (" ")	0·47	Total rainfall 41·30. More rain wanted, but plants are growing well.
Toungoo (" ")	1·7	Total rainfall 72·7.
Thayetmyo (" ")	0·79	Total rainfall 32·03½. Crops generally promising fairly.
		General Remarks.—Cholera continues in Arakan; cattle-disease in Bassein; elsewhere health and health of cattle good. Crop prospects unaltered.
Assam—(Oct. 29th)		
Gauhati ...	1·42 during the week ending 28th instant.	Mornings and evenings cool and foggy. Prospects of *sali* crop favourable and that of tea not good. Rain much needed. Sowing of mustard commenced. Public health fair.
Sylhet ...	9·48	State and prospects of crops good. Small-pox, cholera, and fever reported from the interior.
Cachar ...	1·30	Weather wet for first four days. Sowing of winter crops commenced; prospects of *sail* crop and tea fairly good. Common rice 13 3/16 seers per rupee. Public health good.
Dibrugarh ...	0·82	Weather cool. Prospects of *sali* crop fair; mustard being sown. District healthy.
Mysore and Coorg—(Oct. 29th)		
Bangalore ...	1·12	Rain has been very general all over the province, and tanks have received a partial supply. Crops in fair condition and prospects of season favourable. Cattle improving and public health good. Prices stationary.
Mysore ...	1·76; Tumkur, 4·8; and Kadur, 3·52.	(see Bangalore)
Mercara ...	·99	Harvesting of *ragi* continues; picking of cardamoms retarded owing to rains; coffee ripening; prospects of rice crops favourable. Public heath good, except in parts of Nanjarajpatna taluka where fever is prevalent.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Berar & Hyderabad—(Oct. 29th)		
Amraoti ...	......	Weather cool. *Kharif* crops thriving; *rabi* sowings progressing. Wheat 20 and *juari* 30 seers per rupee.
Akola ...	......	Weather cool. Crops in good condition; *rabi* being sown.
Hyderabad ...	Average rainfall during the week, ·69.	Total rainfall from 1st January 31·51. *Kharif* crops being reaped; *abi* crops progressing; *rabi* sowings concluded. No sickness. Prices—wheat 13¾, coarse rice 12½, white *juari* 16½, yellow *juari* 20¾, and *tur* 21½ seers per halli sicca rupee.
Central India States—(Oct. 29th)		
Indore ...	*Nil*	Total rainfall 36·64. Weather warmer. Health good. Prospects of crops excellent.
Morar (Gwalior) ...	*Nil*	Total rainfall 32·68. Fever still in Morar and Lashkar; 2 cases of cholera among Europeans in Morar.
Sutna ...	*Nil*	Weather clear. Prospects good. Fever still very prevalent.
Sehore ...	0·19	Weather clear. Prospects of crops good, but *kharif* much injured by late rains. Health good.
Nowgong ...	0·02	Health good; fever decreasing. Weather fine and agricultural prospects improving.
Manpur (Bhopawar) ...	*Nil*	Prospects good. 3 cases of cholera occurred at Piplaudi and Burwani on the 12th October 1884, and one at Anjar on 13th; none fatal. Sowing of *rabi* crops in progress.
Neemuch ...	*Nil*	Weather seasonable. Sowings of gram, wheat, and opium have commenced. Public health good.
Goona ...	0·80	Health and prospects good. *Rabi* sowings commenced.
Agar ...	0·33	Health and prospects good.
Rajputana—(October 29th)		
Abu (Oct. 29th)	*Nil*	Weather cold and seasonable.
Sirohi ...	......	No report received.
Marwar (Oct. 24th)	......	Jodhpur city tank almost full. Fever again prevails. Crops good. Weather close, nights cool. Prices stationary.
Meywar („ 26th)	.....	Tanks and wells good. Health fair. Sowing commenced. Weather seasonable.
Harowti („ 25th)	*Nil*	Weather seasonable. Sowings continue. Fever prevalent, otherwise health good.
Jhallawar („ 24th)	......	Weather seasonable. Health and prospects good.
Ajmere („ 28th)	......	Weather seasonable; clouds hanging about, with east winds at night. Fever prevalent.
Jeypore („ „)	......	Sowings in progress. Prices steady. Health good.
Bhurtpore ...	......	No report received.
Ulwur (Oct. 28th)	*Nil*	Fever decreasing in parts. *Kharif* crops being gathered.
Nepal—(Oct. 23rd)		
Katmandu ...	Drops	Weather good. State and prospects of the crops fair.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF JUNE 1884.

No. I.—As to Age and Sex.

	Fiji.				Natal.				St. Lucia.				Total.		Grand Total.
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Under 2 years	16	17	33	43·34 women to every 100 men.	4	7	11	40·34 women to every 100 men.	23	14	37	45·96 women to every 100 men.	43	38	81
From 2 to 10 years	57	30	87		18	14	32		68	49	117		143	93	231
„ 10 „ 20 „	75	37	112		79	13	92		91	34	125		245	84	329
„ 20 „ 30 „	210	71	281		167	77	244		218	85	303		595	233	828
„ 30 „ 40 „	44	23	67		21	4	25		44	21	65		109	48	157
„ 40 „ 50 „	11	1	12		1	1	2		2	2	4		14	4	18
Above 50 „	...	...	...		...	1	1		...	...	...		...	1	1
GRAND TOTAL ...	413	179	592		290	117	407		446	205	651		1,149	501	1,650

No. II.—As to places whence emigrants come to Calcutta for embarkation.

	Fiji.			Natal.			St. Lucia.			Total.		Grand Total.
Orissa ...	1	...	1	...	...	...	1	...	1	2	...	2
Western Bengal ...	32	7	39	4	3	7	29	21	50	65	31	96
Central ditto ...	4	2	6	...	...	...	4	4	8	8	6	14
Eastern ditto ...	...	...	...	...	...	...	...	...	...	...	...	...
Behar ...	193	105	298	70	38	108	229	106	335	492	249	741
North-Western Provinces ...	114	44	158	127	55	182	89	46	135	330	145	475
Oudh ...	40	4	44	69	7	76	40	9	49	149	20	169
Central India ...	2	1	3	1	2	3	19	12	31	22	15	37
Punjab ...	1	1	2	2	...	2	24	3	27	27	4	31
Nepal ...	1	...	1	1	...	1	2	...	2	4	...	4
Mixed, Madras and Bombay, &c.	25	15	40	16	12	28	9	4	13	50	31	81
Grand Total ...	413	179	592	290	117	407	446	205	651	1,149	501	1,650

No. III.—As to caste and religion.

	Fiji.			Natal.			St. Lucia.			Total.		Grand Total.
Brahmins, high caste ...	55	15	70	54	18	72	62	25	87	171	58	229
Agriculturist ... } Hindoos ...	93	29	122	61	21	82	101	35	136	255	85	340
Artisans ... } Hindoos ...	63	20	83	55	24	79	68	27	95	186	71	257
Low castes ... } Hindoos ...	167	89	256	77	31	108	172	81	253	416	201	617
Musalmans ...	35	26	61	43	23	66	43	37	80	121	86	207
Christians ...	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total ...	413	179	592	290	117	407	446	205	651	1,149	501	1,650

Memo.

	Males.	Females.	Total.
1. Hindoos ...	1,028	415	1,443
2. Musalmans ...	121	86	207
3. Christians ...	...	...	...
Total ...	1,149	501	1,650

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

Printed and Published for the Government of India *at the* Government Central Branch Press, *Simla.*



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 1, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

	R	a	p.
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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

E. J. DEAN,

Publisher, Gazette of India.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 9th October 1884.

No. 472.—Brevet Colonel W. M. Campbell, R.E., Deputy Superintendent, 2nd Grade, Survey of India, having been granted extension of leave under Bombay Government General Order, No. [illegible], dated 12th August 1884, the following temporary promotions are made, with effect from the 24th September 1884, the date on which his period of duty expired:—

Major J. E. Sandeman, S.C., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Major J. R. Wilmer, S.C., Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant the Hon'ble M. G. Talbot, R.E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

The 10th October 1884.

No. 474.—Major A. W. Baird, R.E., Deputy Superintendent, 4th Grade, having returned to duty on the forenoon of the 1st October 1884, is appointed to officiate as Deputy Superintendent, 3rd Grade, with effect from the same date.

The following reversions will have effect from the same date:—

Major J. R. Wilmer, S.C., Officiating Deputy Superintendent, 3rd Grade, to revert to his substantive post of Deputy Superintendent, 4th Grade.

Lieutenant the Hon'ble M. G. Talbot, R.E., Officiating Deputy Superintendent, 4th Grade, to revert to his substantive post of Assistant Superintendent, 1st Grade.

The 20th October 1884.

No. 475.—With reference to the Notification of the Government of India in the Revenue and

Agricultural D[illegible] No. 605—41-11 S, dated 16th instant, [illegible] [illegible]vet Lieutenant-Colonel H. R. Thuillier, [illegible] D[illegible]uty Surveyor General in charge [illegible] [illegible]rom 1st October 1884 *vice* Mr. J[illegible] [illegible]y, M.A., retired, the following [illegible] [illegible]de with effect from the same [illegible]

Brevet Colo[illegible] [illegible]ranfill, S.C., is promoted to the 1st grade of Deputy Superintendents.

Brevet Colonel H. C. B. Tanner, S.C., Officiating Deputy Superintendent, 2nd Grade, is confirmed in that grade.

Major J. Hill, R.E., Officiating Deputy Superintendent, 3rd Grade, is confirmed in that grade.

Mr. E. C. Barrett, Officiating Deputy Superintendent, 4th Grade, is confirmed in that grade.

Mr. W. H. Patterson, Officiating Assistant Superintendent, 1st Grade, is confirmed in that grade.

No. 476.—With reference to Notification No. 606—41-11 S, dated 16th instant, of the Government of India in the Revenue and Agricultural Department, appointing Brevet Colonel C. T. Haig, R.E., Deputy Superintendent, 1st Grade, to officiate as Deputy Surveyor General in charge Trigonometrical Surveys, the following temporary promotions are made, with effect from the forenoon of the 1st October 1884, the date on which Mr. J. B. N. Hennessey made over charge of his office:—

Lieutenant-Colonel F. Coddington, S.C., Deputy Superintendent, 2nd Grade, to officiate as Deputy Superintendent, 1st Grade.

Lieutenant-Colonel W. F. Badgley, S.C., Deputy Superintendent, 3rd Grade, to officiate as Deputy Superintendent, 2nd Grade.

Major J. R. Wilmer, S.C, Deputy Superintendent, 4th Grade, to officiate as Deputy Superintendent, 3rd Grade.

Lieutenant the Hon'ble M. G. Talbot, R E., Assistant Superintendent, 1st Grade, to officiate as Deputy Superintendent, 4th Grade.

The 27th October 1884.

No. 477.—The following appointment and promotions are made, with effect from the 1st September 1884:—

Mr. W. Stotesbury, Surveyor, 4th Grade, to be a Draftsman in the Additional Establishment attached to the Survey of India Offices, Calcutta.

Mr. T. H. Dunne, Officiating Surveyor, 4th Grade, is confirmed in that grade.

Mr. J. Newland, Assistant Surveyor, 1st Grade, to officiate as Surveyor, 4th Grade.

Mr. R. R. Dickinson, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. J. C. Kelly, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

G. C. DEPRÉE, *Colonel,*
Surveyor General of India.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The following orders and genera have been appointed for the B.A. Examination in Zoology of 1885:—

Vertebrata.

Carnivora.

Invertebrata.

Merostomata.

Reptilia.

Crocodilia (Indian genera.)

Aves.

Poristeromorphæ (Indian genera.)

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 22nd October 1884.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Simla, the 22nd October 1884.

No. 9.—Mr. G. Moberly, a Superintendent of the 3rd Grade, is allowed furlough for seventeen months and thirteen days, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 4th October 1884.

A. J. LEPPOC CAPPEL,
Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 24th October 1884.

No. 3299.—Second Class Hospital Assistant Mela Ram, on the Reserve List of Hospital Assistants in Central India at Indore, transferred to the Punjab, was relieved of his duties on the forenoon of the 9th October 1884.

By Order,

M. J. MEADE, *Lieut.,*
for 1st Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 22nd October 1884.

No. 3281 G.—First Class Hospital Assistant Eradut Oollah has been placed in charge of the duties of the Agency Surgeon at Jhallawar, in addition to his own, from the afternoon of the 5th September 1884.

No. 3362 G.—First Class Hospital Assistant Kunnea Lal has been placed in charge of the duties of the Agency Surgeon at Kotah, in addition to his own, from the afternoon of the 5th September 1884.

The 27th October 1884.

No. 3368 G.—Surgeon-Major T. ffrench Mullen, M.D., Agency Surgeon, Ulwar, is granted privilege leave from the afternoon of the 4th September to the afternoon of the 4th October 1884.

By Order,

W. H. C. WYLLIE,

1st Asst. Agent to the Govr. Genl.

AGENT TO THE GOVERNOR GENERAL AND CHIEF COMMISSIONER, RAJPUTANA, P. W. DEPT.

NOTIFICATION.

Mount Abu, the 22nd October 1884.

No. 2585 S.—Mr. A. E. Lowrie, Assistant Conservator of Forests, Ajmere-Merwara, has passed the Departmental Examination in the elements of Law and the Land Revenue System, as prescribed in Clauses 3 and 7, paragraph 51 of the Forest Department Code.

By Order,

WM. G. CUMMING, *Major, R.E.,*

Offg. Secy. to the Agent to the Govr. Genl., & Chief Commr., Rajputana, P. W. Dept.

Report of a Deserter from the 9th Battery, 1st Brigade, Eastern Division, Royal Artillery, dated at Fort Delhi, this 22nd day of October 1884.

Number, Rank, and Name,—No. R.A.—21255, Gunner John Rose.
Age,—29 years 1 month.
Size,—5 feet 9 inches.
Colour of—
Complexion, fresh; Hair, dark brown; Eyes, hazel.
Date of Desertion,—16th October 1884.
Place of Desertion,—Fort Delhi, Bengal.
Date of Enlistment,—25th May 1880.
At what Place Enlisted,—Peterborough.
Parish and County in which Born,—Peterborough, Northampton.
Marks,—On right arm, sailor, bracelet, crown, and cross flags; on chest, full-rigged ship, light-house, and two stars. Sailor on calf of right leg, tiger and dog's head on calf of left leg.
Trade,—Sailor.
Coat or Jacket,—Blue serge, Norfolk jacket.
Head Dress,—Forage cap.
Breeches or Trowsers,—Cloth trowsers.
REMARKS,—
Under 5 years' service.

H. T. T. SANDES, *Major, R.A.,*

Comdg. 9th Batty., 1st Brig., Eastern Divn., R.A.

EXAMINER OF STATE RAILWAY ACCOUNTS, MADRAS.

NOTICE.

Madras, the 8th October 1884.

The Office of the Examiner of Accounts, Bellary-Kistna and Cuddapah-Nellore State Railways, at present stationed at Madras, will be removed to Bellary, its permanent Head Quarters, from and after Monday, 3rd November 1884. All letters and telegrams which cannot reach Madras by Saturday, 1st November 1884, should be addressed to Bellary.

A. GRANT,

Offg. Examiner, State Ry. Accounts.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued of		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Oct. 20	4,78,243	. . .	32	4,79,010	1,37,72,269	1,19,29,479
" 21	. . .	. . .	808	4,78,246	1,37,73,095	1,19,30,305
" 22	. . .	. . .	6	4,78,243	1,37,73,423	1,19,30,311
" 23	. . .	. . .	. . .	4,78,243	1,37,73,423	1,19,30,311
" 24	. . .	. . .	2,47,330	2,45,835	1,40,29,040	1,21,52,948
" 25	. . .	. . .	2,59,903	815	1,42,84,519	1,24,46,487

R. V. RIDDELL, *Major, R.E.,*

Mint Master.

CALCUTTA MINT,

The 27th October 1884.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
177	P 39—54022	50	Tarachand Sarkar, Seorapully.
178	R 10—00219	100	Dwarkanath Kundu, Manikgunge, Zilla Dacca.
179	P 77—85245	100	Bissendyal Hurdyal, 59, Cotton Street, Calcutta.

CALCUTTA,

The 31st October 1884.

J. TAYLOR,

Assistant Comptroller General, in charge, Paper Currency.

Madras Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		R	
29	B 79—79848	100	P. Sankara Menon, Ponnani, Malabar.

FORT ST. GEORGE,

The 20th October 1884.

W. T. PIERCY,

Offg. Asst. Accountant Genl., In charge of Paper Currency Dept.

MAPS OF THE SURVEY OF INDIA DEPARTMENT.

Published at the Survey of India Offices, Calcutta and Dehra Dún, for the quarter ending 30th June 1884.

Agents:

Calcutta.—No Agent.
Allahabad.—Curator, Government Books, North-Western Provinces.
Nagpur.—Curator, Government Books, Central Provinces.
Lahore.—Curator, Government Central Book Depôt.
Madras.—* Messrs. Higginbotham & Co. (for sales only).
Poona.—Superintendent, Government Photo-zincographic Department.
Rangoon.—Curator, Government Book Depôt.
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GENERAL MAPS.						
Railway Map of India, corrected up to 1st January 1884, in six Sheets	1″=32 M.	40″×27″ each sheet	8	0	10	0
DISTRICT MAPS.						
District Midnapore. Published May 1884	1″= 4 M.	34″×23″ each sheet.	1	0	1	4
District Dera Ismail Khan. Published May 1884	1″= 4 M.	40″×27″ each sheet.	2	0	2	8
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Indian Atlas, Sheet No. 62	1″= 4 M.	40″×27″	2	0	2	0
STANDARD SHEETS.						
ASSAM.						
Khasia, Garo and Naga Hills Topographical Survey. Sheet No. 107, Fourth edition. Published April 1884	1″= 2 M.	28″×25″	0	8	0	10
BENGAL.						
Hooghly River Survey, Sheet No. 7, Sections E. to N.	16″= 1 M.	40″×26″ each sheet.	1	0	1	4
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British Burma Survey, Sheet No. 114 (N.E., S.E.,) District Hanthawaddy. Published May 1884	2″= 1 M.	40″×25″ each sheet.	1	0	1	4
British Burma Survey, Sheet No. 125 (N.E., N.W., and S.W.), District Pegu. Published May 1884.	2″= 1 M.	40″×25″	1	0	1	4
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Punjab Survey, Sheet No. 34, District Dera Ismail Khan. Published March 1884	1″= 1 M.	40″×27″	1	8	1	12
Punjab Survey, Sheet No. 37, District Dera Ismail Khan, and Mozuffargarh. Published May 1884	1″= 1 M.	40″×27″	1	8	1	12
Punjab Survey, Sheet No. 38, District Dera Ismail Khan. Published March 1884	1″= 1 M.	40″×27″	1	8	1	12
Punjab Survey, Sheet No. 40, Districts Dera Ismail Khan and Mozuffargarh. Published May 1884	1″= 1 M.	40″×27″	1	8	1	12

MAPS OF THE SURVEY OF INDIA DEPARTMENT—*continued.*

Description.	Scale.	Size.	Price of Map unmounted per sheet or copy. Uncolored.		Colored.	
STANDARD SHEETS—*contd.* PUNJAB—*contd.*			R	a.	R	a.
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Punjab Survey, Sheet No. 42 A, District Mozuffargarh. Published March 1884	1″=1 M.	40″×27″	1	8	1	12
Punjab Survey, Sheet No. 42 B, District Mozuffargarh. Published April 1884	1″=1 M.	40″×27″	1	8	1	12
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W. H. WILKINS, *Lieut.-Colonel, S. C.,*
In charge of the Map Record and Issue Office.

SURVEY OF INDIA DEPARTMENT,
Calcutta, the 1st July 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 25th October 1884.

LIABILITIES.	R	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,59,306	4	4
Public Deposits at Head Office R 1,03,69,689 a. 15 p. 0; Public Deposits at Branches R 87,55,123 a. 8 p. 6	1,91,24,813	7	6
Other Deposits at Head Office and Branches	2,61,01,431	8	3
Bank Post Bills, &c.	3,26,942	15	3
Sundries	13,48,792	7	1
RUPEES	7,10,61,286	10	5

ASSETS.	R	a.	p.
Government Securities	70,49,180	0	0
Other authorized Investments	38,94,890	0	0
Loans on Government and other authorized Securities	82,44,540	15	5
Accounts of Credit on Government and other authorized Securities	76,74,703	15	9
Bills discounted and purchased	1,44,59,150	11	8
Balances with other Banks	8,26,442	12	6
Bullion	28,721	8	11
Dead Stock	11,86,701	6	7
Stamps	8,395	6	0
Sundries	6,29,222	1	2
	4,40,01,948	14	0
Cash and Currency Notes at Head Office R 1,56,06,651 a. 15 p. 0; Cash and Currency Notes at Branches R 1,14,52,685 a. 13 p. 5	2,70,59,337	12	5
RUPEES	7,10,61,286	10	5

BANK OF BENGAL,
Calcutta, 30th October 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

By order of the Directors,
W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 57·6.

POST OFFICE.

NOTIFICATIONS.

Simla, the 23rd October 1884.

No. 8910.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, MADRAS.

Mr. G. W. Cresswell is promoted to the 1st Grade of Superintendents.

Mr. H. Wooster is promoted to the 2nd Grade of Superintendents.

Mr. A. J. Faichnie is appointed to be a Superintendent of the 4th Grade and posted to the Madras Postal Circle.

P. SHERIDAN,

for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 30th October 1884.

Colledge, L. D.
Culloden, Mrs. H. A.
Daveney, W.
Dick, A. R.
Elliott, W. H.
Gibson & Co.
Grant, Mrs. H. N. P.
Hardless, Charles R.
Harrington, B. R.
Hawk, C. W.
King, L. B. B.
Norville, H.
Power, J. B. (c.s.)
Stack, Richard F.
St. Leger, H. B.
Stonkel, H.
Street & Co.
Saldanha, Frank.
Walker, F. P.
Whitley, J. E.

Letters marked "Care of Post Office"

Adda, Henry.
Alice, Mrs.
Artin, Mrs.
Boileau, Captain H.
Bott, Fred.
Brigg, E. A.
Caurey, Captain.
C. G.
Chapman, Frank.
Cooper, H.
Crowley, Mrs.
Dodd, Col. C. A.
E. S. H.
Fredalis, Soni.
Golding, Herbert.
Gill, F. N. G.
H. M. W.
Harcourt, W. H.
Harman, J. M.
Harrison, Lieut. E. B.
Hoskins, A. C.
Hurst, W. B.
King, W.
Lampard, Henry.
Lawless, Hiram.
Livingston, Archibald.
Lopez, E.
Macdonald, Mrs. J.
Meij, H.
"Merchant."
Morris, Pierce M.
Murgatroyd, C. A.
Pheton, A.
P. R. O.
Reed, Willoughby.
"Regina."
"Rex."
Robinson, Ellen.
Schomerully, Mr.
Selous, Edmund.
Sestan, S.
"Stanhope."
Stoble, J. C.
Thompson, James.
Uren, Thomas.
Wallace, Col. W. A. J.
Webb, Mrs. C. J.
Wilson, Theos.
X. P. Z.
X. Z. G.

Registered Letters.

Bisnee, S. R.
Cabitt, W.
Cherkes, Laya.
Ferefourd, Duglass.
Thiband, Thomy.
Wrent, Jos. B.

E. HUTTON,

Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 20th October 1884.

Bickers, M. E.
Bose, Jogendra Nath.
Bremley, Dr. C. E. W.
Campbell, Major C. W.
Hetum, Tai.
Hill, Mrs. C. R.
Honiff.
Hughers, Rev. J.
Lavalette, Mrs. T. W.
Love, C. E.
Luard, Col. F. P.
MacDonald, D.
Maddocks, P. T.
Mayo, Dr.
Mukerjee, SurendroNath.
Muir, Surgeon-Major H. S.
Power, T.

A. P. GHOSAL,

Postmaster, Barrackpore.

Calcutta, the 1st November 1884.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during the month of November 1884 :—

DATE OF CLOSING.	ROUTE.
1st November 1884	By P. & O. Steamer from Calcutta.
7th November 1884	By French Steamer.
7th November 1884*	By B. I. S. N. Co.'s private vessel.
11th November 1884	By P. & O. Steamer from Bombay.
15th November 1884	By P. & O. Steamer from Calcutta.
21st November 1884*	By B. I. S. N. Co.'s private vessel.
21st November 1884*	By Star Line private vessel.
25th November 1884	By P. & O. Steamer from Bombay.

* These dates are subject to alteration in the event of departure of the vessel being delayed.

N.B.—The letter-box will close at 7 P.M. precisely; after which hour, letters fully prepaid and bearing an extra postage stamp of four (4) annas on each cover will be received up to 7-30 P.M.

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).

The postage on letters conveyed by the P. & O. and French steamers is three (3) annas per ½ oz. (prepayment optional).

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	1st Nov.	P. & O. Str. *Ravenna.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	11th ,,	From Bombay.
Foreign Mails *viâ* Bombay	4th ,,	From Bombay.*
Do. Book Post and Pattern Packets	3rd ,,	Ditto.
Rangoon and Moulmein	5th ,,	Str. *Africa.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	5th ,,	Str. *Coconada.*
Madras, Ceylon, Batavia, Singapore, and China	7th ,,	French Str. *Tibre.*

* Also for Cape Colonies through United Kingdom; also *viâ* Aden from Zanzibar, Lamoo, Mombaza, Kilwakivinjee, Lindi, Mozambique, Delagoa Bay, and Cape Colonies can be forwarded.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,

Presidency Post Master.

Meteorological Publications for Sale.

The following publications of the Meteorological Office of the Government of India are on sale and can be procured at the Meteorological Office, No. 4, Middleton Row, or either at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices noted against them :—

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts .	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1877, 4to, 173 pages text, 375 pages tables, 3 charts	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 65 pages, 4 plates .	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates .	1	8	0
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates .	1	8	0
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages . . .	1	8	0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates .	1	8	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates	1	8	0
Rainfall Chart of India, showing the average annual distribution of rainfall (in colors)	0	8	0
Rainfall Map of India (in 2 sheets, scale 64 miles to the inch) showing the average annual distribution of rainfall (in colours)	3	0	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates .	2	0	0
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates	2	8	0
Register of the Original Observations of the six stations in India for 1879, reduced and corrected	2	8	0

Register of the Original Observations of the six stations in India for 1880, reduced and corrected . . . 2 8 0
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HENRY F. BLANFORD.

Meteorological Reporter to the Government of India.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 1, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

BYTAGOOL TEA COMPANY, LIMITED, (In Liquidation).

Proceedings of Meeting of Shareholders of the above Company, held at the Registered Office of the Company, No. 10, Hare Street, at 11-30 A.M., on Saturday, the 25th October 1884.

PRESENT:

W. Cornell, Esq., C.S., *by his Attorney*, James Mumford, Esq.

W. S. Cresswell, Esq., *by his Attorney*, Wilfred C. Aldam, Esq.

R. H. Wilson, Esq., C.S., *by his Proxy*, Wilfred C. Aldam, Esq.

W. M. North, Esq., *by his Proxy*, Wilfred C. Aldam, Esq.

Surgeon-Major F. C. Nicholson, *by his Proxy*, Wilfred C. Aldam, Esq.

Notice of Meeting having been read, the following resolution was put to the Meeting and passed :—

Proposed by W. Cornell, Esq., C.S., by his Attorney, James Mumford, Esq.,

Seconded by R. H. Wilson, Esq., C.S., by his Proxy, Wilfred C. Aldam, Esq.—

"That the Audited Final Accounts of the Company be, and they are hereby confirmed."

W. S. CRESSWELL & Co.,
Liquidators.

CALCUTTA,
The 25th October 1884.

PROMISSORY NOTES.

Lost, Stolen, or Destroyed.

The Non-transferable Treasury Note No. 000062, of the 5 per cent. of 1872, for R500, originally standing in the name of Gopika Bai, Manager of Mandir Vittal Rookhmai of Ramtek, and last endorsed to Gopika Bai, Manager of Mandir Vittal Rookhmai, Ramtek, the proprietor, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietor.

GOPIKA BAI,
Manager of Mandir Vittal Rookhmai, in Ramtek.

NAGPUR.
The 17th September 1884.



SUPPLEMENT TO

The Gazette of India.

No. 44.} CALCUTTA, SATURDAY, NOVEMBER 1, 1884.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALF OF JUNE AND 2nd HALF OF SEPTEMBER 1884, PUBLISHED IN PAGES 1120, 1121, 1486, 1487, 1488 AND 1489 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 26th JULY AND 25th OCTOBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Districts.	Wheat.			Barley.			Rice. Best sort			Rice. Common			Great Millet (Cholum, Jowar), *Holcus Sorghum.*			Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata.*			Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum, Eleusine Coracana, &c.*			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Average Wages per Month.		
	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Able-bodied Agricultural Labourer.	Syce or Horse-keeper.	Common Mason, Carpenter, or Blacksmith.
	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	R a. per maund.	R a. per maund.	R a. per maund.	S. C.	S. C.	S. C.	R a.	R a.	R a.
2nd half of June 1884.																																				
Ferrowlee	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2 0	...	4 to 5-8
Bhurtpore City	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2 12 to 3 12	...	5-8 to 9-0
2nd half of September 1884.																																				
Sylhet	12 14	13 4	11 4	...	...	...	11 4	11 4	12 8	16 0	16 0	17 8	...	...	...	...	...	...	...	...	...	15 0	14 12	16 4	108 0	108 0	108 0	3 4	3 5	3 4	12 4	12 12	12 8	...	...	...
Cachar	11 9	11 4	10 0	10 0	8 0	12 13	10 10	10 10	16 0	15 4	16 0	17 12	...	...	...	...	...	...	...	...	...	14 0	14 0	12 13	80 0	80 0	80 0	3 4	3 8	3 6	11 8	11 0	10 10	...	...	...
Goálpárá	18 0	18 0	20 0	...	...	...	7 8	8 0	13 0	9 4	12 4	20 0	...	...	...	...	...	...	...	...	...	12 8	12 4	14 0	80 0	80 0	80 0	3 4	3 4	3 4	12 8	12 4	11 0	...	...	...
Gáro Hills	4 0	4 0	4 0	...	..	...	8 0	8 0	5 0	14 0	14 0	20 0	...	...	...	...	...	...	...	...	...	8 0	8 0	8 0	160 0	160 0	160 0	5 0	5 0	5 0	8 0	8 0	8 0	...	...	...
Kámrúp	16 0	16 0	15 8	...	...	...	11 0	10 0	12 4	16 0	13 8	20 0	...	...	...	...	...	...	...	...	...	11 0	12 0	13 4	200 0	200 0	200 0	3 8	3 8	3 8	11 0	13 0	11 0	...	...	...
Darrang	...	...	...	...	...	...	8 0	8 0	12 0	11 0	11 0	16 0	...	...	...	...	...	...	...	...	...	10 6	9 12	9 12	160 0	160 0	160 0	4 4	4 4	4 8	9 0	9 0	8 0	...	...	...
Nowgong	...	...	...	...	...	...	8 0	8 0	8 8	13 0	13 0	16 0	...	...	...	...	...	...	...	...	...	8 0	8 0	8 0	120 0	120 0	100 0	3 12	3 12	4 0	10 0	10 0	9 0	...	...	...
Sibságar	...	...	...	...	...	...	8 0	7 0	6 8	16 0	16 0	14 0	...	...	...	...	...	...	...	...	...	9 0	9 0	10 0	80 0	80 0	80 0	4 4	4 4	4 8	9 0	9 0	8 0	...	...	...
Lakhimpur	9 0	9 0	8 0	10 0	8 0	9 0	8 0	8 0	8 0	11 0	12 0	13 0	...	...	...	...	...	...	...	...	...	12 0	12 0	11 0	160 0	160 0	160 0	4 2	4 0	4 0	10 0	10 0	9 0	...	...	...
Khási & Jaintiá Hills	...	...	...	...	...	...	6 0	6 0	9 8	10 0	9 0	10 0	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	4 8	4 12	4 12	8 0	8 0	8 0	...	...	...
Nága Hills	...	...	...	...	...	...	4 0	4 0	4 0	8 0	8 0	5 0	...	...	...	...	...	...	...	...	...	...	...	2 0	120 0	120 0	120 0	16 0	16 0	16 0	2 8	2 8	2 8	...	...	...
																												S. C.	S. C.	S. C.						
Gujránwalla	28 8	26 8	22 4	40 0	46 0	37 0	...	...	...	13 0	11 0	13 0	40 0	40 0	32 0	26 0	26 0	28 0	...	..	...	40 0	39 4	32 8	90 0	90 0	95 0	15 4	15 0	15 4	15 0	14 12	15 0	...	...	...
Lahore	28 0	25 0	22 0	45 0	40 0	32 0	...	...	...	10 0	10 0	11 0	35 0	30 0	32 0	26 0	26 0	24 0	...	...	...	39 0	36 0	31 0	80 0	89 0	80 0	15 0	15 0	15 0	14 0	14 0	14 0	...	...	...
Ferozepore	26 0	24 0	21 0	40 0	44 0	36 8	...	...	...	11 0	11 0	10 8	32 0	32 0	40 0	...	...	...	...	...	...	43 8	40 0	35 0	90 0	90 0	100 0	14 0	14 0	13 4	13 8	13 8	13 0	...	...	...
Sirsa	22 0	19 0	21 0	35 0	30 0	35 0	...	...	...	10 0	10 0	12 0	38 0	32 0	32 0	28 0	26 0	29 0	...	...	...	38 0	37 0	35 0	120 0	120 0	120 0	13 8	13 8	12 8	13 0	13 0	12 0	...	...	...
Hissar	20 8	20 0	18 8	32 0	30 0	28 0	...	...	...	10 0	10 0	9 0	33 0	30 0	27 0	30 0	25 0	25 0	...	...	...	31 0	30 0	27 0	120 0	120 0	120 0	13 8	13 0	12 8	13 0	12 0	12 0	...	...	...
Rohtak	23 0	22 0	18 0	25 0	26 0	25 0	...	...	...	11 0	10 0	8 0	28 0	25 0	22 0	26 0	23 0	21 0	...	...	...	27 0	26 0	22 8	80 0	80 0	100 0	12 0	12 0	12 8	11 0	11 0	11 8	...	...	...
Gurgaon	21 8	21 0	20 0	30 0	30 0	27 0	...	...	...	10 0	10 0	10 0	29 0	24 0	25 0	25 0	24 0	22 0	...	...	...	26 0	25 0	22 0	140 0	160 0	120 0	12 0	12 0	12 0	12 0	12 0	12 0	...	...	...
Delhi	22 8	21 0	18 8	31 0	29 0	24 0	...	...	...	10 0	10 0	12 0	28 0	25 0	24 0	23 0	22 0	20 8	...	...	...	26 8	26 0	22 0	80 0	80 0	80 0	12 8	12 8	12 8	11 8	11 8	11 8	...	...	...
Karnál	23 0	23 0	18 8	30 0	30 0	27 8	...	...	...	11 0	10 0	11 0	22 0	22 0	24 0	16 0	16 0	22 0	...	...	...	26 0	26 0	24 0	160 0	160 0	140 0	12 8	12 8	12 0	12 4	12 4	11 12	...	...	...
Umballa	24 0	24 8	20 8	32 0	32 0	28 0	...	...	...	11 0	12 0	10 0	40 0	40 0	32 0	20 0	20 0	15 0	...	...	...	31 8	31 8	26 0	180 0	180 0	160 0	14 4	14 4	14 0	13 12	14 0	14 0	...	...	...
Ludhiána	27 8	27 8	23 0	32 0	32 0	34 0	...	...	...	11 0	12 0	10 8	35 0	33 0	33 0	25 0	25 0	25 0	...	...	...	35 8	35 8	29 8	100 0	100 0	100 0	15 0	15 0	14 0	14 12	14 12	14 0	...	...	...
Simla	18 8	17 8	15 4	...	21 0	...	...	...	...	...	10 8	...	...	20 0	...	...	...	...	...	...	...	21 0	16 0	19 4	80 0	80 0	80 0	10 0	10 0	11 4	9 6	9 6	10 8	...	...	...

Station	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Kángra	20 0	19 0	20 0	28 0	28 0	32 0	...	...	...	12 0	12 0	14 0	...	...	...	...	...	...
Jullundur	30 0	29 8	21 8	40 0	40 0	30 0	...	...	...	8 0	8 0	6 0	36 0	32 0	30 0	30 0	30 0	25 0
Hoshiárpur	30 0	30 0	20 0	38 0	38 0	25 0	...	...	...	12 0	12 0	12 8	35 0	30 0	29 0	24 0	24 0	20 0
Gurdáspur	31 0	31 0	24 8	40 0	40 0	28 0	...	...	...	14 0	14 0	14 0	32 0	32 0	30 0	14 0	14 0	14 0
Amritsar	28 12	28 4	23 0	40 0	41 0	30 0	...	...	...	12 8	11 8	13 8	42 0	40 0	35 0	26 8	26 8	24 8
Siálkot	31 0	29 0	23 8	56 0	48 0	35 0	...	...	...	13 0	13 0	12 0	44 0	40 0	32 0	30 0	25 0	30 0
Gujrát	31 0	30 8	23 0	47 0	47 0	37 0	...	...	...	11 12	11 12	12 0	44 4	44 0	38 0	42 4	43 0	35 8
Jhelum	30 0	28 8	23 0	47 0	44 0	36 0	...	...		10 0	10 0	10 0	32 0	32 0	33 0	33 0	33 0	[illegible]6 0
Ráwalpindi	34 0	32 0	25 0	54 0	52 0	34 0	...	...	...	12 0	12 0	7 8	55 0	50 0	44 0	60 0	52 0	45 0
Shahpúr	29 0	28 0	27 0	37 0	37 0	41 0	...	...	...	12 0	12 0	15 0	36 0	35 0	36 0	36 0	35 0	34 0
Jhang	22 8	21 0	20 0	34 0	31 0	31 8	...	...	...	10 0	10 0	9 8	28 0	24 0	24 0	32 0	30 0	31 0
Montgomery	21 0	21 8	17 8	34 0	34 0	30 0	...	...	...	9 0	9 0	5 8	...	24 0	...	...		...
Mooltan	18 0	18 0	15 8	27 0	26 0	27 0	...	...	...	11 0	10 0	11 0	30 0	28 0	27 0	27 0	27 0	24 0
Muzaffergarh	21 0	20 0	17 0	25 0	25 0	26 0	...	...	...	6 0	6 0	5 0	22 0	21 0	21 0	23 0	23 0	17 0
Dera Gházi Khán	20 0	20 0	17 8	26 4	26 4	27 8	...	...	...	11 4	11 4	10 0	27 8	27 8	33 12	25 0	25 0	30 0
Dera Ismail Khán	24 2	23 7	20 10	35 0	32 15	32 8	...	...	...	8 12	8 12	8 0	32 1	30 0	40 0	26 4	26 4	30 0
Bannu	38 12	37 8	28 2	50 0	48 2	35 0	...	...	...	8 4	8 2	8 12	32 8	30 0	37 8	45 0	35 0	30 0
Kohát	30 10	29 5	19 12	57 6	56 1	33 2	...	...	...	12 12	12 12	11 8	...	...	...	...	...	...
Peshawar	28 12	27 8	20 5	55 8	52 0	33 0	...	...	...	12 0	11 6	11 5	50 0	50 0	24 0	34 0	34 0	27 12
Hazára	34 0	30 0	25 8	52 0	42 0	40 0	...	...	.	13 0	12 0	12 0	...	...	...	36 0	36 0	28 0

Station	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Kángra	...	...	...	24 0	23 0	21 0	120 0	120 0	140 0	10 8	10 8	10 8	10 0	10 0	10 0	...	...	...
Jullundur	...	...	...	35 0	34 0	27 0	110 0	110 0	110 0	15 0	15 0	14 8	14 8	14 8	14 0	...	...	...
Hoshiárpur	...	...	...	32 0	32 0	25 0	120 0	120 0	110 0	14 0	14 0	14 0	13 12	13 12	13 12	...	...	...
Gurdáspur	...	...	...	34 0	34 0	27 0	120 0	120 0	120 0	14 0	14 0	13 4	13 0	13 0	12 8	...	...	...
Amritsar	...	...	...	40 8	40 0	31 4	90 0	90 0	80 0	15 10	15 0	15 6	15 0	14 12	15 0	...	...	...
Siálkot	...	...	...	37 0	35 0	27 0	120 0	120 0	120 0	16 0	16 0	15 8	15 8	15 8	15 0	...	...	...
Gujrát	...	...	...	34 4	34 8	28 8	100 0	100 0	100 0	*	*	*	16 0	16 0	15 0	...	...	...
Jhelum	...	...	...	34 0	33 0	28 0	120 0	120 0	120 0	16 8	16 8	16 0	16 0	16 0	15 8	...	...	...
Ráwalpindi	...	...	...	40 0	38 0	32 8	100 0	105 0	82 0	15 8	15 10	15 4	15 4	15 6	15 0	...	...	...
Shahpúr	...	...	...	36 0	34 0	37 0	240 0	240 0	320 0	17 0	17 0	17 0	16 0	16 0	16 0	...	...	...
Jhang	...	...	...	29 0	27 8	26 0	200 0	200 0	200 0	14 8	14 12	13 8	14 0	14 4	13 4	...	...	...
Montgomery	...	...	...	36 0	35 0	30 0	200 0	200 0	200 0	13 0	13 0	12 0	12 0	12 0	11 0	...	...	...
Mooltan	...	...	...	26 8	26 0	25 0	100 0	100 0	90 0	15 0	15 0	13 12	14 8	14 8	13 8	...	...	...
Muzaffergarh	...	...	...	22 0	21 8	21 8	120 0	120 0	90 0	*	*	*	13 0	13 0	13 8	...	...	...
Dera Gházi Khán	...	...	...	23 7	25 0	23 12	125 0	125 0	100 0	28 12	28 12	30 10	27 8	27 8	27 8	...	...	...
Dera Ismail Khán	...	...	..	33 8	32 11	26 4	125 0	125 0	125 0	45 8	45 8	47 8	42 8	42 8	45 0	...	...	...
Bannu	...	...	...	48 2	45 0	30 10	80 0	80 0	80 0	80 0	80 0	100 0	60 0	60 0	80 0	...	...	...
Kohát	...	...	...	33 12	30 10	28 1	102 0	102 0	102 0	61 3	61 3	68 14	58 11	58 11	63 12	...	...	...
Peshawar	...	...	...	34 0	32 0	24 10	105 0	105 0	105 0	42 14	42 14	44 3	41 8	41 8	43 0	...	...	...
Hazára	...	...	...	28 0	28 0	24 0	110 0	110 0	140 0	13 9	13 8	...	12 12	12 0	12 0	...	...	...

* No wholesale salt sold.

Department of Finance and Commerce,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

No. XXVI OF 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	Receipts for week ending 6th October 1883.		Total mean length open.	Receipts for week ending 4th October 1884.		Total receipts from 1st April to 6th October 1883.		Total receipts from 1st April to 4th October 1884.		Total Increase in 1884-85.	Total Decrease in 1884-85.
			Total.	Per mile open		Total.	Per mile open	Total.	Per mile open per week	Total.	Per mile open per week		
	Guaranteed.		R	R		R	R	R	R	R	R	R	R
4th Oct. 1884	Oudh and Rohilkhand .	547	95,246	174	547	64,924	117	29,77,129	202	26,05,391	179	. . .	3,71,738
11th ditto .	Sind, Punjab and Delhi	735	1,91,867	261	706	1,69,423	240	57,78,566	288	52,37,121	263	. . .	5,41,445
4th ditto .	Madras . . .	861	1,29,432	150	861	1,06,025	123	35,08,471	151	36,27,729	158	1,19,258	. . .
4th ditto .	South Indian . .	655	74,819	114	654	81,431	125	21,06,885	119	23,59,957	135	2,53,072	. . .
11th ditto .	Great Indian Peninsula	1,450	3,96,510	273	1,450	3,93,801	272	1,69,26,136	431	1,67,95,911	433	. . .	1,30,225
4th ditto .	Bombay, Baroda and Central India . .	461	1,66,324	361	461	2,01,946	438	57,51,793	462	57,92,511	470	40,718	. . .
	TOTAL .	4,709	10,54,198	224	4,679	10,16,550	217	3,70,48,980	291	3,64,18,620	289	. . .	6,30,360
	State.												
11th Oct. 1884	East Indian . .	1,509	8,39,004	556	1,509	5,41,325	359	2,62,37,059	644	2,06,75,650	512	. . .	55,61,409
4th ditto .	Eastern Bengal(a) .	228	1,57,804	692	223	1,31,837	566	26,39,792	429	24,51,703	394	. . .	1,88,089
4th ditto .	Nalhati . . .	27	1,583	58	27	937	34	43,041	59	41,242	57	. . .	1,799
4th ditto .	Northern Bengal .	239	53,069	222	249	34,500	139	10,78,412	170	10,19,873	154	. . .	58,539
4th ditto .	Kaunia-Dharla . .	32	2,546	80	37	1,812	49	51,682	60	64,397	70	12,715	. . .
11th ditto .	Tirhoot . . .	166	18,389	111	227	19,951	88	4,47,733	100	6,10,552	118	1,62,819	. . .
11th ditto .	Patna-Gya . . .	57	16,432	288	57	9,972	175	2,37,941	154	2,67,035	175	29,094	. . .
4th ditto .	Cawnpore-Achnera .	138	10,738	78	240	12,069	50	2,79,351	75	4,58,989	71	1,79,638	. .
11th ditto .	Dildarnagar-Ghazipur .	12	732	61	12	736	61	24,102	75	26,234	83	2,032	. . .
11th ditto .	Rajputana-Malwa .	1,117	1,98,654	178	1,120	1,75,210	156	61,65,314	204	58,21,975	195	. . .	3,43,339
11th ditto .	Rewari Ferozepur .	89	7,108	80	241	9,000	37	2,12,137	88	3,55,656	94	1,43,519	. . .
4th ditto .	Wardha Coal . .	45	10,873	242	45	6,007	133	3,63,026	299	2,66,611	224	. . .	96,415
11th ditto .	Nagpur and Chhattisgarh	149	10,433	70	149	11,465	77	6,30,178	161	6,34,955	160	. . .	15,223
4th ditto .	Burma . . .	161	24,077	150	254	31,886	126	7,00,244	161	9,41,839	153	2,41,595	. . .
11th ditto .	Sindia	75	5,570	74	75	5,245	70	1,56,854	78	1,73,764	87	16,910	. . .
4th ditto .	Punjab Northern .	421	52,338	124	447	43,728	98	16,40,467	144	14,78,903	124	. . .	1,61,564
4th ditto .	Indus Valley . .	660	1,15,645	175	660	96,700	147	38,51,203	216	37,27,124	211	. . .	1,24,079
11th ditto .	Amritsar-Pathankot .	. .	. .	.	66	4,725	72	. . .	. .	1,02,464	64	1,02,464	. . .
	TOTAL .	3,616	6,85,991	190	4,139	5,95,780	144	1,85,41,567	191	1,84,43,306	172	. . .	98,261
	Assisted Companies.												
4th Oct. 1884	Bengal Central . .	35	2,456	70	126	8,444	67	57,355	61	2,44,595	74	1,87,240	. . .
4th ditto .	Assam. . . .	39	1,677	43	70	3,458	49	(b)24,768	54	98,332	57	73,564	. . .
11th ditto .	Southern Mahratta .	. .	. .	.	214	7,178	34	. . .	. .	79,194	27	79,194	. . .
11th ditto .	Bengal and North-Western . . .	. .	. . .	.	69	1,270	18	. . .	. .	(c)40,947	22	40,947	. . .
	TOTAL .	74	4,133	56	479	20,350	42	82,123	58	4,63,068	47	3,80,945	. . .
	Native States.												
4th Oct. 1884	Bhavnagar-Gondal .	193	11,409	59	193	13,679	71	5,03,080	97	6,23,894	121	1,20,814	. . .
11th ditto .	Jodhpur . . .	19	438	23	44	960	22	19,859	39	25,199	27	5,340	. . .
30th Sept. 1884	Nizam's . . .	121	15,850	131	121	(d)4,954	41	(e)3,99,600	127	(f)4,96,600	157	97,000	. . .
6th Oct. 1884	Mysore . . .	86	7,617	89	129	9,291	72	1,44,692	62	1,86,824	69	42,132	. . .
	TOTAL .	419	35,314	84	487	28,884	59	10,67,231	94	13,34,517	109	2,65,286	. . .
	GRAND TOTAL .	10,327	26,18,640	254	11,293	22,02,889	195	8,29,76,960	298	7,73,33,161	262	. . .	56,43,799
	GROSS ESTIMATED EXPENSES .	. .	. . .	.	. .	. .	.	4,01,01,159	144	3,84,32,254	130	. . .	. . .
	NET RECEIPTS .	. .	. .	.	. .	. . .	.	4,28,75,801	154	3,89,00,907	132	. . .	39,74,894

(a) Excludes share of the earnings of the Bengal Central Railway, but includes the receipts of the late Calcutta and South-Eastern state Railway.
(b) Total receipts from 16th July to 6th October 1883
(c) Total receipts from 2nd April to 4th October 1884.
(d) Receipts for 3 days ending 30th September 1884.
(e) Total receipts from 1st April to 29th September 1883.
(f) Total receipts from 1st April to 30th September 1884.

SIMLA,
The 27th October 1884.

FRED. FIREBRACE, *Major, R.E.,*
Under-Secretary.





The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 45.} SIMLA, SATURDAY, NOVEMBER 8, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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Part II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

Part III.—Advertisements and Notices by private individuals and Corporations.

Part IV.—Acts of the Governor General's Council assented to by the Governor General:—

Nothing for publication.

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Oudh Estates Act Amendment Bill, 1884.
Excise Act Amendment Bill, 1884.

Supplement No. 45.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Simla, the 7th November 1884.

Programme of His Excellency the Viceroy's arrival in Calcutta.

His Excellency the Viceroy and Governor General will arrive in Calcutta by a special train on Tuesday, the 2nd December 1884, at 3-5 P.M., Railway time.

His Excellency will be received at the Sealdah Railway Station by the Chairman of the Corporation and Commissioner of Police for the Town of Calcutta and the Magistrate of the 24-Pergunnahs, and at Government House by the Lieutenant-Governor of Bengal, Members of His Excellency's Council, the principal Civil and Military Officers, and other Gentlemen who are desirous of attending.

A Guard-of-Honor of the Eastern Bengal Railway Volunteers will be drawn up on the platform of the Sealdah Railway Station and a Guard-of-Honor of Native troops, with Band, outside the Station.

The route taken will be by Lower Circular Road, Dhurrumtolah Street, and Esplanade.

The Body-Guard will form the Escort.

Guards-of-Honor of British Infantry and of the Calcutta Volunteer Rifles, with Band, will be drawn up in front of the Grand Staircase of Government House.

A Viceregal Salute will be fired from the ramparts of Fort William as His Excellency arrives at the Sealdah Station.

Full dress will be worn by Officers entitled to uniform. Gentlemen not entitled to wear uniform will appear in morning dress.

By Command,

H. LEGGE, *Major*,
for *Military Secretary to the Viceroy.*

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 3rd November, 1884.

No. 20.—His Excellency the Viceroy and Governor General, under the authority vested in him by the Statute 24 & 25 Vic., cap. 67, section 10, has been pleased to nominate Mr. H. St. A. Goodrich, of the Madras Civil Service, and Acting Collector and Magistrate of Bellary, to be an Additional Member of the Council of the Governor General for the purpose of making Laws and Regulations.

D. FITZPATRICK,
Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 7th November 1884.

No. 1853.—The services of Maulvi Muhammad Sami-Ullah Khan, Subordinate Judge of Aligarh, are replaced at the disposal of the Government of the North-Western Provinces and Oudh.

MEDICAL.

The 5th November 1884.

No. 496.—The services of Surgeon H. Armstrong, Civil Surgeon of Hoshungabad, in the Central Provinces, are replaced at the disposal of the Government of Madras.

JUDICIAL.

The 6th November 1884.

No. 1401.—The services of Lieutenant C. G. Parsons, Wing Officer, 28th Punjab Native Infantry, are replaced at the disposal of the Government of India in the Military Department.

POLICE.

The 4th November 1884.

No. 350.—The services of Mr. C. A. Fisher, District Superintendent of Police, Assam, are replaced at the disposal of the Government of Bengal, with effect from the date on which Mr. W. B. Savi takes charge of the Garo Hills Police.

ECCLESIASTICAL.

The 5th November 1884.

No. 173.—*Appointment.*—The Reverend W. H. Gale, B.A., Chaplain of Benares, to be Chaplain of Nowgong, Central India, with effect from the date of his taking over charge.

PATENTS.

The 31st October 1884.

No. 1042.—Specifications of the under-mentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:—

No. 13 of 1884.—William Richard Sumption Jones, M.I.M.E., Carriage and Wagon Superintendent, Rajputana State Railway, Ajmere, India, for improvements in couplings for combined draw and buffer gear suitable for railway and other vehicles and rolling stock.

No. 24 of 1884.—Ambrose Shere Massey, Civil Engineer and Proprietor of the Napier Works, Madras, for the construction of a punch for erasing Court-fee stamps, and at the same time completely destroying the piece punched out.

No. 26 of 1884.—Thomas Dowling, of No. 8, Bhowanipore, in the Suburbs of the Town of Calcutta, for cleaning or clearing from stones or other obstruction the track or line of the tramways as used in the public streets.

No. 27 of 1884.—Damodardás Jamnadás Tolat, Resident of Surat, at present employed as Spinning Master at Ahmedabad, care of the Guzerat Spinning and Weaving Company, for hand-loom warping machine, a machine or frame constructed of wood or iron for the purpose of preparing or making warps for the hand-looms in India.

No. 34 of 1884.—The Hydro-Carbon Syndicate, Limited, of No. 18, Lawrence Poutney Hill, in the City of London, England, for improvements in the method of burning hydro-carbon oils together with steam or water, and in apparatus therefor.

No. 51 of 1884.—William Gow, of 13, Rood Lane, London, England, Indian Tea Broker, for an improved machine or apparatus for effecting the withering and clapping of tea leaf.

No. 59 of 1884.—Frederick Robert Jones, Engineer, Nahan, Sirmoor State, Punjab, for improvements in sugarcane mills.

No. 63 of 1884.—Emile Deriaz, of Lucknow, Watchmaker, for Duplex Railway and ordinary time indicators.

No. 64 of 1884.—George Westinghouse, Junior, of Pittsburg, Pennsylvania, in the United States of America, for an improvement in the connection of pipes for communicating fluid pressure to work brakes on railway trains.

No. 80 of 1884.—Mohesh Chunder Bose, late Assistant Engineer in the Public Works Department, a Government Pensioner, at present resident of Bankipur, for a graduated safety lock.

No. 88 of 1884.—David E. Gostling, Architect, of 47, Apollo Street, Fort, Bombay, for the rapid, cleanly and economical removal of town sweepings, night-soil, and other similar materials and refuse.

No. 90 of 1884.—William Plenderleith Hope, of Edinboro, Scotland, for improvements in, and relating to, the construction of tramways, and in apparatus for facilitating the hauling of vehicles thereon by means of cables or ropes.

No. 101 of 1884.—Henry Hamilton Remfry, of 5, Fancy Lane, in Calcutta, Solicitor and Patent Agent, for improvements in exhaust or blast fans or ventilators, and also in the application of such means for moving large volumes of air, or other fluids.

No. 123 of 1884.—Edward Richard Settle, of Coventry, in the County of Warwick, England, Velocipede Manufacturer, for improvements in tricycles and like velocipedes.

No. 143 of 1884.—Peter Smith Swan, of Calcutta, in the Empire of India, Jute Manufacturer, for improvements in the manufacture of sacking, bagging, or other description of cloth made of jute or other vegetable fibre, and used for making packs, bags, wrappers, or coverings.

No. 144 of 1884.—Alfred Parry, Engineer, residing in Barrackpore, and David M'Laren Morrison, Merchant, residing in Goosery, near Calcutta, for an improved brick mould.

A. MACKENZIE,
Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—EXTERNAL.

Simla, the 5th November, 1884.

No. 2892 *E.*—In exercise of the powers conferred by the Assam Frontier Tracts Regulation, 1880, as amended by Regulation III of 1884, the Governor-General in Council is pleased to direct that the Assam Frontier Tracts Regulation, 1880, shall extend to the Khasi and Jaintia Hills District, and to the Garo Hills District, and shall come into force in those Districts from this date.

The boundaries of the Khasi and Jaintia Hills District have been defined in the notifications given below:—

(1) Notification, dated the 29th September, 1866, by the Government of Bengal, published in the *Calcutta Gazette* of the 3rd October, 1866.

(2) Notification No. 1430, dated the 14th September, 1876, by the Government of India in the Home Department, published in the *Gazette of India* of the 16th September, 1876.

(3) Notification No. 774, dated the 3rd April, 1878, by the Government of India in the Home Department, published in the *Gazette of India* of the 3rd April, 1878.

(4) Notification No. 8, dated the 12th June, 1878, by the Chief Commissioner of Assam, published in the *Assam Gazette* of the 15th June, 1878.

(5) Notification No. 60, dated the 1st July, 1880 (amended by Notification No. 25, dated the 25th May, 1883, by the Chief Commissioner, published in the *Assam Gazette* of the 26th May, 1883).

(6) Notification No. 32, dated the 12th April, 1882, by the Chief Commissioner of Assam, published in the *Assam Gazette* of the 22nd April, 1882.

The boundaries of the Garo Hills District have been defined in the notifications given below:—

(1) Notification, dated the 29th August, 1866, by the Government of Bengal, published in the *Calcutta Gazette* of the 29th September, 1866.

(2) Notification dated the 16th July, 1875, by the Chief Commissioner of Assam, published in the *Assam Gazette* of the 14th August, 1875.

(3) Notification No. 774, dated the 3rd April, 1878, by the Government of India in the Home Department, published in the *Gazette of India* of the 3rd April, 1878.

GENERAL.

The 6th November, 1884.

No. 2134 *G.*—The following promotions are made in the Infantry Branch of the Erinpura Irregular Force, with effect from the 30th September, 1884:—

Jemadar Dewa, to be Subadar, *vice* Prema, deceased.

Havildar Dabee, to be Jemadar, *vice* Dewa, promoted.

No. 2138 *G.*—Major W. S. Peat, General List, Bombay Cavalry, is appointed to officiate as 2nd Assistant to the Governor-General's Agent at Baroda, *vice* Captain H. M. Temple, with effect from the date of assuming charge.

No. 2140 *G.*—The following promotions are made in the Deoli Irregular Force, with effect from the 16th October, 1884:—

Cavalry.

Jemadar Jussa Singh, to be Ressaldar, *vice* Nutteh Khan, invalided.

Duffadar Khoseal Singh, to be Jemadar, *vice* Gunda Singh, invalided.

Duffadar Lall Singh, to be Jemadar, *vice* Jussa Singh, promoted.

Infantry.

Jemadar Birth Singh, to be Subadar, *vice* Roopah, invalided.

Jemadar Ramzan Khan, to be Subadar, *vice* Ooma Ram, invalided.

Jemadar Sham Singh, to be Subadar, *vice* Seeeerama, invalided.

Havildar-Major Noor Khan, to be Jemadar, *vice* Birth Singh, promoted.

Pay-Havildar Girdharee, to be Jemadar, *vice* Ramzan Khan, promoted.

Havildar Soomrre Singh, to be Jemadar, *vice* Sham Singh, promoted.

No. 2150 *G.*—Mr. W. A. Ingle, Treasury Officer and Cantonment Magistrate, Quetta, is granted two months' privilege leave, with effect from the 13th October, 1884.

No. 2151 G.—Captain F. H. Forjett, 26th Bombay Native Infantry, is appointed to officiate as Treasury Officer and Cantonment Magistrate, Quetta, in addition to his own duties, with effect from the 13th October, 1884, during the absence on privilege leave of Mr. W. A Ingle, or until further orders.

H. M. DURAND,
Offg. Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 5th November 1884.

No. 4357.—Mr. E. W. Kellner, on return from privilege leave, received charge of the office of the Deputy Comptroller General from Mr. T. H. Biggs before noon on the 27th October 1884.

The 6th November 1884.

The following Addendum to the Codes of the Financial Department is published for general information :—

No. 4353.

C. P. C.

PAGE 70.

Section 129.

Add the following to the Note under this Section :—

And the Director General of Telegraphs may exempt from the operation of this Rule all menial and inferior servants belonging to local offices of the Telegraph Department for whom he considers service books unnecessary, rolls such as those prescribed in Section 153 (*a*) for the Police being substituted.

The 7th November 1884.

No. 4409.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to reduce to one anna the stamp duty payable, under Article 50 (*b*) of Schedule I of the said Act, on a proxy executed by a female empowering any person to vote at any one election of members of a Local Board held under the provisions of Bombay Act I of 1884 (The Bombay Local Boards Act, 1884).

No. 4422.—Mr. T. H. S. Biddulph, Assistant Accountant General, North-Western Provinces and Oudh, having been granted privilege leave, availed himself of the leave before noon on the 2nd October 1884, and returned from the leave and resumed charge of his duties before noon on the 27th of the same month.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 7th November, 1884.

APPOINTMENTS.

No. 588.—The local and temporary rank of Brigadier-General is conferred on Colonel J. Browne, C.B., C.S.I., R.E., whilst employed as Superintending Engineer of the Sibi-Quetta Railway.

No. 589.—STAFF CORPS—

The undermentioned officers, appointed by the Secretary of State probationers for the Indian Staff Corps, are posted to the Bengal, Madras and Bombay Staff Corps respectively, with effect from the dates of their arrival in India :—

Bengal.

Lieutenant W. G. Forbes, South Staffordshire Regiment.
Lieutenant E. J. E. Swayne, Welsh Regiment.
Lieutenant J. D. Perkins, Liverpool Regiment.
Lieutenant H. Hudson, Northamptonshire Regiment.

Madras.

Lieutenant A. R. Denne, Royal Munster Fusiliers.
Lieutenant O. G. Jevers, Royal Sussex Regiment.
Lieutenant A Nicholls, Berkshire Regiment.
Lieutenant S. H. Pelly, Duke of Cornwall's Light Infantry.
Lieutenant W. B. Young, Essex Regiment.
Lieutenant C. E. H. Connell, Oxfordshire Light Infantry.
Lieutenant A. E. Woods, Northamptonshire Regiment.

Bombay.

Lieutenant R. W. Nicholson, 19th Hussars.
Lieutenant W. S. Delamain, Berkshire Regiment.
Lieutenant W. G. Hatherell, Duke of Cornwall's Light Infantry.
Lieutenant E. H. Bernard, Essex Regiment.
Lieutenant T. A. Fischer, Yorkshire Regiment.
Lieutenant G. De S. DeLisle, The Royal Scots.

No. 590.—MEDICAL DEPARTMENT—

Surgeon-Major E. R. Johnson, Medical Officer, 43rd Native Infantry, to officiate as Secretary to the Surgeon-General, Her Majesty's Forces, Bengal, *vice* Surgeon-Major J. E. T. Aitchison, M.D., C.I.E., proceeded on duty with the Afghan Boundary Commission. Dated 1st November, 1884.

No. 591.—PUNJAB FRONTIER FORCE—

5th Punjab Infantry.

Major A. I. Shepherd, Wing Officer, 4th Punjab Infantry, to be Wing Commander, *vice* Lieutenant-Colonel J. Finnis, deceased.

FURLOUGH AND LEAVE.

No. 592.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Major L. H. E. Tucker, General List, Infantry, District Superintendent of Police, 1st grade, Punjab, (p. a.) for one year and 364 days, under rule IX of the regulations of 1868.

Lieutenant G. A. Williams, Bengal S. C., Assistant Military Accountant, (p. a.) for one year, under rule I of the regulations of 1875.

No. 593.—Honorary Lieutenant and Assistant Commissary J. FitzGibbon, Assistant Engineer, 1st grade, Public Works Department, Madras, is granted furlough up to the 22nd November, 1884, in extension of that allowed in G. G. O. No. 495 of 1884.

No. 594.—Sub-Conductor J. H. Brown, Commissariat Department, is granted leave in India (p. a.) for 91 days, under rule X of the regulations of 1875.

No. 595.—The undermentioned officer has been granted an extension of furlough by the Secretary of State for India :—

Captain H. L. Wells, R.E., (u. p. a.) for four months and 17 days.

No. 596.—G. G. O. No. 261 of 1884, granting leave to sea to Major J. H. L. Greenfield, is cancelled.

LONDON GAZETTE.

No. 597.—The following extracts are published for general information :—

London Gazette, dated the 3rd October, 1884, pages 4333 and 4334.

WAR OFFICE;
Pall Mall, 3rd October, 1884.

MEMORANDA.

The undermentioned Lieutenant-Colonels of the Indian Staff Corps to be Colonels :—

Charles Matthew Griffith, Bombay. Dated 8th June, 1884.

Henry Charles Baskerville Tanner, Bombay. Dated 8th June, 1884.

William John Bell, Madras. Dated 8th June, 1884.

John Campbell Gunning, Madras. Dated 9th June, 1884.

Herbert Mills Repton, Bengal. Dated 9th June, 1884.

George Rowlandson, Madras. Dated 9th June, 1884.

Frederick Wheeler, Bengal. Dated 9th June, 1884.

John William Cleland-Henderson, Madras. Dated 9th June, 1884.

Emeric Streatfield Berkeley, Madras. Dated 10th June, 1884.

William Leycester Nathaniel Knyvett, Madras. Dated 10th June, 1884.

Stephen William Barrow Sherman, Madras. Dated 10th June, 1884.

Barnard Hughes Preston, Madras. Dated 10th June, 1884.

Frederick Brown Boone, Madras. Dated 10th June, 1884.

John Upperton, C.B., Bengal. Dated 10th June, 1884.

Hanson Chambers Taylor Jarrett, V.C., Bengal. Dated 10th June, 1884.

George Murray, Madras. Dated 10th June, 1884.

Colin Mackenzie, Madras. Dated 20th June, 1884.

Richard Carruthers Budd, Madras. Dated 20th July, 1884.

Deputy Commissary and Honorary Lieutenant Eugene Donald Hart, Bombay Establishment, to have the honorary rank of Captain. Dated 8th May, 1884.

INDIA OFFICE;
3rd October, 1884.

The Queen has approved of the retirement from the service of the undermentioned officers of Her Majesty's Indian Military Forces :—

Lieutenant-Colonel George Tyndall, of the Madras Staff Corps. Dated 1st September, 1884.

Major Thomas Dawes, of the Bengal Staff Corps. Dated 3rd September, 1884.

Major Charles May Allen Morant, of the Madras Army. Dated 3rd July, 1884.

Deputy Surgeon-General John Edward Tuson, M.D., of the Bengal Army. Dated 8th September, 1884.

Deputy Surgeon-General James Alexander Caldwell Hutchinson, M.D., of the Bengal Army. Dated 28th September, 1884.

Surgeon-Major Rivers Mantell, of the Bengal Army. Dated 15th July, 1884.

BREVET.

The undermentioned officers have been granted a step of honorary rank on retirement :—

To be Colonel.

Lieutenant-Colonel George Tyndall, of the Madras Staff Corps. Dated 1st September, 1884.

To be Lieutenant-Colonels.

Major Thomas Dawes, of the Bengal Staff Corps. Dated 3rd September, 1884.
Major Charles May Allen Morant, of the Madras Army. Dated 3rd July, 1884.

To be Surgeon-General.

Deputy Surgeon-General John James Clarke, M.D., of the Bengal Army. Dated 14th January, 1884.

To be Deputy Surgeons-General.

Brigade-Surgeon William Watson, M.D., of the Bengal Army. Dated 21st December, 1883.
Brigade-Surgeon Theobald Mathew, of the Bengal Army. Dated 21th April, 1884.

To be Brigade-Surgeon.

Surgeon-Major Ferdinand Odevaine, of the Bengal Army. Dated 29th April, 1884.

London Gazette, dated the 7th October, 1884, page 4373.

INDIA OFFICE;
7th October, 1884.

The Queen has approved of the following admissions to the Staff Corps, made by the Governments in India :—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant Philip James Gordon, from the Dorsetshire Regiment. Dated 13th May, 1883, but to rank from 1st July, 1881.

Lieutenant Arthur Blount Cuthbert Williams, from the West Yorkshire Regiment. Dated 15th September, 1882, but to rank from 1st July, 1881.

PROMOTIONS.

No. 598.—The following promotions are made, subject to Her Majesty's approval :—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major William Jackson Parker,—4th November, 1884.

To be Captains.

Lieutenant Peter Robert Bairnsfather,—2nd November, 1884.

Lieutenant Edward James Nicolls Fasken,—2nd November, 1884.

No. 599.—ORDNANCE DEPARTMENT—

Sub-Conductor (Officiating Conductor) Richard Dickson to be Conductor;

Store Sergeant Edwin Kirkpatrick to be Sub-Conductor, on probation,—

with effect from the 18th September, 1884, *vice* Conductor Palmer, pensioned.

No. 600.—COMMISSARIAT DEPARTMENT—

Conductor William Powell to be Deputy Assistant Commissary;

Sub-Conductor Andrew Lyttle to be Conductor;

Sergeant Michael Murphy to be Sub-Conductor,—

with effect from 1st July, 1884, *vice* Deputy Assistant Commissary and Honorary Lieutenant M. Carew, pensioned.

Sergeant Thomas George Cole to be Sub-Conductor, with effect from 1st July, 1884, *vice* Sub-Conductor E. Prince, deceased.

No. 601.—NATIVE ARMY—

2nd Goorkha Regiment.

Jemadar Shere Sing Khuttree to be Subadar;

Havildar Motee Naigy to be Jemadar, *vice* Subadar Hurkeah Ghullay, invalided;

Havildar Mehur Sing Rana to be Jemadar, *vice* Jemadar Jooteah Damie, invalided,—

with effect from 14th August, 1884.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 602.—In Government General Order No. 569 of 1884, reversion of Lieutenant W. Huskisson, R.E., to Assistant Engineer, 2nd grade, *for* "15th September, 1884" *read* "24th September, 1884."

MARINE DEPARTMENT.

LEAVE.

No. 52.—Navigating-Lieutenant T. C. Pascoe, R.N., Assistant Surveyor, 1st class, Marine Survey of India, is granted twelve months' furlough, under the provisions of section 50, chapter V, Civil Leave Code.

RESIGNATIONS.

No. 53.—Mr. A. Avron, Assistant Engineer, Indian Marine, is permitted to resign the service.

G. CHESNEY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

CALCUTTA, THE 3RD NOVEMBER, 1884.

Statement of Deposits on account of Estates from the 21st October to the 3rd November, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					Rs. A. P.		
British Military Service.							
Charles Carnegie Thackeray. (*a*)	Lieutenant ...	The Cheshire Regiment.	23rd June, 1884	Intestate	1,371 9 7	...	2nd January, 1885.

(*a*) *Next-of-kin.—Father*—Captain Thackeray, No. 13, Earl's Court Square, Kensington.

E. H. H. COLLEN,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 5th November 1884.

No. 1036R.T.

RESOLUTION—By the Government of India, Public Works Department.

New Indian Railway Bill.

Read—

Railway Despatch No. 164, dated the 3rd November 1884, to Her Majesty's Secretary of State for India, and enclosure.

OBSERVATIONS.—The necessity for consolidating and amending the law relating to Indian Railways has at various times been under the consideration of the Government of India, and the question came more especially into prominence in 1882, owing to the extension of railways by private enterprize, which then for the first time took place.

2. The existing law relates chiefly to the conditions of the working of open lines of railways as between the several Railway Administrations and the public. With a view, however, to facilitate the preliminary negotiations for, and the eventual completion and working of, railway undertakings promoted by private enterprize, and also to afford securities of various kinds which appear desirable in the interest of the general public, the Government of India desires to embody in a general Act for Indian Railways the various provisions defining those obligations of a Railway Company towards Government as well as towards the public, in constructing and working a line of railway, which general experience has proved to be desirable.

3. In this view a draft Bill has been prepared, which embodies—

(1) the existing Indian Railway Acts;

(2) such of the provisions of the English Railway Acts or Bills as seem suitable to the circumstances of India;

(3) those provisions of the existing contracts with guaranteed and other Indian Railway Companies which are of general application, and not special to the particular railway to which the contract relates.

4. The Government of India has further noticed, in connection with the large increase in the interchange of railway traffic which has of late years occurred, and which is likely to develop itself still further with the growth of the Indian railway system, the necessity for facilitating a reference to arbitration when differences or disputes arise between two or more railway administrations. To meet this want, provision has been made detailing the proceedings to be followed in arbitration, and including a power to enforce a reference to arbitration in cases where the continuance of a dispute is likely to be prejudicial to the interests of the public.

RESOLUTION.—Resolved that the rough draft referred to in the above observations be circulated in its present preliminary shape, and prior to its consideration in detail by the Legislative Department of the Government of India, to the various Local Governments, Chambers of Commerce, and Railway Administrations in India; and that those authorities be invited to express, and communicate to the Government of India, their opinions on the various provisions in the Bill.

2. The Government of India hopes to derive, in its further consideration of the Bill, great assistance from the views and criticisms hereby invited, and requests that they may be submitted at the earliest possible date, in order that there may be no unnecessary delay in the introduction of a suitable draft of the Bill.

ORDER.—Ordered, that this Resolution, together with the draft Railway Bill, be communicated to the Governments, Administrations, Officers, and Chambers of Commerce named in the margin for information and guidance; and to the several Departments of the Government of India.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners, Central Provinces, Assam, and British Burma.
The Residents, Hyderabad and Mysore.
The Agents to the Governor General for Rajputana, Central India, and Biluchistan.
The Consulting Engineers to the Government of India for Guaranteed Railways.
The Director General of Railways.
The Accountant General, Public Works Department.
The Chambers of Commerce, Madras, Bombay, Calcutta, Karachi, and Rangoon.

Ordered also, that this Resolution and the draft Railway Bill be published in the *Gazette of India* for general information.

DRAFT INDIAN RAILWAY BILL.

CONTENTS.

CHAPTER I.

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October 1884.

DRAFT.

INDIAN RAILWAY BILL.

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

[IV of 1879, sec. 1.]

1. *(1)* This Act may be called the Indian Railway Act, 188 .

(2) It extends to the whole of British India and, so far as regards subjects of Her Majesty the Empress of India, to the dominions of Princes and States in India in alliance with Her said Majesty; and

(3) It shall come into force on the day of .

Repeal of Acts.

[IV of 1879, sec. 2, in part.]

2. *(1)* On and from that day, the Acts specified in the first schedule hereto annexed shall be repealed.

(2) But all rules made, notifications published and powers conferred under any of these Acts, or under any enactment thereby repealed, shall, so far as they are consistent with this Act, be deemed to have been respectively made, published and conferred under this Act.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

[IV of 1879 sec. 3 (modified).]

(1) "Railway" means a railway for the public conveyance of passengers or goods; and includes—

(*a*) all land within the fences or other boundary-marks prescribed under section 20;

(*b*) all lines of rail, sidings or branches worked over for the purposes of, or in connection with, a railway;

(*c*) all stations, offices, warehouses, manufactories, fixed machinery and other works constructed for the purposes of, or in connection with, a railway;

(*d*) all collieries, quarries, mines, wharves, piers, or jetties, in or on which is any railway siding; and

(*e*) all vessels and rafts used for the purpose of carrying on the traffic of a railway.

For the purpose of section 3, sub-sections (3) and (4), section 7, the whole of Chapters II, III, IV and V, sections 33, 34, 35, 67, 100, 109 to 132 (both inclusive), 135, 137, 139, sub-section (1), 141 to 150 (both inclusive), 160 to 167 (both inclusive), 170, 174, 175, 176, 184 to 190 (both inclusive), 192 to 196 (both inclusive), and the whole of Chapters XIII and XIV, "railway" includes a railway under construction and a railway not used for the public conveyance of passengers or goods.

[New.] (2) "Inspector" means any Inspector of railways appointed under this Act.

[IV of 1879, sec. 3 (modified).] (3) "Railway administration" means, in the case of a railway under construction or being worked by Government, or a Native State, the Manager of the railway, and in the case of a railway under construction or being worked by a Company or private individual, that Company or individual.

[IV of 1879, sec. 3.] (4) "Railway-servant" means any person employed by a railway administration to perform any function in connection with a railway, and in section 165, sub-section (2), sections 166, 167, 181 and 186, includes any person employed to perform any such function by any other person in execution of a contract into which he has entered with a railway administration.

[34 & 35 Vic., c. 78, sec. 2 (modified).] (4) "Railway company" means any company empowered to construct, maintain, or work a railway, and includes, except when otherwise expressed, any individual or individuals who are owners or lessees of a railway or parties to an agreement for working a railway.

[New.] [cf. 8 Vic., c. 16, sec. 2.] (5) "Special agreement" means any agreement made, before the passing of this Act, by the Secretary of State in Council or by the Governor General in Council with any railway company, with reference to the construction, maintenance or working of a railway; and any such agreement made after the passing of this Act and applying or excluding any of the provisions of this Act.

[8 & 9 Vic., c. 20, sec. 3.] (6) "Lease" includes an agreement for a lease.

[8 & 9 Vic., c. 20, sec. 3.] (7) "Toll" includes any rate, charge or other payment payable for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on any railway.

[35 & 36 Vic., c. 50, sec. 2 (modified).] (8) "Rolling-stock" includes locomotive stock.

[8 & 9 Vic., c. 20, sec. 3.] (9) "Goods" includes things of every kind conveyed on any railway.

[New.] (10) "Mails" shall have the same meaning as in the Indian Post Office Act for the time being in force.

[New.] (11) "Director General of the Post Office" includes any officer of the Post Office authorized by the Director General of the Post Office to act in his behalf for all or any of the purposes of this Act.

[cf. 5 & 6 Vic., c. 55, sec. 20. 7 & 8 Vic., c. 85, sec. 12. 16 & 17 Vic., c. 69, sec. 18.] (12) "Her Majesty's forces" includes any officer or man of Her Majesty's regular, auxiliary, or reserve forces, or any officer or man of Her Majesty's navy, naval coast volunteers, or any other officer or man under the command or government of the Admiralty, or any officer or man of the police force.

[cf. 5 & 6 Vic., c. 55, sec. 20. 7 & 8 Vic., c. 85, sec. 12. 16 & 17 Vic., c. 69, sec. 18.] (13) "Proper authority" in relation to any of Her Majesty's forces means the Department of the State or other authority empowered to direct or sanction the movement of any such officer or man.

[New.] Application of Act to railway companies. **4.** This Act shall apply to every railway company except so far as its provisions are inconsistent with the special agreement.

[New.] cf. 26 & 27 Vic., c. 92, secs. 30 to 33.] Application of Act to steam vessels and ferries. **5.** This Act shall, unless there is something repugnant in the sense or context, apply to all steam vessels or ferries which any railway administration may be authorized by the Governor General in Council, or by the special agreement, to build, buy or hire, or to use, maintain and work, or to enter into arrangements for using, maintaining and working.

Power to extend Act to steam tramways. **6.** The Governor General in Council may, by notification in the *Gazette of India*, extend this Act or any portion thereof to any tramway worked by steam. [IV of 1879, sec. 54.]

Power to declare Local Government in respect of any railway. **7.** The Governor General in Council may, from time to time, by notification in the *Gazette of India*, declare what Government or other authority shall be deemed to be, for the purposes of this Act, the Local Government in respect of the whole or any part of a railway. [IV of 1879, sec. 53.]

CHAPTER II.

INSPECTORS OF RAILWAYS.

Appointment and duties of Inspectors. **8.** (1) The Governor General in Council may, from time to time, appoint persons, by name or by virtue of their office, to be inspectors of railways. [34 & 35 Vic., c. 78, sec. 3 (modified).]

(2) The duties of an Inspector of railways shall be—

(a) To inspect a railway or portion thereof with a view to determine whether it is fit to be opened for public traffic, and to report thereon to the Governor General in Council, as required in section 35.

(b) To make such periodical or other inspections of any railway, or portion thereof, or of any rolling-stock, as the Governor General in Council may from time to time direct.

(c) To make inquiry into the cause of any accident under section 151.

(d) To perform such duties, in connection with the inspection and supervision of railways, as are imposed on him by this Act, or as the Governor General in Council may by general or special order direct or authorize him to perform.

Powers of Inspectors. **9.** Every Inspector shall, for the purpose of any inspection which he is required or authorized to conduct, be deemed to be a public servant within the meaning of the Indian Penal Code, and shall, subject to the control of the Governor General in Council, have the following powers, namely:— [IV of 1883, sec. 2 in part (modified).]

(a) he may enter on and inspect any railway or portion thereof or any rolling-stock used thereon;

(b) he may, by an order in writing under his hand, require the attendance of any person who is engaged in the management, construction, or working of a railway, whom he thinks fit to call before him and examine for the said purpose, and may require any such person to answer, or furnish returns regarding, such inquiries for the said purpose as he thinks fit to make;

(c) he may require and enforce the production of all books, papers and documents belonging to or in the possession of any railway administration which in his opinion are necessary for the said purpose.

[IV of 1883, sec. 2 in part.]

Facilities to be afforded to Inspectors.

10. Every railway administration whose railway or rolling-stock is being inspected under this Act shall afford to the Inspector all reasonable facilities for making the inspection.

CHAPTER III.

CONSTRUCTION AND EQUIPMENT OF RAILWAYS.

General conditions and selection of line.

[New.]

General power to construct, maintain and work railways.

11. Subject to the provisions of this Act, the Governor General in Council may—

(1) himself construct, maintain or work any line or lines of railway for the conveyance of passengers or goods, or both; or

(2) by agreement with any railway company authorize that company either on its own behalf or on behalf of the Government of India or of any other railway company to construct, maintain or work any line or lines of railway for the conveyance of passengers or goods, or both.

New.]

Standard dimensions to be followed.

12. Every railway administration authorized to construct a line of railway shall, unless the Governor General in Council in any case otherwise direct, absolutely follow the maxima and minima moving and fixed dimensions laid down from time to time by the Governor General in Council, for general adoption on any gauge, and shall follow such standard for the weight of rails, strength of bridges and general structural character of all works, up to rail level inclusive, as the Governor General in Council may from time to time prescribe.

[New.] [Similar, B. C. Ry., cl. 2. B. & N.-W. Ry., cl. 4. S. M. Ry., cl. 4. Gd. Rys., cls. 1 & 2.]

Selection of line.

13. *(1)* When a railway administration is authorized by the Governor General in Council to construct any particular line of railway, the gauge, route and direction of the railway shall be such as is selected and determined by the Governor General in Council.

(2) The Governor General in Council may from time to time alter the route or direction so determined or extend or limit the same as he may think fit, subject to this qualification, that, if the alteration is made after the railway has been commenced in a previously selected route or direction, the expense of, and incident to, the alteration shall be adjusted as may be determined by mutual agreement between the Governor General in Council and the railway administration.

Land.

[Gd. Ry. Contracts, cl. 8 (modified).] [Similar, B. C. Ry., cl. 4. B. & N.-W. Ry., cl. 7. S. M. Ry., cl. 7.]

Land.

14. All land from time to time required for the purposes of a railway shall be acquired by the Governor General in Council, and possession thereof shall be given to the railway administration on such terms as may be mutually agreed upon between the Governor General in Council and the railway administration.

Do. do.

Surplus land.

15. Where a railway administration has obtained possession of land which is not permanently required for the purposes of the railway it shall, as soon as practicable, restore the land.

[8 & 9 Vic., c. 20, s. 77.]

Rights to minerals.

16. A railway administration shall not, except by virtue of an express stipulation to that effect, be entitled to any minerals under any lands acquired by it, other than such minerals as it may be necessary to dig or carry away or use in the construction of the railway works.

Works.

[B. C. Ry., cl. 5 (modified).] [Similar, B. & N.-W. Ry., cl. 3. S. M. Ry., cl. 3. Gd. Rys., cl. 4.]

Prosecution of works.

17. Every railway administration shall, on receiving possession of the land required for the purposes of the railway, proceed with diligence in the construction thereon of the authorized lines and of all such works as may be necessary or expedient, either for the original construction of the lines and the working thereof, or for their permanence and protection from injury by inundation or from any other cause.

[B. & N.-W. Ry., cl. 5 (modified).] [Similar, B. C. Ry., cl. 2. S. M. Ry., cl. 5. Gd. Rys., cl. 4.]

Situation of stations, &c.

18. The Governor General in Council may from time to time determine the situation, arrangement and dimensions of all stations, station-yards, and works to be constructed in connection with, or as part of, any railway, and also of any junctions which any railway administration may at any time, with the sanction of the Governor General in Council, make between its own and any other railway.

Works for the accommodation of lands adjoining a railway.

[8 & 9 Vic., c. 20, s. 68 (in part).]

Accommodation works.

19. (*1*) Every railway administration shall make and maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway (that is to say):—

(*a*) Such and so many convenient gates, bridges, arches, culverts and passages over, under, or by the sides of, or leading to, or from the railway as may, in the opinion of the Governor General in Council, be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made; and

(*b*) All necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the railway, of such dimensions as will, in the opinion of the Governor General in Council, be sufficient at all times to convey the water as freely from the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be.

(*2*) The works specified in clause (*a*) shall be made forthwith after the part of the railway passing over such lands has been laid out or formed, or during the formation thereof.

(*3*) The works specified in clause (*b*) shall be made from time to time as the railway works proceed.

Provided as follows:—

(*i*) a railway administration shall not be required to make any accommodation works in such a manner as would prevent or obstruct the working or using of the railway, nor to make any accommodation works with respect to which the owners or occupiers of the lands have agreed to receive and have been paid compensation instead of the making them;

[8 & 9 Vic., c. 20, s. 73, (modified).]

(ii) a railway administration shall not be compelled to defray the cost of executing any further or additional accommodation works for the use of owners and occupiers of land adjoining the railway after five years from the opening of the railway, or the portion thereof passing through such land, for public traffic.

Level-crossings, fences, &c.

[IV of 1879, sec. 52 (modified).]

Level-crossings, fences, gates and bars.

20. The Governor General in Council, or the Local Government with the previous sanction of the Governor General in Council, may, from time to time, make rules requiring—

(a) that boundary-marks or fences be provided for any railway or any part thereof, and for roads constructed in connection therewith;

(b) that suitable gates, bars, stiles or handrails be erected, and that convenient ascents and descents and other convenient approaches be made, at places where any railway crosses a road on the level; and

(c) that persons be employed to open and shut such gates or bars;

and may by such rules determine what kind of fences shall, for the purposes of section 86, be deemed to be suitable for the exclusion of cattle.

Over and under bridges.

[26 & 27 Vic., c. 92, s. 7 (in part).]

Power to order over and under bridges.

21. Where a railway administration has constructed, or is authorized to construct, a railway across any turnpike road or public carriage road on the level, the Governor General in Council, or the Local Government with the previous sanction of the Governor General in Council, may, if it appears to them necessary for the public safety, at any time require the railway administration, within such time as the Governor General in Council or the Local Government directs, and at the expense of the railway administration, to carry the turnpike road or public carriage road either under or over the railway by means of a bridge or arch, with convenient ascents and descents and other convenient approaches, instead of crossing the same on the level, or to execute such other works as, under the circumstances of the case, may appear to the Governor General in Council or the Local Government with the previous sanction of the Governor General in Council, best adapted for removing or diminishing the danger arising from the level-crossing.

Equipment with rolling-stock.

[B. & N.-W. Ry., cl. 14.]
[Similar, B. C. Ry., cl. 6.
S. M. Ry., cl. 8.
Gd. Rys., cl. 8.]

Equipment with rolling-stock.

22. Every railway administration shall with reasonable speed equip its railway, when constructed, with rolling-stock, plant and machinery of good quality and adequate in quantity to work the railway.

Default by company.

Power to resume railway in case of default by company.

23. (1) If a railway company makes default—

[B. C. Railway Contract, cls. 43-44 (modified).]
[Similar, B. & N.-W. Ry., cls. 55 & 59.
S. M. Ry., cls. 65 to 68.
Gd. Ry., cl. 28.]

(a) in raising or paying the money required for the construction of any railway which it is authorized to construct, or

(b) in the due application of any money drawn by it out of any money paid into the Bank of England or a Government treasury in pursuance of the special agreement, or

(c) in the execution of any works which it is bound under the special agreement to execute, or

(d) in complying with any other provision of the special agreement,

the Governor General in Council may give the Company six months' notice in writing of his intention to terminate the interest of the Company in the railway, and, unless the default is made good before the expiration of those six months, may, on or at any time after the expiration thereof, take possession of the railway and of the rolling-stock, plant and stores belonging or appropriated thereto, and thereupon the property of which possession is so taken shall vest in Her Majesty free from all debts and liabilities affecting the same.

(2) If possession is taken under this section, the Governor General in Council shall be liable to pay to the Company within six months from the date of taking possession—

(a) if no receipts have then been entered in the capital account of the Company, the amount of the expenditure of the Company as entered in that account and certified by the Governor General in Council;

(b) if any receipts have then been so entered, the ultimate certified excess of the said expenditure over the said receipts;

and, in either case,—

[illegible] value (to be ascertained by arbitration in case of difference) of the stores of which possession is so taken; and

(ii) so much (if any) of the money paid by the Company into the Bank of England or a Government treasury as may not have been drawn out by the Company:

Provided that, if the power of taking possession is exercised after the railway is opened for traffic, there shall be deducted from the money payable by the Governor General in Council under this section the amount (to be ascertained by arbitration in case of difference) requisite to place the railway in a fair working condition and to render its equipment with rolling-stock, plant, machinery and boats reasonably adequate both in quantity and quality to the amount charged in the capital account for such equipment.

(3) When possession of a railway is taken under this section, the obligations of the parties to the special agreement under any of the provisions thereof shall cease; but nothing in this section shall exempt either party from liability for any previous breach of the special agreement, or deprive the Governor General in Council of any right to recover from the Company any amount payable to him by the Company, or from applying in or towards satisfaction of any amount so payable any money which he may receive from the Company under this section.

CHAPTER IV.

TELEGRAPHS.

Lines worked by Railway Administration.

Telegraph requirements of railway administration.

[B. C. Ry. Contract, cl. 16 (modified).]
[Similar, B. & N.-W. Ry., cl. 10.

24. All such electric telegraph wires and telegraphic appliances as may be required for the purposes of a railway shall be provided and maintained by the Governor General in

[S. M. Ry., cl. 11. Different, Gd. Rys., cl. 4.]

Council, and the railway administration shall have the exclusive use thereof whilst it works the railway.

[B. C. Ry. Contract, cl. 16 (modified).]

Working of telegraphs by railway administration.

25. (1) The working of such telegraphs and telegraphic appliances as are provided for the use of the railway administration under the last preceding section shall be exclusively in the hands of the railway administration and at its cost; and the railway administration shall work such telegraphs in accordance with the rules which the Governor General in Council may, from time to time, lay down for observance under the powers conferred upon him by the Indian Telegraph Act for the time being in force.

[Similar, B. & N.-W. Ry., cls. 10 & 11. S. M. Ry., cls. 11 & 12.]

[I of 1876.]

(2) The railway administration shall pay such charges of the Government Telegraph Department, for rent, maintenance and inspection of the telegraphs and telegraphic appliances provided for its use, as the Governor General in Council may, from time to time, prescribe.

Lines worked by the Government Telegraph Department.

[B. C. Ry. Contract, cl. 15.]

Power to construct and work Government telegraphs on railways.

26. (1) The Governor General in Council may construct, maintain, use and work, as his own property, such electric telegraphs and telegraphic appliances as he may think fit upon the land of any railway or upon any part or parts thereof.

[Similar, B. & N.-W. Ry., cl. 9. S. M. Ry., cl. 10.]

(2) The Governor General in Council may, for such purposes, at all reasonable times, by his agents, workmen or others, enter on any line of railway or any part of any such line, and erect, maintain make, execute and do thereon all such buildings, machinery, works, acts and things as the Governor General in Council may consider necessary or proper, in relation to the construction, maintenance, use and working of any such telegraphs and telegraphic appliances.

(3) The Governor General in Council shall not, in respect to such matters or any of them, be subject to the control or interference of any railway administration.

(4) All buildings, machinery, works and appliances erected on, or brought on to, any railway, under or for the purposes of this section, by, or on behalf of, the Governor General in Council, shall be and remain the property of Her Majesty.

General.

[B. C. Ry., cl. 15.]

Free passes.

27. Every railway administration shall at all times furnish the Governor General in Council with such free passes as he may require for persons employed by him in or about or in connection with the erection, maintenance, working or inspection of the telegraphs and telegraphic appliances along its line of railway.

[Similar, B. & N.-W. Ry., cl. 9. S. M. Ry., cl. 10.]

[New.]

Free carriage of maintenance stores.

28. Every railway administration shall carry free of charge over its railway all maintenance stores of the Government Telegraph Department necessary for the maintenance of the telegraph lines and offices on the railway.

[New.]

Removal of, vegetation, &c., for proper insulation.

29. The Director General of Telegraphs, or any officer of the Government Telegraph Department authorised by him in that behalf, may cut down and remove, or otherwise deal with, all trees, branches of trees, grass or other vegetation, along any line of railway, which in his opinion are likely to interfere with the proper insulation of the telegraph wires:

[New.]

Provided that, if such trees, branches of trees, grass or other vegetation are on lands adjoining the railway but not in the possession of the railway administration, full compensation shall be paid to the owners and occupiers of the lands for any loss, injury or inconvenience sustained by them respectively by reason of such removal; the amount of which compensation, in case of any dispute about the same, shall be settled by arbitration.

CHAPTER V.

RAILWAY POLICE.

[B. C. Ry., cl. 17, in part (modified).]

Governor General in Council to provide and maintain police.

30. It shall be the duty of the Governor General in Council to provide and maintain for the purposes of any railway, whether under construction or open for traffic, a proper force of police.

[Different, B. & N.-W. Ry., cl. 12. S. M. Ry., cl. 18.]

[New. cf. sec. 74 (2) of XIII of 1884.]

Establishment, pay, pensions, &c., of police.

31. The establishment of such railway police shall consist of such number of officers and men, and the officers and men shall receive such pay, leave-allowances, gratuities and pensions, as the Governor General in Council, after consultation with the Magistrate of the district, the Inspector General of Police and the railway administration, may, from time to time, direct:

[S. of S.'s No. 119 Financial, dated 30th April 1884 (in part).]

Provided that the Governor General in Council may at any time employ temporarily any additional police which he may deem necessary in the interests of law and order.

[S. of S.'s No. 119 Financial, dated 30th April 1884 (in part).]

Division of cost of police.

32. The cost of all railway police, whether provided for the maintenance of law and order, or for the protection of railway property, shall be shared by the Governor General in Council and the railway administration in the ratio of 3 to 7.

CHAPTER VI.

OPENING OF RAILWAYS FOR PUBLIC TRAFFIC.

Notice of intention to open, and report by Inspector.

[IV of 1883, sec. 2, in part (modified).]

Railway when to be opened.

33. A railway, or portion or extension of, or addition to, a railway, shall not be opened for the public conveyance of passengers or goods until one month after the railway administration has given to the Governor General in Council notice in writing of the intention of opening the same, nor until the Governor General in Council has by order sanctioned the opening of the same:

Provided that the Governor General in Council may in any case, if he thinks fit, reduce the period of, or dispense with, the notice of intention to open a railway required under this section.

[New.]

Notice of intention to open.

34. At the time of giving notice of intention to open a railway, or portion or extension of, or addition to, a railway, the railway administration shall submit to the Inspector duplicate copies of all such information and of all such details of the construction of the railway as the Governor General in Council may, from time to time, require to accompany such notice.

[IV of 1883, sec. 2, in part (modified).]

Sanction not to be given until after report by Inspector.

35. *(1)* The sanction referred to in section 33 shall not be given until the Inspector has, after inspection of the railway, portion, extension or addition, as the case may be, reported to the Governor General in Council—

(*a*) that he has made a careful inspection of the line, works and rolling-stock;

(*b*) that the maxima and minima moving and fixed dimensions laid down by the Governor General in Council have not been infringed;

(*c*) that the weight of rails, strength of girder bridges and general structural character of the works up to rail level inclusive, are in accordance with the prescribed standard;

(*d*) that the line is sufficiently supplied with rolling-stock; and

(*e*) that the opening of the railway, portion, extension or addition, as the case may be, to public traffic in passengers or goods, will not in his opinion be attended with danger to the public using it or to the railway servants.

[IV of 1883, sec. 2 in part (modified).]

(2) Notwithstanding anything in this section, the Governor General in Council may, in any particular case or in any particular class of cases, by special order, confer on an Inspector power to sanction the opening to public traffic of a railway, portion, extension or addition, if in that officer's opinion the opening of the same will not be attended with danger to the public using it or to the railway servants.

[IV of 1883, sec. 2 in part.]

(3) In such case it shall not be necessary to make the report required by sub-section (1); but the Governor General in Council may, by order, cancel the sanction given under sub-section (2), or direct that the sanction shall be subject to such conditions as he thinks fit.

[IV of 1883, sec. 2 in part.]

(4) The sanction given under this section may be either absolute or subject to such conditions as the Governor General in Council, or the Inspector, as the case may be, thinks necessary for the safety of the public.

[IV of 1883, sec. 2 in part.]

(5) When sanction for the opening of any railway, or portion or extension of, or addition to, any railway is given subject to conditions, and the railway administration fails or neglects to fulfil, or comply with, those conditions, the sanction shall on the failure or neglect forthwith be deemed to be void, and the railway, or portion, or extension, or addition, as the case may be, shall not be used unless and until sanction is again obtained under this section for the opening thereof.

Subsequent Closure and Re-opening.

[IV of 1883, sec. 2 in part (modified).]

Material alterations necessitate fresh sanction for opening.

36. *(1)* Where a railway administration makes an alteration in any portion of its railway, previously opened for public traffic, and the alteration in any way materially affects the structural character of the railway below rail level, the railway administration shall give notice thereof to the Inspector.

(2) If the Inspector considers that the alteration is such as to cause danger to, or affect the safety of, passengers carried thereon or the railway servants, the portion so altered shall not be used for the public conveyance of passengers or goods unless and until sanction is obtained, in accordance with the provisions of section 35, for the opening of it.

[IV of 1883, sec. 2 in part (modified).]

Governor General in Council empowered to close railway.

37. When, after inspecting any railway or portion of a railway, or any rolling-stock used thereon, the Inspector reports to the Governor General in Council that in his opinion the use of the railway or portion or of any specified rolling-stock will be attended with danger to the public using it or to the railway servants, the Governor General in Council may, by order, direct that the railway or portion be closed for the public conveyance of passengers or goods, or that the rolling-stock so specified shall no longer be used, as the case may be.

[IV of 1883, sec. 2 (modified).]

Re-opening of railway.

38. *(1)* When a railway or portion of a railway has been closed under section 37, it shall not be re-opened for the public conveyance of passengers or goods unless and until it has been inspected, and its opening sanctioned, in accordance with the provisions of section 35.

[IV of 1883, sec. 2.]

(2) When the Governor General in Council has directed under section 37 that any rolling-stock shall not be used, the rolling-stock shall not be used unless and until the Inspector reports that it is fit for use and the Governor General in Council sanctions its use.

CHAPTER VII.

OBLIGATIONS RELATING TO THE PUBLIC SERVICE.

(A) Conveyance of Mails by railway.

[1 & 2 Vic., c. 98, sec. 1. 7 & 8 Vic., c. 85, sec. 11. 10 & 11 Vic., c. 85, sec. 16.]

Director General of the Post Office may require conveyance of mails.

39. The Director General of the Post Office may, subject to the general control of the Governor General in Council, by notice in writing delivered to any railway administration, require that any mails shall, after the opening of the railway to public traffic and from and after the day to be named in any such notice, be conveyed and forwarded by the railway administration on its railway, either by the ordinary passenger or goods trains, or by special trains, as need may be, and either with or without any guards appointed and employed by the Director General of the Post Office in charge thereof and any other officers of the Post Office.

[New.]

One mail train daily to serve postal arrangements.

40. The Governor General in Council may at any time require that a railway administration shall cause at least one passenger train each way daily to be so timed as to conveniently serve the postal arrangements of the empire; such train to be termed a mail train.

[1 & 2 Vic., c. 98, sec. 1. 7 & 8 Vic., c. 85, sec. 11. 10 & 11 Vic., c. 85, sec. 16.]

Railway administration to receive, convey and deliver mails.

41. *(1)* Every railway administration shall, from and after the day named in the notice referred to in section 39, provide sufficient carriages and engines on its railways for the

conveyance of the mails to the satisfaction of the Governor General in Council, and receive, take up, and convey, by such ordinary or special trains or otherwise, as need may be, all such mails as may for that purpose be tendered to it, or any of its officers, servants or agents, by any officer of the Post Office, and also receive, take up and convey, in and upon the carriages carrying such mails, the guards in charge thereof, and any other officers of the Post Office.

(2) Every railway administration shall receive, take up, deliver and leave the mails, guards and officers at such places in the line of the railway, and subject to all such reasonable regulations and restrictions, as the Governor General in Council may, in that behalf, from time to time, order or direct.

[1 & 2 Vic., c. 98, sec. 1. 7 & 8 Vic., c. 85, sec. 11. 10 & 11 Vic., c. 85, sec. 16 (modified).]

Speed and timing of trains carrying mails.

42. A railway administration shall not, except in case of absolute necessity or with the previous consent of the Director General of the Post Office, make any alteration in the rate of speed, or in the places, times and duration of stoppages, of any train by which the mails are conveyed, until the expiration of one month after notice of any such intended alteration has been given to the Director General of the Post Office.

[31 & 32 Vic., c. 119, sec. 36.]

Special trains exclusively for Post Office.

43. Where, in pursuance of any notice under this chapter, the mails are conveyed and forwarded by any railway administration on its railway by a special train, the Director General of the Post Office may, by notice in writing, require that the whole of that special train shall be appropriated to the service of the Post Office exclusively of all other traffic except such as he may sanction.

[1 & 2 Vic. c. 98, sec. 3 (modified).]

Provision of standard postal compartments and vans.

44. Every railway administration shall, on being required so to do by the Director General of the Post Office, provide and furnish (either in addition to, or in substitution for, the carriages aforesaid, as the Director General of the Post Office may direct) a separate compartment or separate compartments, of a standard size, to be from time to time approved by the Governor General in Council, for each railway or class of railways, or a separate van or separate vans, of a standard size and wheel base, to be from time to time approved by the Governor General in Council, for each railway or class of railways, and shall fit up every such compartment or van in such manner as the Director General of the Post Office may, from time to time, direct, for the purpose of collecting, sorting and distributing the mails.

[1 & 2 Vic., c. 98, sec. 3 (modified).]

Use of standard postal compartments and vans.

45. Every railway administration shall forward any such standard compartment or van by such trains and subject to all such reasonable regulations as the Director General of the Post Office may, in that behalf, direct; and every railway administration shall receive, take up and convey in any such compartment or van all such mails, guards and other officers of the Post Office as the Director General of the Post Office may reasonably require, and shall deliver and leave any mails, guards and other officers of the Post Office at such places on the line of the railway as the Director General of the Post Office may, in that behalf, from time to time, reasonably direct:

[New.]

Provided that the total weight of the mails which, and of the guards or other officers of the Post Office who, may under this section be required to be carried over any railway or portion thereof in any such standard compartment or van shall in no case, without the consent of the railway administration, exceed the net load allowed to be carried in other similar vehicles used for public traffic on the railway.

[1 & 2 Vic., c. 98, sec. 5.]

Instructions of Director General of the Post Office regarding conveyance of mails to be observed.

46. Every railway administration by whom any mails are required to be conveyed, and its officers, servants and agents, shall obey, observe and perform all such reasonable regulations respecting the conveyance, delivering and leaving of the mails, and of the guards and officers of the Post Office, on its railways, as the Director General of the Post Office may, in his discretion, from time to time, give or make:

Provided that no officer or servant of the Post Office shall interfere with, or give orders to, the engineer or other person having the charge of any engine upon any railway along which mails are conveyed; but if any cause of complaint arises the same shall be stated to the conductor or other officer of the railway having the charge of the train, or to the chief officer at any station upon the railway; and, in case of any default or neglect on the part of any officers or servants of the railway administration to comply with any reasonable regulations of the Director General of the Post Office, the railway administration shall be wholly responsible for the same.

[7 & 8 Vic., c. 85, sec. 11 (in part).]

Mail guard may take mails as luggage.

47. The Director General of the Post Office may send any mail guard with mails, not exceeding the weight of luggage allowed to any other passenger (or subject to the general rules of the railway administration working the railway for any excess of that weight), by any trains other than a mail train upon the same conditions as any other passenger.

[36 & 37 Vic., c. 48, sec. 18 (in part).]

Railway administration to give facilities for receipt and delivery.

48. (1) Every railway administration shall afford all reasonable facilities for the receipt and delivery of mails at any of its stations without requiring them to be booked or interposing any other delay.

(2) Where the mails are in charge of a guard appointed by the Director General of the Post Office, every railway administration shall permit that guard, if he thinks fit, to receive and deliver them at any station by himself or his assistants, rendering him nevertheless such aid as he may require.

[New.]

Postal accommodation at railway stations.

49. Every railway administration shall, on the conditions specified in section 52, provide such accommodation for the collection, sorting and distribution of mails, or for other purposes of the Post Office, as the Director General of the Post Office may, subject to the general control of the Governor General in Council, from time to time reasonably require at the stations along its railway, and shall allow the Director General of the Post Office to place letter-boxes at its stations.

Terms on which Postal Services are to be rendered.

[New.] **50.** The conveyance of mails over any railway shall be conducted on the following terms and conditions:—

Carriage of mails.

(*a*) Every railway administration shall convey the mails, including such guards and other officers of the Post Office as the Director General of the Post Office may, under section 15, reasonably require to be conveyed in a standard compartment or van, free of cost over its railway up to a limit of one standard postal van (as described in section 44) by any ordinary passenger train (including the mail train, if any, referred to in section 40).

(*b*) The Director General of the Post Office shall pay for any vans, carriages, compartments, or other conveniences, additional to the above, required for, or in connection with, the conveyance of mails, at such reasonable rates, to cover haulage and other charges, as may from time to time be mutually agreed upon between the Governor General in Council and each railway administration.

(*c*) Where the Director General of the Post Office sends any mails in passenger or goods trains, under the charge of a railway administration, and without any guards of the Post Office, he shall pay for the conveyance of such mails according to weight, at such reasonable rates as may from time to time be mutually agreed upon between the Governor General in Council and each railway administration.

(*d*) When mails are required to be conveyed by special train, the Director General of the Post Office shall pay for the special train such reasonable charges as may from time to time be mutually agreed upon between the Governor General in Council and each railway administration.

[New.] **51.** (*1*) Every railway administration shall provide and maintain at its own cost the standard postal compartments and vans, to be supplied under section 44 on the requisition of the Director General of the Post Office, inclusive of all special fittings and appliances required in or about such compartments or vans for the collection, sorting and distribution of mails, or for any other purposes of the Post Office.

Construction, fitting and maintenance of standard postal compartments and vans.

(*2*) The Director General of the Post Office shall pay to the railway administration, in lieu of rent and maintenance, such reasonable charges at a rate, not exceeding 10 per cent. per annum, as may from time to time be mutually agreed upon between the Governor General in Council and each railway administration, on the total capital cost of each such compartment or van.

[New.] **52.** (*1*) Every railway administration shall provide and maintain at its own cost the accommodation required at any railway station for the purposes of the Post Office, under section 49.

Provision of postal accommodation at railway stations.

(*2*) The Director General of the Post Office shall pay to the railway administration, in lieu of rent and maintenance, such reasonable charges, at a rate not exceeding 7½ per cent. per annum, as may from time to time be mutually agreed upon between the Governor General in Council and each railway administration, on the total capital cost of all such accommodation so provided.

53. The Director General of the Post Office may at any time notify to any railway administration that any standard compartment or van referred to in section 51, or any accommodation of the nature referred to in section 52, is no longer required for the purposes of the Post Office; and the original cost of providing such standard compartment or van or such accommodation shall thereupon be adjusted as may be mutually agreed upon between the Governor General in Council and the railway administration; and the liability of the Post Office for rent and maintenance charges as aforesaid on the capital cost of such standard compartment or van, or of such accommodation, shall thereupon cease. [New.]

Director General of the Post Office may notify that any standard compartment or van, or any postal accommodation at a station, is no longer required by him.

54. It shall be lawful for the Governor General in Council or for any railway administration, at any time within six months after the expiration of the first five years during which any mutual agreement for regulating the payment to be made by the Post Office for any services rendered under this chapter shall have been in force, or within six months after the expiration of any subsequent term of five years during which any such agreement shall have been in force, to require a revision of the terms for the payment of such services; and the terms shall thereupon be revised as may be mutually agreed upon between the Governor General in Council and the railway administration, and the revised terms so agreed upon shall come into force on the expiration of six months from the date of the revised agreement. [New.]

Revision of mutual agreements regulating payments by Post Office.

55. In case of difference of opinion, the difference shall be determined by arbitration, but so that the services to be performed by any railway administration under this chapter be not suspended, postponed or deferred by reason of such conditions or remuneration, if any, not having been then fixed or agreed on between the Director General of the Post Office and the railway administration, or by reason of the award on any reference to arbitration to determine the conditions or remuneration not having been then made. [1 & 2 Vic., 98, sec. 6 part).]

Differences to be settled by arbitration.

(B) Conveyance of Her Majesty's forces by railway.

56. Whenever it is necessary to move any of Her Majesty's forces, [or any engineers, artizans and other persons, when employed in the business of the Government,] by any railway, the railway administration shall, on the production of a route or order for their conveyance signed by or on behalf of the proper authority, convey such forces, [and persons,] respectively, with their baggage, stores, arms, ammunition and other necessaries and things, by the ordinary trains on its railway at the usual hours of starting, or by special trains, as may be required in each case by the proper authority; and such forces [and persons] shall [16 & 17 Vi c. 69, sec. in part (moc fied).]

General conditions.

respectively be conveyed at rates calculated as follows, namely:—

[B. C. Ry. Contract, cl. 13.] [Similar, Gd. Rys., cl. 19. Different, B. & N.-W. Ry., cl. 27. S. M. Ry., cl 22.]

(a) All commissioned officers in Her Majesty's forces [and persons in a similar station in life] shall be entitled to travel in first class carriages at second class fares. All persons in Her Majesty's forces, [engineers and artizans] under the rank of commissioned officers shall be entitled to travel in second class carriages at the lowest fares, [and all other such persons aforesaid, including prisoners and paupers, at the lowest fares].

[New.]

(b) The lowest fares on any railway shall be held to be—

(i) by a mail train, the lowest fare charged to the public for a passage by that train;

(ii) by troop extra train or by other passenger train (not a mail train), the lowest fare charged to the public by any passenger train on the particular railway travelled over.

[B. C. Ry. Contract, cl. 13(modified).] [Similar, Gd. Rys., cl. 19.]

(c) For every one hundred men conveyed at the lowest fares two tons of luggage, and for any number less than one hundred, twenty seers of luggage per man, shall be conveyed free of charge, and persons entitled to travel first class shall be allowed the ordinary amount of luggage taken by a first class passenger free of charge.

[B. C. Ry. Contract, cl. 13 (modified).] [Similar, Gd. Rys., cl. 19.]

(d) Every railway administration shall at all times, when and as required by Government, convey all military and naval establishments not hereinbefore specified, all horses and other animals used for military purposes, guns, military stores and equipments, and all public stores of what kind soever, at rates, to be from time to time mutually agreed upon between the Governor General in Council and each railway administration, not exceeding the lowest rates for the time being ordinarily chargeable by the railway for the carriage of the animals, goods and stores respectively:

[New.]

Provided that when a special train is used, on the requisition of the proper authority, for the conveyance of Her Majesty's forces [and other persons aforesaid] the remuneration to be paid to the railway administration for the use of the special train, calculated on the above basis, shall be subject to a minimum charge to be from time to time mutually agreed upon between the Governor General in Council and each railway administration.

[B. C. Ry. Contract, cl. 13.]* [Similar, B. & N.-W. Ry., cl. 29. S. M. Ry., cl. 24. Gd. Rys., cl. 19.]

Priority of demands of Governor General in Council.

57. The several privileges of conveyance and carriage hereby stipulated for shall at all times be enjoyed in preference to, and with priority over, the public use of the said lines.

(C) *Conveyance of Bullion and Coin by railway.*

[B. C. Ry., cl. 14 (modified).] [Similar, B. & N.-W. Ry., cl. 28. S. M. Ry., cl. 23.]

Conveyance of bullion and coin.

58. Every railway administration shall convey gold and silver bullion and coin and copper coin belonging to Government, and the persons in charge thereof, at special rates and on special conditions to be from time to time agreed upon between the Governor General in Council and each railway administration.

(D) *Power of Government on occasions of emergency to take possession of railways.*

[34 & 35 Vic., c. 86, sec. 16.]

Power of Government on occasions of emergency to take possession of railways.

59. (1) When the Governor General in Council declares that an emergency has arisen in which it is expedient for the public service that the Government of India should have control over the railways in India, or any of them, the Governor General in Council may, by order, empower any person or persons named in the order to take possession in the name or on behalf of the Government of India of any railway in India, and of the plant belonging thereto, or of any part thereof, and to take possession of any plant without taking possession of the railway itself, and to use the same for the service of the Government of India at such times and in such manner as the Governor General in Council may direct; and the railway administration, its officers and servants, shall obey the directions of the Governor General in Council as to the user of such railway or plant as aforesaid for the service of the Government of India.

[34 & 35 Vic., c. 86, sec. 16 (modified).]

(2) Any order given by the Governor General in Council in pursuance of this section shall remain in force for any period named in the order, not exceeding one month, and may be renewed from month to month so long as, in the opinion of the Governor General in Council, the emergency continues.

[34 & 35 Vic., c. 86, sec. 16.]

(3) There shall be paid to any railway administration, whose railway or plant may be taken possession of in pursuance of this section, such full compensation, for any loss or injury it may have sustained by the exercise of the powers of the Governor General in Council under this section, as may be agreed upon between the Governor General in Council and the railway administration, or, in case of difference, as may be settled by arbitration.

[34 & 35 Vic., c. 86, sec. 16.]

(4) Where any railway or plant is taken possession of in the name or in behalf of the Government of India in pursuance of this section, all contracts and engagements between the railway administration and its officers and servants, or between the railway administration and any other person, in relation to the working or maintenance of the railway, or in relation to the supply or working of the plant of the railway, which would, if such possession had not been taken, have been enforceable by or against the railway administration, shall, during the continuance of such possession, be enforceable by or against the Government of India.

(5) For the purposes of this section—

[34 & 35 Vic., c. 86, sec. 16.]

"railway" shall include any tramway, whether worked by animal or mechanical power, or partly in one way and partly in the other, and any stations, works or accommodation belonging to or required for the working of the railway or tramway;

[34 & 35 Vic., c. 86, sec. 16.]

"plant" shall include any engines, rolling-stock, horses or other animals or mechanical power, and all things necessary for the proper working of a railway or tramway, which are not included in the word "railway."

CHAPTER VIII.

WORKING OF RAILWAYS.

Opening of railway and subsequent maintenance.

[B. & N.-W. Ry., cl. 15 (modified).] [Similar, B. C. Ry., cl. 6. S. M. Ry., cl. 9.] [Gd. Rys., cl. 5.]

Completion and opening.

60. Every railway administration shall open its railway throughout, or any portion thereof, for public traffic when and so soon as the Governor General in Council has authorized its opening on the report of the Inspector, as provided in section 35 of this Act, that the railway, or portion, is fit for the conveyance of passengers

or goods and properly equipped with rolling-stock, plant, and machinery.

[IV of 1879, sec. 4 (modified).]

61. The authority of the Governor General in Council to open a railway for public traffic shall be held to include permission to use on the railway locomotive engines or other motive power, and carriages and wagons to be drawn or propelled thereby.

Sanction for use of locomotive engines, carriages, &c.

[B. & N.-W. Ry., cls. 16 to 18.] [Similar, B. C. Ry., cl. 8. S. M. Ry., cls. 13 to 15. Gd. Rys., cl. 13.]

62. When any railway, or portion thereof, has been authorized by the Governor General in Council to be opened for public traffic the railway administration shall—

Maintenance of the railway.

(*a*) keep the railway or portion in good repair, in good working condition, and sufficiently supplied with rolling-stock, plant, machinery, and stores;

(*b*) keep the rolling-stock and fixed and moveable machinery and plant for the time being belonging to the railway or portion in good repair and in good working condition, and

(*c*) maintain a sufficient staff for the purposes of the railway or portion.

[New.]

63. In the case of State railways, and in the case of any company's railway where the special agreement so provides, or in any case if any railway company so desires, the Inspector shall, after proper inspection, countersign, or, if necessary, qualify, the periodical certificates, given by the responsible officers of the railway administration, regarding the proper maintenance of the way, works, and stock during the period to which the certificate refers.

Maintenance certificates.

Additional works subsequent to opening.

[B. & N.-W. Ry., cl. 22.] [Similar, B. C. Ry., cl. 9. S. M. Ry., cl. 16. Gd. Rys., cls. 4 & 24.]

64. *(1)* The Governor General in Council may, from time to time, after any railway or portion of a railway has been opened for public traffic, by notice in writing, require the railway administration to carry out any reasonable alteration, improvement, or addition which may in his opinion be necessary, for the safety of passengers or of the public or for the effectual working of the railway or portion, to be made in or to any part of the railway or portion or any of the stations or works belonging thereto.

Governor General in Council may require additions and alterations.

(2) The notice shall specify the alteration, improvement, or addition required, and shall also in general terms describe the works to be executed for the purpose of effecting the same.

[B. & N.-W. Ry., cl. 22.] [Similar, B. C. Ry., cl. 9. S. M. Ry., cl. 16. Gd. Rys., cls. 4 & 24.]

65. All land which may be required for the purpose of the works referred to in the last foregoing section shall be provided by the Governor General in Council, and all such land shall, when in the possession of the railway administration, be as between the Governor General in Council and the railway administration subject as nearly as may be to the stipulations and provisions to which it would have been subject had it been land of which possession was given to the railway administration by the Governor General in Council for the original construction of the railway or of works necessary or proper for the purposes thereof.

Provision of land when required.

[B. & N.-W. Ry., cl. 22.] [Similar, B. C. Ry., cl. 9. S. M. Ry., cl. 16. Gd. Rys., cls. 4 & 24.]

66. On receiving any such notice, and on obtaining possession of such land, if any, as may be requisite for the prosecution of the works described in the notice, the railway administration shall, with all reasonable speed, execute those works.

Prosecution of works.

General rules for working a railway.

[IV of 1879, sec. 8.]

67. *(1)* Every railway administration shall make general rules consistent with this Act for the following purposes (that is to say):

Railway administration to make rules.

[IV of 1879, sec. 8.]

(*a*) for regulating the mode in which, and the speed at which, carriages and wagons used on the railway are to be moved, or propelled;

[IV of 1879, sec. 8.]

(*b*) for regulating the maximum number of passengers which each carriage and compartment may carry, and the mode in which such number shall be denoted thereon;

[IV of 1883, sec. 3.]

(*c*) for regulating the provision to be made for the accommodation and convenience of passengers;

[IV of 1879, sec. 8.]

(*d*) for declaring what shall be deemed to be, for the purposes of this Act, dangerous goods;

[IV of 1883, sec. 3.]

(*e*) for regulating the conduct of the railway servants; and

[IV of 1879, sec. 8.]

(*f*) generally for regulating the travelling upon, and the use, working, and management of, the railway;

[IV of 1879, sec. 8.]

(2) Any such rule may contain a provision that any person committing a breach of it shall be liable to a fine which may extend to fifty rupees, or, in default of payment of such fine, to simple imprisonment for a term which may extend to two months.

[IV of 1879, sec. 8.]

(3) A rule made under this section shall not take effect until it has received the sanction of the Governor General in Council.

[IV of 1879, sec. 8.]

(4) Every such rule shall be published in the *Gazette of India*, and shall be otherwise notified to the railway servants and the public in such manner as the Governor General in Council, from time to time, directs.

[IV of 1879, sec. 8.]

(5) The Governor General in Council may at any time alter or cancel any rule made under this section.

[IV of 1879, sec. 9 (modified).]

68. *(1)* Every railway adminstration shall cause an abstract of this Act, and a copy of the time tables and tariff of charges for both passengers and goods, and of the scale of terminal charges, if any, which it may, from time to time, publish for its railway, to be exhibited in some conspicuous place at each station of the railway, so that they may be easily seen and read.

Copy and translation of Act, &c., to be shown at stations, &c.

[IV of 1879, sec. 9 (modified).]

(2) All such documents shall be so exhibited in English and in the principal vernacular language of the district in which the station is situate, and in such other language, if any, as the Governor General in Council may direct, and copies of the time table and tariff of charges shall be kept for sale at each station of the railway.

Working arrangements.

[B. & N.-W. Ry., cl. 23 (in part).] [Similar, B. C. Ry., cl. 11. S. M. Ry., cl. 19. Gd. Rys., cl. 8.]

Working of railway and train service.

69. From and after the time when any railway has been opened throughout for public traffic, and in the case of a railway company until the special agreement terminates by efflux of time or otherwise, the railway administration shall keep the railway so opened and work the same and carry on thereon the business of carriers of passengers and goods, and in particular shall, unless hindered or prevented from so doing by accident or any other matter not within its own control, run daily from each extremity of the line of railway and of the several branches respectively to the other extremity of the same line of railway and the same several branches respectively at least one train carrying passengers.

[New.]

System of working train service.

70. Every railway administration shall conduct its train service on a system of working to be from time to time approved by the Governor General in Council.

[B. & N.-W. Ry., cl. 24.] [Similar, B. C. Ry., cl. 8. S. M. Ry., cl. 21. Gd. Rys., cls. 8 & 10.]

Governor General in Council may require alterations in working.

71. The Governor General in Council may, from time to time, if he thinks any alteration or improvement in the working of any railway or any part thereof necessary for the safety of passengers or of the public or for the effectual working of the railway, require the railway administration to effect the alteration or improvement, and the same shall thereupon be effected by the railway administration.

[New.] [cf. General rule No. 29.]

Maximum speed of trains.

72. The Governor General in Council may, from time to time, lay down for any railway or portion thereof a maximum rate of speed for passenger and mixed or goods trains.

[31 & 32 Vic., c. 119, sec. 22.]

Communication between passengers and the railway servants.

73. Every railway administration shall provide and maintain in good working order, in every train worked by it which carries passengers and travels more than twenty miles without stopping, such efficient means of communication between the passengers and the railway servants in charge of the train as the Governor General in Council may approve.

[New.]

Latrine accommodation in passenger carriages.

74. Every railway administration shall provide latrine accommodation in its passenger carriages of all classes, when used for through journeys of a greater length than 50 miles.

[New.]

Accommodation for carriage of dogs in passenger trains.

75. Every railway administration shall provide in all its passenger trains suitable and sufficiently roomy and well ventilated dog-boxes or other accommodation for live animals, such as dogs, cats, birds, or the like, which passengers may reasonably require to be conveyed in the same train with themselves.

Tolls and Charges.

[New.] [cf. B.&N.-W. Ry., cl. 25. B.C. Ry., cl. 12. S. M. Ry., cl. 20. Gd. Rys., cl. 8.]

Rates and fares.

76. Every railway administration shall charge such rates and fares for the carriage of goods, animals and passengers on its railway, or so much thereof as has for the time being been opened for public traffic, as may from time to time be fixed by the railway administration, subject to the limits, if any, laid down in the special agreement.

[B. & N.-W. Ry., cl. 25 in part (modified).]

Provided that the Governor General in Council may require that the charges for the conveyance of salt and coal and food-grains on any railway be reduced to any rate not below *one-seventh of a pie* per maund per mile for full wagon-loads carried not less than 100 miles, and may also require that passengers be conveyed on any railway at any rate not below *one and a half pies* per mile in closed carriages provided with seats.

[Contract for working R. M. Ry. by B. B. & C.I. Ry. Co., cl. 16.]

Alternative.

Provided that the Governor General in Council may, from time to time, fix and vary both maximum and minimum rates and fares with a reasonable difference between the maximum and minimum, for the carriage of goods and passengers over any railway, and the rates and fares to be charged by the railway administration for the carriage of goods and passengers shall not exceed the maximum and shall not be less than the minimum rates and fares which may, from time to time, be fixed by the Governor General in Council under this section.

[New.]

Free allowance of luggage.

77. The free allowance of personal luggage, not being merchandise or other articles carried for hire or profit, shall in no case be less than 15 seers weight for each passenger.

[New.]

Children.

78. Children not above three years old accompanying passengers shall be carried free on all railways. Children above three years and under twelve years old shall be carried on all railways at half the ordinary fares.

[New.] [Similar, B. C. Ry., cl. 13.]

Classification of goods.

79. The classification of goods shall be arranged by every railway administration subject to the approval of the Governor General in Council.

[Mr. Chamberlain's Ry. Reg. Bill, 1884, sec. 21.]

Terminal charges.

80. (*1*) It shall be lawful for any railway administration to charge a reasonable sum for station terminals, subject to the sanction of the Governor General in Council.

[Mr. Chamberlain's Ry. Reg. Bill, 1884, sec. 21.]

(*2*) In this section "station terminals" means charges in respect of the provision of stations, sidings, wharves, depôts, warehouses, cranes, and other similar matters.

[Hodges, page 466.]

(*3*) But a station shall not be considered a terminal station in regard to any goods conveyed on any railway unless the goods have been received thereat direct from the consignor of the goods, or are directed to be delivered thereat to the consignee.

[31 & 32 Vic., c. 119, sec. 17.]

Railway administration to explain charges.

81. Where any charge is made by a railway administration in respect of the conveyance of goods over its railway, it shall, on application in writing, within one week after payment of the said charge, made to it by the person by whom or on whose account the charge has been paid, within fourteen days after the receipt of the application, render an account to the applicant, distinguishing how much of the charge comes under each of the following heads:—

(*a*) The conveyance of the goods on the railway, including therein tolls for the use of the railway, for the use of carriages and for locomotive power,

(*b*) Loading and unloading, covering and other expenses,

(c) Collection and delivery;

but without particularizing the several items of which the charge under each head consists.

[31 & 32 Vic., c. 119, sec. 18.]

Tolls where two railways are worked by one administration.

82. Where two railways are worked by one railway administration, then in the calculation of tolls and charges for any distances in respect of traffic (whether passengers, animals, goods, carriages, or vehicles) conveyed on both railways, the distances traversed shall be reckoned continuously on those railways as if they were one railway.

[B. & N.-W. Ry., cl. 30.] [Not in other contracts.]

Undue preference.

83. No railway administration shall, as between members of the general public, make or give any undue or unreasonable preference or advantage to or in favour of any particular person or company or any particular description of traffic in any respect whatsoever, or subject any particular person or company or any particular description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Running powers, facilities, and accommodation for other railways.

[B. & N.-W. Ry., cl. 32.] [Similar. B. C. Ry., cls. 36 & 37. S. M. Ry., cl. 43.]

Governor General in Council may require running powers.

84. The Governor General in Council may, from time to time, require any railway administration to allow the use of its railway or any part or parts thereof for the passage of engines and trains belonging to other railways of the same gauge upon the payment of reasonable tolls and under reasonable conditions and restrictions.

[5 & 6 Vic., c. 55, sec. 11.]

Where two or more railways fail to agree regarding conduct of joint traffic, Governor General in Council may decide dispute.

85. Where two or more railway administrations whose railways have a common terminus or a portion of the same line of rails in common, or which form separate portions of one continued line of railway communication, are not able to agree upon arrangements for conducting at such common terminus, or at the point of junction between them, their joint traffic with safety to the public, the Governor General in Council, upon the application of either of the parties, may decide the questions in dispute between them, so far as the same relate to the safety of the public, and may order and determine whether the whole or what proportion of the expenses attending on such arrangements shall be borne by either of the parties respectively.

[B. & N.-W. Ry., cl. 33 (modified).] [Similar, B. C. Ry., cls. 36 & 37. S. M. Ry., cl. 47.]

Joint use of stations.

86. The Governor General in Council may, from time to time, require any railway administration to allow the use of any of the stations belonging to its railway for the accommodation of the traffic of any other railway, whether of the same or any other gauge, upon the payment of reasonable tolls and under reasonable conditions and restrictions.

[B. & N.-W. Ry., cl. 34 (modified).] [Similar, B. C. Ry., cl. 37. S. M. Ry., cl. 46.]

Interchange of traffic and rolling-stock, and through-booking.

87. The Governor General in Council may, from time to time, require any railway administration to make reasonable arrangements for the interchange of rolling-stock, and for the interchange and, if necessary, transhipment of traffic, with railways belonging to other railway administrations, and for through-booking.

[B & N.-W. Ry., cl. 35.]

Clearing through traffic.

88. Every railway administration shall comply with all regulations from time to time prescribed by the Governor General in Council for clearing through traffic with railways belonging to other railway administrations.

[42 & 43 Vic., c. 41, sec. (d).] [Similar, S. M. Ry., cl. 44 & 45.]

Agreements with the Governor General in Council for construction or lease of rolling-stock, &c.

89. A railway administration may make and carry into effect agreements with the Governor General in Council for the construction of rolling-stock, plant, or machinery used on, or in connection with, railways, or for leasing or taking on lease any rolling-stock, plant, machinery, or equipments required for use on a railway.

Working agreements.

[42 & 43 Vic., c. 41, sec. 2, and 26 and 27 Vic., c. 92, sec. 22.]

Powers of railway administrations to enter into working agreements

90. Any railway administration may, from time to time, make with the Governor General in Council, and carry into effect, or, with the sanction of the Governor General in Council, make with any other railway administration, and carry into effect, any agreement with respect to any of the following purposes, namely:—

(a) the working, use, management and maintenance of any railway or part of a railway;

(b) the supply of rolling-stock and machinery necessary for any of the purposes hereinbefore mentioned, and of officers and servants for the conduct of the traffic of any such railway or part;

(c) the payments to be made and the conditions to be performed with respect to such working, use, management and maintenance;

(d) the interchange, accommodation and conveyance of traffic on, coming from, or destined for, the respective railways of the contracting parties, and the fixing, collecting, apportionment and appropriation of the revenues arising from that traffic;

(e) generally the giving effect to any such provisions or stipulations with respect to any of the purposes hereinbefore mentioned as the contracting parties may think fit and mutually agree on.

Provided that in every such case the authority so to agree, or the agreement when entered into, shall not affect any of the tolls which the railway administrations parties thereto are, from time to time, respectively authorized to demand and receive from any person or company; but all such persons and companies shall, notwithstanding the agreement, be entitled to the use and benefit of the railways of any such railway administrations parties to the agreement, on the same terms and conditions, and on payment of the same tolls as they would be if the authority had not been given or the agreement had not been entered into.

Power to establish ferries, roadways on bridges, roads, and other means of transport.

[B. and N.-W. Ry., cls. 36 & 37 (in part). 42 & 43 Vic., c. 41, sec. 4.]

Establishment of ferries, roadways, &c., for accommodation of traffic.

91. A railway administration may, from time to time, with the sanction of the Governor General in Council, exercise all or any of the following powers:—

(a) It may establish, for the accommodation of the traffic of its railway, any ferry properly equipped with boats and fixed and moveable machinery and plant of good quality and adequate in quantity to work the ferry.

(*b*) It may work any ferry established by it under this section for purposes other than the accommodation of the traffic of the railway.

(*c*) It may provide and maintain on any of its bridges roadways for foot passengers, horses, cattle, carriages, carts, or other traffic.

(*d*) It may construct and maintain roads for the accommodation of traffic passing to or from its railway.

(*e*) It may provide and maintain any means of transport which may be required for the reasonable convenience of passengers or goods carried or to be carried on its railway.

(*f*) It may charge tolls on the traffic using such ferries, roadways, roads, or means of transport as it may provide under this section, according to tariffs to be arranged from time to time with the sanction of the Governor General in Council :

Provided that nothing in this section shall affect section 143 of the Army Act of 1881.

CHAPTER IX.

CARRIAGE OF TRAFFIC.

Carriage of property.

[New.]

Tare weight and maximum load to be exhibited on wagons, &c.

92. (*1*) Every railway administration shall accurately fix and determine the tare weight and maximum permissible load of every wagon or truck in its possession; and shall exhibit the figures representing the weight and load so determined in a conspicuous manner on the outside of every such wagon or truck.

(*2*) Every person owning a wagon or truck, which passes over a railway, shall similarly fix and exhibit the tare weight and maximum permissible load of every such wagon or truck:

Provided that the gross weight of any such wagon or truck bearing on the rails shall not, when distributed, exceed the maximum weight per axle from time to time fixed by the Governor General in Council for each railway or class of railway.

[IV of 1879, sec. 10.]

[To be considered in connection with recent decisions as to the law of common carriers in India.]

Special contract limiting liability.

93. (*1*) Every agreement purporting to limit the obligation or responsibility imposed on a carrier by railway by the Indian Contract Act, 1872, sections 151 and 161, in the case of loss, destruction, or deterioration of, or damage to, property shall, in so far as it purports to limit such obligation or responsibility, be void, unless—

(*a*) it is in writing signed by, or on behalf of, the person sending or delivering such property, and

(*b*) it is otherwise in a form approved by the Governor General in Council.

[IV of 1879, sec. 2.]

(*2*) Nothing in the Carriers' Act, 1865, shall apply to carriers by railway.

[New.]

Limit of period of liability for overcharge.

94. Notwithstanding anything to the contrary contained in the Indian Limitation Act, 1877, a person shall not be entitled to a refund of overcharges of freight on goods carried by railway, unless his claim is preferred in writing to the railway administration within six months from the date on which the goods were delivered for carriage by railway, or within six months from the date of payment of the overcharges if the payment was, at the time, made under protest by the consignor or consignee.

[IV of 1879, sec. 11.]

No liability for loss of gold, silver, &c., unless value declared and increased charge accepted.

95. (*1*) When any property mentioned in the second schedule hereto annexed is contained in any parcel or package delivered to a carrier by railway, the carrier shall not be liable for loss, destruction, or deterioration of, or damage to, such property, unless at the time of delivery the value and nature thereof have been declared by the person sending or delivering the same, and an increased charge for the safe conveyance of the same, or an engagement to pay such charge, has been accepted by some railway servant specially authorized in this behalf.

[IV of 1879, sec. 11.]

(*2*) When any property of which the value and nature have been declared under this section has been lost, destroyed, or damaged, or has deteriorated, the compensation recoverable for such loss, destruction, damage, or deterioration shall not exceed the value so declared.

[IV of 1879, sec. 12.]

No liability for unbooked luggage.

96. A carrier by railway shall in no case be answerable for loss, destruction, or deterioration of, or damage to, any passenger's luggage, unless a railway servant has booked and given a receipt for the same.

[IV of 1879, sec. 13.]

Plaintiffs not required to prove negligence.

97. In any suit against a carrier by railway for compensation for loss, destruction, or deterioration of, or damage to, property delivered to a railway servant, it shall not be necessary for the plaintiff to prove in what manner such loss, destruction, deterioration, or damage was caused.

[IV of 1879, sec. 14.]

Lien for money due for carriage, &c., of property.

98. If any person fails to pay on demand any sum due by him to a carrier by railway for conveyance of any property by railway, or for the custody of any property, or for demurrage or wharfage in respect of the same, the railway administration may detain the whole or any part of such property, or, if the same has been removed from the railway, any other property of such person then on such railway or thereafter coming into the possession of the railway administration;

and may also sell by public auction, in the case of perishable property at once, and in the case of other property on the expiration of at least fifteen days' notice thereof published in one or more of the local newspapers, or, where there are no such newspapers, in such manner as the Local Government may, from time to time, direct, sufficient of such property to produce the sum payable as aforesaid, and all charges and expenses of such detention, notice, and sale, or, if such person fails to remove from the railway within a reasonable time any property so detained, the whole of such property;

and may, out of the proceeds of the sale, retain the sum so payable, together with all charges and expenses aforesaid, rendering the surplus, if any, of such proceeds, and so much of the property (if any) as remains unsold, to the person entitled thereto;

or such carrier may recover any such sum by suit.

Written account of property to be given on demand.

99. The owner or person having the care of any property which has been carried upon any railway, or is brought into any station or warehouse for the purpose of being carried upon a railway, shall, on demand by any railway servant appointed in this behalf by the railway administration, deliver to him an exact account in writing signed by such owner or person of the quantity and description of such property.

Dangerous goods.

100. (*1*) No passenger shall take with him on a railway, and no person shall deliver or tender for carriage upon any railway, any dangerous luggage or goods without giving notice of their nature to a railway servant, or, in the case of luggage or goods delivered or tendered for carriage, distinctly marking their nature on the outside of the package containing the same.

(*2*) Any railway servant may refuse to carry upon a railway any luggage or parcel which he has reason to believe may contain dangerous goods, and may require such luggage or parcel to be opened to ascertain the fact previously to carrying the same.

(*3*) If any such luggage or parcel is received for the purpose of being carried upon a railway, any railway servant may stop the transit thereof until he is satisfied as to the nature of its contents.

Liability for goods booked by ship.

Restrictions or contracts limiting liability for goods booked by ship.

101. Where a railway administration under a contract for carrying animals or goods by sea procures the same to be carried in a ship not belonging to the railway administration and loss or damage happens to the animals or goods during the carriage thereof in the ship, the railway administration shall be answerable in damages in respect of the loss or damage in like manner as it would be answerable if the ship had belonged to itself.

Limit of liability for persons and goods carried by ship.

102. Where a railway administration under a contract for carrying persons, animals, or goods by sea procures them to be carried in any ship not belonging to the railway administration, it shall be answerable for loss of life or personal injury, or in respect of loss or damage to such animals or goods, to no greater amount than if the ship had belonged to itself; provided that the loss or damage has happened during the carriage of the same in the ship, proof whereof shall lie upon the railway administration.

Carriage of passengers.

Maximum number per compartment.

103. Every railway administration shall fix, subject to the approval of the Governor General in Council, the maximum number of ordinary passengers and of troops that may be carried in each compartment of every description of carriage, and shall exhibit the number so determined in a distinct and conspicuous manner inside each compartment of the 1st and 2nd class in English, and both inside and outside each compartment of all classes inferior to the second class, in English as well as in the vernacular language most commonly used in the districts through which the railway passes.

Passengers on payment of fares to be furnished with tickets.

104. Every person desirous of travelling on a railway shall, upon payment of his fare, be supplied with a ticket, specifying in English and the principal vernacular language of the district in which the ticket is issued, the class of carriage for which, and the place from and place to which, the fare has been paid, and the amount of such fare.

Tickets to be shown and given up on demand.

105. Every passenger shall, when required, show his ticket to any railway servant duly authorized to examine the same, and shall deliver up such ticket upon demand to any railway servant duly authorized to collect tickets.

Fares and tickets at intermediate stations.

106. (*1*) At intermediate stations, the fares shall be deemed to be accepted and the tickets supplied only upon condition that there be room in the train for which the tickets are supplied.

(*2*) If there is not room for all the passengers to whom tickets have been supplied, those who have obtained tickets for the longest distance shall have the preference, and those who have obtained tickets for the same distance shall have the preference according to the order in which they have received their tickets:

Provided that all officers and troops of Her Majesty on duty, and all other persons on the business of the Government, who, by virtue of this Act or of the special agreement or, in the case of a railway worked by Government, of any direction of the Governor General in Council, are entitled to be conveyed on a railway in preference to, or in priority over, the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which, they have received their tickets.

(*3*) Any passenger to whom a ticket has been supplied at any station and for whom there is no room shall, on returning the ticket within a reasonable time after its issue, be entitled to have his fare at once refunded.

Fares to be prepaid.

107. Except with the permission of the railway administration or of such officer as it appoints in this behalf, no person shall enter any carriage used on any railway for the purpose of travelling therein without having first paid his fare and obtained a ticket.

Power to remove persons suffering from infectious disease.

108. (*1*) Any passenger found suffering from an infectious disease in a railway carriage or in any place on a railway may, if his remaining in such carriage or place is likely to spread the infection of such disease, be removed from such carriage or place by any railway servant.

(*2*) Any passenger so removed who has paid his proper fare to or at the place at which he is so removed, shall be entitled, on returning his ticket, to have refunded so much of his fare as is paid in respect of the distance between the place at which he is removed and his place of destination.

CHAPTER X.

ACCIDENTS.

Report of, and compensation for, accidents.

109. Every railway administration shall, within twenty-four hours after the occurrence upon the railway of—

Accidents to be reported.

(*a*) any accident attended with loss of human life or serious injury to person or property,

(*b*) any accident of a description usually attended with such loss or injury, or

(*c*) any accident of any other description which the Governor General in Council may, from time to time, direct to be notified,

give notice thereof to the Local Government and to the Inspector.

Power for Governor General in Council on application of injured person to refer question of compensation to arbitration.

110. Where a person has been injured or killed by an accident on a railway the Governor General in Council, upon application in writing made by the person if he is injured, or his representatives if he is killed, may, if he thinks fit, refer the question of compensation to arbitration in accordance with the provisions of this Act.

111. Whenever any person injured by an accident on a railway claims compensation on account of the injury, any judge of the court in which proceedings to recover such compensation are taken, or any person who, by the consent of the parties or otherwise, has power to fix the amount of compensation, may order that the person injured be examined by some duly qualified medical practitioner named in the order, and not being a witness on either side, and may make such order with respect to the costs of such examination as he thinks fit.

Medical examination of injuries.

Duties of Railway, Police, and Civil Officers on occurrence of serious accidents.

112. In sections 113 to 131 the words "district superintendent of police" of the district in which the occurrence takes place shall be substituted for the words "railway police superintendent" in respect of railways whereon a railway police superintendentship has not been established. In the same sections the word "Manager" shall include the Agent of a guaranteed or other railway company, or other officer in charge, and the Chairman of the Corporation in the case of the Calcutta municipal railway and the Vice-Chairman of the Calcutta Port Commissioners in the case of railways belonging to that body, and also the Chief Engineer or Engineer-in-Chief, or other officer in charge of any railway.

Interpretation.

Duties of Managers and Railway Officers.

113. (*1*) On the occurrence of any serious railway accident as defined in section 109, sub-sections (*a*) and (*b*), the nearest station-master, or, where there is no station-master, the officer in charge of the section of the railway on which the accident occurs, shall give immediate notice thereof in writing, or by telegraph when possible,—

Station-master to report accident.

(*a*) to the nearest Magistrate in the district in which the accident occurred;

(*b*) to the railway police superintendent;

(*c*) to the officer in charge of the police station in the jurisdiction of which the accident occurred; and

(*d*) to the senior policeman present at his station.

114. The Manager shall, within 24 hours after the occurrence of any serious accident as defined in section 109, sub-sections (*a*) and (*b*), give notice thereof,

Manager to report accident.

(*a*) to the Inspector;

(*b*) to the Secretary to the Local Government in the Judicial Department in order that the Local Government may, if necessary, watch over the investigation.

115. (*1*) The Manager shall cause departmental inquiry to be held promptly for the investigation of the causes of every serious accident, and shall give notice of the holding of the inquiry to the railway police superintendent.

Manager to hold departmental inquiry.

(*2*) The railway police superintendent shall, if practicable, attend the inquiry, or, in his unavoidable absence, depute an officer of police to be present in his behalf.

(*3*) The Manager shall communicate the conclusion at which he has arrived as the result of the inquiry to the Magistrate and to the Inspector, with a statement of the persons, if any, whom the railway authorities intend to prosecute.

116. (*1*) It shall be the duty of the Manager, or other officer deputed by him in that behalf, to take all necessary proceedings for the prosecution of any railway servants who, to the best of his judgment, are guilty of crime or of breaches of this Act, or of the general rules sanctioned by the Governor General in Council, if in his judgment such crime or breaches of this Act or of the general rules are calculated to cause serious accidents.

Prosecution of offenders.

(*2*) It shall be duty of the railway police superintendent, to make a report of all cases in which there appears to be ground for suspecting railway subordinates of such misconduct, and to prosecute all persons when required to do so by the Manager.

117. When it is necessary to arrest any offender under sections 192 and 193, it shall be the duty of the railway police superintendent, or the senior police officer or policeman present, or, in the event of there being no member of the police force present, a railway servant, when required to do so by the Manager, or other officer authorized by him in that behalf, to at once arrest the offender, or, when the offender is himself a railway servant, whose removal would cause danger or grave inconvenience, to take precautions to prevent his escape pending the arrival of a substitute.

Arrest of offenders.

118. It shall be the duty of the Manager, upon the requisition of the Magistrate or other officer holding an inquiry, to arrange for the attendance, as long as needful, at the court or place of inquiry, of any officer or servant of the railway, whose attendance may be necessary.

Attendance of witnesses.

119. In the case of judicial inquiries, the Manager shall report the result to the Inspector, and forward to him a copy of the decision of the court.

Judicial inquiries.

Lists of officers to be maintained and supplied by Manager.

120. It shall be the duty of the Manager—

(*a*) to maintain at each railway station, or, in the case of lines under construction, in each divisional office, a list of Magistrates or other officers (such list to be furnished by the Magistrate having jurisdiction over the place where the station is situate), to whom reports of accidents should be made; and

(*b*) to supply to the Magistrate a list of railway officers to whom any summons may be sent for service on subordinate railway servants.

Duties of the Railway and District Police.

121. The railway police may make an investigation in the case of any railway accident.

Railway police may investigate any accident.

122. *(1)* On the occurrence of a serious accident, as defined in section 109, sub-sections (*a*) and (*b*), the railway police superintendent shall at once advise the local administration, and proceed without delay to the scene of the accident, and investigate the circumstances thereof.

Railway police superintendent to investigate serious accidents.

(2) If the railway police superintendent is himself unable to proceed, he shall so inform the nearest Magistrate in the district, and shall depute a subordinate police officer to act in his behalf.

(3) The police investigation shall be held as far as possible in connection with the departmental inquiry held by the Manager under section 115.

(4) If the police officer is of opinion that sufficient grounds exist for a judicial investigation, he shall bind all parties to appear before a Magistrate on a date to be fixed by the police officer.

(5) If an officer of the railway police makes the investigation, he shall give immediate information thereof to the district police, either direct or through the Magistrate of the district, and shall further report the result of the investigation to the Manager and to the Magistrate of the district.

(6) When the investigation is made by the railway police and an officer of the railway police calls for the assistance of the officers of the district police, it shall be the duty of the district police to afford all necessary assistance, and if occasion arise, to carry the investigation beyond the limits of the railway premises.

(7) But the railway police superintendent is primarily entrusted with the duty of investigation within railway limits, and, subject to any provisions elsewhere contained in this chapter, the further prosecution of the case, on the conclusion of the preliminary local police investigation, shall rest with the railway police.

Duties of Civil Officers.

123. The Magistrate shall report to the local Government the occurrence of any serious accident within the meaning of section 109, sub-sections (*a*) and (*b*).

Magistrate to report to Local Government the occurrence of any serious accident.

124. The Magistrate of the district or the sub-divisional Magistrate, on receiving information of the occurrence of a serious accident within the meaning of section 109, sub-sections (*a*) and (*b*), shall, at his discretion, either—

Duties of Magistrate on occurrence of serious accident.

(*a*) himself proceed to the scene of the accident and make any inquiry;

(*b*) depute a subordinate Magistrate to make inquiry; or

(*c*) direct the railway or district police, as the case may be, to make investigation.

125. *(1)* The Magistrate, or other officer holding the inquiry, may summon any railway servant or other person whose presence he thinks necessary, and, after taking the evidence and completing his inquiry, shall, if he considers there are sufficient grounds for judicial investigation, take the requisite steps to bring to trial any person whom he considers criminally liable for the accident.

Inquiry by Magistrate.

(2) The Magistrate shall communicate the result of his preliminary local inquiry to the Manager and to the Inspector.

(3) If the Magistrate delays action until receipt of the railway departmental report, he shall, on receipt of that report, decide whether to discharge the persons accused or to proceed with the case.

(4) If the Manager does not prosecute the persons who ought, in the opinion of the Magistrate, to be prosecuted, the Magistrate may arrange for their prosecution.

126. It shall be the duty of the Civil Surgeon of the district, or other district medical officer, when required to do so by the Manager or the Magistrate of the district, or the superintendent of police, to proceed to the scene of any railway accident attended with personal injury, for the purpose of rendering medical aid and of making, before the investigating authorities, any professional statement that may be required.

District medical officer to attend when called upon.

127. Where the investigation or inquiry has reference to matters occurring on, or in any way attributable to, adjacent foreign territory, the Magistrate shall, so far as may be necessary, communicate with the Magistrate or other officer having jurisdiction in such territory.

Investigation in adjacent foreign territory.

128. *(1)* If, in the course of the judicial inquiry, the Magistrate wishes for the assistance of the Inspector or Manager or for the attendance of any officer of the railway, to explain or give evidence upon any matter relating to railway supervision, management, or working, he may issue a requisition to such officer or officers to attend the Court.

Evidence on technical points.

(2) In cases where technical points are involved the Magistrate, or other officer holding the inquiry, shall call for and take the opinion of professional persons.

129. On the conclusion of the inquiry the Magistrate shall, if he thinks it necessary, report the result to the local Government; and shall in-

Judicial inquiry.

every case send a copy of his decision to the Manager.

130. It shall be the duty of a Magistrate through whose jurisdiction a railway passes—

Lists of officers to be maintained and supplied by Magistrate.

(a) to maintain a list of railway officers (such list to be furnished by the Manager), to whom summons may be sent for service on subordinate railway servants; and

(b) to supply to the Manager a list of Magistrates or other officers to whom reports of accidents should be made.

Inspector's duties.

131. (1) On receiving notice of a serious accident, the Inspector may, or in any case on requisition from the officer charged with the inquiry, the Inspector shall proceed himself, or by deputy, to the scene of the accident, shall note the facts, watch the proceedings of the departmental or magisterial inquiry, and make such inquiries and investigations as he thinks fit, calling upon the Manager or officer in charge of the line for any assistance needed, and the Inspector shall form his own conclusions.

Duties and powers of Inspector on occurrence of serious accident.

(2) The Inspector may, by an order in writing under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for the purpose of such inquiries and investigations, and may for such purpose require answers or returns to such inquiries as he thinks fit to make.

He may administer an oath, and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.

(3) The Inspector shall submit his report, together with any recommendations he may consider necessary to prevent the recurrence of similar accidents, to the Local Government, forwarding a copy to the Manager and to the Magistrate having jurisdiction.

Temporary entry upon land for repair or prevention of accident.

132. The Governor General in Council may empower any railway administration, in case of any accident or slip happening or being apprehended to any cutting, embankment, or other work belonging to the railway administration, to enter upon any lands adjoining its railway for the purpose of repairing or preventing the accident, and to do all such works as may be necessary for the purpose:

Temporary entry upon land for repairing or preventing accident.

Provided as follows:

(i) In case of necessity any railway administration may enter upon the lands and do the works as aforesaid, without having obtained the previous sanction of the Governor General in Council; but in every such case the railway administration shall, within forty-eight hours after such entry, make a report to the Governor General in Council, specifying the nature of the accident or apprehended accident and of the works necessary to be done, and such powers shall cease and determine if the Governor General in Council, after considering the said report, considers that their exercise is not necessary for the public safety:

(ii) Such works shall be as little injurious to the said adjoining lands as the nature of the accident or apprehended accident will admit of, and shall be executed with all possible despatch, and full compensation shall be made to the owners and occupiers of the lands for any loss or injury or inconvenience sustained by them respectively by reason of the works, the amount of which compensation in case of any dispute about the same, shall be settled in the same manner as cases of disputed compensation with respect to the taking of lands are directed to be settled under the Land Acquisition Act.

133. In any case where there is danger that any tree standing near to a railway may fall on the railway so as to obstruct the traffic, the railway administration may, on obtaining an order to that effect from any Magistrate, remove or otherwise deal with the tree, and upon complaint made, shall pay such compensation to the owner of the tree so ordered to be removed or otherwise dealt with as the Magistrate may think proper.

Danger from tree likely to fall on railway.

General return of accidents.

134. Every railway administration shall make up and deliver to the Governor General in Council a return of accidents occurring in the course of the public traffic upon its railway, whether attended with personal injury or not, in such form and manner, and at such intervals of time, as the Governor General in Council from time to time directs.

Submission of return of accidents.

CHAPTER XI.

Accounts, Statistics, and Audit.

Submission of returns.

135. (1) Every railway administration shall keep a capital account and a revenue account, and shall also keep all such accounts of its capital and revenue transactions, and all such details and statistics of its traffic, as are from time to time required by the Governor General in Council, and in the forms in which the Governor General in Council requires the accounts, statistics, and details of traffic last aforesaid repectively to be kept.

Accounts and statistics to be submitted.

(2) Every railway administration shall at its own cost render the capital account and revenue account, and all accounts, statistics, and details of traffic, kept by it under this section, to the Governor General in Council at such times as he may from time to time require.

136. Every railway administration shall furnish such statistics, other than railway statistics proper, as may be required by the Governor General in Council, or any Local Government, for the registration of inland trade. In the case of a railway company payment shall be made for the preparation of such statistics on such terms as may be mutually agreed upon.

Statistics for registration of inland trade.

Capital and revenue accounts.

137. In the capital account of every railway shall be entered all such of the expenditure and receipts by or on behalf of the railway administration in respect to its general an-

Items to be included in capital account.

dertaking as are properly attributable to capital in accordance with the general principles laid down in section 139:

Provided that any railway company may, during the original construction of the railway and works specified in the special agreement, but for no period subsequent to that specified in the special agreement, if authorized so to do by the Governor General in Council, pay out of capital any sums by way of interest on the amounts from time to time *boná fide* paid up on the issued share capital of the railway company, not amounting with the net earnings of the railway company during such period to more than 4 per cent. per annum on the sums in respect of which the interest is paid, and may in like manner also pay out of capital any sums by way of interest on the capital for the time being borrowed by the railway company under the provisions of the special agreement. The moneys paid out of capital under this section may be charged to capital account as part of the original cost of construction.

Items to be included in revenue account.

138. In the revenue account of every railway shall be entered all such of the expenditure and receipts by or on behalf of the railway administration in respect to its general undertaking as are properly attributable to revenue except so much of the expenditure last aforesaid as may under the section last hereinbefore contained be attributable to capital.

General principles of allocation of expenditure to capital or revenue.

139. In any case where any question may or might arise as to whether any expenditure is to be treated in whole or in part as a charge on capital or how the same is to be dealt with, the question shall be determined on the general principle that

(*1*) capital shall bear the cost of—

(*a*) the original construction and completion of the railway, and the stations, station yards, offices, warehouses, houses for employés, fixed machinery, conveniences, and works belonging thereto,

(*b*) the original equipment of the railway and its appurtenances with rolling-stock, plant and moveable machinery,

(*c*) the original provision and equipment of any steam vessel, ferry, roadway, road, or other means of transport which may be provided under the special agreement, or with the approval of the Governor General in Council under section 91,

(*d*) the charges of the Government Telegraph Department for rent, maintenance and inspection of telegraphs during the construction of the railway,

(*e*) the cost of any force of police provided by the Governor General in Council for the protection of any part of the railway during its original construction,

and shall also bear the cost of new works, additional rolling-stock, plant, boats, steam-vessels, and fixed and moveable machinery, and substantial improvements of, and additions to, old works, rolling-stock, plant, boats, and steam-vessels, and fixed and moveable machinery, and that

(*2*) the cost of all working expenses, repairs, restorations, renewals, and replacements shall be charged to revenue account:

Provided that in the case of renewal of rolling-stock a new engine or a new vehicle of any class shall be placed on the railway and charged to revenue, irrespective of cost, in the place of each engine or vehicle, of the same class, condemned.

Working expenses.

140. Working expenses shall include all costs and expenses incurred by any railway administration in or about or in connection with—

(*a*) the maintenance, management and working of so much of the railway as shall for the time being have been opened for public traffic;

(*b*) the maintenance and management of any ferry, roadway, road, or other means of transport, which the railway administration may, under section 91, or by the special agreement, be authorized to establish and maintain;

(*c*) any contribution to a reserve fund which may be established with the sanction of the Governor General in Council;

(*d*) all costs and expenses in any portion of this Act stipulated to be included amongst working expenses; and in general

(*e*) all reasonable expenses proper to be allowed out of revenue in connection with the maintenance, management and working of the undertaking established and carried on by the railway administration.

Appointment and functions of auditors.

Appointment of auditors.

141. It shall be lawful for the Governor General in Council and any railway company each to appoint an auditor or auditors, or, should they so desire, the Governor General in Council and any railway company may together appoint a joint auditor or joint auditors to conduct the audit of the railway company's accounts.

Audit of accounts.

142. The accounts of any railway company in relation to its expenditure and receipts in India, England, and elsewhere may from time to time be audited on behalf of the Governor General in Council, as well as on behalf of the railway company, and the railway company shall produce to the auditor or auditors all vouchers, books, accounts, papers and documents of the railway company necessary for the purpose of audit, and afford to him or them all facilities requisite for the performance of his or their duties.

Cost of audit to be borne by company.

143. The necessary costs of audit, in whatever manner carried out, shall be defrayed by the railway company and included in working expenses.

Duties of auditors.

144. (*1*) Amongst the functions of the auditor or auditors shall be included the duty of seeing that the revenue of the railway company is duly and correctly accounted for and properly applied from time to time in discharging working expenses and providing for the discharge of all liabilities incurred up to the end of the period to which the accounts relate.

(*2*) The auditor or auditors may examine the books of the railway company at all reasonable times, and may call for such further accounts, and such vouchers, papers, and information, as they think fit; and the directors and officers of the

railway company shall produce and give the same as far as they can, and the auditors may refuse to certify to the correctness of the accounts until they have received the same.

[30 & 31 Vic., c. 127, sec. 30 (in part).]

(3) The auditor or auditors may at any time add to their certificate or issue to the shareholders independently, at the cost of the railway company, any statement respecting the financial condition and prospects of the railway company which they think material for the information of the shareholders.

[B. & N.-W. Ry., cl. 46.]

(4) Any correction made in the accounts by any person or persons who shall be acting as joint auditor or joint auditors on behalf both of any railway company and of the Governor General in Council shall be conclusive.

[B. & N.-W. Ry., cl. 46 (modified).]

Differences to be settled by arbitration.

145. If, consequent on the audit of any auditor acting exclusively on behalf of the Governor General in Council, the Governor General in Council shall require alterations to be made in the accounts of any railway company, and the railway company shall object to the alterations, the matter in difference shall be referred to arbitration under the provisions of this Act.

CHAPTER XII.

OFFENCES AND PROCEDURE.

[IV of 1879, sec. 52 (modified).]

(A.)—Offences by the railway administration.

For wilful neglect or violation of any rule made under section 20.

146. Any railway administration wilfully neglecting or violating any rule made by the Governor General in Council or a Local Government, under section 20, shall be liable to a fine not exceeding five hundred rupees for every such neglect or violation or, when such neglect or violation is continuous, for every day during which it continues.

[XIII of 1884, sec. 123; B. & N.-W. Ry., cl. 22; 8 & 9 Vic., c. 20, sec. 62.]

Execution of works required to be done by any notice.

147. (1) If a railway administration fails to execute or complete, to the satisfaction of the Governor General in Council, and within a reasonable time, any works, or any additions, alterations, or improvements to its railways, prescribed in any notice given under this Act, the Governor General in Council may, after not less than ten days' notice to the railway administration, execute, or complete the execution of, the works, additions, alterations, or improvements.

(2) Any works executed or completed by the Governor General in Council under this section shall be taken over by the railway administration as works belonging to the railway.

[XIII of 1884, sec. 124.]

Recovery of costs of execution.

148. (1) Where under this Act a railway administration is required by the Governor General in Council to execute any work and makes default in complying with the requirement, and the Governor General in Council executes the work under the last foregoing section, the Governor General in Council may recover the cost of the work from the railway administration.

(2) All money recoverable by the Governor General in Council under this section may be recovered by suit, and shall, until it is paid, be a charge on the railway.

For non-completion of a railway within the time limited.

149. If any railway company fails, within the period, if any, limited by the special agreement, to complete its railway, it shall be liable to a penalty of five hundred rupees a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic or until the sum received in respect of the penalty amounts to 5 per cent. on the estimated cost of the works; but no penalty shall accrue in respect of any time during which it appears to the Governor General in Council that the railway Company was prevented from completing or opening such line by unforseen accident or circumstances beyond its control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond its control.

For contravening provisions of Chapter VI relating to opening of railways.

150. Any railway administration contravening, or failing to comply with, any of the provisions of Chapter VI, relating to the opening of railways, shall be liable to a fine not exceeding one thousand rupees for every day during which such contravention or failure continues.

For neglect to convey mails.

151. If any railway administration, or any of its officers, servants, or agents, refuse or neglect to convey any mails, or to receive, take up, deliver, and leave any mails, guards, or other officers of the Post Office, or to afford all reasonable facilities for the receipt and delivery of mails in accordance with the provisions of Chapter VII, or fail to obey, observe, and perform all such regulations in respect thereof as the Governor General in Council may make under the provisions of this Act, the railway administration which, or whose officer, servant, or agent, so offends, shall, for every such offence, be liable to a fine not exceeding two hundred rupees.

For neglect to convey Her Majesty's forces.

152. If any railway administration, or any of its officers, servants, or agents, refuse or neglect, on the requisition of the proper authority, to convey over its railway any of Her Majesty's forces [or any engineers, artizans, and other persons, when employed in the business of the Government], with their baggage, stores, arms, ammunition, and other necessaries and things, as provided in section 56, the railway administration which, or whose officer, servant, or agent, so offends, shall, for every such offence, be liable to a fine not exceeding two hundred rupees.

For running a train in excess of authorized speed.

153. Any railway administration which allows any train to be run on its railway at a speed in excess of that laid down, from time to time, under section 72, shall, for every such offence, be liable to a fine not exceeding five hundred rupees.

For not providing means of communication in trains between passengers and railway servants.

154. Any railway administration omitting to provide and maintain in good working order, in every train worked by it which carries passengers and travels more than twenty miles without stopping, such efficient means of communication as is required under section 73, shall be liable to a fine not exceeding one hundred rupees for each case of default.

155. Any railway administration omitting to provide latrine accommodation in its passenger carriages, as required in section 74, shall be liable to a fine not exceeding one hundred rupees for every carriage not so provided, and for every day on which such carriage is used.

For not providing latrine accommodation in passenger carriages.

156. Any railway administration omitting to provide in any passenger train suitable dog-boxes or other accommodation, as required in section 75, shall be liable to a fine not exceeding fifty rupees for every passenger train run without such accommodation and for every day on which a passenger train is so run.

For not providing suitable accommodation for dogs, &c.

157. Any railway administration which fails to explain its charges in respect of the conveyance of goods over its railway, as required in section 81, shall, for every such offence, be liable to a fine not exceeding twenty rupees for every day after the expiration of the period of fourteen days, named in that section, during which it so makes default.

For failing to explain charges for conveyance of goods.

158. If any railway administration refuses or wilfully neglects to comply with any requisition, order, decision, notice, or regulation, given or made by the Governor General in Council pursuant to any of the provisions of sections 84, 85, 86, 87, or 88, it shall be liable to a fine not exceeding two hundred rupees for every day during which such refusal or neglect continues.

For neglect to comply with any order of the Governor General in Council under sections 84 to 88.

159. Any railway administration omitting to fix and exhibit the tare weight and maximum permissible load of any wagon or truck in the manner required in section 92, or the maximum number of passengers and troops that may be carried in any compartment as required in section 103, shall be liable to a fine not exceeding twenty rupees for each offence, and for every day during which the omission continues.

For omitting to fix and exhibit tare weight and maximum load of wagons, and maximum number of passengers per compartment.

160. Any railway administration omitting to give notice of an accident, as required by section 109, shall be liable to a fine not exceeding one hundred rupees for every day during which the omission continues.

For omitting to report accident.

161. Any railway administration failing to deliver any return mentioned in section 154 within fourteen days after the same ought to be delivered, or to make or notify any rules as required by section 67, or to exhibit any abstract or copy mentioned in section 68, in manner required by that section, shall be liable to a fine not exceeding fifty rupees for every day during which the failure continues.

For not sending return of accidents, or making rules under section 67, or exhibiting copy under section 68.

162. If any railway administration fails to deliver any accounts, statistics, or details of traffic required under section 135, within thirty days after the same have been required, it shall be liable to a fine not exceeding two hundred rupees for every day during which it wilfully neglects to deliver the same.

For failing to deliver accounts, statistics, &c.

163. If any return which is required under this Act is false in any particular to the knowledge of any person who signs the same, such person shall be liable to a fine not exceeding five hundred rupees.

For false returns.

[34 & 35 Vic., c. 78, sec. 10.]

(B.)—Offences by railway servants.

164. Any station-master or other person omitting to give notice of an accident as required by section 113 shall be punished with fine which may extend to fifty rupees.

For omitting to give notice of accident.

[IV of 1879, sec. 24.]

165. *(1)* If any railway servant—

For drunkenness or breach of duty.

[IV of 1879, sec. 25.]

(*a*) is in a state of intoxication whilst actually employed upon a railway in the discharge of any duty, or

(*b*) negligently omits to perform his duty, or

(*c*) performs the same in an improper manner,

he shall be punished with fine which may extend to fifty rupees;

(*2*) if the duty in any such cases is such that the negligent, omission, or improper performance thereof would be likely to endanger the safety of any person travelling or being upon the railway, such servant shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

166 If any railway servant in the discharge of his duty endangers the safety of any person—

For endangering the safety of persons.

[IV of 1879, sec. 26.]

(*a*) by disobeying any general rule sanctioned, published and notified in the manner prescribed by section 67; or

(*b*) by disobeying any rule or order which is not inconsistent with the general rules aforesaid, and which such servant was bound by the terms of his employment to obey, and of which he had notice; or

(*c*) by any rash or negligent act or omission,

he shall be punished with imprisonment for a term which may extend to three years, or with fine which may extend to five hundred rupees, or with both.

167. *(1)* Every railway servant shall be deemed a "public servant" within the meaning of sections 161, 162, 163, 164, and 165 of the Indian Penal Code.

For receiving bribes.

[IV of 1879, sec. 27.]

(2) In the definition of legal remuneration contained in the said section 161, the word "Government" shall, for the purposes of this section, be deemed to include any employer of a railway servant as such.

168. Any railway servant who compels or attempts to compel any passenger to enter a carriage or compartment containing the maximum number of passengers denoted thereon, in accordance with section 103, shall be punished with fine which may extend to one hundred rupees.

For compelling passengers to enter carriages already full.

[IV of 1879, sec. 28 (modified).]

(C.)—Offences by persons generally.

79. **169.** If any person, required under section 99 to give an account of the quantity and description of any property, neglects or refuses to give such account, or wilfully gives a false account, he shall be punished with fine which may extend to five rupees for every maund (of 3,200 tolas) of such property; and such fine shall be in addition to any charge to which such property may be liable.

For not giving account of goods or giving false account.

79. **170.** Whoever, in contravention of section 100, takes with him any dangerous goods on a railway, or delivers or tenders any such goods for the purpose of being carried upon a railway, shall be punished with fine which may extend to two hundred rupees.

For taking dangerous goods on railway or delivering such goods without notice.

79. **171.** *(1)* Any passenger travelling on a railway without a proper ticket or having such a ticket and not showing or delivering up the same when so required under section 105 shall be liable to pay the fare of the class in which he is found travelling, from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare of the class aforesaid only from the place whence he has travelled.

For travelling without ticket or not showing or delivering up ticket.

(2) Every such fare shall, on application by a railway servant to a Magistrate, and on proof of the passenger's liability, be recoverable from such passenger as if it were a fine, and shall, when recovered, be paid to the railway administration.

172. Any person suffering from an infectious disease, who travels in a railway carriage, knowing, or having reason to suppose, that his being in the carriage is likely to spread the infection of the disease, shall be liable to a fine not exceeding fifty rupees for each offence.

For travelling in a railway carriage when suffering from an infectious disease.

79. **173.** Any person who defrauds, or attempts to defraud, any carrier by railway—

For evading payment of fare.

(a) by travelling, or attempting to travel, on any railway without having previously paid his fare; or

(b) by riding or attempting to ride in or on a carriage, or by a train, of a higher class than that for which he has paid his fare; or

(c) by using or attempting to use a ticket on any day for which such ticket is not available; or

(d) by continuing his journey in or upon any carriage beyond the place to which he has paid his fare, without previously paying the fare, for the additional distance;

or who, in any other manner whatever, attempts to evade the payment of his fare,

or who wilfully alters or defaces his ticket so as to render the date, number, or other material portion thereof illegible,

shall be punished with fine which may extend to fifty rupees, and shall also be liable to pay the fare (if any) which he ought to have paid; and such fare shall be recoverable in manner provided by section 171, sub-section (2), and shall, when recovered, be paid to the railway administration.

174. Any passenger who gets into or upon, or attempts to get into or upon, or quits or attempts to quit any carriage upon any railway, while such carriage is in motion, shall be punished with fine which may extend to twenty rupees. [IV of 1879, sec. 33.]

For entering carriage in motion.

175. Any passenger who rides, or attempts to ride, on the steps, or any other part of a carriage, upon any railway, except on those parts which are intended for the accommodation of passengers, shall be punished with fine which may extend to fifty rupees. [IV of 1879, sec. 33.]

For riding on the steps.

176. Any person who, without the permission of the railway administration, rides or attempts to ride upon any locomotive engine or tender upon any railway; or in or upon any vehicle not appropriated to the carriage of passengers, shall be punished with fine which may extend to one hundred rupees. [IV of 1879, sec. 34.]

For riding on engine, tender, &c.

177. *(1)* Any person who, without the consent of his fellow-passengers, if any, in the same compartment, smokes in or upon any railway carriage, except in a carriage or compartment specially provided for the purpose, shall be punished with fine which may extend to twenty rupees. [IV of 1879, sec. 35.]

For smoking.

(2) Any person who persists in so smoking (except as aforesaid) after being warned by any railway servant to desist may, in addition to incurring the liability above mentioned, be removed by any railway servant from any such carriage, and from the premises of the railway, and, where he has paid his fare and obtained a ticket, shall forfeit such fare and ticket.

178. *(1)* Any person who, without the consent of the station-master and of his fellow-passengers, if any, in the same compartment, takes into any compartment of a passenger carriage any live animal, such as a dog, cat, bird, or the like, shall be punished with a fine which may extend to twenty rupees. [New.]

For taking animals into passenger compartment.

(2) The fare charged for the conveyance, with due consent of the parties above specified, of any such animal in any compartment of a passenger carriage shall be at double the ordinary rate charged for the conveyance of the animal in the dog-box or other accommodation provided by the railway administration for the purpose under section 75.

(3) Any such animal so conveyed shall be removed by the station-master from the compartment without refund of fare, and placed in the dog-box or other accommodation provided for its conveyance under section 75, if, at any subsequent time during the journey, any fellow-passenger in the same compartment so requires.

179. If any person— [IV of 1879, sec. 36.]

For intoxication or nuisance.

(a) is in a state of intoxication, or

(b) commits any nuisance or act of indecency in any railway carriage, or upon any part of any railway, or

(c) wilfully and without lawful excuse interferes with the comfort of any passenger, or extinguishes any lamp in any railway carriage,

he shall be punished with fine which may extend to fifty rupees; and may be removed by any railway servant from any such carriage, and also

from the premises of the railway, and, where he has paid his fare and obtained a ticket, shall forfeit such fare and ticket.

For entering carriage or room reserved for females.

180. If any carriage, compartment, room, or place is reserved by the railway administration for the exclusive use of females, any male person who, without lawful excuse, enters such carriage, compartment, room, or place knowing the same to be reserved as aforesaid, or remains therein after having been informed of its having been so reserved, shall be punished with fine which may extend to one hundred rupees,

and may be removed therefrom, and also from the premises of the railway, by any railway servant,

and, where he has paid his fare and obtained a ticket, shall forfeit such fare and ticket.

For obstructing railway servant in his duty.

181. Whoever wilfully obstructs or impedes any railway servant in the discharge of his duty, shall be punished with fine which may extend to one hundred rupees.

For entering carriage already full.

182. Any passenger wilfully entering a carriage or compartment containing the maximum number of passengers denoted thereon, in accordance with section 103, shall be punished with fine which may extend to one hundred rupees.

For needlessly interfering with means of communication in a train.

183. Any passenger who, without reasonable and sufficient cause, makes use of, or interferes with, the means of communication provided in any train between the passengers and the railway servants in charge of the train, shall be liable for each offence to a fine not exceeding fifty rupees.

For removing signals or injuring carriage, &c.

184. Any person who, without authority or reasonable excuse, makes, alters, shows, hides, removes, or extinguishes any signal or light upon any railway, or upon any engine, carriage, wagon or other vehicle upon a railway,

or who negligently damages any engine, carriage, wagon, or other vehicle belonging to a railway, or any warehouse, building, machine, fence, or other thing so belonging,

shall be punished with fine which may extend to one hundred rupees.

For trespass, and refusing to leave on request.

185. Any person who unlawfully enters upon a railway shall be punished with fine which may extend to twenty rupees; and if any person so entering refuses to leave such railway on being requested to do so by any railway servant, or by any other person on behalf of the railway administration, he shall be punished with fine which may extend to fifty rupees, and may be immediately removed from the railway by such servant or other person as aforesaid.

For cattle trespass and similar offences.

186. *(1)* The owner or person in charge of any bulls, cows, bullocks, calves, elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats or kids, straying on any railway provided with fences suitable for the exclusion of such animals, shall be punished with fine which may extend to ten rupees for each animal, in addition to any amount that may be recovered under the Cattle Trespass Act, 1871.

(2) Whenever any such animals are wilfully and unlawfully driven, or knowingly and unlawfully permitted to be, on any railway provided with fences suitable for the exclusion of such animals, and

whenever any such animals are wilfully driven, or knowingly permitted to be, on any railway not so provided, otherwise than for the purpose of lawfully crossing the railway, or for any other lawful purpose,

the person in charge of such animals, or if he cannot be identified, then the owner of the said animals, shall be punished with fine which may extend to fifty rupees for each animal, in addition to any amount that may be recovered under the Cattle Trespass Act, 1871.

(3) All fines imposed under this section may, if the convicting Magistrate so direct, be recovered in manner provided by section twenty-five of the Cattle Trespass Act, 1871, and may be appropriated in whole or in part in compensation for loss or damage proved to his satisfaction.

(4) The expression "public road" in sections eleven and twenty-six of the Cattle Trespass Act, 1871, shall be deemed to include a railway; and any railway servant may exercise the powers of seizure provided by the said section eleven.

For opening or not properly shutting gates.

187. Whoever knowing or having reason to believe that any engine or train is approaching along a railway opens any gate which the railway administration has set up on either side of the railway across any road for the use or accommodation of any person, or passes or attempts to pass, or drives or takes, or attempts to drive or take, any vehicle, animal, or other thing, across the railway;

and whoever at any time, in the absence of a gate-keeper, omits to shut and fasten such gate as soon as he and any vehicle, animal, or other thing under his charge have passed through the same,

shall be punished with fine which may extend to fifty rupees.

For minors obstructing line or throwing stones at train.

188. *(1)* Whenever any minor under twelve years of age unlawfully—

(*a*) places or throws, or attempts to place or throw, upon or across a railway any wood, stone, or other thing, or

(*b*) removes or displaces, or attempts to remove or displace, any rail, sleeper, spike, key, or other thing belonging to the permanent-way of a railway, or

(*c*) throws or causes to fall, or attempts to throw or cause to fall, against, into, or upon any engine, tender, carriage, or other vehicle used upon a railway, any wood, stone, or other thing,

such minor shall be deemed guilty of an offence, and the convicting Magistrate may, in his discretion, direct either that the minor, if a male, shall be punished with whipping, or that the father or guardian of the minor shall, within such reasonable time as the Magistrate may fix, execute a bond binding himself, in such penalty as the Magistrate may direct, to prevent the minor from repeating such offence.

(2) The amount of such bond, if forfeited, shall be recoverable as if it were a fine.

(3) Any person neglecting or refusing to execute a bond when required under this section so to do shall be punished with fine which may extend to fifty rupees.

For wilful act or omission endangering persons on railway.

189. Whoever wilfully does any act, or wilfully omits to do what he is legally bound to do, intending by such act or omission to endanger, or knowing that he is thereby likely to endanger, the safety of any person travelling or being upon any railway, shall be punished with transportation (or in the case of a European or American, penal servitude) for a term of not less than seven years, or with imprisonment for a term which may extend to ten years.

For rash or negligent act.

190. Whoever rashly or negligently does any act, or omits to do what he is legally bound to do, and such act or omission is likely to endanger the safety of any person travelling or being upon a railway, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Disobedience of omnibus, &c., drivers to railway servants.

191. Every driver or conductor of an omnibus, carriage, or other vehicle shall, while in or upon any station-yard or other premises forming part of a railway, obey the reasonable directions of any railway servant duly authorized in this behalf; and every person offending against this section shall be punished with fine which may extend to twenty rupees.

(D.)—Arrest of offenders.

Arrest, for offences punishable under this Act, of offender whose name is unknown, &c.

192. If any person commits any offence punishable under this Act, and there is reason to believe that he will abscond, or his name and address are unknown, and he refuses to give his name and address, or there is reason to believe that the name or address given by him is incorrect, any railway servant or police officer, or any other person whom such railway servant or police officer may call to his aid, may, without any warrant or written authority, arrest and detain such offender until he can be taken before a Magistrate, or give sufficient security for his appearance before such Magistrate, or is otherwise discharged by due course of law.

Arrest for offences against certain sections.

193. Every person committing any offence mentioned in sections 67, 165, 166, 179, 180, 181, 188, 189, and 190 may be arrested without any warrant or written authority by any railway servant or police officer, or by any other person whom such servant or officer may call to his aid;

and every person so arrested shall, without unnecessary delay, be taken before a Magistrate authorized to punish him or to commit him for trial.

(E.)—Jurisdiction.

Magistrates having jurisdiction.

194. No Magistrate other than a Presidency Magistrate and a Magistrate whose powers are not less than those of a Magistrate of the second class shall try any offence under this Act.

Place of trial.

195. (1) Any person committing any offence against this Act or the rules made under it, shall be triable for such offence in any place in which he may be found or which the Local Government may, from time to time, notify in this behalf, as well as in any other place in which he might be tried under any law for the time being in force.

(2) Every notification under this section shall be published in the local official Gazette, and a copy thereof shall also be exhibited in some conspicuous place at each of such railway stations as the Local Government may direct, so that it may be easily seen and read.

(F.)—Saving of other Criminal laws.

Saving of prosecutions under other laws.

196. Nothing in this Act shall be deemed to prevent any person from being arrested, prosecuted, or punished under any other law for any act or omission which constitutes an offence against this Act or the rules made under it:

Provided that no person shall be punished twice for the same offence.

CHAPTER XIII.

Arbitration.

Cases in which arbitration is to have effect.

Governor General in Council may require differences to be referred to arbitration.

197. When a dispute arises between two or more railway administrations, or between a railway administration and any other person or authority, and, in the opinion of the Governor General in Council, the continuance of the dispute is, or is likely to be, prejudicial to the interests of the public, the Governor General in Council may require that the difference be referred to arbitration under this chapter.

Application of provisions for arbitration.

198. This chapter shall apply—

(a) when a dispute arises between two or more railway administrations, or between a railway administration on the one hand, and the Governor General in Council, or a Local Government, or an officer of the Governor General in Council, or of a Local Government, on the other hand, and the parties to the dispute agree to refer it to arbitration under this chapter;

(b) When, under the last foregoing section, the Governor General in Council requires a dispute to be referred to arbitration under this chapter.

Proceedings in arbitration.

Reference to arbitrators.

199. Where the parties agree the reference shall be made to a single arbitrator, and, except as aforesaid, the reference shall be made as follows; namely,

(a) Where there are two parties, the reference shall be made to two arbitrators:

(b) Where there are three or more parties, the reference shall be made to as many arbitrators as there are parties.

Appointment of arbitrators by parties.

200. Where there are to be two or more arbitrators, every party shall by writing appoint one of the arbitrators, and shall give notice in writing thereof to the other party or parties.

201. Where there are to be two or more arbitrators, if any of the parties fail to appoint an arbitrator within fourteen days after being thereunto requested in writing by the other party, or by the other parties or any of them, then, on the application of the parties or any of them, the Governor General in Council, instead of any party so failing to appoint an arbitrator, may appoint an arbitrator; and any arbitrator so appointed shall, for the purposes of this chapter, be deemed to be appointed by the party so failing.

Appointment of arbitrators by Governor General in Council.

202. Where a single arbitrator has been appointed by agreement between the parties, and the arbitrator, before he has made his award, dies or becomes incapable or unfit, or for seven consecutive days fails to act as arbitrator, then, unless the parties have otherwise agreed, the matters referred to him shall be determined by arbitration, under the provisions of this chapter, in the same manner as if such arbitrator had not been appointed.

In case of death or unfitness of single arbitrator the matter to begin *de novo*.

203. When the reference is made to two or more arbitrators, if before the matters referred to them are determined any arbitrator dies, or becomes incapable or unfit, or for seven consecutive days fails to act as arbitrator, the party by which he was appointed shall by writing appoint an arbitrator in his place.

Appointment of arbitrators by parties to supply vacancies.

204. Where the party by which an arbitrator ought to be appointed in the place of the arbitrator so deceased, incapable, unfit, or failing to act, fail to make the appointment within fourteen days after being thereunto requested in writing by the other party, or by the other parties or any of them, then, on the application of the parties or any of them, the Governor General in Council may appoint an arbitrator; and the arbitrator so appointed by the Governor General in Council shall, for the purposes of this chapter, be deemed to be appointed by the party so failing.

Appointment of arbitrators by Governor General in Council to supply vacancies.

205. When any appointment of an arbitrator is made, the party making the appointment shall have no power to revoke the appointment without the previous consent in writing of the other party, or parties.

Appointment of arbitrator not revocable without mutual consent.

206. Where two or more arbitrators are appointed, they shall, before entering on the business of the reference, appoint by writing under their hands an impartial and qualified person to be their umpire.

Appointment of umpire by arbitrators.

207. If the arbitrators do not appoint an umpire within seven days after the reference is made to the arbitrators, then, on the application of the parties, or any of them, the Governor General in Council may appoint an umpire; and the umpire so appointed shall, for the purposes of this chapter, be deemed to be appointed by the arbitrators.

Appointment of umpire by Governor General in Council.

208. Where two or more arbitrators are appointed, if before the matters referred to them are determined their umpire dies, or becomes incapable or unfit, or for seven consecutive days fails to act as umpire, the arbitrators shall by writing under their hands appoint an impartial and qualified person to be their umpire in his place.

Appointment of umpire by arbitrators to supply vacancy.

209. If the arbitrators fail to appoint an umpire within seven days after notice in writing to them of the decease, incapacity, unfitness, or failure to act of their umpire, then, on the application of the parties, or any of them, the Governor General in Council may appoint an umpire; and the umpire so appointed shall, for the purposes of this chapter be deemed to be appointed by the arbitrators so failing.

Appointment of umpire by Governor General in Council to supply vacancy.

210. Every arbitrator appointed in the place of a preceding arbitrator, and every umpire appointed in the place of a preceding umpire, shall respectively have the like powers and authorities as his respective predecessor.

New arbitrator or umpire to have the same powers as his predecessor.

211. Where there are two or more arbitrators, if they do not, within such a time as the parties agree on, or failing such agreement, within thirty days next after the reference is made to the arbitrators, agree on their award thereon, then the matters referred to them, or such of those matters as are not then determined, shall stand referred to their umpire.

Reference to umpire.

212. The arbitrator, and the arbitrators, and the umpire respectively may call for the production of any documents or evidence in the possession or power of the parties respectively, or which they respectively can produce, and which the arbitrator, or the arbitrators, or the umpire shall think necessary for determining the matters referred, and may examine the witnesses of the parties respectively on oath, and may administer the requisite oath.

Powers for arbitrators and umpire to call for books, &c., and administer oath.

213. Except where and as the parties otherwise agree, the arbitrator, and the arbitrators, and the umpire respectively may proceed in the business of the reference in such manner as he and they respectively shall think fit.

Arbitration to proceed as arbitrators and umpire think fit.

214. The arbitrator, and the arbitrators, and the umpire respectively may proceed in the absence of all or any of the parties in every case in which after giving notice in that behalf to the parties respectively, the arbitrator, or the arbitrators, or the umpire shall think fit so to proceed.

Arbitration may proceed in absence of parties.

215. The arbitrator, and the arbitrators, and the umpire respectively may, if he and they respectively think fit, make several awards, each on part of the matters referred, instead of one award on all the matters referred; and every such award on part of the matters shall for such time as shall be stated in the award, the same being such as shall have been specified in the agreement for arbitration, or in the event of no time having been so specified, for any time which the arbitrator may be legally entitled to fix, be binding as to all the matters to which it extends, and as if the matters awarded on were all the matters referred, and that

Several awards may be made.

notwithstanding the other matters or any of them be not then or thereafter awarded on.

216. The award of the arbitrator, or of the arbitrators, or of the umpire, if made in writing under his or their respective hand or hands, and ready to be delivered to the parties within such a time as the parties agree on, or failing such agreement, within thirty days next after the matters in difference or referred to (as the case may be) the arbitrator, or the arbitrators, or the umpire, shall be binding and conclusive on all the parties.

Awards made in due time to bind all parties.

217. Except where and as the parties otherwise agree the umpire may, from time to time by writing under his hand, extend the period within which his award is to be made; and if it be made and ready to be delivered within the extended time, it shall be as valid and effectual as if made within the prescribed period.

Umpire may extend period for making his award.

218. No award made on any arbitration in accordance with this chapter shall be set aside for any irregularity or informality.

Award cannot be set aside for informality.

219. Except only so far as the parties bound by any award in accordance with this chapter from time to time otherwise agree, all things by every award in accordance with this chapter lawfully required to be done, omitted, or suffered shall be done, omitted, or suffered accordingly.

Awards to be obeyed.

220. Full effect shall be given by all the courts in British India, according to their respective jurisdiction, and by the parties respectively, and otherwise, to all agreements, references, arbitrations, and awards in accordance with this chapter; and the performance or observance thereof may, where the courts think fit, be compelled by any process, against the parties respectively or their respective property, that the courts or any judge thereof shall direct, and where requisite frame for the purpose.

Courts to give full effect to awards.

221. Except where and as the parties otherwise agree, the costs of and attending the arbitration and the award shall be in the discretion of the arbitrator, and the arbitrators, and the umpire respectively.

Costs of arbitration and award.

222. Except where and as the parties otherwise agree, and if and so far as the award does not otherwise determine, the costs of and attending the arbitration and the award shall be borne and paid by the parties in equal shares, and in other respects the parties shall bear their own respective costs.

Payment of costs.

223. Upon any reference to arbitration under this chapter the arbitrators or umpire may, on application to, and with the consent of, any court which would have jurisdiction in the matter to which the arbitration relates, state the award as to the whole or any part thereof in the form of a special case for the opinion of the court: and the court shall deliver its opinion thereon, and the opinion shall be added to and form part of the award.

Power to state special case.

224. The Governor General in Council may fix the remuneration of any arbitrator or umpire appointed by him in pursuance of this or any other Act in any case where a railway administration is one of the parties, and may, if he think fit, frame a scale of remuneration for arbitrators or umpires so appointed by him, and no arbitrator or umpire so appointed by him shall be entitled to any larger remuneration than the amount fixed by the Governor General in Council.

Remuneration of arbitrators, &c., appointed by the Governor General in Council.

CHAPTER XIV.

NOTICES, ORDERS, &c.

225. All requisitions, notices, and documents which relate to a railway administration, if purporting to be signed by the Director General of the Post Office or some Deputy or Assistant to the Director General of the Post Office, or by some officer appointed for that purpose by the Director General of the Post Office, shall, until the contrary is proved, be deemed to have been so signed, and to have been given or made by the Director General of the Post Office.

Requisitions, &c., by the Director General of the Post Office.

226. Any notice, determination, decision, direction, requirement, requisition, demand, appointment, certificate, expression of opinion, approval or sanction to be given or signified on the part of the Governor General in Council, for any of the purposes of, or in relation to, this Act, or any of the powers or provisions therein contained, shall be sufficient and binding if in writing signed by a Secretary of the Government of India or by any other officer or servant authorized to act on behalf of the Governor General in Council in respect of the matters to which the same shall relate, and the Governor General in Council shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in the manner before mentioned in this section.

Requisitions, &c., by the Governor General in Council.

227. Notices, orders, and other documents under this Act, or under the special agreement, may be in writing or print, or partly in writing and partly in print.

Notices may be printed or written.

228. Every railway company shall at all times keep an office established at some place in India, and shall keep at the said office in India an authorized agent or committee of agency with whom the Governor General in Council or any officer or officers deputed in his behalf may communicate, and every notice requiring to be given to a railway company shall be sufficiently given if left at, or transmitted to, the said office in India, or personally served on the said agent or on any member of the said committee of agency.

Office to be maintained in India with authorized agent.

229. *(1)* Any notice, order, or document required or authorized by this Act, or by the special agreement, to be served on any person by a railway administration may be served—

Notices, &c., how to be served by railway administration.

(a) by delivering the same to such person; or

(b) by leaving the same at the usual or last known place of abode of such person; or

(c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last-known place of abode.

(2) If the notice is served by post, it shall be deemed to have been served at the time when the letter containing the notice would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post.

(3) A notice, order, or document, by this Act, or by the special agreement, required or authorized to be served on the owner or occupier of any premises, shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming them), without further name or description.

(4) A notice or document by this Act, or by the special agreement, required or authorized to be served on the owner or occupier of premises may be served by delivering the same, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing the notice on some conspicuous part of the premises.

THE FIRST SCHEDULE.

Acts repealed.

(See section 2.)

Number and year.	Title.
IV of 1879 ...	An Act to consolidate and amend the law relating to Railways in India.
IV of 1883 ...	An Act to amend the Indian Railways Act, 1879.

THE SECOND SCHEDULE.

[IV Sched

List of articles required to be declared and insured.

(See Section 94.)

(a) Gold or silver, coined or uncoined, manufactured or unmanufactured;

(b) plated articles;

(c) cloths and tissue and lace of which gold or silver forms part;

(d) precious stones, jewellery, trinkets;

(e) watches, clocks or time-pieces of any description;

(f) Government securities;

(g) Government stamps;

(h) bills of exchange, hundis, promissory notes, bank-notes, orders or other securities for payment of money;

(i) maps, writings, title-deeds;

(j) paintings, engravings, lithographs, photographs, carvings, sculpture and other works of art;

(k) glass, china, marble;

(l) silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials;

(m) shawls;

(n) lace;

(o) opium;

(p) ivory, ebony, sandalwood, sandalwood-oil;

(q) musical and scientific instruments.

DRAFT INDIAN RAILWAY BILL.

APPENDIX A.

Showing what sections of the existing Indian Railway Acts have been included in the Draft Railway Bill with the number of the corresponding section in the Bill.

All sections of Acts IV of 1879 and IV of 1883 are included, though in some cases slightly modified, in the Draft Bill.

IV of 1879. No. of Section.	Draft Ry. Bill. Corresponding No. of Section.	IV of 1879. No. of Section.	Draft Ry. Bill. Corresponding No. of Section.
1 ...	1 ...	29 ...	169
2 ...	2 ...	30 ...	170
3 ...	3 ...	31 ...	171
4 ...	61 ...	32 ...	173
5 ...	33 ...	33 ...	174 and 175
6 ...	109 ...	34 ...	176
7 ...	134 ...	35 ...	177
8 ...	67 ...	36 ...	179
9 ...	68 ...	37 ...	180
10 ...	93 ...	38 ...	181
11 ...	95 ...	39 ...	182
12 ...	96 ...	40 ...	183 and 184
13 ...	97 ...	41 ...	185
14 ...	98 ...	42 ...	186
15 ...	99 ...	43 ...	187
16 ...	100 ...	44 ...	188
17 ...	104 and 105 ...	45 ...	189
18 ...	106 ...	46 ...	190
19 ...	107 ...	47 ...	191
20 ...	108 ...	48 ...	192
21 (IV of 1883, sec. 4).	150 ...	49 ...	193
		50 ...	194 and 195
22 ...	160 ...	51 ...	196
23 ...	161 ...	52 ...	20 and 146
24 ...	164 ...	53 ...	7
25 ...	165 ...	54 ...	6
26 ...	166 ...		
27 ...	167 ...		
28 ...	168 ...		

IV of 1883. No. of Section.	Draft Ry. Bill. Corresponding No. of Section.	IV of 1883. No. of Section.	Draft Ry. Bill. Corresponding No. of Section.
1 ...	1 ...	5D(2)...	10
2—5 ...	33 ...	5E ...	37
5A ...	8 ...	5F ...	38
5B ...	35 ...	3 ...	67
5C ...	36 ...	4 ...	150
5D(1)...	9 ...		

DRAFT INDIAN RAILWAY BILL.

APPENDIX B.

*Showing what sections from the English Regulation of Railways Bill have been included in the **Draft** Indian Railway Bill, and giving the number of the corresponding section in the Indian Bill, or of the similar section if taken from a source other than the English Bill.*

English Bill.	Indian Bill.	
Number of section.	Corresponding number of section.	Similar (from other source) number of section.
3	8	...
4	...	9
5	...	9
6	...	13
13	...	20
14	21	...
15	...	20
17	...	33
18	...	150
19	...	35 & 150
20	...	33
21	39, 41 & 42.	...
22	43	...
24	44 & 45	...
25	46	...
26	47	...
27	48	...
28	...	50—53
30	...	54
33	151	...
35	...	5
37	...	56
38	...	67
39	...	5
40	...	67
41	...	67
42	...	67
43	...	67
44	...	67
57	...	69, 76, 77 & 78
61	85	...
62	...	165 & 166
63	...	181, 185 & 192.
64	...	100 & 170
65	...	185
66	...	177
68	73, 154 & 183	...
69	...	68 & 161
70	81	...
71	82	...
72	...	173
73	...	5 & 83
74	...	93
75	...	93 & 5
76	101	...
77	102	...
79	...	5
80	132	...
82	133	...
83	...	109 & 160
84	...	112—131
86	...	128
88	110	...
89	111	...
91	144	...
92	...	135
94	163	...
95	...	141 to 144
96 to 100	...	8 to 10 & 141 to 145
122	...	135 & 162
123	...	135
124	...	135
126	...	163
127	...	197 & 198
128	199	...
129	200	...
130	201	...
132	202	...
133	203	...
134	204	...
135	205	...
136	206	...
137	207	...
138	208	...
139	209	...
140	210	...
141	211	...
142	212	...
143	213	...
144	214	...
145	215	...
146	216	...
147	217	...
149	218	...
150	219	...
151	220	...
152	221	...
153	222	...
154	...	223
158	224	...
159	...	67
161	...	20
166	225	...
167	...	226
168	...	228
170	227	...
171	229	...

DRAFT INDIAN RAILWAY BILL.

APPENDIX C.

Showing what clauses of the various contracts with Indian railway companies have been included in the Draft Railway Bill, with the numbers of the corresponding sections in the Draft Bill.

Draft Railway Bill. No. of Section.	Bengal Central Railway. No. of Clause.	Bengal and North-Western Railway. No. of Clause.	Guaranteed Railway Contracts No. of Clause.	Draft Railway Bill. No. of Section.	Bengal Central Railway. No. of Clause.	Bengal and North-Western Railway. No. of Clause.	Guaranteed Railway Contracts. No. of Clause.
13 ...	...	...	1 & 2	65 ...	...	22 ...	...
14 ...	...	...	3	66 ...	...	22 ...	...
17 ...	5 ...	...	...	69 ...	...	23 ...	...
18 ...	...	5	...	71 ...	...	24 ...	...
22 ...	...	14	...	83 ...	...	30 ...	...
23 ...	43 & 44	...	...	84 ...	...	32 ...	...
24 ...	16 ...	...	...	86 ...	...	33 ...	...
25 ...	16 ...	...	...	87 ...	...	34 ...	...
26 ...	15 ...	...	...	88 ...	...	35 ...	...
27 ...	15 ...	...	...	91 ...	...	36 & 37	...
30, 31 & 32	17 ...	...	...	135 ...	...	42 ...	...
56 ...	13 ...	...	...	137 ...	...	43 ...	...
57 ...	13 ...	...	...	138 ...	...	44 ...	...
58 ...	14 ...	...	...	139 ...	...	45 ...	...
60 ...	...	15	...	140 ...	...	47 ...	...
62 ...	...	16, 17, & 18	...	142 to 145	...	46 ...	...
64 ...	...	22	...	226 ...	...	52 ...	...

DRAFT INDIAN RAILWAY BILL.

APPENDIX D.

Showing what provisions of the Contracts with the principal Indian railway companies have been excluded from the Draft Bill, and why they have been so excluded in each case.

Nature of Provision.	Contracts.				Remarks.
	B. C. Railway.	B. & N.-W. Railway.	S. M. Railway.	Guaranteed Railways.	
	Clause.	Clause.	Clause.	Clause.	
Interpretation of terms ...	1	1	1	Preamble	Special.
Duration of Contract ...	7	2 & 8	2	9	Do.
Description of Railway ...	2	3	3	1	Do.
Repayment of preliminary Expenditure incurred by Government ...	3	6	6	...	Do.
Money Capital ...	19	...	26	6	Do.
Drafts on Capital ...	20	...	29	7	Do.
Deficiency of Money Capital	21	40 & 41	28, 29 & 30.	17	Do.
Guarantee of interest ...	22 & 23	...	27	16	Do.
Deposits of revenue ...	27(a)	...	31 & 32	15	Do.
Application of receipts ...	24&27(b)	39	42	18	Do.
Ultimate lapse of property to Government.	41 & 44	55, 56 & 58.	65—68	20	Do.
Purchase by Government ...	42 & 44	57, 58 & 60.	65—68	22	Do.
Provision for surrender by Company.	...	...	65—68	21	Do.
Return of surplus ...	35	...	...	26	Do.
Rate of exchange ...	33	61	26, 27 & 29.	7	Do.
Annuity Commutation ...	...	...	...	25	Do.
Legislation in India ...	38	50 & 51	59 & 60	29	Superfluous.
Supervision and Control of Government.	...	...	51—54	10	Special provision superfluous, *vide* Chaps. II and XI of Bill.
Construction of Extensions	...	...	48	...	Special.
Construction, acquisition and working of Auxiliary or Branch Railways.	...	...	49	...	Superfluous.
Establishment, &c., of Provident Institution.	...	...	61	...	Do.

The 3rd November 1884.

No. 270.—Colonel R. Home, C.S.I., R.E., Chief Engineer and Joint Secretary to the Government of the Punjab, Public Works Department, is appointed to officiate as Inspector General of Irrigation and Deputy Secretary to the Government of India in the Public Works Department, during the absence of Colonel H. A. Brownlow, R.E., on privilege leave or until further orders.

Major J. H. Western, R.E., Superintending Engineer, 3rd Class, Punjab, will, during Colonel Home's absence, officiate as Chief Engineer and Joint Secretary to the Government of the Punjab in the Public Works Department.

The 5th November 1884.

No. 271.—The following is published for general information in the Public Works Department:—

No. 1216G., dated 15th October 1884.

RESOLUTION—By the Government of India, Public Works Department.

Rules under which the Civil Engineers' Provident Fund is to be conducted.

Read again—

Despatch from the Secretary of State, No. 18, dated 22nd March 1883.
Notification of the Government of India in the Department of Finance and Commerce, No. 449, dated 18th April 1884.

RESOLUTION.—In accordance with instructions from the Secretary of State, the Governor General in Council has approved of the institution of a Provident Fund to which all Civil Engineers in the Public Works Department are permitted to subscribe. His Lordship does not desire, in the first instance, to make subscription to the fund obligatory either on those now in the Department or on those who may hereafter be appointed, but prefers that it shall be established on the basis of encouraging members of the Department to save a certain proportion of their salaries by allowing interest on their contributions. The ultimate form which the conditions of subscription will assume will be further considered when it has been ascertained by experience to what extent officers now in the Department look upon the institution of such a fund as an advantage.

2. The rules under which the fund will for the present be conducted are annexed to this Resolution.

3. As announced in Resolution in the Department of Finance and Commerce, No. 449, dated 18th April 1884, payment may be made to the fund calculated on salaries received since 1st April last; but interest will only be allowed from the dates of deduction or payment of deposits.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab.
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Biluchistan.
The Accountant General, Public Works Department.
The Inspector General of Military Works.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore, and Lucknow.
The Director General of Telegraphs in India.

ORDER.—Ordered, that this Resolution be communicated to Local Governments and Administrations and Officers named in the margin for information and guidance.

CIVIL ENGINEERS' PROVIDENT FUND.

Character of the Fund.

1. Civil Engineers on the effective list of the Public Works Department.
2. Civil Engineers transferred to the Accounts Branch, or the Superior Railway Revenue Establishment, or to foreign service under Chapter III of the Civil Pension Code.
3. All civil members of the Superior Accounts Establishment who are not Civil Engineers.

I.—The institution of a Voluntary Provident Fund on the following basis is sanctioned for the officers of the Public Works Department indicated in the margin:—

(1) The monthly deposit may be not less than 5 per cent. and not more than 10 per cent. on the salary (as defined in the Financial Codes) of each depositor for that month.

(2) The deposits will be voluntary, and may be discontinued and renewed at the option of the depositor.

(3) Compound interest at 4 per cent. on such payments will be annually credited by Government to each officer subscribing.

(4) The sum which will thus accumulate to the credit of an officer to be his absolute property, to be handed over to him unconditionally on quitting the service, or, in the event of his death before retirement, to his legal representatives.

Management of the fund.

II.—The deposits received under the foregoing resolution will be placed in a Government Savings Bank named "Civil Engineers' Provident Fund." This bank will be managed by and be held in the books of the Accountant General in the Public Works Department.

Receipt of deposits.

III.—Deposits will be received by the various Examiners of Public Works Accounts throughout India. They will be recovered by deduction from the pay-bills, or may be made in cash. Deposits cannot be made otherwise than through an Examiner of Public Works Accounts.

IV.—No withdrawal will ordinarily be allowed from the deposit until the depositor quits the service or dies. But on Local Governments or Administrations being satisfied that the pecuniary circumstances of a depositor are such that the indulgence is absolutely necessary, a deposit may be temporarily withdrawn under orders issued by the respective Local Governments and Administrations—

(i) to pay for the passage of the depositor going on leave out of India on medical certificate, or returning after such absence;

(ii) to pay for the passage of any member of the depositor's family coming from beyond the sea to join him, or going beyond the sea sick or from some urgent cause.

V.—Withdrawals under Rule IV will be recovered in 20 equal monthly instalments compulsorily deducted from salary whenever full salary is drawn until the whole is refunded.

VI.—The balances of deceased depositors will be paid according to Rules 58 and 59, Chapter 19, of the Civil Account Code, and Act V of 1873.

VII.—All sums received from depositors will be credited, and all sums withdrawn will be charged, under the head "Civil Engineers' Provident Fund."

Examiner's account of deposit.

VIII.—The Examiner will furnish the Accountant General in the Public Works Department with a monthly statement of the sums he may receive on account of the fund. This statement will contain (1) the dates of receipt; (2) the numbers of the depositors' accounts; (3) name and official designation of the depositors; and (4) amounts of deposits. The total of this statement will agree with the corresponding credit in the Examiner's account as rendered to the Accountant General. For number of depositors' account, see below Rule X.

Examiner's account of withdrawals.

IX.—The Examiner will furnish the Accountant General in the Public Works Department with a monthly statement of withdrawals. This statement will give the following particulars, and the total of it will agree with the corresponding debit in the Examiner's monthly account as rendered to the Accountant General:—(1) dates of payments; (2) numbers of depositors' accounts; (3) names and official designations; (4) amounts paid; (5) number and date of the orders of the Local Government or Administration for payment as prescribed in Rule IV. This order will be attached to the statement as voucher for the payments. For number of account, see below Rule XI.

Depositor's ledger.

X.—The account of each depositor will be posted in a ledger, to be kept by the Accountant General in the Public Works Department. The ledger will be closed as soon as possible after 31st March of each year.

Number of depositors' accounts.

XI.—Every account in this ledger will receive a distinct number. The number so given to the depositors' accounts will be consecutive. A depositor's number will not be altered, nor will the numbers of closed accounts be given to new

depositors. The Accountant General will notify to the Examiner concerned the numbers given to a depositor's account immediately after his first deposit, and this number will be quoted against all further deposits, and all withdrawals in the statements prescribed in Rules VIII and IX. In the event of the depositor's transfer, the number will be noted on his last-pay certificate, in order that the next Examiner may be able to quote it in his deposit statements.

Interest.

XII.—Interest will be allowed for each calendar month upon the minimum balance of the depositor's account between the close of the fourth day and the end of the month. In calculating interest under this rule the deposits received by deduction from salary will be considered as paid into the fund on the 1st of the month succeeding that for which the salaries from which the deductions are made are due. The interest will be calculated monthly as provided for in the form of ledger, but will not be added to principal until the end of the official year, except when the account is to be finally closed, in which case the interest will be paid at the same time as the principal. The Accountant General in the Public Works Department, in communication with the Comptroller General, will adjust the interest in the accounts of the year for which it is allowed.

Half-yearly advice to depositors.

XIII.—As soon as possible after the 31st March and 30th September of each year, the Accountant General, Public Works Department, will send to each depositor a statement of his account in the form annexed. Depositors are required to satisfy themselves as to the correctness of these statements; and unless errors in them are brought to the notice of the Accountant General within one month from the date of their receipt, Government will not be responsible for any sums not thus acknowledged.

CIVIL ENGINEERS' PROVIDENT FUND.

Deposit account of——————(name)—— ——————(designation)——————*Deposit No.* ——————— *with the Civil Engineers' Provident Fund for and up to the end of the half-year ending the* .

During the month of———	Deposits.			Interest.			Withdrawn.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
(Each month to be entered consecutively.)									
Total ...									

Statement of account for and up to the end of the half-year ending——— 188 .	Rs.	A.	P.
Balance on 1st 188 , including interest			
Additions during the year			
Interest			
Total ...			
Deduct withdrawals			
Balance on 188			

Remarks.

Dated——————

Lieut.-Colonel, R.E.,

Accountant General, Public Works Department.

No. 272.—The services of Major A. J. C. Cunningham, R.E., Executive Engineer, 2nd Grade, are replaced at the disposal of the Military Department, with effect from such date as he may be relieved of his duties in the North-Western Provinces and Oudh.

No. 273.—Mr. C. Swappe, Executive Engineer, 2nd Grade, is appointed to officiate as Engineer-in-Chief of the Bhopal State Railway, with effect from the afternoon of the 15th October 1884, during the absence on sick leave of Mr. H. T. Geoghegan, or until further orders.

This cancels Public Works Department Notification No. 231, dated 25th September 1884.

No. 274.—Captain W. W. B. Whiteford, R.E., Executive Engineer, 3rd Grade, is transferred from the Establishment under the Government of Bombay to that under the Director General of Railways.

No. 275.—Lieutenant W. R. Morton, R.E., is appointed to the Public Works Department as Assistant Engineer, 2nd Grade, and posted to British Burma.

The 6th November 1884.

No. 276.—The services of Captain H. A. Yorke, R.E., Executive Engineer, 3rd Grade, North-Western Provinces and Oudh, at present on furlough, are replaced temporarily at the disposal of the Military Department, with effect from 13th September 1884.

7th November 1884.

No. 277.—Mr. R. C. F. Volkers, Deputy Examiner, is transferred from the Office of the Examiner, Guaranteed Railway Accounts, Madras, to that of the Examiner of Accounts, Indus Valley State Railway.

No. 278.—Mr. C. E. Housden, Assistant Engineer, 1st Grade, Rajputana, is promoted to Executive Engineer, 4th Grade, *temporary rank*, from the 19th October 1884.

No. 279.—Captain M. C. Brackenbury, R.E., Executive Engineer, 2nd Grade, is appointed to act as Deputy Consulting Engineer for Railways, Bombay, during the absence on privilege leave of Colonel J. Bonus, R.E., or until further orders.

This cancels Public Works Department Notification No. 171, dated 24th July 1884.

No. 280.—The services of Mr. G. M. Drury, Class II of the State Railway Superior Revenue Establishment, Traffic Department, are, on return from furlough, placed at the disposal of the Director General of Railways.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 8, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884:—

No. 15 OF 1884.

A Bill to amend the Oudh Estates Act, 1869.

WHEREAS it is expedient to amend the Oudh Estates Act, 1869; It is hereby enacted as follows:—

Amendment of definition of "registered" in section 2 of Act I of 1869.

1. Subject to the saving in section 2 of this Act, for the definition of "registered" in section 2 of the said Act, there shall be deemed to have been substituted from the date of the passing of the said Act the following definition, namely:—

"Registered."

"'Registered' means—

"(*a*) in the case of a will, registered according to the law for the time being in force relating to the registration of assurances, or deposited with a Registrar according to the law for the time being in force relating to the deposit of wills; and

"(*b*) in the case of any other instrument, registered according to the law for the time being in force relating to the registration of assurances."

Saving of certain wills.

2. Nothing in section 1 shall affect any will—

(*a*) declared by a judicial decision pronounced before the twenty-third day of October, 1884, to be invalid on the ground that it was not registered in accordance with the provisions of the said Act; or

(*b*) of which the validity is being questioned on that ground in a suit commenced before the twenty-third day of October, 1884.

STATEMENT OF OBJECTS AND REASONS.

IT has recently been held by the Privy Council that a will that was deposited under the provisions of Part IX of Act VIII of 1871 was not "registered" within the meaning of section 13 and the definition in section 2 of the Oudh Estates Act 1869, which declares that "'registered' means registered according to the provisions of the rules relating to the registration of assurances for the time being in force in Oudh."

2. The consequences of this ruling, which affects also section 20 of the Act, where a similar provision occurs, are most important, since the procedure that is now pronounced to be inadequate to satisfy the requirements of the law has been constantly acted on. It is stated that the taluqdárs never suspected that the validity of wills formally deposited in the registration offices under sealed covers could be called in question. Moreover, it scarcely could have been intended that taluqdárs should be required to register their wills open, and it seems obvious that they cannot in the future be required to do so, which they will have to do under the decision of the Privy Council if the law remains unaltered.

3. Under these circumstances, it is considered advisable to amend Act I of 1869 so as to legalize the existing practice. This is done by the present Bill, and as the omission to fulfil the requirements of the law which has taken place in the past would seem to have been unintentional and due to a prevalent and hitherto undisputed misapprehension of its meaning, retrospective effect has been given to the amendment which covers all wills hitherto or at present only deposited and not registered, except wills already declared invalid by judicial decision or being questioned in a suit commenced before the date of the introduction of the Bill.

J. W. QUINTON.

The 23rd October, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884 :—

No. 16 OF 1884.

A Bill to amend Act XXII of 1881.

WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows :—

In the said Act, after section 34, the following section shall be inserted :—

Power to invest police-officers with powers of excise-officers.

"34A. The Local Government may, from time to time, invest any police-officers of or above the grade of head constable, either by name or in virtue of their offices, with the powers conferred on excise-officers by sections 27, 28 and 29 of this Act; and every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an excise-officer within the meaning of this Act."

STATEMENT OF OBJECTS AND REASONS.

SECTION 46 of Act X, 1871, corresponding to section 59 of Act XXI of 1856, enabled Local Governments to confer on certain police-officers powers of searching for and seizing spirituous liquors and intoxicating drugs and arresting persons found in possession of them. These powers have been conferred and exercised up to the present time in the North-Western Provinces and Oudh, and are essential to the efficiency of the excise-administration, as no separate establishments for the prevention of smuggling are maintained in those provinces, and the land-revenue officials have little leisure for excise-duties.

2. The excise law came under revision in 1881 and was re-enacted in a somewhat simpler form by Act XXII of that year.

Section 24 of that Act gives Collectors power to appoint persons by name or by virtue of their office to be officers for the collection of the excise revenue, but as police-officers are not specially mentioned among the persons to be so appointed, and as section 20 of Act V, 1861, precludes the exercise by them of any such authority, it has been held that they cannot be appointed to discharge excise functions, and that the power of so employing them conferred upon Local Governments by Act X, 1871, has been taken away by the Act of 1881.

3. This seems to have escaped notice when Act XXII of 1881 was passed. In the Statement of Objects and Reasons, in the Report of the Select Committee and in the speeches of the Hon'ble Member in charge of the Bill, nothing whatever is said of depriving the Local Governments of the power hitherto enjoyed by them of employing police-officers on excise-duties. Mr. Whitley Stokes, accounting for the omissions in the later Act, stated that they were provided for by other enactments or were fit subjects for executive orders. The omission now brought to light does not fall under either of these categories, and it is impossible to suppose that a power held to be necessary for the excise-administration was taken away from Local Governments by a side wind.

4. The Government of the North-Western Provinces and Oudh urge that the omission should now be rectified, and with this object the present Bill is introduced.

The 23rd October, 1884.

J. W. QUINTON.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

Circular No. $\frac{125 \text{ Ex.}}{42-2}$.

Extract from the Proceedings of the Government of India, in the Revenue and Agricultural Department (Museums and Exhibitions), dated Simla, the 5th November 1884.

Read the following—

No. 122, dated India Office, London, 25th September 1884.

From—Her Majesty's Secretary of State for India,

To—The Government of India.

I forward herewith, for your information, a copy of a letter and its enclosure, from Sir Frederick Bramwell, relating to the International Inventions Exhibition to be held next year at South Kensington.

No. 1575, dated South Kensington, S. W., 8th August 1884.

From—Sir FREDERICK BRAMWELL, Chairman,

To—Her Majesty's Secretary of State for India.

I have been requested by His Royal Highness the Prince of Wales to bring to Your Lordship's immediate notice the forthcoming International Inventions Exhibition, which is to be held, under the patronage of Her Majesty the Queen, in the buildings at South Kensington, at present occupied by the International Health Exhibition. The Exhibition will be opened in May 1885; and, as the time for preparation is short, it is hoped that Your Lordship will have the goodness to cause early notification to be made of His Royal Highness's request, that the Government of India will favour him with their co-operation by taking an active part in an exhibition which will doubtless prove of benefit to the inhabitants of all countries by bringing prominently to their notice the many inventions which have been made since the Great International Exhibition of 1862, and by gathering together examples of the music of all nations.

The prospectus, copies of which are forwarded herewith, will fully explain the nature and purpose of the forthcoming Exhibition. I beg leave to call attention to the following rules which specially concern exhibitors in Foreign countries and the Colonies.

"45. The Foreign and Colonial Commissioners appointed by their Governments are invited to communicate with the Secretary. They will be charged with the consideration of all questions relative to the distribution of the space allotted to their respective countries; and the Executive Council will place at their disposal all information and plans which may be useful to them. Foreign and Colonial Commissioners will be required to guarantee that all exhibits in their respective sections are in accordance with the classification and the Regulations.

"46. The applicants for space, from countries in which no Commissioner has been nominated must appoint agents in England to act on their behalf.

"47. Applications from Foreign countries and Colonies will be received up to the 1st November."

The Executive Council would suggest that the Government of India should be asked to give full publicity to the announcement of this International Exhibition in its two divisions of inventions and music and be asked to appoint a commission to arrange for the due display of goods under the various groups and to settle, in communication with the Council, matters connected with India.

The Executive Council trust that the Government of India will generally co-operate with them in promoting in this manner, an exhibition of great practical importance to the commerce and industry of the world and in making it, in a large sense, International.

I beg leave to add that it might be useful to supply for the use of the Government of India copies of the prospectus of which any number can be forwarded on application to this office.

International Inventions Exhibition, London, 1885.

DIVISION I.—INVENTIONS. DIVISION II.—MUSIC.

Patron.

HER MAJESTY THE QUEEN.

President.

HIS ROYAL HIGHNESS THE PRINCE OF WALES, K.G.

Executive Council.

(APPOINTED BY HIS ROYAL HIGHNESS THE PRESIDENT.)

Chairman.—Sir FREDERICK JOSEPH BRAMWELL, F.R.S., V.P. Inst. C.E.

Vice-Chairman.—The MARQUIS OF HAMILTON.

Sir FREDERICK ABEL, C.B., D.C.L., F.R.S.

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City and Official Agent.

J. R. SOMERS VINE, Esq., F.S.S.

Offices:—EXHIBITION ROAD, SOUTH KENSINGTON, S.W.

City Offices:—27, GREAT WINCHESTER STREET, E.C.

PROSPECTUS.

It is intended to hold, in the year 1885, an International Exhibition of Inventions and of Musical Instruments, in the Exhibition Buildings, Royal Horticultural Gardens, South Kensington.

DIVISION I.—Inventions.

This Division will be devoted to Apparatus, Appliances, Processes and Products, invented or brought into use since 1862.

The collection of inventions will, it is hoped, serve to bring vividly before the public the progress which has been made, during the last quarter of a century, in applying the discoveries of science to the purposes of daily life.

For the practical realisation of this idea, it will be desirable not only to exhibit the apparatus by which a process is carried out (or a model or diagram of it), side by side with the resulting product, but also to show the working of, at all events, a limited number of industrial processes in their consecutive stages.

Having in view the wide range of this International Exhibition, and the limited nature of the total available area, it will be necessary to restrict as much as possible the amount of space which can be allotted even to the most important classes; and only under exceptional circumstances can applications be entertained for space for objects which have been shown in the Smoke Abatement Exhibition, 1881; the Fisheries Exhibition, 1883; or the Exhibition of Health and Education of the present year. [*The classes including such objects are marked in the annexed classification with an asterisk.**] As regards agriculture, also, it is considered that the annual Shows of the Royal Agricultural and kindred Societies will render it unnecessary to admit more than a few typical examples of each class of the improvements effected during recent years; and these should be, as far as possible, represented by models or diagrams.

It will, indeed, be preferable that inventions generally should (as far as practicable) be illustrated by models, which in the case of an entire machine may be accompanied by actual examples of the parts improved.

Where the invention relates to parts only of a machine, the whole machine will not be admitted unless the improvement (in respect of which the machine is offered for exhibition) cannot be sufficiently well shown without the exhibition of the entire apparatus, or unless in the opinion of the Executive Council the exhibit is of such special interest as to render its admission desirable.

Exhibitors will be required by reference to a specification and Letters Patent or otherwise to show that their proposed exhibits come within the terms set forth in the conditions of Division I.

As the Exhibition will be limited to the illustration of industrial processes, examples of either the raw material employed, or the finished product, will only be admitted when they are required for the full demonstration of a particular process. It is not proposed to allot space for exhibition of manufactured goods alone, unaccompanied by any illustrations of the process of manufacture.

Intending Exhibitors should fill in the accompanying Application Form which must be sent to the Secretary not later than the 15th September. Applications from Foreign Countries and the Colonies will be received up to the 1st of November.

DIVISION II.—Music.

This Division will consist of examples of Musical Instruments of a date not earlier than the commencement of the present century; and, in addition, any machinery, apparatus, or appliances connected with their manufacture or use, or in any way bearing upon the science and art of music, will be admitted. There will, furthermore, be Historic Collections of Musical Instruments, and of Paintings and Engravings representing musical subjects, without any restriction as to date.

Intending Exhibitors in this Division should fill in the Special Application Form supplied for the purpose, which must be sent to the Secretary by the 15th September. Applications from Foreign Countries and the Colonies will be received up to the 1st of November.

List of Groups under which the classification is arranged.

DIVISION I.—Apparatus, Appliances, Processes, and Products, invented or brought into use since 1862.

1.—Agriculture, Horticulture and Arboriculture.

2.—Mining and Metallurgy.

3.—Engineering Construction and Architecture.

4.—Prime Movers, and means of Distributing their Power.

5.—Railway Plant.

6.—Common Road Carriages, &c.

7.—Naval Architecture.

8.—Aeronautics.

9.—Manufacture of Textile Fabrics.

10.—Machine Tools and Machinery.

11.—Hydraulic Machines, Presses, Machines for Raising Heavy Weights, Weighing, &c.

12.—Elements of Machines.

13.—Electricity.

14.—Apparatus, Processes, and Appliances connected with Applied Chemistry and Physics.

15.—Gas and other Illuminants.

16.—Fuel, Furnaces, &c.

17.—Food, Cookery and Stimulants.

18.—Clothing.

19.—Jewellery.

20.—Leather, &c.

21.—India-rubber and Gutta-Percha, &c.

22.—Furniture and Accessories—Fancy Goods.

23.—Pottery and Glass.

24.—Cutlery, Ironmongery, &c.

25.—Fire-arms: Military Weapons and Equipment; Explosives.

26.—Paper, Printing, Bookbinding, Stationery, &c.

27.—Clocks, Watches, and other Time-keepers.

28.—Philosophical Instruments and Apparatus.

29.—Photography.

30.—Educational Apparatus.

31.—Toys, Sports, &c.

DIVISION II.—Music.

32.—Instruments and Appliances constructed or in use since 1800.

33.—Music Engraving and Printing.

34.—Historic Collections.

REGULATIONS.

1. *Date.* An International Inventions Exhibition, under the patronage of Her Majesty the Queen and the presidency of His Royal Highness the Prince of Wales, will be held in London in 1885.

2. *Open.* The Exhibition will be opened in May 1885, and will continue open for a period of about six months.

3. *Objects.* Division I. (Inventions) will be devoted to illustrations of Apparatus, Appliances, Processes and Products, invented or brought into use since 1862.

Division II. (Music) will consist of examples of Musical Instruments of a date not earlier than the commencement of the present century; and of Historic Collections of Musical Instruments and Appliances, and Paintings, Engravings and Drawings representing Musical subjects, without any restriction as to date.

4. *Awards.* Medals in Gold, Silver and Bronze, and diplomas of Honour will be awarded on the recommendation of Juries.

5. No charge will be made for space; but Exhibitors will have to pay every expense of conveying, delivering, fixing and removing their Exhibits, and also the cost of the erection of counters when required: and they must, either personally or by their Agents, superintend the despatch, transmission, reception, unpacking, installation and (at the close of the Exhibition) the removal of their goods; in default thereof the Executive Council reserve to themselves the right of doing whatever may be considered necessary, at the expense of the Exhibitor.

Expenses to be borne by Exhibitors.

6. Should any goods be deposited in the Exhibition premises during the absence of the Exhibitor or his Agent, the Executive Council will not be responsible for any loss or damage, from whatsoever cause arising.

Delivery of goods.

7. Cases must be unpacked as fast as possible, and the empty cases taken away by the Exhibitors or their Agents. The Executive Council decline to accept any responsibility with reference to empty cases, which must be at once removed from the building at the expense of Exhibitors.

Empty cases.

8. Applications to exhibit must be made on printed forms, which will be supplied on application to the Secretary, International Inventions Exhibition, South Kensington, S.W.; these must be filled up and returned on or before the 15th September 1884. The decision of the Council with regard to applications will be notified about the 1st of December.

Applications to exhibit.

9. The Council reserve to themselves the absolute right of refusing to admit any exhibits without necessarily specifying any reason for so doing.

Right to refuse exhibits.

10. Manufactured articles or products will only be admitted in so far as they may be necessary to illustrate an improved method of manufacture, or an improvement in the machine or process by which they are produced.

Manufactured articles.

11. Untried and unpatented inventions will not be accepted unless recommended by a competent authority.

Untried inventions.

12. Where the invention relates to parts only of a machine, the whole machine will not be admitted unless the improvement (*in respect of which the machine is offered for exhibition*) cannot be sufficiently well shown without the Exhibition of the entire apparatus, or unless in the opinion of the Executive Council the exhibit is of such special interest as to render its admission desirable.

Improved Machines.

13. Inasmuch as the scope of this Exhibition is very extensive, while the total area available is limited, it will be necessary to restrict as much as possible the space available for each exhibitor. It will, threfore, generally be preferable that inventions should (as far as practicable) be illustrated by models, which in the case of an entire machine may be accompanied by actual examples of the parts improved.

Models.

14. The classification is not to be considered as exhaustive. Where there appears to be no head under which an invention may come, the exhibitor should apply for space in the group most nearly cognate.

Classification not exhaustive.

15. In cases where an invention may come within the scope of several distinct groups, the Exhibitor is at liberty to enumerate the groups into which he considers it should come, in order that reference may be made to it in the different sections of the Catalogue; but duplicate exhibits will not be admitted.

Inventions under various groups.

16. Except under special circumstances, no applications will be entertained for space for objects which have been shown in the Smoke Abatement Exhibition, 1881; the Fisheries Exhibition, 1883; or the Exhibition of Health and Education, 1884. The space allotted to Agricultural Exhibits will be very limited.

Restrictions.

17. The Executive Council will endeavour to obtain, from the various English Railway Companies, special terms for the conveyance of exhibits to and from the Exhibition; and, should they succeed in doing so, such arrangements will be communicated to intending Exhibitors.

Railway rates.

18. All packages containing goods intended for exhibition must have painted on them the distinctive mark I. I. E., together with the *name and address* of the Exhibitor. *Labels* addressed to the Secretary, to be attached to packages, will be forwarded to each Exhibitor.

Marks on packages.

19. All cases, counters, platforms, &c., must not, without special permission, exceed the following dimensions:—

Dimensions of cases, &c.

Show cases and partitions . .	10 feet above the floor.
Counters . . .	3 " " "
Platforms . . .	1 foot " "

20. Exhibitors may place railings around their stands, subject to approval; but in every instance the railings must be within the area of the "stand," *i.e.*, of the space allotted.

Railings.

21. The flooring must not be altered, removed, or strengthened for the convenience of arrangement, except by sanction of the Executive Council, and at the expense of the Exhibitor.

Flooring.

22. No Exhibitor will be permitted to display exhibits in such a manner as to obstruct the light or impede the view along the open spaces, or to occasion inconvenience or injury to other Exhibitors, or otherwise to disadvantageously affect their displays.

Obstructions.

23. In order to ensure uniformity of decoration and general good effect, no Exhibitor will be allowed to put up any flags, banners, or other kind of decoration without special permission.

Decorations.

24. Signs or name-boards must be placed parallel with the main passages, that is, parallel with the frontage of the respective stands; and must in no case interfere with the lighting. They must be black with gold letters, and their position must be subject to the approval of the Council.

Signs.

25. All handbills, printed matter, &c., connected with exhibits, and intended for gratuitous distribution, must first receive the approval and permission of the Executive Council, which permission may be withdrawn at any time.

Handbills.

26. Exhibitors will be required to provide all necessary attendance and to keep their stands and exhibits properly cleaned and in good order during the whole period of the Exhibition.

Attendance.

27. No Exhibitor will be allowed to transfer any allotment, or portion thereof, or to allow any other than his own duly admitted exhibits to be placed thereon, except by permission of the Executive Council.

Non-transfer.

28. All goods exhibited must be in the name of the person who signed the application form.

Name.

29. Exhibitors are requested to mark the selling prices of the articles exhibited, so as to facilitate the judgment of the juries, as well as for the information of visitors.

Selling price.

30. Objects cannot be taken away before the close of the Exhibition, without the special permission in writing of the Executive Council.

Removal.

31. Exhibitors, or their attendants, may explain their exhibits to visitors, but they will in all cases be forbidden to invite visitors to purchase the goods, the Exhibition being intended for the purposes of display only, and not for those of sale. Special regulations will, however, be framed with regard to perishable articles.

Selling.

32. Motive power will be supplied free of cost under certain conditions; but Exhibitors will be required to pay for any gas or water that they may require. Exhibitors requiring motive power are requested to make special application to the Secretary.

Motive power.

33. No explosive substances, nor any substances which in the judgment of the Executive Council are dangerous will be admitted; they may be represented by models or dummies.

Dangerous substances.

34. Spirits, oils, essences, corrosive substances, and generally all substances which might spoil other articles or inconvenience the public, can only be received in substantial and suitable vessels of small size.

Spirits, &c.

35. The Executive Council reserve to themselves the sole right of compiling a catalogue of the exhibits under regulations which will be duly notified. Each nation will, however, have the right to produce at its own expense a catalogue of all the objects in its own Section.

Catalogue.

36. The Council reserve to themselves the right of causing any of the exhibits to be examined, tested or analysed for such objects as they may think fit.

Testing and Analysing.

37. No article exhibited may be photographed, drawn, copied or reproduced, in any manner whatsoever, without the special sanction of the Exhibitor and of the Executive Council.

Photographing, &c.

38. The Executive Council will not hold themselves responsible for loss or damage occurring to any exhibit from any cause whatsoever; but while declining any responsibility, the Council intend to take such precautions as they deem necessary.

Non-liability.

39. No goods can be sent in previous to the 1st March without special permission; after the 15th April no goods will be received.

Date of reception.

40. Passes to the Exhibition will be granted to Exhibitors and to a reasonable number of attendants. If these passes are used by any but those to whom they are issued, they will be immediately cancelled.

Passes.

41. The right to add to, alter, amend or expunge any of these Rules is reserved by the Executive Council.

Right to alter rules.

42. Both Englishmen and Foreigners in becoming Exhibitors signify by so doing their compliance with the whole of these Regulations, together with such other Regulations as the Executive Council may issue from time to time.

Rules binding.

43. The Executive Council reserve the right to remove the objects belonging to any Exhibitor who may not conform to the Regulations.

Right of removal.

44. If any damage or injury shall be caused or occasioned during the Exhibition by any exhibited machine, implement, or article to any visitor or other person, or to any officer, servant, or others then and there employed by the Executive Council of the International Inventions Exhibition, 1885, then the Exhibitor to whom such machinery, implement, or article may belong shall indemnify and hold harmless the said Council from and against all actions, suits, expenses, and claims on account or in respect of any such damage or injury which may be so caused or occasioned.

Non-liability.

SPECIAL RULES (IN ADDITION TO THE ABOVE) AFFECTING FOREIGN AND COLONIAL EXHIBITORS.

45. The Foreign and Colonial Commissioners appointed by their Governments are invited to communicate with the Secretary. They will be charged with the consideration of all questions relative to the distribution of the space allotted to their respective countries; and the Executive Council will place at their disposal all information and plans that may be useful to them. Foreign and Colonial Commissioners will be required to guarantee that all exhibits in their respective sections are in accordance with the Classification and with the Regulations.

Foreign Commissioners.

46. The applicants for space from countries in which no Commissioner has been nominated must appoint Agents in England to act on their behalf.

Foreign Countries.

47. Applications from Foreign Countries and Colonies will be received up to the 1st of November.

48. Packages from Foreign Countries must have painted on them the letters I. I. E. They must all be marked in such a way as to show distinctly from whence they come, the name of the country, and the name and address of the Exhibitor.

Foreign packages.

CLASSIFICATION.

(UNDER REVISION).

NOTE.

The heads given below are not intended to be exhaustive, but are rather to be regarded as indicative of the proposed scope of each class.

Only under exceptional circumstances can applications be entertained for space for objects which have been shown in the Smoke Abatement Exhibition, 1881; the Fisheries Exhibition, 1883; or the Exhibition of Health and Education, 1884, or for Agricultural Implements. The space allotted to those classes marked with an asterisk will therefore be very limited.

DIVISION I.—APPARATUS, APPLIANCES, PROCESSES, AND PRODUCTS, INVENTED OR BROUGHT INTO USE SINCE 1862.

Group i.—AGRICULTURE, HORTICULTURE AND ARBORICULTURE.

(For land drainage, reclamation, &c., *see* Group iii.; for agricultural engines, *see* Group iv.; for manure, *see* Group xiv.; for milling machinery, *see* Group xvii.)

* *Class* 1.—Field Implements.—Ploughs, drain-ploughs, cultivators, steam-diggers, harrows, drills, haymakers, horse-hoes, rakes, reapers, mowers, binders, anchors and rope porters, wagons, wagon-harness.

* *Class* 2.—Barn and Farm-yard Implements.—Thrashing machines, screens, winnowers, corn-cleaning machines, hay and straw elevators, hay and straw and fresh fodder compressors, turnip-cutters, chaff-cutters, grist mills, horse-gear, crop dryers.

* *Class* 3.—Dairy and Poultry Farm Appliances.—Milking appliances, cream separators, churns, cheese-making apparatus, apparatus for manufacturing butterine, incubators.

* *Class* 4.—Agricultural Construction.—Models, plans and designs for farm buildings, oast houses, siloes, rickstands, &c.

* *Class* 5.—Cattle Food.—Materials, processes, apparatus; seed mills, cake crushers; boilers, steamers and cooking apparatus; feeding appliances.

Class 6.—Horticultural Apparatus.—Hot-houses, frames, greenhouses, orchard houses, graperies, boiler and heating apparatus, lawn mowers, watering apparatus, tools and implements, pots and plant boxes, garden wire work, chairs, &c., plant labels.

Class 7.—Arboriculture.—Apparatus, &c., used in forestry; methods and materials for the preservation from decay of trees and timber.

Group ii.—MINING AND METALLURGY.

(For stone-working machinery and testing machines, *see* Group x.; metal-working machinery, *see* Group x.; for slate sawing and dressing machines, *see also* Group x.; for electrolytic methods of extracting, &c., metals, *see* Group xiii.; for furnaces in general, *see* Group xvi.; for manufacture of fuel, *see also* Group xvi; for explosives, *see also* Group xxv.; for mine surveying apparatus, *see also* Group xxviii.)

Class 8.—Machinery and Appliances used in Mines and Quarries.—Prospecting, searching, boring, shaft sinking, exploring working, hauling, pumping, winding, hoisting; man engines, safety catches, safety hooks, hydraulic mining; tools, drills, cutters, getters, breakers, air compressors; blasting, substitutes for explosives. Ventilating, lighting. Aids to respiration in mines. Life-saving appliances. Washing and dressing coal and other minerals, crushers, pulverisers, disintegrators, stamps, screens, riddles, separators, classifyers, jiggers, buddles, precipitators, sawing machines. Utilisation of waste.

Class 9.—Production and manufacture of Iron and Steel.—Coke oven, blast and other furnaces; Bessemer plant, Siemens plant, other processes for making iron and steel; blast engines; hotblast stoves; steam and other hammers; rolling machines, hydraulic and other forging machines, squeezers and other shingling apparatus; production and use of malleable cast iron; wire making apparatus; manufacture of tin plate, utilisation of gases and of slag; alloys and artificial compounds of iron with non-metallic elements.

Class 10.—Forging and foundry work.—Cupolas, air furnaces, pot furnaces; moulding machines, plate-moulding; forges forging machines; blowers, bellows, fans.

Class 11.—Metallurgy of metals other than Iron, with the exception of the precious metals. Alloys.—Furnaces and appliances used in the dry and wet methods of extracting and purifying copper; extraction of lead; metallurgy of zinc, tin, nickel, cobalt, bismuth, antimony, arsenic, mercury, aluminium; manufacture of sheet lead, pipe, Muntz's metal, sheet zinc, copper and brass tubes; bronzes, German silver and other nickel alloys; wires of copper and its alloys.

Class 12.—Metallurgy of the precious metals, Gold, Silver and Platinum.—Furnaces and appliances used in the dry and wet methods of extracting the precious metals; desilverisation of lead; amalgamation in all its forms, refining gold and silver; purification, melting and working of platinum and its alloys.

Group iii.—Engineering Construction and Architecture.

(For railway plant, *see* Group v.; for launching ship, *see* Group vii.; for surveying instruments *see* Group xxvi.)

Class 13.—Roads.—Methods and materials for constructing and paving roads; cleansing roads and pavements; road-sweeping machines; rollers; apparatus for the removal of mud, snow, &c.; water-carts and other means of watering.

Class 14.—Railways and Tramways.—Constructions; excavators and appliances used for earth-work and tunnelling. Permanent-way; rails, chairs, sleepers.

Class 15.—Bridges and Viaducts.—Models, plans, and designs for arched, girder, suspension, trestle, and other bridges; apparatus used in construction.

Class 16.—Docks and Harbours.—Models, plans, and designs for docks, harbours, piers, breakwaters, &c.; submarine constructions; diving apparatus; dredging machines; pile-drivers, screw piles; coffer-dams; graving docks, "patent" slips, caissons, pontoons, floating docks, hydraulic apparatus for working dock gates, &c., gridirons. Buoys.

* *Class 17.—Lighthouses.*—Methods of construction; appliances used in lighthouses, and in lightships, fixed and flashing light apparatus, lamps, sound signalling apparatus.

Class 18.—Rivers and Canals.—Conservation and improvement of rivers; construction of canals; locks, lifts and inclines, weirs.

* *Class 19.—Water-supply and Sewerage.*—Methods of collecting, pumping, storing, filtering, and distributing water; appliances for detecting and preventing waste of water, water-meters; water fittings, filters; sewers, sewage disposal and utilisation.

Class 20.—Reclamation, Irrigation and Drainage of Land.—Drainage (natural and artificial) of low-lying districts; embanking and warping land; irrigation works.

Class 21.—Testing apparatus.—Apparatus and instruments used in testing iron, stone, brick, concrete, cement, &c.

Class 22.—Military Engineering and Fortification.—Military topography.

* *Class 23.—Materials used in building.*—Bricks and tiles, machines for making them; concrete, artificial stone, cement, materials and appliances used in their production; asphalt; roofing felt, and other roofing materials; columns, girders, and other applications of metal in building; applications of terra cotta to buildings; preservative and fire-proofing materials, paints, &c., for application to stone, wood, iron, &c., methods of applying the same.

* *Class 24.—Building construction.*—Models and plans showing methods of construction; non-combustible construction; labour-saving and other mechanical appliances used in building, scaffolding, elevators; fittings and appliances used in buildings, chimneys, blinds, lifts, bells, speaking tubes, &c.

* *Class 25.—Heating, Lighting, Ventilation, House-drainage, &c.*—Sanitary appliances; ventilators; [illegible]; apparatus for heating by steam, water, air, &c.; means of cooling air.

Group iv.—Prime Movers, and Means of Distributing their Power.

(For distribution of power by water, *see also* Group xi.; by electricity, *see* Group xiii.)

Class 26.—Steam-engines and Boilers.—Stationary, portable, marine, locomotive; fireless locomotives; methods and means of preventing corrosion and incrustation; methods and appliances for preventing explosion, and for testing boilers; fire-grates, fire-feeders, smoke-consuming appliances; valves and valve gear, steam joints, governors, injectors, pumps; bearings, lubricators, anti-friction metals; indicators, gauges, manometers, tachometers, dynamometers.

Class 27.—Gas and air engines, &c.—Gas-engines, hot-air engines, petroleum-engines; air-compressors, compressed air-engines; ammonia-engines, vapour-engines; accessories for the above.

Class 28.—Means of Utilising Natural Forces.—Turbines, water-wheels, tide-mills; means of utilising wave-power; hydraulic rams, water-pressure engines; windmills; solar engines.

Class 29.—Means of Transmitting Power.—Driving bands, shafts, pulleys gearing, clutches, distribution of power by water or by air.

Group v.—Railway Plant.

(For construction of railways and tramways, *see* Group iii; for locomotives, *see* Group iv.; for common road locomotives, *see* Group vi.; for signals, *see also* Group xiii.

Class 30.—Rolling stock (excepting locomotives).—Carriages trucks, wagons, vans; wheels, tyres, axles, springs, bearings, buffers, couplings.

Class 31.—Fixed and other Appliances.—Switches, signals, crossings, turntables, switch-locks, communication with trains and in trains, water cranes, and other modes of tender supply.

Class 32.—Brakes, Hand and Automatic.—Screw, chain, compressed air, vacuum, steam electrical.

Class 33.—Tramways.—Rolling and fixed plant.

Class 34.—Atmospheric Railways, Portable Railways, &c.—Rope railways, pneumatic dispatch.

Group vi.—COMMON ROAD CARRIAGES, &c.

(For farm wagons, &c., *see* Group i.)

Class 35.—Carriages for common roads.—Steam, &c., carriages; pleasure and travelling carriages; cabs, omnibuses, hearses, trucks, carts, bath chairs, perambulators, ambulance carriages; machinery used in carriage, &c., construction; indicators, carriage lamps, carriage furniture and fittings; methods and means of propulsion.

Class 36.—Bicycles and Tricycles.—"Cycles" of every description, and fittings for the same.

Class 37.—Saddlery and Harness.—Horse clothing, whips, spurs; means and methods of breaking in horses; disengaging runaway horses.

Class 38.—Farriery.—Veterinary apparatus and material; medicines for horses, cattle, &c.; horse-shoes, machinery or making horse-shoes and horse-nails; methods of roughing horses; horse-clippers; grooming apparatus.

Group vii.—NAVAL ARCHITECTURE.

(For floating docks and dredging apparatus, *see* Group iii; for engines and marine engines, *see* Group iv.; for nautical instruments, *see* Group xxvii.)

* *Class 39.—Ship and Boat Building.*—Construction and materials; sheathing, armour plating, launching; cleaning ships' bottoms, preventing fouling; raising sunken vessels, leak-stoppers, life-boats, life-rafts and fittings, life-saving apparatus; light-ships; submarine boats, torpedo boats; loading and discharging cargo.

* *Class 40.—Ships' Fittings.*—Masts, sails, rigging, &c.; materials for sails; wire-rigging; self-reefing sails; use of steam power for working sails; anchors, and chain cables; means for weighing anchor; steam winches, capstans; lowering ships, boats; pumping and ventilating arrangements.

Class 41.—Marine propulsion (including Steering).—Screw propellers, paddles, hydraulic propellers, river and canal propulsion, chain towing; hand, steam, and hydraulic steering gear.

Group viii.—AERONAUTICS.

For observing instruments, *see* Group xxviii.; for apparatus for balloon photography, *see* Group xxix.)

Class 42.—Balloons.—Materials for balloons; methods of constructing and inflating; manufacture and transport of gas for the purpose; fittings; military and captive balloons; balloon equipment for field and seige purposes; fire-balloons; parachutes.

Class 43.—Aeronautic apparatus.—Flying machines; propelling and steering apparatus for such machines.

Group ix.—MANUFACTURE OF TEXTILE FABRICS.

(For dyes, mordants, &c., *see* Group xiv.)

Class 44.—Treating Raw Material.—Cotton—picking, ginning, seed-cleaning, baleing, pressing, opening. Flax, jute, rheea, &c.—retting and its substitutes, breaking, scutching, heckling. Wool—clipping, sorting, washing, drying, heckling. Silk—rearing and feeding of silkworms, reeling, winding, loading, conditioning.

Class 45.—Preparing for Spinning.—Combing and carding fibrous materials; manufacture of combs and cards.

Class. 46—Spinning.—Drawing, slubbing, roving, spinning, twisting, doubling, throwing, spooling, reeling, balling, &c. Making, sewing and darning thread; reels, cops, and cop tubes.

Class 47.—Preparing for Weaving.—Sizing, warping, beaming, &c., yarns.

Class 48.—Weaving.—Weaving plain, figured, damask, and double fabrics, weaving carpets, velvets, and other pile and terry fabrics; weaving ribbons, tapes, &c.; hose for water, sacks, sailcloth, hair; jacquards and apparatus for making jacquard cards, electrical and other substitutes, temples, pickers, including pneumatic and modes of "handing" shuttles; harness, healds and reeds, weft and other stoppers.

Class 49.—Rug and Mat Making.—Cocoanut and other fibre.

Class 50.—Lace-making, &c.—Manufacture of lace, knitted fabrics, hosiery, &c., net and meshed fabrics, nets, fringes, chenille, braid, and plaited fabrics, elastic fabrics.

Class 51.—Dressing and Finishing.—Drying, stretching, ageing, dressing, finishing, singeing, shearing, folding, fulling, calendering, measuring, packing, and otherwise preparing for market.

Class 52.—Felt-making.—Manufacture of felted fabrics.

Class 53.—Bleaching and Tissue Printing.—Machines and appliances used in bleaching, dyeing, and printing fibres, yarns, and fabrics mixtures used in bleaching and washing, dyeing patterns; resist and discharge printing rollers and blocks. Dyeing materials and colours; thickeners.

Class 54.—Rope-making.—Manufacture of twine, cord, rope, safety fuses; materials used in the manufacture.

Class 55.—Utilization of Second-Hand Materials and waste Products.—Mungo, sooddy, tow, oakum, waste silk, waste cotton.

Group x.—MACHINE TOOLS AND MACHINERY.

(For steam-hammers and forging machinery used in iron and steel making, *see* Group ii.; for machines for making horse-shoes and horse-nails, *see also* Group vi.)

Class 56.—Metal-working Machines.—Lathes; planers; machines for punching, shearing, sawing, drilling, boring, slotting, shaping, milling, wheel-cutting, screw-cutting, rolling and bending, corrugating, stamping, coining, pressing riveting, forging; emery wheels, grinding machines; rivet, nail, bolt, and screw-making machinery.

Class 57—Wood-working Machinery.—Lathes (including lathes for ornamental turning); machines for sawing, planing, moulding, mortising, carving, veneering, cask-making, wheel-making, cork-cutting, &c.

Class 58.—Stone-working Machinery.—Machines for sawing, planing, turning, dressing, polishing, grinding, breaking and crushing stone and slate.

Group xi.—HYDRAULIC MACHINES, PRESSES, MACHINES FOR RAISING HEAVY WEIGHTS, WEIGHING, &c.

(For hay and straw elevators, *see* Group i.; for elevators used in building, *see* Group iii.; for hydraulic rams, *see* Group iv.; for grain elevators, *see* Group xvii.; for chemical, &c., balances, *see* Group xxviii.)

Class 59.—Pumps, hand, steam, rotary, centrifugal.—Ships' pumps, pumps for corrosive fluids; hydropults; syphons; methods of raising water; methods of obtaining, distributing and equalising hydraulic power; accumulators.

**Class 60.—Fire-engines.*—Fire-extinguishing apparatus; automatic apparatus for indicating and extinguishing fires; fire-escapes, ladders, fire-hose, accessory fittings and appliances; hydrants.

Class 61.—Cranes and other lifting apparatus.—Hand, steam, and hydraulic cranes travellers; elevators, jacks, capstans, windlasses, crabs, hoists, blocks, pulleys, derricks.

Class 62.—Hydraulic and other Presses.

Class 63.—Weighing Machines (for commercial purposes).—Steel-yards; platform weighing machines; commercial balances, scales, weights, &c.; registering weighing machines; spring balances.

Group xii.—ELEMENTS OF MACHINES.

Class 64.—Mechanical movements.

Class 65.—Separate parts of machines.

Group xiii.—ELECTRICITY.

(For railway signals, *see* Group v.; for photometers, *see* Groups xv. and xxviii; for scientific apparatus used in electrical research, *see* Group xxviii.)

Class 66.—Generators.—Dynamos, primary and secondary batteries, thermo-electric batteries.

Class 67.—Conductors.—Submarine cables and apparatus for laying them; aerial wires, and underground cables; insulators and poles; insulating and coating materials; joints and connections; underground conduits; pipes, tubes, troughs, &c., electric light leads.

Class 68.—Testing and Measuring Apparatus.—Galvanometers, magnetometers, dynamometers, volt-meters, current-meters, methods of testing.

Class 69.—Telegraphic and Telephonic Apparatus.—Needle instruments, A. B. C. instruments, Morse instruments, type-printers, relays, duplex and quadruplex apparatus, keys, recording instruments, automatic transmitters, electric bells, indicators, telephones, microphones, lightning protectors.

Class 70.—Electric Lightning Apparatus.—Lamps, resistance coils, cut-outs, safety catches, switches. Fittings for glow and other lamps.

Class 71.—Electro-Metallurgy and Electro-Chemistry.—Methods of depositing and coating various metals. Electrotyping, galvano-plasty. Vats, cleaning and polishing apparatus, materials, tools, and appliances.

Class 72.—Distribution and Utilisation of power.—Electric railways, electric moters, electrically driven boats, tricycles, and other conveyances; systems of distribution.

Class 73.—Electric signalling.—Fire and burglar alarms, railway, ship, and time signals, water-level and wind indicators, tell-tales, electric clocks, chronoscopes, &c.

Class 74.—Lightning Conductors.

Class 75.—Electro Medical Apparatus.

Class 76.—Electrolytic methods for extracting and purifying metals.—Copper, zinc, lead, iron, refining the precious metals.

Class 77.—Electro-Thermic Apparatus.—Electrical apparatus for war, mining, blasting, and other purposes.

Group xiv.—APPARATUS, PROCESSES, AND APPLIANCES CONNECTED WITH APPLIED CHEMISTRY AND PHYSICS.

(For chemical apparatus used in scientific research, *see* Group xxviii.)

Class 78.—Inorganic products, and means used in obtaining them.—Sulphuric and other acids, ammonia and other alkalies, bleaching agents, dyes and dye-stuffs, salts, whitelead, paints and pigments, phosphorous, lucifer matches, disinfectants.

Class 79.—Organic and Synthetical Products, and means used in obtaining them.—Coal, tar products, oils, soaps, and detergents, lubricating agents, candles, perfumery, paraffin, varnishes, manures.

Class 80.—Apparatus and Appliances for compressing and liquefying gases, and applications thereof.

Group xv.—GAS AND OTHER ILLUMINANTS.

(For electric lighting, *see* Group xiii.; for gas-stoves, *see* Group xvi.; for photometrical apparatus, *see also* Group xxviii.)

Class 81.—Coal Gas.—Manufacture, purification, storage and distribution of gas; treatment of residues.

Class 82.—Water gas, Oil gas, Carburetting air, &c.

Class 83.—Tests and Photometrical Apparatus.—Chemical tests; standards of light; measurement of light.

Class 84.—Burners, and means of utilising and applying gas.—Gas fittings; burners for illuminating gas; devices for imparting luminosity to flame; gas meters; methods of lighting gas; methods of increasing illuminating power of gas.

Class 85.—Mineral and other oils.—Methods of obtaining; distilling and refining, testing.

Class 86.—Candles, &c.—Candles of wax, tallow, sperm, paraffin, &c.; night-lights; appliances used in the manufacture.

Class 87.—Lamps for Oil and Spirits, Holders for Candles, &c.

Group xvi.—FUEL, FURNACES, &c.

(For coke ovens and metallurgical furnaces, *see* Group ii.; for glass, &c., furnaces, *see* Group xxiii.)

Class 88.—Manufacture of Fuel.—Materials and processes for the manufacture of artificial fuel; preparation and use of liquid fuel; preparation of peat; charcoal burning.

Class 89.—Furnaces for Manufacturing purposes—Furnaces for burning solid, pulverised, liquid and gaseous fuel.

**Class 90.—Stoves for Coal, for Gas, for Oil, &c.*—Cooking stoves and kitchen ranges, domestic fireplaces; gas cookers; gas burners for heating and cooking petroleum and other stoves for heating and cooking.

Group xvii.—FOOD, COOKERY AND STIMULANTS.

(For the cooking of the cattle food, *see* Group i.)

Class 91.—Machinery for treating grain and flour.—Machines for preparing and grinding corn and dressing flour, and other mill machinery; mill-stone dressers, roll turners, and similar machines; machines for milling and polishing rice; grain elevators; apparatus for drying grain; granary fittings.

**Class 92.—Manufacturing Articles of food.*—Apparatus for manufacturing and refining sugar; confectioners' machinery; machines and appliances for preparing mustard, spice, pepper, &c.; manufacture of salt.

**Class 93.—Preserving Food.*—Methods, materials and processes for preserving animal and vegetable food; machines for producing cold.

* *Class 94.—Bread and Biscuit making.*—Kneading machines, biscuit and bread-making machines, ovens; processes for making bread.

* *Class 95.—Cooking Apparatus.*—Culinary utensils, chopping and mincing machines; apparatus for paring and slicing fruit and vegetables, cleaning fruit, washing and cleaning vegetables.

Class 96.—Brewing, Distilling, and Wine-making.—Machines and appliances connected with the manufacture and use of *alcoholic drinks.*

* *Class 97.—Manufacture of Aerated Waters.*—Machinery, materials, &c., use for the purpose; stoopers and other appliances.

* *Class 98.—Infusions.*—Apparatus, &c., used in the preparation and use of tea, coffee, chocolate, &c.

* *Class 99.—Tobacco.*—Machinery, appliances, and processes for treating and using tobacco.

Group xviii.—CLOTHING.

(For textile machinary, *see* Group ix.; for jewellery, &c., *see* Group xix; for waterproof clothing, *see* Group xxi.)

* *Class 100.—Fabrics.*—Specimens of new materials, or meterials recently applied to the manufacture of clothing.

* *Class 101.—Articles of Clothing.*—Specimens of clothing of novel construction.

* *Class 102.—Machinery and Apparatus.*—Machinery, &c., used in the production of articles of dress, sewing machines, knitting machines; machinery for the manufacture of boots, hats, gloves, &c.; needles, and machinery employed in making them.

* *Class 103.—Cleaning Clothing.*—Washing and wringing machines, mangling, &c., machines; boot-cleaning machines and processes for cleaning other articles of clothing.

* *Class 104.—Dress Fastenings, &c.*—Buttons, pins, hooks and eyes, machinery employed in their manufacture.

Group xix.—JEWELLERY.

* *Class 105.—Jewellery and Personal Ornaments.*—Materials, apparatus for manufacture, &c.

Group xx.—LEATHER, &c.

(For saddlery, *see* Group vi.; for boots and shoes, *see* Group xviii.)

Class 106.—Manufacture of Leather.—Materials, processes and appliances for cleaning, curing, preserving, unhairing, drying, tanning, dyeing, splitting, dressing, and otherwise preparing skins and hides; specimens of leather prepared by new processes; manufacture of parchment.

Class 107.—Treatment and Application of Leather (exclusive of saddlery and of boots and shoes).—Methods of ornamenting, painting, polishing, staining, water proofing, &c., leather.

Class 108.—Artificial Leather, &c.—Imitation leather, waterproof canvas, and terpaulin.

Group xxi.—INDIA-RUBBER AND GUTTA-PERCHA, &c.

(For use of gutta-percha, &c., in electrical insulation, *see* Group xiii.; for artificial leather, *see* Group xx.; for kamptulicon, *see* Group xxi.

Class 109.—Machinery for treating India-Rubber and Gutta-Percha.—Washing machines, rasps, masticators, mixing machines, vulcanisers, spreading machines, thread-making machines, wire-covering machines; machines for manufacturing rubber goods, pressers, moulds, &c., appliances for stereotyping in rubber.

Class 110.—Application of India-Rubber and Gutta-Percha.—Waterproof goods, elastick webbing; articles of unvulcanised and vulcanised rubber and gutta-percha, and fabrics prepared therewith; ebonite, vulcanite, and articles made therefrom; complex or insertion goods; kamptulicon, &c.; cements; grinding wheels; bottle-stoppers; printing rollers.

Class 111.—Substitutes for India-Rubber and Gutta-Percha, materials used in their treatment, &c.—Natural substances available as substitutes; artificial substitutes; combinations of rubber or gutta-percha with other materials; rubber, &c., from new sources of supply; pigments, solvents, &c., used in the manufacture; celluloid and other preparations of nitrated cellulose.

Group xxii.—FURNITURE AND ACCESSORIES—FANCY GOODS.

(For bronzes and alloys, *see* Group ii. ; for household fixtures, *see also* Group iii. ; for manufacture of carpets, *see* Group ix. ; for rug and mat making, *see also* Group ix. ; for glass and china, *see* Group xxiii. ; for paper hangings, *see* Group xxvi.)

* *Class 112.—Furniture and Upholstery.*—Articles of furniture ; machinery and processes used in their production ; frames for pictures and mirrors ; safes.

* *Class 113.—Floor coverings and Wall-coverings (other than Paper-hangings).*—Oil-cloth ; linoleum, kamptulicon; mats and matting ; material, appliances and processes used in their manufacture.

Class 114.—Artistic and Ornamental Metal-work.—Goldsmiths' and Silversmiths' work electroplate ; ornamental bronzes ; appliances used in the manufacture.

Class 115.—Trunks, Portmanteaux, &c.—Dressing bags and cases ; ivory, horn and bone goods ; travelling equipments.

Class 116.—Basket-work.—Appliances for use in the manufactures.

Class 117.—Brushes.—Materials, machines and appliances used in the manufacture ; methods of brush-making.

Class 118.—Umbrellas, Parasols, and Walking Sticks.—Machinery, &c., used in their manufacture.

Group xxiii.—POTTERY AND GLASS.

(For optical glass, *see* Group xxviii. ; for glass apparatus, *see* Group xviii.)

Class 119.—Kilns and Furnaces.

Class 120.—Bricks, Tiles, Earthenware, &c.—Terracotta ; architectural pottery ; fire-clay goods ; crucibles ; drain-pipes, chemical and similar stoneware ; materials, machinery, and apparatus.

Class 121.—Porcelain, Majolica, and Artistic Pottery.—Biscuit ware, faience ; Parian ; materials, machinery, and apparatus.

Class 122.—Crown, Sheet, and Plate Glass.—Window glass, mirrors, stained glass ; glass mosaic ; materials, machinery, and apparatus.

Class 123.—Bottles, Table Glass, Toughened Glass, &c.—Materials, machinery, and apparatus.

Group xxiv.—CUTLERY, IRONMONGERY, &c.

(For nail and screw-making machinery, *see* Section x.)

Class 124.—Cutlery and Tools.—Engineers', carpenters', joiners', &c., tools.

Class 125.—Surgical Instruments and Appliances.

Class 126.—Files and Rasps.—File-cutting machines.

Class 127.—Hardware.—Hollowware ; ornamental casting ; locks and bolts.

Class 128.—Screws, Nails, &c.—pikes, hinges ; furniture fittings.

Group xxv.—FIRE-ARMS, MILITARY WEAPONS AND EQUIPMENT ; EXPLOSIVES.*

(For fortification, *see* Group iii. ; for torpedo boats, *see* Group vii. ; for special articles mentioned under "military equipments" *see also* respective classes).

Class 129.—Ordnance.—Heavy guns and means of working them ; carriages and accessories ; naval, seige, field, and mountain guns ; machine guns ; mitrailleuses ; shells, and apparatus for their manufacture ; apparatus used in testing, in measuring velocity, pressures, recoil, &c.

Class 130.—Fuses, Detonators.—Appliances for firing guns, and for exploding shells, signal lights, war and signal rockets, life-saving rockets.

Class 131.—Guns, Rifles, Pistols.—Military and sporting guns and rifles ; revolvers ; magazine guns ; harpoon guns ; air guns ; machinery used in the manufacture of small arms ; proving apparatus ; targets.

Class 132.—Swords, Bayonets, Sapper's Tools, &c.—Entrenching tools ; shields ; lances ; dirks.

Class 133.—Gunpowder and Ammunition.—Explosives generally, and apparatus used in their manufacture and testing ; cartridges ; cartridge cases.

Class 134.—Torpedoes.—Submarine and subterranean, torpedoes and mines, methods of laying, firing, and removing the same; naval torpedoes, means of carrying, projecting and firing the same.

Class 135.—Telemeters.—Range-finders for artillery and submarine mine service.

**Class 136.—Military Equipment.*—Photographic, telegraphic, pontoon, mining, signalling, hospital equipment; transport service.

* Explosive substances will under no circumstances be admitted. They must be represented by dummies or models.

Group xxvi.—PAPER, PRINTING, BOOKBINDING, STATIONERY, &c.

(For applications of photograpy to printing, *see also* Group xxix).

Class 137.—Machines and Processes for the Manufacture of Paper, Paste board and Papier-Mâché.—Materials; manufacture of "half stuff;" washing, beating, and bleaching engines; agitators, strainers, moulds; methods, &c., of glazing and planishing; methods of treating waste paper; appliances, &c., for treating and moulding papier-mâché; manufacture of artificial parchment; recovery of waste products, and preventing the pollution of streams.

Class 138.—Machines, &c., for cutting, folding, and Ornamenting Paper.—Stamping; embossing; envelope and bag making; manufarture of playing cards; chromo-lithography; paper box machines; marbling; perforating; ruling; waterproofing; enamelling.

Class 139.—Paper hangings.—Printing machines; apparatus for engraving, printing rollers materials; tests for injurious materials.

Class 140.—Letter Press and other Printing.—Printing machines and presses; glazing and hot-pressing apparatus; apparatus, &c., for type-founding; lithographic machinery, materials, &c., stereotyping apparatus, &c., methods of anastatic printing; process blocks from autographic drawings; wood blocks; engraving machines; machines for cutting wood letter; type-setting machines, numbering machines, printers' furniture and locking-up appliances; production of printing surfaces; methods of printing cheques, bank-notes, &c.

Class 141.—Bookbinding, Manufacture of Portfolios, &c., Applications of Papier-Mâché—Materials; bookbinding machines, wire-stitching machines, cutting presses, rounding machines, backing machines, arming presses; account books, desks, cases, &c., for stationery, &c.; purses.

Class 142.—Artists' Implements and Materials.—Pencils, brushes, colours and varnishes, easels, crayons, palettes, palette knives, drawing boards, drawing instruments, pencil sharpeners.

Class 143.—Writing Materials and Appliances.—Type-writers; manifold writers; copying presses and processes; processes for multiplying copies of M.S.; pens; ink; penholders; inkstands; sealing-wax; stationery.

Group xxvii.—CLOCKS, WATCHES, AND OTHER TIME-KEEPERS.

(For electrical clocks, *see also* Group xiii.)

Class 144.—Clocks.—Timepieces and other domestic clocks; regulators and astronomical clocks; watchman's, calendar, turret, electrical and pneumatic clocks; hour-glasses, sun-dials, water-clocks.

Class 145.—Time Signals, &c.—Methods of controlling and synchronising clocks; apparatus for the distribution and signalling of time; also for the determination of time by astronomical observations.

Class 146.—Watches and chronometers.—Examples illustrative of stages of manufacture and of the different types of watches and of chronometers; keyless, chronograph, repeating, calendar, and other forms of watches.

Class 147.—Tools, &c.—Lathes and mandrils; wheel-cutting engines; machine tools for producing the several parts of watches on the "interchangeable" system; various hand-tools used in the manufacture and repair of clocks and watches; gauges and templates; appliances used in case-making.

Group xxviii.—PHILOSOPHICAL INSTRUMENTS AND APPARATUS.

(For testing machinery, *see* Group iii; for commercial weighing apparatus, *see* Group xi.; for practical applications of electrical apparatus, *see* Group xiii.; for industrial applications of chemistry, *see* Group xiv).

Class 148.—Optical.—Lenses, prisms, telescopes, microscopes and accessories, spectroscopes, polariscopes, polarimeters, stereoscopes, photographic lenses, spectacles, eye-glasses, optical glass.

Class 149.—Astronomical—Telescopes (astronomical) transit instruments, equatorials, mural circles, driving clocks, siderostats, heliostats, altazimuths, methods of fitting observatories and mounting instruments.

Class 150.—Physical.—Acoustic apparatus, tuning forks, sirens, phonautographs, phonographs; apparatus connected with molecular physics, air-pumps, manometers, radiometers; apparatus for measuring, &c., heat, thermometers, pyrometers, calorimeters; photometers; kinematic, static and dynamical apparatus, mechanics.

Class 151.—Electrical.—Friction and induction machines, batteries and other sources of electricity, Leyden jars, condensers, electroscopes, electrometers, galvanometers, voltameters, dynamometers, magnetometers, rheostats, resistances, electrical units, induction coils, thermopiles, vacuum tubes.

Class 152.—Chemical.—Thermometers, hydrometers, pyrometers, furnaces, blowpipe apparatus, assaying apparatus, apparatus for organic analysis, for gas and inorganic analysis, and for volumetric analysis, laboratory fittings and apparatus generally, balances, reagents.

Class 153.—Mathematical.—Calculating machines, indicating and registering apparatus, pedometers, counting machines, slide rules, planimeters, drawing instruments, ellipsographs, straight-edges, gauges, surface planes, dividing engines, pantographs, eidographs.

**Class 154.—Meteorological.*—Barometers, thermometers, rain gauges, monometers, hygrometers, aneroids anemometers, ozonometers, storm signalling apparatus.

Class 155.—Geographical.—Surveying apparatus, theodolites, chains, levels; underground surveying apparatus; apparatus for hydrographic surveying, and for marine investigations and observations; hypsometrical instruments, tide gauges; seismographical apparatus; projections, maps, charts, models, and globes.

**Class 156.—Nautical.*—Sextants, quadrants, sounding apparatus, logs, compasses.

Class 157.—Weighing and Measuring.—Weights, scales, balances; measures of length, graduated scales, verniers, steel tapes; measures of capacity; instruments for angular measurement, clinometers, goniometers.

Class 158.—Biological.—Apparatus for anatomical research; physiological apparatus; apparatus for collecting and preserving natural history specimens.

Group xxix.—PHOTOGRAPHY.

(For applications of photography to printing, *see also* Group xxvi.; for photographic lenses, *see* Group xxviii.)

Class 159.—Processes and their results.—Methods of gelatino-bromide plate-making, apparatus for making emulsion, apparatus for separating the sensitive constituent, coating, drying and packing machines; emulsion and other processes; printing processes, silver, carbon, Woodbury-type, platinotype, gelatino-bromide, collodio-chloride of silver, &c.; apparatus for washing, &c.; prints and negatives; methods for making photographic lantern slides.

Cass 160.—Apparatus (excluding lenses).—Cameras, shutters, changing-boxes, slides, tents, lamps; apparatus for making enlargements and for micro-photography.

Class 161.—Application of Photography to various purposes, Typography, Ceramics, Relief-moulds, &c.—Method of producing printing surfaces; photographic enamels, photographic printing on pottery; photographic reliefs. Use of photography in self-recording apparatus, in scientific observations, &c.

Group xxx.—EDUCATIONAL APPARATUS.

Class 162.—Models and Apparatus.—Appliances used in primary, scientific, technical, and artistic instruction.

Group xxxi.—TOYS, SPORTS, &C.

(For sporting guns, *see* Group xxv.)

Class 163.—Toys, Games, and Exercises.—Outdoor games; gymnastic apparatus; skates, artificial skating surfaces; indoor games; billiard tables.

* *Class 164.—Field Sports.*—Apparatus used in hunting, fishing, shooting, &c.; traps for animals, birds, vermin, &c.

Class 165.—Scenic and Dramatic Effects.—Theatrical fittings and apparatus; optical (magic) lanterns and apparatus for illuminating them.

DIVISION II—MUSIC.

Group xxxii.—INSTRUMENTS AND APPLIANCES CONSTRUCTED OR IN USE SINCE 1800.

Class 166.—Organs.—Details of construction; machines for blowing, hydraulic or otherwise; details of mechanism and the construction of pipes; pneumatic apparatus for keyboards and couplers, electric appliances, designs for organs, designs for organ-cases.

Class 167.—Harmoniums.—American organs, vocalions, concertinas, accordions, varieties of reeds and air-channels, details of construction.

Class 168.—Wind Orchestral Instruments.—(*a*) Wood; (*b*) Brass.

Class 169.—Pianofortes.—(Grand, square, and upright).—Models of framings, castings, models of action, pedal appliances, mechanical devices for tuning and transposing, wire and other material used in construction designs for cases.

Class 170.—Violins, and instruments of the Violin family; Bows, strings, and inventions connected with these instruments.

Class 171.—Harps.

Class 172.—Automatic and Barrel Instruments.

Class 173.—Drums, Cymbals, and other instruments of percussion.

Class 174.—Bells and Carillons.

Class 175.—National Instruments of all countries not ordinarily used in orchestras.

Class 176.—Sirens, Tuning Forks, Pitch Pipes, Tonometers, and appliances for the determination of pitch.

Class 177.—Miscellaneous Musical Appliances.—Metronomes, desks, seats, appliances for forming the hand; instruments for recording improvisation.

Group xxxiii.—Music Engraving and Printing.

Class 178.—Printed and Engraved Music: and Machines and Appliances for its Production.

Group xxxiv.—Historic Collections.

Class 179.—Musical Instruments and Appliances.

Class 180.—Pictures, Engravings, and Drawings of Musical Subjects.

A Separate Form to be used for Division 2 (Music).

INTERNATIONAL INVENTIONS EXHIBITION, LONDON, 1885.

Application to exhibit in Division I.—Inventions.

To the Secretary of the International Inventions Exhibition,

South Kensington, London, S.W.

Please allot me the following amount of space for the exhibition of articles illustrating my invention described on the next page.

Floor space.................................*square feet.*

Counter.................................*feet run.*

Wall space.................................*square feet.*

In case of my application being granted (in whole or in part) I declare that I will adhere to the published Regulations of the Exhibition.

Signature.................................

Address.................................

....

Date.................................

INSTRUCTIONS.

A.—Applications for space for articles belonging to different groups must be made upon *separate* forms. Additional copies of the form can be obtained of the Secretary.

B.—This form should be sent in to the Secretary not later than the 15th September 1884.

C.—If the application be approved by the Executive Council, the applicant will be informed at the earliest possible date. The final allotment of space will be made about the 1st December 1884.

D.—Space will be allotted to approved applications according to merit of invention.

E.—It is particularly requested that the description be made as complete as possible, as it will form the basis of the Catalogue entry.

F.—Attention is directed to the extract from the Regulations on the fourth page.

DIVISION I.

APPLICATION TO EXHIBIT.

GROUP.

Name ....

Address ....

....

Title of invention.	
Group in which it desired to exhibit.	If the applicant desires that a reference to the exhibit should ap p ar in the Catalogue under other groups besides the class in which the exhibit is shown, such groups should be given here.
Special features of novelty; reasons for applying to exhibit; explanations and general remarks.	
If patented, give date and official number of Specification of Patent.	If not patented, give date of invention, and reference to any published description.
State whether it is proposed to show machines, models, parts of machines, specimens, examples, products, &c.	
If it is desired to illustrate a manufacturing process, state its nature.	
State whether it is desired to show a machine, &c., at work, and give particulars.	

Form No. 4.

GROUP ....

A Separate Form to be used for Division I. (Inventions).

INTERNATIONAL INVENTIONS EXHIBITION, LONDON, 1885.

APPLICATION TO EXHIBIT IN DIVISION II.—MUSIC.

To the Secretary of the International Inventions Exhibition,
South Kensington, London, S.W.

Please allot me in Group ______________ *(see foot note A.) for the Exhibition of Articles as under, in accordance with the Regulations which I have perused.*

Floor space ______________ *Feet* × ______________ *Feet.*

Counter Space ______________________ *Feet Run.*

Wall Space ______________ *Feet* × ______________ *Feet.*

Number and Description of Articles (see foot note B.)

____

____

____

____

____

____

In case of my application being granted (in whole or in part) I declare that I will adhere to the published Regulations of the Exhibition.

Name ______________________________

Address ______________________________

____

Date ______________________________

INSTRUCTIONS.

A.—Applications for Space for Articles belonging to different groups must be made upon Separate Forms. Additional copies of the Form can be obtained of the Secretary.

B.—This Form should be sent into the Secretary not later than the 15th September 1884.

C.—If the application be approved by the Executive Council, the applicant will be informed at the earliest possible date. The final allotment of space will be made about the 1st December 1884.

D.—Space will be allotted to approved applications according to merit of invention.

E.—It is particularly requested that the description be made as complete as possible, as it will form the basis of the Catalogue Entry.

CLASSIFICATION.

DIVISION II.—MUSIC.

Group xxxii.—INSTRUMENTS AND APPLIANCES CONSTRUCTED OR IN USE SINCE 1800.

Class 166.—Organs.—Details of construction; machines for blowing, hydraulic or otherwise; details of mechanism and the construction of pipes; pneumatic apparatus for keyboards and couplers, electric appliances, designs for organs, designs for organ-cases.

Class 167.—Harmoniums.—American organs, vocalions, concertinas, accordions, varieties of reeds and air-channels, details of construction.

Class 168.—Wind Orchestral Instruments.—(*a*) Wood; (*b*) Brass.

Class 169.—Pianofortes (grand, square and upright).—Models of framings, castings, models of actions, pedel appliances, mechanical devices for tuning and transposing, wire and other material used in construction, designs for cases.

Class 170.—Violins, and instruments of the Violin Family; Bows, Strings, and Inventions connected with these instruments.

Class 171.—Harps.

Class 172.—Automatic and Barrel Instruments.

Class 173.—Drums, Symbals, and other instruments of percussion.

Class 174.—Bells and Carillons.

Class 175.—National Instruments of all countries not ordinarily used in orchestras.

Class 176.—Sirens, Tunning Forks, Pitch Pipes, Tonometers, and appliances for the determination of pitch.

Class 177.—Miscellaneous Musical Appliances.—Metronomes, desks, seats, appliances for forming the hand; instruments for recording improvisation.

Group xxxiii.—MUSIC ENGRAVING AND PRINTING.

Class 178.—Printed and Engraved Music, and Machines and Appliances for its Production

Group xxxiv.—HISTORIC COLLECTIONS.

Class 179.—Musical Instruments and Appliances.

Class 180.—Pictures, Engravings, and Drawings of Musical subjects.

NOTES.

[*Extracted from the Regulations which see for fuller instructions.*]

Division I, of the Exhibition will be devoted to apparatus, appliances, processes, and products invented, or brought into use, since 1862.

Division II, will consist of examples of musical instruments of a date not earlier than the commencement of the present century; and of Historic collections of musical instruments and appliances, and paintings, engravings and drawings representing musical subjects, without any restriction as to date.

A separate form of application will be supplied for Division II (Music).

Manufactured articles or products will only be admitted in so far as they may be necessary to illustrate an improved method of manufacture, or an improvement in the machine or process by which they are produced.

Exhibitors should state fully in their application form the features of novelty in respect of which they offer any article for exhibition.

Untried and unpatented inventions will not be accepted unless recommended by a competent authority.

When the invention relates to parts only of a machine, the whole machine will not be admitted unless the improvement (in respect of which the machine is offered for exhibition) cannot be sufficiently well shown without the exhibition of the entire apparatus, or unless in the opinion of the Executive Council the exhibit is of such special interest as to render its admission desirable.

Inasmuch as the scope of this Exhibition is very extensive, while the total area available is limited, it will be necessary to restrict as much as possible the space available for each exhibitor. It will, therefore, be preferable that inventions should (as far as practicable) be generally illustrated by models, which in the case of an entire machine may be accompanied by actual examples of the parts improved.

The classification is not to be considered as exhaustive. Where there appears to be no head under which an invention may come, the exhibitor should apply for space in the group most nearly cognate.

In cases where an invention may come within the scope of several distinct groups, the Exhibitor is at liberty to enumerate the groups into which he considers it should come, in order that reference may be made to it in the different sections of the Catalogue; but duplicate exhibits will not be admitted.

Except under exceptional circumstances, no applications will be entertained for space for objects which have been shown in the Smoke Abatement Exhibition, 1881; the Fisheries Exhibition, 1883; or the Exhibition of Health and Education, 1884. The space allotted to Agricultural Exhibits will be strictly limited.

There will be no charge for space.

RESOLUTION.

The co-operation of the Government of India having been invited by the authorities of the International Inventions Exhibition to be opened at London in May 1885, under the Presidency of His Royal Highness the Prince of Wales, intimation is hereby given that any inquiries which intending exhibitors may wish to make, should be addressed to Baboo Troylokhya Nath Mukharji, the Officer in charge of the Exhibition Branch of this Department, Calcutta.

ORDER.—Ordered, that a copy of the Resolution be forwarded to the several Local Governments and Administrations noted in the margin, for publication in the Local Gazettes, and that a copy be published for general information in the Supplement to the *Gazette of India*.

Madras.	Punjab.
Bombay.	Central Provinces.
Bengal.	British Burma.
Nort -Western Provinces and Oudh.	Assam.
	Berar.

Ordered also, that a copy be forwarded to the Home Department for information, and to the Press Commissioner for communication to newspapers.

Ordered also, that a copy be forwarded to the Foreign Department for communication, if thought desirable, to Native Chiefs.

Circular No. $\frac{126 \text{ Ex.}}{30.—37}$.

Extract from the Proceedings of the Government of India, in the Revenue and Agricultural Department (Museums and Exhibitions),—under date Simla, the 5th November 1884.

Read—

List of raw products collected for the Calcutta International Exhibition of 1883 84, compiled by Babu T. N. Mukharji, officer in charge of the Exhibition Branch, Revenue and Agricultural Department.

RESOLUTION.

At the request of the Government of Bengal, the Government of India in the Revenue and Agricultural Department undertook to form a collection of the economic products of India for the Calcutta International Exhibition of 1883-84, and the list read in the preamble shows the character and scope of the collection, and the extent to which it may be held to represent the raw resources of the country. The Government of India desires to record its appreciation of the help afforded to it by the officers and private gentlemen named in the appended list, without whose cordial co-operation it would have been impossible in the very limited time allowed to have accomplished the work with any measure of success. More particularly the Government of India would desire to acknowledge the services of the following gentlemen :—

(1) Forest Officers of Madras, Bengal, Burma, Assam, and the Central Provinces.

(2) F. Duthie, Esq., Superintendent, Botanical Gardens, Saharanpur.

(3) J. B. Fuller, Esq., Director of the Agricultural Department, Central Provinces.

(4) Babu Lachman Prosad Barman, Superintendent, Government Farm, Cawnpore.

(5) Babu Amba Datt Joshi, of Almora.

(6) Babu Mahendra Nath Battacharjya, M.A., B.L., Deputy Magistrate and Deputy Collector of Bogra.

(7) Dr. Mudin Sharif of Madras.

(8) J. Murray, Esq., Curator, Municipal Museum, Karachi.

(9) Dr. MacDonald, Curator, Victoria and Albert Museum, Bombay.

(10) Babu Ajodhya Prosad, Deputy Magistrate and Deputy Collector, Shahjehanpur.

ORDER.—Ordered, that a copy of this Resolution be printed and distributed to the Local Governments and Administrations noted in the margin, and be published in the *Gazette of India* for general information.

Madras.	Punjab.
Bombay.	Central Provinces.
Bengal.	British Burma.
North-Western Provinces and Oudh.	Assam.

Ordered also, that a copy of this Resolution be forwarded to the Foreign Department for communication to the Agent, Governor General, Rajputana.

List of Officers and private Gentlemen who worked for, or contributed samples of raw products to, the Calcutta Exhibition.

Names and Addresses.	Articles contributed.
BENGAL.	
Babu Mahendra Nath Bhattacharjya, M.A., B.L., Bogra ...	Economic products.
Babu Promotho Nath Mukharji, Bakarganj	Rice.
E. G. Chester, Esq., Deputy Conservator of Forests, Kurseong Division	Forest products.
G. W. Strettel, Esq., Deputy Conservator of Forests, Sundarbans Division	Ditto.
H. H. Davis, Esq., Deputy Conservator of Forests, Orissa Division	Ditto.
A. R. Grant, Esq., Deputy Conservator of Forests, Teesta Division	Ditto.
R. L Heinig, Esq., Assistant Conservator of Forests, Hazaribagh Division	Ditto.
W. E. D'Arcy, Esq., Assistant Conservator of Forests, Sundarbans Division	Fibres.
G. A. Richardson, Esq., Deputy Conservator of Forests, Buxa Division	Forest products.
Babu Bogola Nando Mukharji, Manager, A. N. Rai's Estate, Berhampur	Silk, &c.
Babu Kunja Lall Acharji, Assistant Manager, A. N. Rai's Estate, Rangpur	Ditto.
Babu Nando Lall Banerji, Behar	Agricultural products.
W. H. D'Oyley, Esq., C.S., Collector of Bhagalpur ...	Raw products.
H. Frazer, Esq., C.S., Joint Magistrate of Serajganj ...	Hemp.
G. M. Goodrick, Esq., Collector of Calcutta ...	Ganja, bhang, and charas.
E. B. Harris, Esq., C.S., Divisional Officer, Rajmahal ...	Dyes and Silk.
A. L. Clay, Esq., C.S., Deputy Commissioner, Manbhum ...	Tassar silk; silk cocoons.
Messrs. Narayan Chand Dutt & Co., No. 131, Old China Bazar Street	Pickles, preserves, &c.
Babu Rajendra Nath Sannyal, in charge A. N. Rai's Estate, Sarail, Tipperah	Jute, rice, &c.
Messrs. Muddun Mohun Bysack & Bros., Dacca	Safflower, &c.
NORTH-WESTERN PROVINCES.	
F. Duthie, Esq., Superintendent, Government Botanical Gardens, Saharanpur	Large collection of economic samples.
F. N. Wright, Esq., C.S., Magistrate of Meerut	Agricultural products.
Babu Amba Dutt Joshi, Almora	Economics.
Babu Luchman Prasad Barman, Superintendent, Government Farm, Cawnpore	Ditto.
A. D. Carey, Esq., Commissioner, Northern India Salt Revenue, Agra	Salts.
Babu Ajodhya Parsad, Shahjehanpur	Food-crops.
C. Bagshawe, Esq., Deputy Conservator of Forests, Naini Tal...	Fruits.
W. O'Callaghan, Esq., Deputy Conservator of Forests, Kumaun Division	Forest products.
A. Campbell, Esq., Assistant Conservator of Forests, Ranikhet, Chaubattia	Ditto.
E. P. Dansey, Esq., Deputy Conservator of Forests, Bahraich Division	Bees, honey, &c.
S. E. Wilmot, Esq., Deputy Conservator, Kumaun... ...	Bamboos.
Raja Ajit Sing, Talukdar, Pertabgarh	Sugar.
Lieut.-Colonel J. Stuart, B.A., Harness and Saddlery Factory, Cawnpore	Divi-Divi seeds.
W. J. Wilson, Esq., Assistant Engineer, North-Western Provinces and Oudh, Cawnpore	Glass beads.

List of Officers and private Gentlemen who worked for, or contributed samples of raw products to, the Calcutta Exhibition—(continued.)

Names and Addresses.	Articles contributed.
Munshi Babu Ram, Cawnpore	Economics.
Messrs. Nilcomul Mitter & Co., Allahabad	Country wines.
M. Ridley, Esq., Superintendent, Horticultural Gardens, Lucknow	Carob and Prosopis.
PUNJAB.	
J. L. Kipling, Esq., Curator, Lahore Central Museum, Lahore	Economic products.
B. Ribbentrop, Esq., Conservator of Forests, Punjab ...	Forest produce.
Lieut.-Colonel W. Stenhouse, Deputy Conservator of Forests, Punjab, Beas Division	Fruits.
Lieut.-Colonel E. G. Wace, Commissioner of Settlement and Agriculture, Punjab	Bees, silk.
A. Parsons, Esq., Annandale Gardens, Simla	Food-grains, &c.
Budha Mistri, Sialkot	Koftgari work.
Shariffuddin Mistri, Sialkot	Ditto.
CENTRAL PROVINCES.	
J. B. Fuller, Esq., C.S., Director, Department of Agriculture and Commerce, Nagpur	Agricultural produce.
Lieut.-Colonel, T. A. Scott, Deputy Commissioner, Raipur ...	Ditto.
S. H. Hennessy, Esq., Officiating Deputy Commissioner, Narsingpur	Ditto.
Lieut.-Colonel C. H. Grace, Deputy Commissionor, Jabbalpur ...	Ditto.
Deputy Conservator of Forests, Hoshangabad Division ...	Forest products.
W. King, Esq., Officiating Deputy Conservator of Forests, Betul Division	Ditto.
R. H. E. Thomson, Esq., Officiating Conservator of Forests, Central Provinces	Ditto.
RAJPUTANA.	
R. S. Whiteway, Esq., Settlement Officer, Ajmir-Mhairwara ...	Maize cobs.
L. S. Saunders, Esq., Commissioner of Ajmir-Mhairwara ...	Ditto.
Colonel C. Baylay, Political Agent, Kotah, Rajputana ...	Economic products.
H. P. Peacock, Esq., Political Agent, Ulwar	Ditto.
MADRAS.	
J. S. Gamble, Esq., Conservator of Forests, Northern Circle, Madras	Forest products.
Major J. Campbell Walker, Conservator of Forests, Southern Circle, Madras	Ditto.
E. Dampier, Esq., Assistant Conservator of Forests, Gumsur, Surada, and Ganjam Division	Bamboos with dried leaves; silk cocoons, &c.
Lieut.-Colonel R. S. Jago, Deputy Conservator of Forests, Nilgiris H. Stafford, Esq., Sub-Assistant Conservator of Forests, Godavari Division	Economic products. Forest products.
F. d'A. Vincent, Esq., Deputy Conservator of Forests, Nellore District	Ditto.
H. A. Sim, Esq., C.S., Deputy Conservator of Forests, Kurnool District	Ditto.
E. D. M. Hooper, Esq., Deputy Conservator of Forests, Bellary District	Ditto.
A. W. B. Higgens, Esq., C.S., Conservator of Forests, Cuddapah District	Ditto.
A. W. Lushington, Esq., Assistant Conservator of Forests, Kadur District	Ditto.
T. P. Peake, Esq., Assistant Conservator of Forests, South Canara	Ditto.

List of Officers and private Gentlemen who worked for, or contributed samples of raw products to, the Calcutta Exhibition—concluded.

Names and Addresses.	Articles contributed.
J. W. Cherry, Esq., Deputy Conservator of Forests, Salem ..	Forest products
H. L. Wooldridge, Esq., Deputy Conservator of Forests, South Arcot	Ditto.
H. J. A. Porter, Esq., Assistant Conservator of Forests, South Coimbatore...	Ditto.
Hon'ble F. Brandt, B. A., Collector of Nilgiris	Economic products.
Dr. Mudin Sharif, Khan Bahadur, Royapetta, Madras . .	Medicines and rice.
P. Vankatachellam, Esq., Madras	Condiments.
C. Subaa Rao, Esq., Deputy Superintendent, Saidapet Farm	Food-grains, &c.
Major W. J. Pickance, Superintendent, Central Jail, Rajahmundry	Nankin cotton.
Henry R. Grimes, Esq., Superintendent, Central Jail, Coimbatore	Ditto.
J. Lee-Warner, Esq., Collector of Nellore District ...	Bees, honey, and wax.
BOMBAY.	
Dr. D. MacDonald, M.D., Secretary and Curator, Victoria and Albert Museum, Bombay	Economics.
James A. Murray, Esq., Curator, Municipal Library and Museum, Karachi	Medicines and photographs.
Vice-President, Ahmednagar Municipality	Grains, &c.
Mr. Nusserwanji Cursetji, Khan Bahadur, Honorary Secretary, N. E.	Grains.
Surgeon-Major W. Dymock, Bombay...	Drugs.
A. D. Wilkins, Esq., District Forest Officer, South Thana ...	Forest products.
ASSAM.	
E. Stack, Esq., C.S., Director, Department of Agriculture, Assam	Economic products.
Gustav Mann, Esq., Conservator of Forests, Assam ...	Crude turpentine and forest products.
H. G. Young, Esq., Assistant Conservator of Forests, Cachar Division	Ditto.
F. S. Barker, Esq., Assistant Conservator of Forests, Lakhimpur Division	Ditto.
E. Ludlow, Esq., Assistant Conservator of Forests, Garo Hills ..	Ditto.
A. J. Moin, Esq., Deputy Conservator of Forests, Kamrup ...	Forest products, &c.
J. T. Jellicoe, Esq., Deputy Conservator of Forests, Goalpara Division	Fibres, gums, medicines, &c.
A. C. Campbell, Esq., Deputy Commissioner, Kamrup ...	Rice.
Captain H. St. P. Maxwell, Deputy Commissioner, Garo Hills	Food-crops, fibres, &c.
A. J. Primrose, Esq., C.S., Officiating Deputy Commissioner, Kamrup	Mismi Tita, &c.
Colonel W. C. S. Clarke, Deputy Commissioner, Khasia and Jaintia Hills	Cotton.
H. Luttman-Johnson, Esq., B.A., C.S., Deputy Commissioner, Sylhet	Rice.
BRITISH BURMA.	
H. L. Tilly, Esq., Officer in charge of British Burma Exhibits, Rangoon	Raw products, &c.
Lieut.-Colonel W. J. Seaton, Conservator of Forests, Tenasserim Circle, Moulmein	Gums, bamboos, and other forest products.
H. C. Hill, Esq., Officiating Conservator of Forests, Pegu Circle, Rangoon	Oils, bamboos, barks, gums, &c.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 5th NOVEMBER 1884.

GENERAL REMARKS.—Prospects continue to improve in the Madras Presidency, where there was again good rain in several districts. In Bellary, where the condition of the crops has been the most unsatisfactory, more rain is still needed. Rain has fallen generally throughout the Mysore Province; the crops are in good condition and pasturage is sufficient. In Mercara the rain of the week was unfavourable for the cardamom crop, which is being picked. A good rice crop is expected. No report has been received from the Bombay Presidency for the week under notice.

In the Central India and Rajputana States, and in the Berars and Hyderabad, there was no rain during the week, but the prospects of the crops continue to be very good. Slight rain fell in a few districts of the North-Western Provinces and Oudh, and the weather is generally seasonable. Agricultural prospects are good. In the Punjab slight rain fell in a few places. The *kharif* has been nearly harvested, and the yield has been a good one. The recent rain has improved the prospects of *amun* paddy in Bengal and has been beneficial to the *rabi* sowings. In Assam the prospects of the crops are generally favourable. In British Burma the crops promise well, but more rain would be beneficial in some parts.

The last report of the Meteorological Department, dated the 6th instant, states that rain has fallen throughout the south of the peninsula, the fall at Madras and Negapatam being heavy.

Harvesting of the *kharif* and ploughing and sowing for the *rabi* continue in progress generally throughout the country. In Bengal the *rabi* crops already sown are doing well; *amun* paddy and sugarcane are being harvested in Dacca. In Beerbhoom the outturn of paddy is expected to be on an average an 8-anna crop, and in Moorshedabad not more than 6 annas.

The public health is generally good.

Prices are generally stationary, except in Bengal where they are unsteady.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Madras—(Nov. 5th)		
Bellary ...	·10 (average)	Standing crops need more rain.
Kurnool ...	·09 (average)	Standing crops good; harvest early cereals, outturn below half. Small-pox in one taluk.
Ganjam ...	·52 (average)	Small-pox and cattle-disease prevalent.
Kistna ...	·30 (average)	Standing crops generally good; harvest dry crops, outturn about half. River 5·10 feet over anicut. Small-pox, fever, and cattle-disease in places; 26 deaths from cholera.
Chingleput (Madras) ...	2·49 (average)	Standing crops good; harvest paddy, outturn above half. Small-pox generally prevalent; 17 deaths from cholera.
Coimbatore ...	1·46 (average)	Standing crops good; agricultural operations progressing; harvest wet and dry crops, outturn about average.
Tanjore ...	3·14 (average)	Standing crops generally good, in parts damaged by breaches and excessive rain; harvest wet and dry crops, outturn below average. 44 deaths from cholera.
Madura ...	1·39 (average)	Prospects considerably improved. 73 deaths from cholera.
Malabar ...	1·67 (average)	Second crop cultivation progressing. Small-pox, cattle-disease, and slight fever in two taluks; 5 deaths from cholera.
Travancore ...	2·60	Standing second crop paddy good. 4 deaths from cholera.
		General Remarks.—General prospects. North-east monsoon continues favourable. Prospects much improved.
Bengal—(Nov. 5th)		
Chittagong ...	3·84	Violent storm, with rain, slightly damaged standing crops. Prices stationary. Sporadic cases of cholera reported.
Dacca ...	·85	Prospects of crops good owing to recent rain; harvesting of sugarcane continues, that of *amun* paddy commenced; mustard and other winter crops being sown.
24-Pergunnahs (Calcutta)	*Nil*	Prospects of *amun* paddy continue satisfactory; sugarcane doing well; sowing of *rabi* crops going on. Price of common rice almost stationary. Public health generally good. State of river normal.
Moorshedabad ...	·23	Weather cool and somewhat cloudy; recent rain improved prospects of *amun* crops throughout the district. The area planted out being limited; not more than 6-anna crop expected; *rabi* crops being sown under favourable circumstances. Public health fairly good, though a few cases of cholera reported from Jungipore.
Rajshahye ...	*Nil*	Weather bright and warm; recent rain greatly benefited both *amun* paddy and *rabi* sowing. Fever rather general, and slight cholera chiefly in Nowgong.
Burdwan ...	*Nil*	Prospects of paddy good in Culna and Raniganj, not good in parts of Sadr station and Cutwa; *rabi* sowings going on. Price of rice slightly fallen.
Rungpore ...	*Nil*	Weather seasonable. Prospects of *amun* paddy bad. Price of rice stationary. Malarious fever prevalent.
Bhagalpur ...	....	Prospects of crops fair. Rice selling at 13 seers and 14 chittacks per rupee.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Bengal—*contd.*		
Purneah ...	*Nil*	Prospects of crops in the north good, some anxiety about a few small tracts in the south and east; cultivation for *rabi* progressing; tobacco being transplanted. Common rice 13 seers per rupee. Fever very prevalent; some cattle-disease. Rivers falling.
Patna ...	*Nil*	Prospects of paddy generally improved; spring crops germinated well; *ragi* and cotton growing splendidly. A few cases of cholera in Behar and Barh sub-divisions.
Durbhunga ...	*Nil*	Prospects of paddy improved; sowing of *rabi* progressing. Prices stationary. Public health good.
Hazaribagh ...	*Nil*	Weather seasonable. Prospects of paddy on low lands generally good; sowing of *rabi* crops continues, and prospects seem good. Common rice 13 seers per rupee. General health good.
Cuttack ...	*Nil*	Weather seasonable. Early *sarad* ripening, late *sarad* and *rabi* growing well. Price of rice stationary. Public health good. In Sarun recent rain was general and beneficial to poppy sowings, seed germinated well, 8,325 bighas sown in Chupra sub-agency.
		General Remarks.—The recent rain has improved the prospects of *amun* paddy everywhere, and has done good to *rabi* sowings; *rabi* crops already sown are doing well; harvesting of *amun* paddy and sugarcane has commenced in Dacca; in Beerbhoom the outturn of paddy expected to be on an average an 8-anna crop, and in Moorshedabad not more than 6 annas. Fever is prevalent in many districts, and cholera still reported from five districts. Price of rice unsteady.
N.-W. Provinces and Oudh—		
Benares (Nov. 4th)	No rain during the week.	The seed destroyed by the late rain, has been replaced by fresh sowings; opium sowing has commenced; all crops doing well. Fever slight in city; no cattle-disease. Bazars well supplied. Prices fluctuating slightly.
Gorakhpur („ 3rd)	*Nil*	*Rabi* sowings nearly finished. Prices stationary. Public health good.
Fyzabad („ 4th)	No rain during the week	Clear weather; west wind. Sowing of *rabi* crops nearly completed. Health of people and condition of cattle good.
Lucknow („ 3rd)	......	Weather fair. *Rabi* sowings continue; seed already sown has germinated well; prospects of *mash* crops favourable. Supplies sufficient. Prices steady. Health of people good, but slight cattle-disease continues in tahsil Malihabad.
Rae Bareli („ „)	*Nil*	Weather seasonable. Ploughings and sowings for the *rabi* in progress. Health of men and condition of cattle good.
Pertabgarh („ 4th)	......	Prices showing a tendency to fall. *Rabi* sowings completed, except in low-lying tracts; *juari* nearly ripe; prospects excellent. Health good.
Allahabad („ „)	......	*Rabi* flourishing. Prices stationary. Health excellent.
Cawnpore („ „)	......	Weather clear and cool. *Kharif* being cut; *rabi* prospects good. Fever and ague generally prevalent; no cattle-disease. Prices falling.
Farukhabad („ „)	A trifling shower of rain on 3rd.	*Kharif* crops being cut; *rabi* sowings in progress. Fever decreasing.
Sitapur („ „)	*Nil*	Westerly winds have prevailed during the week. *Rabi* crops are germinating, and prospects are said to be very favourable.
Bareilly „ 3rd)	......	Condition of crops good. Slight fever prevalent; cattle healthy.
Kumaon („ 4th)	*Nil*	Cloudy and unsettled weather during week. *Rabi* ploughings and sowings in progress. Health fair. Prices stationary.
Agra („ „)	......	*Kharif* harvesting and *rabi* sowings continue. Fever prevalent throughout the district. Prices steady.
Jhansi („ „)	...... No rain during the week	*Rabi* sowings in progress; *mung* and *urd* already cut. Prices fluctuating. Supplies sufficient. Fever still prevalent; condition of cattle good.
Meerut („ 3rd)	Light rain on 2nd	Weather generally fine, but occasionally cloudy. *Khraif* being cut and *rabi* sown; grain has germinated well. Prices easy. Fever prevalent; cholera disappeared.
		General Remarks.—There was slight rain in only four districts and the weather generally is seasonable. *Rabi* sowings are in progress. Supplies are sufficient and prices steady. The health of the people and the condition of cattle continue generally good.
Punjab—(Nov. 5th)		
Delhi ...	......	Fever still prevalent. Prices fluctuating.
Hissar ...	......	No report received.
Umballa ...	·90	Fever still prevalent throughout the district. *Makki* and rice harvested; *juari* being harvested, yield expected to be above average; sowing of gram, barley, and mustard in progress. Prices stationary.
Jullundur ...	......	Slight fever prevalent. *Kharif* crops being cut; *rabi* sowing commenced. Prices steady.
Amritsar ...	......	Health of people and condition of crops good. Prices almost stationary.
Sialkot ...	1·0	*Kharif* outturn above average. Health good. Prices stationary.
Ferozepore ...	·20 at city, ·40 at Sadr, and ·40 at Muktsar.	Fever still prevalent. Probable yield of *kharif* crops good; *rabi* sowings commenced. Prices fluctuating.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Punjab—*contd.*		
Lahore ...	·20	Health of people and state of crops good. Prices steady.
Rawalpindi ...	1·3	Slight disease prevalent in two and cattle-disease in one tahsil. Expected yields of *kharif* above average in 2 and average in 4 tahsils. Prices rising.
Mooltan ...	......	Fever still continues. Expected yield of *khărif* average; *rabi* sowings in progress. Prices almost stationary.
Dera Ismail Khan ...	......	Health and prospects good. Yield of coming harvest above average.
Peshawar ...	......	Slight fever prevalent. *Kharif* crops being harvested; *rabi* sowings commenced. Rain wanted. Prices almost stationary.
		General Remarks.—Slight rain. Fever still prevalent in a few districts. *Kharif* nearly harvested; *rabi* being sown. Prices on the whole stationary.
Central Provinces— (Nov. 5th)		
Nagpur ...	*Nil*	Weather clear and cold. *Kharif* crops good; *rabi* sowings in progress. Fever prevalent; small-pox and cattle-disease in places. Prices stationary.
Jubbulpore ...	*Nil*	Weather clear and cool. Reaping of *khan* nearly completed; *rabi* sowings continue. Fever slightly prevalent. Wheat 26 and rice 15 seers per rupee.
Saugor (Nov. 4th)	*Nil*	Weather cloudy and close. *Rabi* sowings commenced; rice and *kodo* being cut. Fever prevalent. Prices stationary.
Seoni ...	*Nil*	Weather clear and cool. *Kharif* reaping and *rabi* sowings progressing.
Hoshangabad ...	*Nil*	Weather clear at nights, mornings cool. *Rabi* sowings in progress. Rain wanted. Fever prevalent. Small-pox 18 cases, 10 deaths. Wheat 22 and rice 11 seers per rupee.
Khandwa ...	......	Weather clear. *Kharif* prospects good; *rabi* sowings commenced. Two fatal cases of cholera in Rest camp. Rice 14½, wheat 24¼, and *juari* 30 seers per rupee.
Raipur (Nov. 5th)	......	Weather clear and getting cool. *Rabi* crops being sown; prospects of *kharif* fair. Health good. Prices steady.
Sambalpur („ 1st)	*Nil*	Weather fair; mornings cold. Rice good; sugarcane and cotton fair; *til* and *urd* poor. Cattle disease prevalent. Prices stationary.
		General Remarks.—The weather of the week has been clear and cold, but a change has set in towards the south of the province, and clouds have re-appeared. *Rabi* sowings are approaching completion, and the seed has been got in under very favourable circumstances throughout the greater part of the provinces.
British Burma— (Nov. 5th)		
Akyab (Nov. 1st)	10·48	Total rainfall 196 78. Cholera still prevalent in town and district. Prospects of crops favourable.
Bassein („ „)	3·74	Total rainfall 105 43. Slight small-pox in town; cattle-disease in one township.
Rangoon („ „)	*Nil*	Slight cholera and small-pox in town.
Amherst („ „) (Moulmein)	3 27	Total rainfall 178 67. Prospects of crops good.
Tavoy („ „)	1·46	Total rainfall 161·93. Slight cholera. Reaping of early crops began.
Pegu („ „)	0·35	Total rainfall 109·30. Crops promising, but more rain wanted.
Henzada („ „)	0·39	Total rainfall 89·61. Crop prospects favourable.
Prome („ „)	0 27	Total rainfall 41 57. More rain wanted, but crops still uninjured.
Toungoo („ „)	0·80	Total rainfall 73 50. General appearance of crops fair.
Thayetmyo („ „)	0·18	Total rainfall 32 21. Crops generally promising fairly.
		General Remarks.—Cholera still prevalent in Akyab, otherwise public health good; cattle-disease in one or two districts, but health of cattle generally good. More rain wanted in some parts, but general prospects of crops continue promising.
Assam—(Nov. 5th)		
Gauhati ...	No rain during the week ending 4th instant.	Weather seasonable. Mornings and nights cold and foggy. Prospect of *sali* crop not favourable for want of rain, and that of tea improving. Public health fair.
Sylhet ...	·94	Prospects of all crops favourable. Cholera and small-pox prevalent in the interior.
Cachar ..	1·57	Cold weather set in. Sowing of winter crops progressing; prospects of *sali* crops and tea good. Common rice 18 1/16 seers per rupee. Public health good.
Dibrugarh ...	0·05	Weather cool. Prospects of *sali* crops fair; mustard being sown. Public health fair.
Mysore and Coorg— (Nov. 5th)		
Bangalore ...	·48	Crops in fair condition. More rain however needed. Prospects favourable. Rain has fallen generally throughout the provinces. Crops are in good condition and pasturage sufficient; harvesting continues in parts; prospects fair. Public health good. Prices satisfactory.
Mysore ...	......	
Mercara ...	1·02	Cardamom crops being picked, yield good, but rains unfavourable for drying; every promise of good rice crop.

Presidency or Province and District.	Rainfall for week under report.	State of agricultural prospects.
Berar & Hyderabad—(Nov. 5th)		
Amraoti ...	......	Weather clear. *Kharif* crops in good condition; cotton in pod; *rabi* sowings progressing. Wheat 22 and *juari* 26 seers per rupee.
Akola ...	......	Weather clear and cool. *Kharif* prospects good; *rabi* sowings nearly completed.
Hyderabad ...	No rain during the week.	Reaping of *kharif* crops continues; *abi* crops prospering. General health good. Prices of wheat 13¼, coarse rice 12¼, white *juari* 17½, yellow *juari* 22, and *tur* 19½ seers per current sicca rupee.
Central India States—(Nov. 5th)		
Indore ...	No rain since 20th October.	Health and prospects good.
Morar (Gwalior) ...	......	No report received.
Sutna ...	*Nil*	Sky clear again. Health and prospects of crops good.
Sehore ...	......	No report received.
Nowgong ...	*Nil*	Health good and agricultural prospects fair.
Manpur (Bhopawar) ...	......	Prospects good. 6 cases of cholera occurred at Peeplodeburwani between 16th and 22nd October, of which 2 proved fatal; fever is prevalent in Ali Rajpur and Manpur; otherwise health good. *Juari* and *tur* crops are good; *rabi* sowings in progress.
Neemuch ...	*Nil*	Sowings of *rabi* and opium in progress. Health and prospects good.
Goona ...	......	Health and prospects good.
Rajputana—(Nov. 5th)		
Abu ...	*Nil*	Weather rather cold. A little fever prevalent, otherwise seasonable.
Sirohi ...	......	Tanks, wells, and crop prospects good. Fever subsiding. Weather fine and cool
Marwar ...	......	Jodhpur city tanks almost full. Fever prevails. *Kharif* harvesting and *rabi* sowings commenced. Prices stationary.
Meywar ...	......	Condition of tanks and wells good. Health fair. Sowing commenced. Weather seasonable.
Harowti ...	......	No report received.
Jhallawar ...	*Nil*	Fever prevalent. *Rabi* sowings in progress.
Ajmere ...	Rain on 4th ·18	Sowings for *rabi* are proceeding. Fever prevalent.
Jeypore ...	......	No report received.
Bhurtpore ...	......	No report received.
Ulwur ...	Rain on 4th ·20	Damage to crops by hail in some villages. Fever prevalent.
Nepal—(Oct. 30th)		
Katmandu ...	1·29	Weather seasonable. State and prospects of crops fair.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

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CALCUTTA, SATURDAY, NOVEMBER 8, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

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By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

E. J. DEAN,
Publisher, Gazette of India.

BANK OF BENGAL.

NOTICE.

Calcutta, the 4th November 1884.

The Directors have appointed Mr. F. D. C. Strettell to act as Agent at Akyab, temporarily, *vice* Mr. H. K. Gordon, on leave.

[illegible] CRUICKSHANK,
Offg. Secretary & Treasurer.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Simla, the 13th October 1884.

No. 27.—The services of 2nd Class Hospital Assistant, No. 101, Bahadur Shah are placed permanently at the disposal of the Punjab Government for civil employment, with effect from the date of his being relieved of his duties in the Lawrence Military Asylum, Sunawur.

The 14th October 1884.

No. 28.—The undermentioned Assistant Surgeons of the Imperial establishment are transferred to the Bengal Provincial establishment to fill vacancies :—

Kally Doss Bose.
Odentoollah.
Bunka Vihari Mitra.
Bhola Nath Pal.
Annoda Prosad Mozoomdar.
Brojo Nauth Chowdhry.
Behari Lal Chackravarti.
Kasi Nath Ghosh.
Nagendra Kumar Mullick.
Guru Churn Das Gupta.

Mohendro Nath Das.
Umes Chandra Ghosh.
Hari Charan Sen.
Aupoorbo Krishna Das.
Syma Charan Sen.
Khirode Kumar Dutta.
Nritya Lal Basack.
Khiroda Chandra Ray.
Raj Krishna Ghosh.
Khirode Chunder Chowdhuri.
Purna Chunder Purkait.

The 23rd October 1884.

No. 29.—The services of 3rd Grade Assistant Surgeon Gopal Chandra Mukerjea, of the supernumerary list, are placed temporarily at the disposal of the Agent, Governor General, Rajputana, for employment at Beawur.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 28th October 1884.

No. 3393 G.—Mr. M. J. Monckton, Executive Engineer for Irrigation in Meywar, returned to duty on the forenoon of the 5th of October 1884, from the privilege leave granted to him in this Office Notification No. 2425 G., dated the 6th of August 1884.

The 31st October 1884.

No. 3414 G.—This Office Notification No. 2555 G., dated 18th August 1884, granting sixty days' privilege leave to 2nd Class Hospital Assistant Teja Sing (No. 119), of the Deoli Irregular Force, is hereby cancelled.

By Order,
W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATION.

Mount Abu, the 30th October 1884.

No. 917.—With the previous sanction of the Government of India, the Chief Commissioner of Ajmir-Merwara, under Section 25 of Act III of 1880 (The Cantonment Act) directs the addition of the following rule to those now in force in the Nasirabad Cantonment:—

"Birt sweepers are responsible for the cleanliness of all houses, buildings, privies, roads, and lands situated within such portions of the Cantonment as are comprised in their respective 'hulkas' or subdivisions of the Bazar."

By Order,
W. H. C. WYLLIE,
1st Asst. to the Chief Commr.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 29th October 1884.

No. 46.—Lieutenant G. M. Porter, R.E., Executive Engineer, is transferred from the Rawalpindi Command, Military Works, to the Head-quarters staff of the Inspector General, Military Works.

No. 47.—Captain N. Arnott, R.E., Executive Engineer, 2nd Grade, on return from furlough, is posted to the Presidency-Oudh Command, Military Works.

No. 48.—Captain W. T. Shone, R.E., Executive Engineer, 3rd Grade, on return from furlough, is posted to the Meerut Command, Military Works.

No. 49.—Major G. D'A. Jackson, Executive Engineer, 3rd Grade, is transferred from the Meerut Command, Military Works, to the Presidency-Oudh Command, Military Works.

No. 50.—Captain W. H. Chippindall, R.E., Executive Engineer, 4th Grade, is transferred from the Presidency-Oudh Command, Military Works, to the Sirhind-Lahore Command, Military Works.

No. 51.—Captain S. C. Turner, R.E., Executive Engineer, 1st Grade, is granted three months' special leave, with effect from 10th November 1884, under the provisions of Military Department Notification No. 249 of 1878.

The 3rd November 1884.

No. 52.—Lieutenant F. H. Oldfield, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Public Works Code, Chapter II, paragraphs 16, 18, and 20, for promotion to Assistant Engineer, 1st Grade, on the 15th October 1884.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

Date.	Silver tendered, estimated value.	Certificates issued on		Balance of Bullion		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Oct. 27	...	...	...	386	1,42,94,519	1,24,48,487
" 28	Holidays.					
" 29						
" 30	...	...	...	389	1,42,94,519	1,24,48,487
" 31	...	...	410	...	1,42,94,908	1,24,48,898
Nov. 1	...	...	...	...	1,42,94,908	1,24,48,898

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT;
The 3rd November 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 4th November 1884.

LIABILITIES.	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,306	4	4
Public Deposits at Head Office	83,39,357	2	7	1,77,87,361	8	2
Public Deposits at Branches	94,48,004	5	7			
Other Deposits at Head Office and Branches				2,99,97,352	3	9
Bank Post Bills, &c.				2,81,316	3	6
Sundries				14,19,990	0	0
RUPEES				7,36,45,326	3	9

ASSETS.	R	a.	p.	R	a.	p.
Government Securities				69,12,680	0	0
Other authorized Investments				38,52,384	6	0
Loans on Government and other authorized Securities				79,36,448	0	8
Accounts of Credit on Government and other authorized Securities				78,27,509	10	3
Bills discounted and purchased				1,41,36,758	9	0
Balances with other Banks				7,91,696	1	9
Bullion				28,725	7	11
Dead Stock				11,87,699	6	10
Stamps				8,137	6	0
Sundries				6,28,844	9	3
				4,33,00,885	9	8
Cash and Currency Notes at Head Office	1,72,39,833	2	8	3,03,44,440	10	1
Cash and Currency Notes at Branches	1,31,04,607	7	5			
RUPEES				7,36,45,326	3	9

By order of the Directors,

BANK OF BENGAL,
Calcutta, 6th November 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

W. D. CRUICKSHANK,
Offg. Secy. & Treasurer.

Rate for Demand Loans 8 per cent.
Percentage 61·3.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
181	R 10—43128	100	Major R. F. Williamson, Royal Welch Fusiliers, Dum-Dum.
	„ —43129	100	
	„ —43130	100	
182	P 39—55042	50	Jogendra Chandra Banerjee, Shamroypara, Kalna.

CALCUTTA,
The 7th November 1884.

J. TAYLOR,
Assistant Comptroller General,
in charge, Paper Currency.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, in the month of August 1884, treasure consisting of two silver Chowkains, one weighing 11½ and the other 8 tolas; and one silver chain, weighing 23 tolas; and two silver (Pillay), weighing 2 tolas each; and another of the same kind, weighing 1¼ tolas; and one Matta made of bell-metal, and one rupee in coin; one silver ring, weighing one tola; one copper pot and one piece of silver, was found underground in the house of Vali Muragappah, in the village of Hadagaili, in Hadagalli Taluk, in Bellary District.

All persons claiming the said treasure, or part thereof, are hereby required to appear personally or by agent before the Collector of Bellary, at his office, at 11 A.M., on the 15th May 1885, in order to the matter being enquired into and determined according to the provisions of the said Act.

————————,
for Dist. Magistrate.

BELLARY MAGISTRATE'S OFFICE,
The 30th October 1884.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATION.—ESTABLISHMENT.

Simla, the 1st November 1884.

No. 68.—Baboo Labdha Ram Sahni, Assistant Engineer, 2nd Grade, Bilaspore-Etawah State Railway Survey, has passed the Departmental Standard Examination in Hindustani.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 6th November 1884.

Colledge, L. D.	Harrington, B. R.	Stack, Richard F.
Culloden, Mrs. H. A.	Hawk, C. W.	Stoakel, H.
Devenay, W.	King, L. R. R.	Street & Co.
Dick, A. R.	Norville, H.	Suldanha, Frank.
Gibson & Co.	Power, J. B. (c.a.)	Whitley, J. R.
Grant, Mrs. H. M. P.	Simson, C.	

Letters marked "Care of Post Office."

Adda, Henry.
Amoss, Thomas.
Artin, Mrs.
Baggs, W. H.
Boileau, Captain H.
Bott, Fred.
Brigg, E. A.
Burne, O.
Capel, Lt.-Col. A. W.
Caurey, Captain.
C. G.
Chapman, Frank.
Cliff, Mrs. H. W.
Clive, J. R.
Cooper, H.
Crowley, Mrs.
Dodd, Col. C. A.
E. S. H.
Friedrich, Gustav.
Fredalis, Soni.
Golding, Herbert.
Gill, F. N. G.
H. E M.
H M. W.
Harcourt, W. H.
Harman, J. M.
Hoskins, A. O.
Hurst, W. H.
King, W.
Lampard, Henry.
Lawless, Hiram.
Livingston, Archibald.
Lopez, E.
Macdonald, Mrs. J.
Meij, H.
"Merchant."
Morris, Pierce M.
Murgatroyd, C. A.
Q. R.
"Regina."
"Rex."
Robinson, Ellen.
Schomerully, Mr.
Selous, Edmund.
Sestan, S.
"Stanhope."
Thompson, James.
T. P. H. O.
Uren, Thomas.
Wallace, Col. W. A. J.
Webb, Mrs. C. J.
Williams, Mr. John.
Williamson, W. F.
Wilson, Theos.
X. T. Z.
X. Z. O.

Registered Letters.

Blaggee, S. R.
Cabitt, W.
Cherkes, Laya.
Ferefourd, Duglass.
Thiband, Thomy.

E HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 20th October 1884.

Bickers, M. E.
Bose, Jogendra Nath.
Bromsley, Dr. C. E. W.
Campbell, Major C. W.
Hetim, Tai.
Hill, Mrs. C. B.
Houiff.
Hughers, Rev. J.
Lavaletto, Mrs. T. W.
Love, C. K.
Luard, Col. F. P.
MacDonald, D.
Maddocks, P. T.
Mayo, Dr.
Mukerjee, Surendro Nath.
Muir, Surgeon-Major H. S.
Power, T.

A. P. GHOSAL,
Postmaster, Barrackpore.

Simla, the 8th November 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	15th Nov.	P. & O. Str. *Chusan.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	11th ,,	From Bombay.
Foreign Mails *viâ* Bombay	11th ,,	From Bombay.*
Do. Book Post and Pattern Packets	10th ,,	Ditto.
Rangoon and Moulmein	12th ,,	Str. *Rajpootana.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	12th ,,	Str. *Kilwa.*

* Also for Cape Colonies through United Kingdom can be forwarded.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,
Presidency Post Master

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 8, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

BYTAGOOL TEA COMPANY, LIMITED, (In Liquidation).

Proceedings of Meeting of Shareholders of the above Company, held at the Registered Office of the Company, No. 10, Hare Street, at 11-30 A.M., on Saturday, the 25th October 1884.

PRESENT:

W. Cornell, Esq., C.S., *by his Attorney,* James Mumford, Esq.

W. S. Cresswell, Esq., *by his Attorney,* Wilfred C. Aldam, Esq.

R. H. Wilson, Esq., C.S., *by his Proxy,* Wilfred C. Aldam, Esq.

W. M. North, Esq., *by his Proxy,* Wilfred C. Aldam, Esq.

Surgeon-Major F. C. Nicholson, *by his Proxy,* Wilfred C. Aldam, Esq.

Notice of Meeting having been read, the following resolution was put to the Meeting and passed :—

Proposed by W. Cornell, Esq., C.S., by his Attorney, James Mumford, Esq.,

Seconded by R. H. Wilson, Esq., C.S., by his Proxy, Wilfred C. Aldam, Esq.—

"That the Audited Final Accounts of the Company be, and they are hereby confirmed."

W. S. CRESSWELL & Co.,
Liquidators.

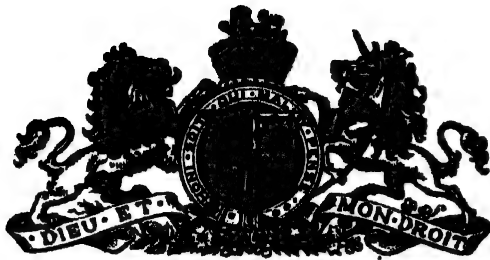
CALCUTTA,
The 25th October 1884.

PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Note No. 198933, of the 4 per cent. of 1865, for R2,000, in favour of the Controller of Military Accounts, Bengal. Payment of the note and interest thereon have been stopped at the Public Debt Office, Bank of Bengal, and the public are cautioned against negotiating the note.

M. C. PERREAU, *Colonel,*
Contlr. of Mily. Accounts, Bengal.



SUPPLEMENT TO

The Gazette of India.

No 45.} CALCUTTA, SATURDAY, NOVEMBER 8, 1884.

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SUPPLEMENT TO THE GAZETTE OF INDIA, NOVEMBER 8, 1884.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF OCTOBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS

Province.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), Holcus Sorghum. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Bulrush Millet (Cumboo, Bajra), Penicillaria Spicata. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
MADRAS.	Ganjam	11 13	11 13	8 13	...	...	...	13 13	13 0	16 3	14 11	13 13	19 10	...	...	...	...	...	...
	Vizagapatam	15 0	14 8	10 0	...	...	...	10 2	9 8	9 8	11 14	11 5	11 5	...	...	24 13	26 11	28 11	27 11
	Godavery	14 6	14 6	9 14	...	...	...	11 14	11 14	11 14	15 0	15 0	15 0	23 0	25 0	28 0	...	...	...
	Kistna	14 11	14 11	9 13	...	...	...	13 0	13 0	14 0	13 10	13 10	15 3	21 13	21 13	20 13	...	...	...
	Nellore	16 3	15 5	10 5	...	...	...	12 14	12 14	13 6	14 0	14 0	14 0	22 2	23 0	21 10	23 8	...	...
	Cuddapah	14 0	14 11	13 10	...	...	...	12 6	12 6	12 6	13 5	13 5	13 5	21 5	22 14	30 0	23 3	23 3	29 0
	Anantapur	11 8	12 8	13 6	...	...	...	11 3	11 3	11 13	12 6	13 0	14 0	24 11	20 10	33 0	21 10	19 11	30 2
	Bellary	16 5	15 6	17 5	...	...	...	11 13	11 13	11 13	13 0	13 0	13 0	23 11	23 11	35 0	18 13	16 14	26 5
	Kurnool	12 11	12 6	12 2	...	...	...	11 6	11 6	11 0	12 2	12 2	12 2	24 11	24 11	35 10	...	...	33 11
	Madras	10 10	10 5	11 0	...	...	...	12 11	11 8	13 8	14 0	14 2	15 2	23 0	23 13	23 0	21 3	20 3	20 3
	Chingleput	...	...	...	...	...	...	12 0	13 14	14 3	13 10	14 5	15 2	...	...	...	18 8	...	21 2
	North Arcot	10 3	10 3	9 11	...	...	...	13 2	13 8	13 8	15 0	14 8	16 5	...	...	32 13	...	...	29 11
	South Arcot	9 6	9 6	10 2	...	...	...	12 3	13 0	14 5	13 3	13 10	15 5	...	...	...	24 3	24 10	31 14
	Tanjore	8 2	8 13	11 0	...	...	...	11 3	12 0	17 6	14 3	14 3	20 0	23 0	19 0	31 0	25 6	25 6	40 10
	Trichinopoly	8 10	8 14	9 3	...	...	...	10 6	10 13	14 13	11 3	13 0	15 14	19 10	18 3	32 3	21 10	20 5	30 8
	Madura	9 0	9 0	11 11	...	...	...	10 14	11 2	14 5	11 3	12 3	15 3	22 11	22 11	35 10	23 3	23 3	35 5
	Tinnevelly	9 14	9 10	9 3	...	...	...	10 11	10 11	14 5	11 10	11 10	16 0	18 6	18 6	...	19 2	19 2	...
	Coimbatore	10 11	10 11	13 2	...	...	...	13 8	13 8	14 6	14 8	14 8	15 6	22 10	22 10	26 3	25 6	25 6	31 13
	Nilgiris	8 8	8 8	10 10	...	...	...	9 10	9 10	11 3	11 3	11 3	12 0	15 6	20 0	20 0	14 0	19 10	21 0
	Salem	10 3	11 14	12 11	...	...	...	11 13	13 2	14 0	12 3	13 3	15 0	23 11	25 3	26 6	21 5	23 0	26 3
	South Canara	10 5	9 3	8 10	...	...	...	9 3	9 11	9 11	14 3	13 11	14 3	...	...	...	...	...	...
	Malabar	9 0	8 10	7 14	...	...	...	13 13	14 3	15 6	14 10	15 0	16 3	...	...	...	...	...	...
BOMBAY.	Bombay																		
	Ahmedabad																		
	Kaira																		
	Surat																		
	Broach																		
	Tanna (Salsette)																		
	Colába (Alibag)																		
	Khandesh (Dhulia)																		
	Násik																		
	Ahmednagar																		
	Poona																		
	Sholápur																		
	Kaládgi (Bagalkot)	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Satara																		
	Belgaum																		
	Dharwar (Hubli)																		
	Ratnágiri																		
	Kanara (Karwar)																		
	Pánch Mahála (Godhra)																		
	Aden																		
	Asirgarh																		
	Baroda																		
	Disa																		
	Nimach																		
	Nasirabad																		
	Rajkot																		
	Upper Sindh Frontier	15 0	14 8	13 12	20 0	20 0	24 0	10 0	10 0	10 4	11 4	11 4	12 12	25 8	23 8	30 12	26 8	22 12	26 8
	Karachi	14 10	14 10	13 0	19 0	19 0	24 0	8 0	8 0	10 0	15 0	15 0	14 0	21 0	19 0	24 0	19 0	19 0	18 0
	Haidarabad (Nakur)	18 0	16 0	16 0	26 0	25 0	30 0	12 0	11 0	13 0	16 0	14 8	17 0	27 0	24 0	28 0	26 0	24 0	24 0
	Shikarpur	15 8	14 8	13 10	22 0	22 0	24 8	12 0	11 8	11 13	13 0	12 0	15 6	22 12	21 8	28 0	24 8	24 8	26 0
	Sukkur	16 0	16 0	14 8	25 0	23 0	28 8	11 0	11 0	10 8	13 0	12 0	15 0	25 0	25 0	30 8	23 0	22 0	25 8
	Thar & Parkar (Umarkot)	16 0	16 0	11 8	...	...	...	...	...	...	13 4	13 4	12 6	...	...	...	19 11	19 0	17 14
BENGAL.	*Western Districts.*																		
	Burdwan	15 0	14 4	13 8	22 0	22 0	25 0	13 0	13 0	15 0	16 8	15 0	20 0	...	...	...	...	...	...
	Bancoorah	15 8	15 8	14 0	17 0	17 0	13 0	13 12	13 12	14 0	16 0	15 8	16 12	...	...	...	...	...	...
	Beerbhoom	16 8	16 8	15 8	...	...	...	11 8	11 8	13 0	13 8	14 0	22 8	...	...	...	...	...	...
	Midnapore	13 0	13 0	13 0	20 0	20 0	17 0	14 0	14 0	16 0	17 0	16 0	22 0	...	...	...	...	...	...
	Hooghly	16 0	16 0	18 0	...	...	...	8 0	8 0	9 0	13 8	13 8	18 0	...	...	...	...	...	...
	Howrah	15 0	14 8	13 4	...	...	...	11 0	11 0	13 8	13 13	13 0	18 8	...	...	...	...	...	...

Province.	Districts.	Lesser Millets, Bari, &c. (Kavaru, Varagu, Sawee, Cheena, Coralee, Murhwa, Nuglee), Panicum Miliaceum, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
MADRAS.	Ganjam	32 8	20 8	35 8	30 0	30 0	26 10	215 13	215 13	215 13	..			13 13	13 13	13 13
	Vizagapatam	26 5	24 3	24 3	31 10	32 13	37 6	93 5	93 5	95 3	14 0	14 0	14 10	12 14	12 14	14 0
	Godavery	30 14	32 13	29 2	29 6	32 8	33 10	145 13	145 13	194 6	14 10	14 10	14 10	14 10	14 10	14 10
	Kistna	28 6	28 6	26 14	27 14	29 10	30 13	145 13	145 13	145 13	15 11	15 11	15 11	14 10	14 10	15 3
	Nellore	25 0	23 13	21 13	21 0	23 2	23 2	93 5	93 5	93 5	14 13	14 13	15 6	14 13	14 13	14 13
	Cuddapah	28 8	31 8	30 0	25 13	25 13	32 11	194 6	194 6	194 6	17 2	17 2	17 2	16 10	16 10	16 10
	Anantapur	23 5	23 5	32 0	26 14	26 14	37 0	...	...	...	14 14	14 5	14 5	14 5	14 5	14 5
	Bellary	23 5	22 5	30 2	20 3	20 3	34 11	94 13	94 13	94 13	15 8	15 8	15 13	14 14	14 14	15 8
	Kurnool	...	...	..	23 3	25 8	33 0	139 0	139 0	138 13	14 13	14 13	14 13	14 6	14 6	14 6
	Madras	27 11	28 2	26 0	25 0	26 2	26 2	83 13	83 13	85 0	17 5	17 5	16 14	16 3	16 8	16 8
	Chingleput	27 6	27 6	26 0	21 13	2	25 0	92 5	92 5	92 5	17 6	17 6	17 5	17 0	17 0	17 0
	North Arcot	32 8	34 3	30 13	26 10	26 10	28 10	140 0	140 0	140 0	15 6	15 6	15 6	14 5	14 13	14 13
	South Arcot	28 3	28 10	30 8	27 0	27 6	26 8	218 13	213 13	201 11	18 14	18 14	19 5	18 0	18 0	18 6
	Tanjore	26 6	27 3	39 5	22 11	24 8	28 0	170 2	170 2	194 6	16 10	17 0	15 10	15 10	16 10	14 11
	Trichinopoly	34 14	28 10	34 2	23 2	26 3	30 13	97 3	97 3	97 3	16 10	16 10	17 0	16 8	16 3	16 3
	Madura	27 14	27 14	37 8	24 8	23 10	30 5	111 13	116 10	145 13	17 8	17 5	17 5	17 5	16 13	16 5
	Tinnevelly	31 2	21 3	...	26 0	26 0	29 11	70 0	70 0	70 0	17 13	17 13	18 5	17 6	17 6	17 13
	Coimbatore	26 8	24 10	32 13	30 6	30 6	34 3	97 3	97 3	131 3	15 2	15 2	15 2	14 10	14 10	14 10
	Nilgiris	17 5	20 3	21 10	20 11	21 10	24 14	161 13	161 13	161 13	13 0	13 0	13 0	12 0	12 0	12 0
	Salem	27 6	25 10	30 13	30 8	29 8	34 8	151 10	151 10	151 10	18 0	18 0	17 8	16 14	16 14	16 14
	South Canara	22 14	21 2	20 8	20 8	18 6	23 3	109 5	109 5	109 5	15 5	14 14	18 6	14 5	13 13	17 3
	Malabar	20 6	20 6	21 14	26 0	26 14	26 14	121 8	121 8	121 8	15 5	15 5	14 6	14 6	14 6	13 8
BOMBAY.	Bombay															
	Ahmedabad															
	Kaira															
	Surat															
	Broach															
	Tanna (Salsette)															
	Colába (Alibag)															
	Khandesh (Dhulia)															
	Násik															
	Ahmednagar															
	Poona															
	Sholápur															
	Kaládgi (Bagalkot)	...	...	...	...	...	...	...	...	..	...	...	...	No return received		
	Satara															
	Belgaum															
	Dharwar (Hubli)															
	Ratnágiri															
	Kanara (Karwar)															
	Pánch Mahála (Godhra)															
	Aden															
	Asirgarh															
	Baroda															
	Disa															
	Nimach															
	Nasirabad															
	Rajkot															
	Upper Sindh Frontier	60 0	60 0	80 0	20 0	20 0	22 4	200 0	200 0	160 0	*12 11	*12 11	*12 12	12 10*	12 10*	12 8*
	Karachi	11 0	10 0	10 0	20 0	20 0	17 0	80 0	90 0	90 0	17 11	17 11	17 12	17 0	17 0	17 0
	Haidarabad (Nakur)	24 0	24 0	26 0	18 0	16 0	22 0	320 0	320 0	320 0	14 8	14 8	14 8	14 0	14 0	14 8
	Shikarpur	..	...	...	21 0	21 0	23 8	210 0	210 0	240 0	14 0	14 0	14 8	13 8	13 8	14 0
	Sukkur	...	...	..	22 0	22 0	20 8	120 0	120 0	138 0	14 0	14 0	13 0	13 0	13 0	12 8
	Thar and Parkar (Umarkot)	...	...	...	...	...	...	160 0	160 0	160 0	14 12	14 12	14 12	14 12	14 12	14 12
											Prices per maund of 40 seers.					
											R. a. p.	R. a. p.	R. a. p.			
BENGAL.	*Western Districts.*															
	Burdwan	...	...	...	18 0	18 8	21 0	120 0	120 0	120 0	2 14 8	2 14 9	2 15 8	13 0a	13 10	13 2
	Bancoorah	...	...	..	17 8	17 8	17 4	240 0	240 0	240 0	3 3 0	3 3 0	3 3 6	12 8b	12 12	12 0
	Beerbhoom	...	...	...	18 0	18 4	20 0	160 0	160 0	160 0	3 2 6	3 2 6	3 1 3	12 0c	12 0	12 0
	Midnapore	..	..	..	16 0	16 0	16 0	155 0	155 0	155 0	3 0 3	3 0 3	2 14 0	12 12d	12 12	12 12
	Hooghly	...	..	...	17 0	17 0	17 0	120 0	120 0	120 0	2 14 0	2 14 0	2 14 0	13 9e	13 9	13 9
	Howrah	...	...	...	17 0	16 8	17 0	80 0	80 0	80 0	3 0 0	3 0 0	3 0 0	13 0	13 0	13 0

a In the sub-divisions the retail prices of salt per rupee were:—Culna 14 seers, Cutwa 12 seers, and Raneegunge 13-4 seers.
b In the interior the retail price of salt ranged from 11 to 16 seers per rupee.
c In the interior the retail price of salt ranged from 11 to 13-8 seers per rupee.
d In the sub-division of Contai the retail prices of salt was 13-0 seers per rupee.
e In the sub-divisions the retail prices of salt per rupee were:—Serampore 14 seers and Jehanabad 13-6 seers.
* In common salt.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF OCTOBER 1884—*continued.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

BENGAL—*continued.*

Districts	Wheat: Present fortnight	Wheat: Past fortnight	Wheat: Corresponding fortnight of 1883	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar), *Holcus Sorghum*: Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*: Present fortnight	Bulrush Millet: Past fortnight	Bulrush Millet: Corresponding fortnight of 1883
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Central Districts.																		
Calcutta	17 10	17 10	16 0	20 0	26 10	20 10	8 6	8 6	11 8	10 8	10 8	16 0	11 7	11 7	21 5	11 8	11 8	23 0
24-Pergunnahs	14 0	14 0	13 5	17 8	17 8	17 8	8 0	8 0	8 0	14 0	12 4	13 5	...	...	...	...	...	...
Nuddea	16 0	16 0	14 8	20 0	20 0	24 10	10 10½	11 2	15 4	11 6	12 0	18 4½	...	...	...	...	...	...
Khoolna	...	...	...	...	...	...	14 0	13 0	16 0	16 0	16 0	23 0	...	...	...	...	...	...
Jessore	14 0	14 0	10 0	...	...	...	11 0	12 0	16 0	14 0	15 0	20 0	...	...	...	...	...	...
Moorshedabad	18 0	18 0	16 0	...	...	...	11 0	10 0	15 0	14 8	13 0	20 0	...	...	...	...	...	...
Dinagepore	16 0	16 12	16 0	16 8	17 0	14 8	10 8	12 0	19 0	13 4	13 0	21 0	...	...	...	...	...	...
Rajshahye	16 8 to 17 4	17 0	16 0	22 8	24 0	29 0	8 10 to 10 14	11 8	13 8	11 4 to 12 0	15 0	14 8	...	...	...	...	...	...
Rungpore	16 0	18 0	13 5	...	...	...	9 7	10 0	13 5	10 11	11 10	19 0	...	...	...	...	...	...
Bogra	15 0	17 1	18 0	...	...	...	9 15	9 15	9 12	12 0	12 0	12 12	...	...	...	...	...	...
Pubna	19 8	19 8	18 0	...	...	...	8 4	7 14	8 4	12 12	12 12	17 4	...	...	...	...	...	...
Darjeeling	10 0	10 0	7 0	10 0	10 0	7 0	5 0	5 0	5 0	10 0	10 0	12 0	...	...	...	...	...	...
Jalpáiguri	10 0	10 0	10 0	20 0	20 0	20 0	8 0	11 0	13 4	11 8	16 0	18 0	...	...	...	...	...	...
Eastern Districts.																		
Dacca	16 0	16 0	14 4	18 0	18 0	18 0	10 10	8 0	14 8	13 0	11 0	17 0	...	...	...	...	...	...
Furreedpore	20 0	20 0	21 0	34 0	34 0	30 0	11 0	11 0	18 0	12 0	12 0	20 0	...	...	...	...	...	...
Backergunge	...	...	...	...	...	...	13 0	13 0	16 0	16 0	16 0	19 0	...	...	...	...	...	...
Mymensing	13 0	12 0	12 0	...	...	...	10 0	10 0	13 4	11 8	11 8	16 0	...	...	...	...	...	...
Chittagong	15 0	15 0	11 8	...	...	...	13 0	13 0	13 8	17 0	16 0	16 0	...	...	...	...	...	...
Noakholly	...	...	...	...	...	...	13 0	14 0	19 0	14 0	17 0	21 0	...	...	...	...	...	...
Tipperah	15 4	13 5	11 12	...	...	...	11 7	12 12	18 12	13 1	16 0	20 0	...	...	...	...	...	...
Chittagong Hill Tracts	...	...	...	...	...	...	11 6	11 6	13 0	12 5	13 5	14 0	...	...	...	...	...	...
Hill Tipperah	12 0	12 0	10 0	...	...	...	12 0	14 0	18 0	14 0	16 0	20 0	...	...	...	...	...	...
Behar.																		
Patna	21 0	21 0	21 0	25 0	25 0	29 0	11 4	11 4	15 0	12 0	12 0	18 0	...	...	...	...	...	...
Gya	19 0	17 8	17 0	20 8	21 8	23 0	8 8	9 4	11 0	11 8	11 4	14 8	...	...	...	...	...	...
Shahabad	18 0	18 0	16 0 to 18 0	20 0	22 0	24 0	8 0	9 0	10 0 to 11 0	12 0	13 0	14 0 to 15 8	...	...	...	24 0	20 0	24 0
Durbhunga	18 2	17 10	13 0	20 15	20 15	22 0	9 15	9 5	12 0	13 3	12 1	14 0	...	...	...	...	...	...
Mozufferpore	19 0	17 0	17 0	26 0	26 0	30 0	12 0	11 0	10 0	16 0	13 0	15 0	...	...	...	...	...	...
Sarun	20 0	19 8	17 0	23 0	25 0	29 0	8 0	8 0	10 0	12 4	12 4	17 8	25 0	26 0	28 0	...	...	...
Chumparun	15 5	14 0	19 0	20 0	21 0	29 0	12 0	11 0	14 0	20 0	15 8	19 0	...	...	...	...	...	...
Monghyr	19 7	19 0	17 13	19 15	21 0	26 4	9 12	9 8	11 8	11 0	10 8	13 2	...	...	...	...	...	...
Bhágalpur	18 15	18 15	15 2	18 15	18 15	21 7	10 1	10 1	12 10	12 10	12 10	15 2	...	...	...	...	...	...
Purneah	17 0	...	18 0	...	...	...	11 0	11 0	14 0	14 0	15 0	18 0	...	...	...	...	...	...
Maldah	19 8	20 0	18 0	...	...	...	9 0	9 0	16 0	12 8	12 0	21 0	...	...	...	...	...	...
Sonthal Pergunnahs	17 0	18 0	14 0	...	...	...	12 0	12 0	14 0	14 0	14 0	18 0	...	...	...	...	...	...
Orissa.																		
Cuttack	19 11	18 6	13 2	...	...	...	13 2	13 2	13 2	17* 1	18 6	21 0	...	...	...	...	...	...
Pooree	14 7	18 2	10 8	...	...	...	15 12	17 2	15 12	19 3	18 3	19 11	...	...	...	...	...	...
Balasore	16 0	16 0	14 0	11 0	11 0	...	14 0	13 0	10 0	24 0	19 0	16 0	...	...	...	...	...	...
CHOTA NAGPORE.																		
South-Western Frontier Agency.																		
Hazáribágh	15 8	14 0	14 0	16 0	15 8	20 0	11 0	11 0	9 8	14 0	12 0	15 0	...	...	...	...	...	...
Lohardugga	13 0	12 0	15 0	...	...	18 0	12 0	12 0	16 0	18 0	18 0	20 0	...	...	...	...	...	...
Singbhoom	18 0	18 0	18 0	20 0	22 0	24 0	20 0	20 0	32 0	24 0	24 0	36 0	...	...	...	...	...	...
Maubhoom	13 0	13 0	13 0	...	...	...	14 0	13 0	16 0	19 0	20 0	22 0	...	...	...	...	...	...

Districts	Lesser Millets, Ragi, &c. (Kavarā, Vengu, Sawee, Cheena, Coralco, Murhwa, Nugler, *Panicum Miliaceum*, &c.): Present fortnight	Lesser Millets: Past fortnight	Lesser Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale prices per maund of 40 seers: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R a. p.	R a. p.	R a. p.	S. Ch.	S. Ch.	S. Ch.
Central Districts.															
Calcutta	...	...	...	19 11	19 11	20 0	100 0	100 0	90 0	2 12 0	2 12 0	2 12 0	12 13	12 13	13 5
24-Pergunnahs	...	...	...	17 8	17 8	17 8	100 0	90 0	90 0	2 12 0	3 0 0	3 0 0	13 5 f	12 13	12 13
Nuddea	...	...	...	21 5½	21 5½	18 13	...	...	...	3 0 0	3 0 0	3 0 0	12 12 g	12 12	11 10½
Khoolna	...	...	...	16 0	16 0	16 0	200 0	220 0	180 0	3 2 0	3 2 0	3 4 0	12 0 h	12 0	10 8
Jessore	...	...	...	16 0	16 0	16 0	120 0	120 0	120 0	3 2 0	3 1 0	3 2 0	10 12 i	10 12	10 12
Moorshedabad	...	...	...	20 0	21 0	20 0	120 0	120 0	120 0	3 1 3	3 1 3	3 0 0	12 0 j	12 0	13 0
Dinagepore	...	...	...	14 0	16 0	17 12	160 0	160 0	180 0	...	3 2 0	3 6 0	... k	11 0	11 8
Rajshahye	...	...	...	20 11	21 0	19 8	240 0	240 0	240 0	3 0 0	3 0 0	3 1 3	12 0 l	12 12	12 12
Rungpore	...	...	...	14 0	20 0	17 3	110 0	100 0	110 0	3 5 0	3 5 0	3 5 0	11 14 m	11 14	11 14
Bogra	...	...	...	17 4	17 1	16 8	80 0	80 0	62 8	3 5 4	3 5 4	3 2 8	10 8	12 0	12 0
Pubna	...	...	...	17 4	17 4	18 13	200 0	200 0	200 0	3 1 6	3 1 0	3 2 6	12 6 n	12 6	12 0
Darjeeling	14 0	16 0	12 0	10 0	10 0	8 0	102 8	102 8	126 8	4 0 0	4 8 0	4 8 0	8 0 o	8 0	8 0
Jalpáiguri	...	...	...	16 0	16 0	16 0	128 0	128 0	128 0	3 4 0	3 4 0	3 4 0	12 4 p	12 4	12 4
Eastern Districts.															
Dacca	...	...	...	17 0	16 0	19 8	90 0	90 0	90 0	3 1 0	3 0 0	3 0 0	13 0 q	13 0	13 5
Furreedpore	...	...	...	16 0	16 0	20 0	120 0	120 0	120 0	3 2 0	3 2 0	3 5 0	12 0 r	12 0	12 0
Backergunge	...	...	...	17 0	17 0	18 0	120 0	120 0	120 0	2 11 0	2 11 0	2 11 0	13 0 s	13 0	13 0
Mymensingh	...	...	...	14 8	14 8	15 0	...	...	...	3 2 0	3 2 0	3 4 0	12 8 t	12 8	...
Chittagong	...	...	...	11 0	13 0	12 0	...	120 0	...	...	...	4 4 0	...	...	9 0
Noakholly	...	...	...	11 0	12 0	12 0	...	...	...	3 6 0	3 2 0	...	10 0 u	10 0	10 0
Tipperah	...	...	...	15 10	16 0	18 0	...	...	...	3 4 0	3 2 0	3 2 0	12 0 v	12 8	12 4
Chittagong Hill Tracts	...	...	...	...	...	...	320 0	320 0	320 0	...	5 0 0	6 0 0	...	6 6	6 4
Hill Tipperah	...	...	...	14 0	14 0	14 0	...	...	...	3 4 0	3 4 0	3 4 0	11 0	11 0	11 0
Behar.															
Patna	...	...	...	24 0	24 0	28 0	100 0	100 0	130 0	3 2 0	3 2 0	3 1 6	10 8	10 8	9 12
Gya	...	...	...	21 0	22 0	20 0	220 0	220 0	160 0	3 4 0	3 4 0	3 5 0	11 0 w	11 0	11 0
Shahabad	...	...	...	22 0	22 0	25 0	160 0	140 0	120 0	3 1 0	3 1 0	3 1 0	12 0	12 0	12 8
Durbhunga	...	24 8	27 8	20 15	20 15	18 0	198 0	176 0	160 0	3 2 6	3 8 8	3 10 0	12 0	12 7	10 0
Mozufferpore	...	...	...	20 0	20 0	23 0	140 0	140 0	140 0	3 4 0	3 4 0	3 4 0	12 0 x	12 8	12 0
Sarun	24 0	24 0	30 0	21 8	21 4	25 8	160 0	160 0	160 0	3 2 0	3 6 0	3 5 0	12 0 y	11 0	11 0
Chumparun	...	...	...	17 0	16 0	24 0	...	...	...	3 7 0	3 4 0	3 6 0	11 4 z	12 0	11 0
Monghyr	...	...	...	22 1	21 12	23 10	126 0	126 0	126 0	2 14 6	2 14 6	3 2 5	13 1 a1	12 4	12 1
Bhágalpur	...	...	...	21 7	21 7	22 11	151 8	151 8	151 14	2 15 6	3 0 0	3 1 0	12 10 a2	12 10	12 10
Purneah	...	...	...	17 0	18 0	19 0	160 0	160 0	160 0	3 10 0	3 13 0	3 12 0	10 12 a3	10 12	10 8
Maldah	...	...	...	17 8	18 0	22 0	180 0	160 0	140 0	3 2 6	3 2 6	3 4 0	12 0	12 0	13 0
Sonthal Pergunnahs	...	...	...	19 0	19 0	19 0	200 0	200 0	200 0	3 7 0	3 7 0	3 8 0	11 0 a4	11 0	10 8
Orissa.															
Cuttack	15 12	15 12	18 6	22 5	21 0	18 6	80 0	80 0	80 0	2 12 0	2 12 0	2 12 0	14 0	14 0	14 0
Pooree	...	...	...	17 2	17 2	17 1	100 0	105 0	96 0	2 7 0	2 7 0	2 12 0	16 0 a5	16 0	13 3
Balasore	...	...	...	14 0	13 0	14 0	120 0	120 0	120 0	3 6 0	3 6 0	4 2 0	11 0 a6	10 8	9 3
CHOTA NAGPORE.															
South-Western Frontier Agency.															
Hazáribágh	36 0	36 0	32 0	17 0	17 0	18 0	240 0	240 0	240 0	3 6 0	3 11 0	3 11 0	10 0 a7	10 0	10 0
Lohardugga	32 0	24 0	38 0	16 0	13 0	15 0	120 0	120 0	100 0	...	4 12 0	4 0 0	... a8	8 0	9 0
Singbhoom	...	...	...	12 0	13 0	24 0	180 0	180 0	180 0	4 0 0	4 0 0	4 7 0	9 0	9 0	8 0
Maubhoom	...	...	...	17 0	17 0	16 0	240 0	240 0	120 0	3 6 0	3 6 0	3 9 0	11 12 a9	11 12	10 12

* In the interior the price of rice ranged from 23-10 to 26-4 seers per rupee.
f In the sub-divisions the retail prices of salt per rupee were :—Baraset and Bassirhat 13 seers, Barrackpore 12-12 seers, and Dum-Dum 12 seers.
g In the sub-divisions the retail prices of salt per rupee were :—Kooshtea 13 seers, Meherpore and Chouadanga 12 seers, and Ranaghat 12-14 seers.
h In the sub-division of Bagirhat the retail price of salt was 11 seers per rupee.
i In the sub-divisions the retail prices of salt per rupee were :—Jhenidah and Narail 12 seers, Magurah 10-12 seers, and Bongong 13 seers.
j In the sub-divisions the retail prices of salt per rupee were :—Lalbagh 11 seers, and Jungypore and Kandi 12 seers.
k The retail price of salt at Raigunge and Nitpore was 11-8 seers per rupee.
l In the sub-division of Nattore the retail price of salt was 12 seers per rupee.
m In the sub-divisions the retail prices of salt per rupee were :—Gaibanda and Kurigram 13 seers, and Nilphamari 12 seers.
n In the sub-division of Serajgunge the retail price of salt was 13 seers per rupee.
o The retail price of salt at Kurseong was 8 seers per rupee, and at Silligoree 10 seers per rupee.
p The retail price of salt at Fallacotta in Alipur sub-division was 10 seers per rupee.
q In the sub-divisions the retail prices of salt per rupee were :—Manickgunge 12 seers, Moonshigunge 10 seers 10½ chittacks, and Naraingunge 12-5 seers.
r In the sub-divisions the retail prices of salt per rupee were :—Goalundo 13 seers and Madaripore 12 seers.
s In the sub-divisions the retail prices of salt per rupee were :—Patuakhali 10-10 seers and Perozepore 11 seers.
t In the sub-divisions the retail prices of salt per rupee were :—Kishoregunge 10-10 seers, Atten 12 seers, and Jamalpore 11-4 seers.

u In the interior the retail price of salt ranged from 9 to 12-4 seers per rupee.
v In the sub-divisions the retail prices of salt per rupee were :—Brahmanbariah 12-8 seers and Chandpore 12 seers.
w In the sub-divisions the retail prices of salt per rupee were :—Nowada 10 seers and Aurungabad 12 seers.
x In the sub-divisions the retail prices of salt per rupee were :—Seetamarhi 11 seers and Hajipore 12-4 seers.
y In the sub-divisions of Sewan and Gopalgunge the retail price of salt was 12 seers per rupee.
z In the interior the retail price of salt ranged from 10 to 13 seers per rupee.
a1 In the sub-divisions the retail prices of salt per rupee were :—Begusarai 11 seers and Jamui 11-8 seers.
a2 In the sub-divisions the retail prices of salt per rupee were :—Banka 12 seers, Madhubani 10-2 seers, and Soopole 11 seers.
a3 In the sub-divisions the retail prices of salt per rupee were :—Kissengunge 9 seers, and Arrareah 11 seers.
a4 In the sub-divisions the retail prices of salt per rupee were :—Deoghur 13 seers, Godda 11 seers, and Rajmehal 12 seers.
a5 The retail price of salt at Khorda was 14 seers per rupee.
a6 The retail price of salt at Bhudruck was 8 seers per rupee.
a7 The retail price of salt at Chatra was 11 seers, and at Kharruckdiha 12 seers per rupee.
a8 The retail price of salt at Daltongunge in Palamow sub-division was 9 seers per rupee.
a9 In the Govindpore sub-division the retail price of salt was 11 seers per rupee.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF OCTOBER 1884—*continued*.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Assam.	Sylhet																		
	Cachar																		
	Goálpará																		
	Gáro Hills																		
	Kámrúp																		
	Darrang	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nowgong																		
	Sibságar																		
	Lakhimpur																		
	Khási & Jaintiá Hills																		
	Nága Hills																		
N.W. Provinces.	Debra Dún	19 0	19 0	18 0	26 0	26 0	26 0	6 8	6 8	6 8	10 0	10 0	10 8	26 0	26 0	26 0	21 0	21 0	20 0
	Saháranpur	23 1½	23 10½	19 5½	33 4	27 14½	26 14	8 9½	7 8½	7 8½	11 13	10 12	12 14½	31 8	29 0½	26 1½	26 14	23 10½	25 1
	Muzaffarnagar	23 2	24 6	18 2	30 12	30 12	33 0	6 9	6 9	6 9	12 10	11 0	13 12	26 6	26 6	27 8	22 0	22 0	22 0
	Meerut	22 0	22 0	17 8	27 0	26 8	27 8	6 8	6 8	6 0	13 0	12 0	13 0	26 0	26 0	27 0	24 0	22 0	19 0
	Bulandshahr	22 8	22 8	18 0	28 0	30 0	27 0	6 0	6 0	6 0	9 0	10 0	10 0	28 0	29 0	26 0	22 0	24 0	16 0
	Aligarh	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kumaun	12 0	11 8	15 0	14 0	15 0	18 0	8 0	8 0	10 0	8 8	8 8	13 0	...	...	...	...	...	...
	Garhwál	14 0	14 0	20 0	17 8	17 8	22 0	8 0	8 0	9 0	12 0	11 8	15 0	...	...	...	22 0	22 0	30 0
	Bijnor	18 2	19 2	19 2	23 1	23 10	29 0	8 7	8 7	11 4	9 9	9 9	13 8	...	...	...	...	...	...
	Moradabad	20 5	21 0	20 0	26 0	27 0	28 2	9 8	9 8	9 4	12 10	12 0	14 0	28 0	28 0	28 0	28 0	28 0	16 4
	Budaun	19 8	19 8	20 1½	28 12½	30 0	29 6	6 0	6 0	6 0	14 6	13 3	16 12½	...	...	...	24 0	...	...
	Bareilly	19 1	20 0	18 12	20 10	26 14	26 4	6 4	6 4	7 8	11 9	11 14	13 2	25 0	25 0	27 8	25 0	26 4	20 0
	Sháhjahánpur	24 0	24 0	20 12	31 8	33 0	34 0	8 8	8 0	10 0	13 8	16 0	17 8	...	...	...	...	...	...
	Tarái Pergunnahs	22 8	23 6	23 12	27 8	30 0	37 8	8 2	8 2	8 12	14 6	15 0	14 6	43 12	30 0	33 12	25 0	25 0	25 0
	Muttra	19 8	20 0	17 4	26 8	27 8	23 8	7 0	7 0	7 0	11 0	11 8	12 0	24 0	26 0	23 0	26 0	25 0	20 0
	Agra	19 0	19 4	17 8	26 8	27 0	24 8	5 0	5 0	5 8	10 0	10 0	11 8	22 8	23 0	23 0	25 0	24 0	20 8
	Farukhabad	20 7	22 3½	18 8	31 4	30 10	27 10	6 8	7 0	7 4	12 4	11 14½	12 11	24 8	24 8	24 15	27 4	27 4	23 6
	Mainpuri	19 8	21 0	18 0	27 8	29 0	25 0	4 0	4 0	4 0	8 0	8 0	10 0	...	...	...	...	...	...
	Etáwah	21 8	22 0	17 8	26 0	27 0	22 0	6 0	6 0	6 0	12 0	11 8	12 0	26 0	25 0	24 0	26 0	25 0	19 8
	Etah	21 5	22 4	19 3	28 13	29 2	25 12	7 5	7 8	8 0	11 5	13 2	13 8	...	...	32 2	...	...	22 8
	Jalaun	23 0	23 0	18 0	24 0	24 0	20 0	9 0	9 0	10 0	10 0	10 0	11 0	26 0	26 0	25 0	25 0	25 0	22 0
	Jhánsi	23 8	23 12	21 9	25 0	27 0	32 6	8 0	7 0	7 14½	16 0	13 0	13 0	26 0	26 0	30 0	19 0	17 8	22 8
	Lalitpur	27 4	27 4	23 8	36 0	36 0	37 8	8 0	8 0	9 0	11 0	11 0	11 0	36 0	37 8	36 0	23 0	26 0	26 0
	Cawnpore	21 12	22 12	18 12	28 0	31 0	29 0	9 0	9 0	10 0	12 0	12 0	13 8	30 0	28 8	30 0	29 0	29 0	26 0
	Fatehpur	20 4	20 12	16 14	26 8	27 8	25 12	9 8	10 0	10 8	16 0	13 12	14 0	...	...	...	...	...	...
	Bánda	24 [illegible]	25 0	23 0	27 0	32 0	32 0	7 8	8 0	8 0	10 0	13 0	13 0	30 0	34 0	40 0	30 0	32 0	34 0
	Allahabad	18 8	18 12	17 4	24 0	26 0	28 12	9 8	7 8	11 0	17 8	14 8	16 0	27 8	25 12	30 8	24 0	24 8	29 0
	Hamírpur	20 13	22 0	18 11	...	...	28 10	9 0	9 0	9 4	11 12	11 4	13 8	28 2	28 2	25 14	27 8	23 2	25 1¼
	Jaunpur	21 8	21 11	18 5	25 0	28 15	24 11	7 1	7 1	7 1	12 12	12 12	12 12	...	...	...	...	...	...
	Gorakhpur	18 14	18 14	18 14	21 9½	23 6½	27 0	12 9½	13 8	12 2½	16 8	14 12	16 3	27 14	33 5	34 3	...	...	...
	Basti	19 8	20 10	17 0	21 0	23 0	28 0	10 0	10 0	12 0	12 8	12 8	15 0	...	...	...	...	...	...
	Azamgarh	18 1	18 1	16 4	22 2	22 8	12 2	11 2	11 2	10 5	14 12	13 0	14 0	29 8	29 8	31 0	20 10	20 10	20 10
	Mirzapur	18 0	18 0	16 0	22 0	23 0	25 0	8 0	8 0	10 0	12 0	13 0	12 0	23 0	23 0	26 0	22 0	22 0	24 0
	Benares	18 7	18 11	16 13	23 5	25 0	23 5	8 15	9 3	10 13½	15 11½	14 1½	16 13	25 0	24 6	26 0	24 6	28 5	27 2
	Gházipur	18 10½	18 0	18 10½	23 3	23 3	27 11	6 7	6 7	9 0	12 4	12 14	14 2½	25 12	...	28 5	21 4	19 5	25 1½
	Balia	19 8	18 10	19 5	23 2	23 2	27 0	11 0	11 0	10 4	13 14	13 10	18 0	27 0	25 12	...	30 12	19 8	...
	Philibhít	19 0	20 0	21 2½	25 8	28 12	37 8	13 8	12 8	15 0	17 8	15 0	17 5	...	...	...	...	...	...
	Almora	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oudh.	Sultánpur	22 0	22 0	20 0	28 0	30 0	32 0	11 0	11 0	11 0	20 0	16 0	16 0	...	...	...	...	...	...
	Partábgarh	21 12	21 9	18 4	28 11	30 0	28 12	18 0	16 5	15 0	20 4	16 8	18 0	...	...	...	...	...	...
	Fyzabad	20 0	19 14	18 0	25 0	25 0	28 0	9 8	9 0	10 0	17 8	15 0	16 0	32 0	40 0	34 8	...	...	...
	Kheri	23 0	23 0	22 4	29 0	31 0	31 0	7 0	7 0	7 0	19 0	20 0	14 0	36 0	36 0	38 0	...	30 0	...
	Lucknow	23 0	23 4	18 4	28 8	31 8	27 8	6 0	6 0	6 0	14 8	14 0	13 4	27 0	27 0	27 0	29 0	29 4	24 0
	Bára Banki	21 8	22 0	18 8	28 0	28 0	28 0	9 0	6 0	10 0	15 0	13 0	14 0	39 0	44 0	34 0	26 0	28 0	20 0
	Bahraich	20 0	21 0	16 0	26 0	28 0	32 0	12 8	12 8	10 0	14 0	14 0	14 0	42 0	26 0	34 0	...	...	22 0
	Rai Bareli	22 12	22 14	19 0	28 8	27 14	28 0	...	...	...	17 0	16 0	17 8	30 0	...	...	31 0	...	22 0
	Sitapur	24 11	25 8	21 14	35 11	34 0	35 8	8 0	8 0	8 0	18 0	19 0	17 0	30 0	29 0	28 0	33 0	27 0	35 0
	Gonda	22 10	22 8	21 8	22 8	28 8	39 0	14 0	14 8	15 8	15 2	15 4	16 10	44 8	35 10½	41 0	27 8	25 8	22 0
	Unáo	21 8	22 8	18 0	27 0	28 0	26 0	8 0	8 0	10 0	13 0	14 0	14 0	40 0	40 0	30 0	25 0	23 0	21 0
	Hardui	24 8	23 8	16 14	30 8	33 0	27 11	6 0	6 0	5 10	12 0	12 0	11 4	...	...	...	...	...	16 14
Punjab.	Gujránwála	29 0	28 8	23 0	50 0	40 0	42 0	...	...	...	13 0	13 0	14 0	40 0	40 0	32 0	26 0	26 0	28 0
	Lahore	27 0	28 0	22 0	45 0	45 0	32 0	...	...	...	10 0	10 0	11 0	35 0	35 0	36 0	26 0	26 0	24 0
	Ferozepore	25 8	26 0	21 0	42 0	40 0	36 0	...	...	...	11 0	11 0	11 0	...	32 0	36 0	...	...	...
	Sirsa	22 0	22 0	20 8	30 0	35 0	36 0	...	...	...	10 0	10 0	12 0	36 0	38 0	35 0	28 0	28 0	28 0
	Hissar	20 0	20 8	19 8	30 0	32 0	30 0	...	...	...	10 0	10 0	9 0	38 0	33 0	29 0	28 0	30 0	25 0
	Rohtak	22 0	23 0	19 0	24 0	26 0	25 0	...	...	...	11 0	11 0	8 0	26 0	28 0	22 0	28 0	26 0	21 0
	Gurgaon	...	21 8	20 0	...	30 0	27 0	...	...	...	...	10 0	10 0	...	24 0	23 0	...	25 0	22 0
	Delhi	21 0	22 8	18 8	28 0	31 0	25 0	...	...	...	10 0	10 0	13 0	26 0	28 0	26 0	23 0	23 0	22 0
	Karnál	22 8	23 0	18 8	28 0	30 0	27 0	...	...	...	13 0	11 0	12 8	25 0	22 0	23 0	20 0	18 0	21 0
	Umballa	25 0	24 0	20 0	28 0	32 0	28 0	...	...	...	10 0	11 0	11 4	40 0	40 0	30 0	25 0	20 0	16 0
	Ludhiana	27 8	27 8	23 8	32 0	32 0	36 0	...	...	...	11 0	11 0	11 0	35 0	35 0	34 0	25 0	35 0	27 0
	Simla	15 4	18 8	16 0	28 0	...	...	...	...	...	9 0	...	...	17 8	...	...	14 4	...	...

Provinces.	Districts.	Millets, Ragi, &c. (Kavaru, Varagu, Sawee, Cheena, Coraloo, Murhwa, Nugiee). *Panicum Miliaceum, &c.* Present fortnight.	Millets, &c. Past fortnight.	Millets, &c. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R a. p.	R a. p.	R a. p.	S. Ch.	S. Ch.	S. Ch.
Assam.	Sylhet															
	Cachar															
	Goálpará															
	Gáro Hills															
	Kamrúp															
	Darrang	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Nowgong															
	Sibságar															
	Lakhimpur															
	Khási & Jaintiá Hills															
	Nága Hills															
N.W. Provinces.	Debra Dún	...	...	...	24 0	25 0	22 8	160 0	160 0	160 0	11 8	11 8	11 0	11 0	11 0	11 0
	Saháranpur	...	...	...	29 1	29 0½	24 11½	[illegible] 8	129 0	129 0	13 7	13 8	13 2½	12 14½	12 14½	12 14½
	Muzaffarnagar	...	...	...	27 8	29 4	24 6	132 0	132 0	110 0	12 10	12 10	12 6	12 2	12 2	11 8
	Meerut	...	...	...	27 0	26 8	25 0	100 0	110 0	110 0	13 0	13 0	12 8	12 8	12 8	12 0
	Bulandshahr	...	...	...	24 0	24 8	23 0	120 0	120 0	140 0	13 0	13 4	11 8	...	...	...
	Aligarh	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Kumaun	...	...	...	11 0	11 0	14 0	200 0	200 0	200 0	8 0	8 0	9 0	7 0	7 0	8 0
	Garhwál	...	...	...	8 0	8 0	9 0	280 0	280 0	280 0	6 0	7 8	9 0	5 0	6 14	8 0
	Bijnor	...	...	...	18 14	22 8	21 6	135 0	135 0	135 0	...	...	...	11 4	11 4	11 8
	Moradabad	...	...	...	21 12	23 0	21 14	125 0	125 0	125 0	13 4	13 4	12 10	13 0	13 0	12 8
	Budaun	...	...	...	19 12½	20 6	25 8	192 0	192 0	192 0	12 0	12 0	11 6	11 11½	11 11½	10 1½
	Bareilly	...	...	...	20 10	21 4	23 2	100 0	100 0	125 0	12 13	12 13	12 3	13 8	12 8	11 14
	Sháhjahánpur	...	...	...	20 10	23 0	25 12	140 0	160 0	160 0	13 6	13 4	13 0	11 8	11 6	11 0
	Tarái Pergunnahs	...	...	...	15 0	17 8	20 0	120 0	120 0	120 0	11 4	10 0	11 4	11 0	9 12	11 0
	Muttra	...	...	...	22 8	23 8	21 8	110 0	120 0	120 0	14 8	14 8	14 0	14 0	14 0	12 8
	Agra	...	...	...	22 4	23 0	23 8	100 0	100 0	100 0	14 0	14 0	13 8	13 8	13 8	13 0
	Farukhabad	...	...	...	23 14	23 8½	24 14	109 4	114 8	150 0	13 4½	13 4½	12 4	12 5	12 5	11 9
	Mainpuri	...	...	...	20 8	21 8	23 0	80 0	160 0	160 0	13 0	13 0	11 8	11 8	12 0	11 0
	Etáwah	...	...	...	24 0	26 0	24 0	100 0	100 0	100 0	14 0	14 0	13 0	13 8	13 8	11 0
	Etah	...	...	...	23 0	25 6	23 12	146 0	145 0	150 0	13 0	13 14	12 0	12 5	12 6	11 12
	Jalaun	...	...	...	30 0	30 0	28 0	140 0	140 0	140 0	12 0	12 0	11 0	11 0	11 0	10 0
	Jhánsi	...	...	...	23 8	24 0	30 6½	200 0	200 0	200 0	11 12	11 12	11 13	10 12	10 12	10 13
	Lalitpur	...	...	...	31 0	32 8	33 0	160 0	160 0	160 0	9 12	11 8	12 0	9 8	11 0	11 6
	Cawnpore	...	...	...	25 0	27 0	29 0	130 0	130 0	140 0	16 0	14 0	13 8	14 0	13 8	13 0
	Fatehpur	...	...	...	25 4	25 6	28 8	160 0	160 0	200 0	11 8	11 8	11 0	11 4	11 4	10 12
	Bánda	...	...	...	32 0	34 0	40 0	160 0	160 0	160 0	12 0	11 8	12 0	11 0	11 0	11 0
	Allahabad	...	...	...	26 12	27 0	29 0	120 0	120 0	120 0	12 0	12 0	12 0	11 0	11 0	11 0
	Hamírpur	...	...	...	29 4	32 10	34 14	140 0	140 0	140 0	11 4	11 4	11 8	10 0	9 15	10 8
	Jaunpur	...	...	...	24 0	23 12	25 6	120 0	120 0	148 12	10 12	10 12	10 12	10 10	10 10	10 10
	Gorakhpur	...	...	...	18 0	21 9½	28 13	160 0	160 0	160 0	11 0	11 0	10 9½	10 13	10 13	10 6½
	Basti	...	...	...	18 12	21 0	27 0	160 0	180 0	160 0	10 8	10 8	8 8	9 12	9 12	8 0
	Azamgarh	...	...	...	20 0	21 0	25 1	177 8	177 8	147 8	11 2	11 2	10 8	10 8	10 8	9 14
	Mirzapur	...	...	...	22 0	22 0	26 0	100 0	100 0	70 0	11 0	10 0	10 0	8 0	8 0	8 0
	Benares	...	...	...	23 1	23 14	24 2	90 0	90 0	90 0	10 11	10 11	10 6½	9 13½	9 13½	9 13½
	Gházipur	...	...	...	22 8½	21 14	25 1½	128 12	128 12	128 12	11 9	11 9	13 15½	10 5	10 5	10 5
	Balia	...	...	...	23 2	22 8	26 6	100 0	100 0	130 0	11 12	11 12	11 9	11 8	11 8	11 0
	Philibhít	...	...	...	18 0	20 0	25 0	150 0	150 0	150 0	13 0	13 0	13 0	12 8	12 8	12 8
	Almora	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
Oudh.	Sultánpur	...	...	...	23 0	25 0	31 0	160 0	160 0	160 0	12 12	12 8	12 4	12 8	11 12	12 0
	Partábgarh	...	...	...	21 13	23 0	27 8	180 0	180 0	200 0	12 0	12 0	11 0	10 13	10 12	10 10
	Fyzabad	...	...	...	21 0	23 8	28 0	120 0	120 0	120 0	11 8	11 8	11 8	11 0	11 0	11 0
	Kheri	...	...	...	24 0	23 8	27 0	140 0	140 0	120 0	10 8	10 8	11 0	10 0	10 0	10 8
	Lucknow	...	...	...	23 4	24 13	24 0	110 0	120 0	115 0	11 8	11 8	11 2½	11 0	11 0	10 10½
	Bára Banki	...	...	...	25 0	26 0	26 0	120 0	120 0	130 0	12 0	12 0	12 0	11 0	11 0	11 0
	Bahraich	...	...	...	23 0	25 0	30 0	160 0	160 0	160 0	...	...	...	11 0	11 0	9 8
	Rai Bareli	...	...	...	24 8	26 12	26 8	200 0	200 0	160 0	...	...	...	10 0	9 14	11 0
	Sitapur	...	...	...	26 5	27 8	28 12	160 0	160 0	160 0	12 8	12 8	12 8	12 0	12 0	11 8
	Gonda	...	...	...	21 0	22 12	33 4	200 0	200 0	200 0	11 8	11 8	11 4	11 4	11 4	11 0
	Unáo	...	...	...	24 0	26 0	25 0	160 0	160 0	160 0	...	...	...	11 0	11 8	11 0
	Hardui	...	...	...	24 8	25 0	20 14	160 0	160 0	200 0	11 0	11 0	9 6	7 8	7 8	7 8
Punjab.	Gujránwála	...	...	...	39 4	40 0	32 8	90 0	90 0	95 0	15 4	15 4	15 4	15 0	15 0	15 0
	Lahore	...	...	...	40 0	39 0	32 0	80 0	80 0	80 0	15 0	15 0	15 0	14 0	14 0	14 0
	Ferozepore	...	...	...	42 0	43 8	33 0	90 0	90 0	100 0	14 0	14 0	13 12	13 8	13 8	13 8
	Sirsa	...	...	...	37 0	38 0	37 0	120 0	126 0	120 0	13 8	13 8	12 8	13 0	13 0	13 0
	Hissar	...	...	...	31 0	31 0	28 8	120 0	120 0	120 0	13 8	13 8	13 0	...	13 0	12 8
	Rohtak	...	...	...	27 0	27 0	24 0	80 0	80 0	100 0	12 8	12 0	12 0	11 0	11 0	10 8
	Gurgaon	...	...	...	...	26 0	22 0	...	140 0	120 0	...	12 0	12 0	...	12 0	12 0
	Delhi	...	...	...	24 8	26 8	22 8	70 0	80 0	80 0	13 0	12 8	13 0	12 0	11 8	12 0
	Karnál	...	...	...	23 0	26 0	24 0	160 0	160 0	140 0	13 4	13 8	13 0	12 0	12 4	12 0
	Umballa	...	...	...	31 8	31 8	26 0	160 0	180 0	150 0	14 0	14 4	14 0	13 12	13 12	13 12
	Ludhiana	...	...	...	35 0	35 8	30 0	100 0	100 0	100 0	15 0	15 0	14 0	14 8	14 12	14 0
	Simla	...	...	...	15 12	21 0	20 8	80 0	80 0	80 0	10 0	10 0	11 4	9 6	9 6	10 8

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF OCTOBER 1884—continued.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowari, Holcus Sorghum).			Bajrah Millet (Cumboo, Bajri, Penicillaria Spicata).		
		Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Punjab—continued.	Kángra	20 0	20 0	20 0	28 0	28 0	32 0	...	...	...	12 0	12 0	14 0	...	...	...	...	...	...
	Jullundur	29 0	30 0	21 8	40 0	40 0	32 0	...	...	...	8 0	8 0	6 0	33 0	36 0	34 0	32 0	30 0	26 0
	Hoshiárpur	30 8	30 0	20 0	36 0	38 0	25 0	...	...	...	12 0	12 0	12 0	39 0	35 0	28 0	24 0	24 0	20 0
	Gurdáspur	31 0	31 0	24 8	40 0	40 0	28 0	...	...	...	14 0	14 0	14 0	33 0	32 0	30 0	14 0	14 0	14 0
	Amritsar	28 12	28 12	23 8	41 0	40 0	33 4	...	...	...	12 8	12 8	13 8	42 0	42 0	35 0	26 8	26 8	27 8
	Siálkot	30 0	31 0	24 8	54 0	56 0	36 0	...	...	...	13 0	13 0	12 0	44 0	44 0	35 0	32 0	30 0	30 0
	Gujrát	32 0	31 0	25 0	47 0	47 0	40 0	...	...	...	11 14	11 12	12 0	46 0	44 4	40 0	44 0	42 4	40 0
	Jhelum	30 0	30 0	25 0	45 0	47 0	32 0	...	...	...	12 0	10 0	8 0	32 0	32 0	34 0	33 0	33 0	38 0
	Ráwalpindi	32 8	34 0	25 12	55 0	54 0	40 0	...	...	...	12 0	12 0	7 8	60 0	55 0	40 0	60 0	60 0	45 0
	Shahpúr	29 0	29 0	27 0	37 0	37 0	40 0	...	...	...	12 0	12 0	15 0	38 0	36 0	36 0	38 0	36 0	34 0
	Jhang	21 8	22 8	20 8	37 8	34 0	28 8	...	...	...	10 0	10 0	9 0	28 0	28 0	26 0	31 0	32 0	32 0
	Montgomery	22 0	21 0	17 8	36 0	34 0	29 0	...	...	...	9 0	9 0	5 8	...	...	...	...	...	...
	Mooltan	18 8	18 0	16 0	28 0	27 0	28 0	...	...	...	11 0	11 0	11 0	28 0	30 0	28 0	28 0	27 0	24 0
	Muzaffargarh	21 0	21 0	17 0	26 0	25 0	26 0	...	...	...	6 0	6 0	5 0	23 0	22 0	21 0	23 0	23 0	17 0
	Dera Ghási Khán	20 8	20 0	18 8	27 11	26 4	27 8	...	...	...	11 4	11 4	10 0	32 10	27 8	32 8	30 8	25 0	30 0
	Dera Ismail Khán	33 8	24 2	20 0	35 6	35 0	29 6	...	...	...	8 12	8 12	8 0	34 0	32 1	34 6	27 8	26 4	30 0
	Bannu	38 2	38 12	29 6	50 10	50 0	38 2	...	...	...	8 7	8 4	8 12	35 0	32 8	40 0	40 0	45 0	33 12
	Kohát	31 4	30 10	20 1	59 15	57 6	32 8	...	...	...	14 0	12 12	11 8	...	...	...	45 14	35 11	30 10
	Peshawár	30 4	28 12	21 0	58 0	55 8	32 12	...	...	...	12 8	12 0	11 5	50 0	50 0	50 0	36 0	34 0	29 9
	Hazára	34 0	34 0	25 0	50 0	52 0	40 0	...	...	...	12 0	13 0	12 0	...	...	...	36 0	36 0	28 0
Central Provinces.	Saugor	27 0	26 0	23 12	...	...	...	11 0	11 0	8 0	12 0	10 0	10 0	...	...	...	...	...	...
	Damoh	32 0	32 8	27 0	...	...	...	13 8	14 8	12 8	14 8	15 8	13 8	...	...	...	...	...	...
	Jubbulpore	22 8	23 8	21 0	22 8	23 0	21 0	10 0	9 0	10 0	13 8	13 0	15 0	23 0	24 0	27 0	18 0	19 0	16 8
	Mandla	35 0	34 0	27 0	...	...	...	14 0	14 8	16 0	19 0	18 0	20 0	...	...	...	...	...	...
	Seoni	28 0	28 0	22 0	...	...	...	12 8	13 0	13 8	20 0	18 0	20 0	...	...	...	...	...	...
	Narsinghpur	22 0	21 0	17 8	...	...	...	9 0	9 0	9 8	11 8	11 8	12 0	...	...	...	...	...	...
	Hoshangabad	20 4	20 4	15 3	...	...	...	5 0	5 0	4 8	10 2	10 2	10 11	...	...	...	...	...	...
	Nimár	24 12	24 12	17 0	...	...	...	11 9	12 9	12 9	14 14	14 14	14 14	30 0	30 0	20 10	28 0	28 0	21 0
	Betúl	28 0	27 0	18 0	...	...	...	11 0	11 0	10 8	12 0	12 0	11 0	21 0	22 0	19 8	...	...	...
	Chhindwára	23 1	25 8	25 8	...	...	...	7 8	7 9	8 8	12 11	12 14	15 8	28 15	28 15	31 0	...	...	...
	Wardha	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nágpur	27 4	26 0	19 4	...	...	...	9 12	9 12	9 0	14 12	14 12	16 0	29 1	29 12	31 4	...	...	...
	Chánda	27 0	25 0	19 0	...	...	...	...	...	...	17 8	17 8	15 0	26 8	26 0	27 8	...	...	...
	Bhandára	27 0	24 8	22 0	...	...	...	11 8	10 8	10 0	18 0	19 8	22 0	23 0	22 8	35 0	...	...	...
	Bálághát	24 0	28 0	20 0	...	...	...	15 0	15 0	18 0	23 0	22 0	27 0	...	...	...	...	...	...
	Raipur	30 0	28 0	22 0	...	...	...	15 0	15 0	15 8	24 0	23 0	29 8	...	...	...	...	...	...
	Bilaspur	48 13	48 1	26 0	...	...	...	26 2	26 2	44 0	45 10	39 1	54 0	...	...	...	...	...	...
	Sambalpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
British Burma.	*Arakan Division.*																		
	Akyab	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Northern Arakan	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kyoukpyoo	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Sandoway	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Pegu Division.																		
	Rangoon Town	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Pegu	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tharrawaddy	...	...	...	...	...	...	7 2	7 2	...	7 14	7 14	...	...	...	...	...	...	...
	Prome	14 9	14 9	9 11	...	...	...	12 3	10 12	11 3	14 7	12 7	13 12	...	...	...	...	...	...
	Irrawaddy Division.																		
	Bassein	...	...	...	...	...	...	14 10	13 15	14 8	16 8	16 10	13 9	...	...	...	...	...	...
	Henzada	...	...	...	...	...	...	11 15	11 15	11 15	15 10	15 10	15 10	...	...	...	...	...	...
	Thonegwa	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Thayetmyo	15 1	15 1	9 4	...	...	...	9 6	9 6	10 0	10 6	10 6	11 13	...	...	...	...	...	...
	Tenasserim Division.																		
	Moulmein Town & Amherst	9 0	9 0	9 0	...	...	...	9 11	9 11	9 0	12 2	12 2	11 1	...	...	...	...	...	...
	Tavoy	...	...	...	...	...	...	13 12	13 0	13 12	17 15	17 15	17 15	...	...	...	...	...	...
	Mergui	...	...	...	...	...	...	13 0	13 13	14 9	15 6	14 14	16 10	...	...	...	...	...	...
	Toungoo	...	...	...	...	...	...	10 10	10 10	12 13	12 13	12 13	14 3	...	...	...	...	...	...
	Shwaygyin	...	...	...	...	...	...	10 10	...	9 13	12 7	...	10 6	...	...	...	...	...	...
	Salween	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Hyderabad Assigned Districts.	Secunderabad	12 11	13 8	15 15	...	...	...	7 14	8 4	8 4	11 4	11 4	10 14	17 12	17 12	23 3	...	...	27 0
	Bolarum	14 13	14 13	13 3	...	...	...	9 0	9 0	8 1	10 15	10 15	9 10	18 15	18 15	26 6	...	...	...
	Chudderghat	12 8	11 8	13 8	...	...	...	7 8	8 0	7 0	9 8	10 0	9 0	19 0	18 0	24 0	23 0	24 0	33 0
	Amráoti	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Akola	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Ellichpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Buldána	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Wún	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Básim	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Districts.	Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nuglee), Panicum Miliaceum, &c.			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Provinces.
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Kángra	...	...	...	24 0	24 0	21 0	120 0	120 0	140 0	11 8	10 8	11 8	11 0	10 0	11 0	Punjab—continued.
Jullundur	...	...	...	33 8	35 0	24 0	110 0	110 0	110 0	15 0	15 0	14 8	14 8	14 8	14 0	
Hoshiárpur	...	...	...	32 8	32 0	27 8	110 0	120 0	110 0	14 0	14 0	14 0	13 12	13 12	13 12	
Gurdáspur	...	...	...	34 0	34 0	28 0	120 0	120 0	120 0	14 0	14 0	13 4	13 0	13 0	12 8	
Amritsar	...	...	...	40 8	40 8	31 12	90 0	90 0	90 0	15 10	15 10	15 6	15 0	15 0	15 0	
Siálkot	...	...	...	36 0	37 0	29 8	120 0	120 0	120 0	16 0	16 0	15 8	15 8	15 8	15 0	
Gujrát	...	...	...	34 8	34 4	29 8	100 0	100 0	100 0	*	*	*	16 0	16 0	15 4	
Jhelum	...	...	...	33 8	34 0	27 0	120 0	120 0	120 0	16 8	16 8	16 0	16 0	16 0	15 0	
Ráwalpindi	...	...	...	39 0	40 0	32 8	87 0	100 0	84 0	15 10	15 8	15 4	15 6	15 4	15 0	
Shahpúr	...	...	...	37 0	36 0	33 0	240 0	240 0	320 0	17 0	17 0	17 0	16 0	16 0	16 0	
Jhang	...	...	...	30 0	29 0	27 5	200 0	200 0	200 0	14 8	14 8	14 4	14 0	14 0	14 2	
Montgomery	...	...	...	37 0	36 0	32 0	200 0	200 0	200 0	13 0	13 0	12 0	12 0	12 0	11 0	
Mooltan	...	...	...	28 0	26 8	25 0	100 0	100 0	90 0	14 0	15 0	14 0	13 8	14 8	13 8	
Muzaffargarh	...	...	...	23 8	22 0	21 8	120 0	120 0	90 0	*	*	*	13 0	13 0	13 8	
Dera Ghási Khán	...	...	...	23 8	23 7	21 14	125 0	125 0	125 0	28 12	28 12	30 10	27 8	27 8	27 8	
Dera Ismail Khán	...	...	...	33 5	33 8	25 0	125 0	125 0	125 0	44 0	45 8	47 8	42 0	43 8	45 0	
Bannu	...	...	...	47 8	48 2	31 14	80 0	80 0	80 0	80 0	80 0	100 0	60 0	60 0	80 0	
Kohát	...	...	...	34 6	33 12	28 1	102 0	102 0	81 0	61 3	61 3	68 14	58 11	58 11	63 12	
Peshawár	...	...	...	36 8	34 0	26 14	105 0	105 0	105 0	44 4	42 14	39 0	42 12	41 8	38 0	
Házára	...	...	...	28 0	28 0	24 0	110 0	110 0	140 0	...	13 9	13 0	12 12	12 12	12 0	
Saugor	...	...	...	25 8	25 8	27 8	140 0	140 0	160 0	9 4	9 12	9 12	9 0	9 8	9 8	Central Provinces.
Damoh	...	...	...	28 0	32 0	39 0	200 0	200 0	200 0	9 0	10 0	10 4	8 8	9 8	10 0	
Jubbulpore	...	...	...	30 0	29 0	27 0	120 0	110 0	130 0	11 8	11 0	11 8	11 0	10 12	11 0	
Mandla	30 0	30 0	25 0	45 0	45 0	45 0	256 0	256 0	256 0	...	...	...	10 0	9 8	9 0	
Seoni	...	...	...	32 0	32 0	26 0	220 0	220 0	220 0	10 8	10 8	11 8	10 4	10 4	11 0	
Narsinghpur	...	...	...	32 0	32 0	24 0	140 0	140 0	140 0	11 0	11 0	11 0	10 8	10 8	10 8	
Hoshangabad	...	...	...	28 2	29 4	23 8	140 0	140 0	160 0	11 14	11 14	11 8	11 0	11 0	10 8	
Nimár	...	...	...	25 13	25 13	20 4	160 0	120 0	160 0	13 13	13 13	13 13	13 0	13 0	13 0	
Betúl	18 8	18 8	15 0	26 0	26 0	18 0	320 0	320 0	320 0	10 8	10 8	8 8	10 0	10 0	8 0	
Chhindwára	17 0	17 0	21 0	26 12	27 4	29 0	200 0	200 0	200 0	9 6	10 1	9 0	8 13	9 9	8 0	
Wardha	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Nágpur	...	...	...	21 12	21 12	21 12	120 0	120 0	140 0	12 0	12 0	12 0	11 12	11 12	11 12	
Chánda	...	...	...	27 8	27 0	21 8	360 0	360 0	360 0	...	...	...	11 0	11 0	9 8	
Bhandára	...	...	...	20 0	22 8	23 0	180 0	180 0	96 0	11 4	11 0	10 4	10 12	10 8	10 0	
Bálághát	...	...	...	25 0	25 0	27 0	275 0	275 0	275 0	11 0	11 0	9 4	10 8	9 8	9 0	
Raipur	...	...	...	21 0	21 0	28 8	64 0	64 0	64 0	10 8	11 0	11 4	10 0	10 0	11 0	
Bilaspur	100 0	100 0	123 4	36 8	36 8	34 0	120 0	120 0	120 0	...	...	...	9 0	9 0	9 0	
Sambalpur	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Arakan Division.																British Burma.
Akyab	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Northern Arakan	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Kyoukpyoo	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Sandoway	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Pegu Division.																
Rangoon Town	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Pegu	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Tharrawaddy	...	...	...	8 14	8 14	...	535 11	535 11	...	...	...	...	32 7	22 5	...	
Prome	...	...	...	13 13	12 7	13 13	167 9	167 9	139 11	29 9	29 9	25 5	18 10	18 10	16 9	
Irrawaddy Division.																
Bassein	...	...	...	13 8	11 7	10 15	295 2	264 7	284 8	35 7	35 7	24 12	25 14	28 6	23 1	
Henzada	...	...	...	...	...	...	183 8	183 8	183 8	29 9	29 9	29 9	29 9	29 9	29 9	
Thonegwa	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Thayetmyo	...	...	...	13 13	13 13	13 13	245 0	245 0	245 0	29 9	29 9	25 5	18 15	18 15	18 15	
Tenasserim Division.																
Moulmein Town & Amherst	...	...	...	12 2	12 2	11 1	220 0	220 0	220 0	30 8	30 8	20 15	20 15	20 15	20 8	
Tavoy	...	...	...	...	...	...	399 3	399 3	399 3	24 2	24 2	24 2	16 1	16 1	16 1	
Mergui	...	...	...	...	...	...	428 0	428 0	428 0	36 8	36 8	24 5	29 3	29 3	16 4	
Toungoo	...	...	...	8 1	9 1	12 8	24 0	24 0	24 0	25 0	25 0	22 0	18 12	18 12	14 1	
Shwaygyin	...	...	...	...	...	...	150 0	...	250 0	35 6	...	35 6	18 14	...	18 14	
Salween	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Secunderabad	...	...	29 9	16 12	17 4	13 8	115 0	115 0	125 0	10 13	10 13	10 14	10 4	10 4	10 6	Hyderabad Assigned Districts.
Bolarum	...	...	...	18 10	18 10	19 7	116 14	116 14	116 14	...	...	...	11 12	10 12	10 12	
Chudderghat	...	...	...	19 0	18 0	15 8	80 0	80 0	80 0	...	...	...	9 12	9 12	9 8	
Amráoti	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Akola	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Ellichpur	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Buldána	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Wún	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Básim	...	...	...	...	...	...	...	...	...	...	...	...	No return received			

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF OCTOBER 1884—*concluded.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), *Holcus Sorghum.* Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Bulrush Millet (Cumboo, Bajrah), *Penicillaria Spicata.* Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Mysore.	Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Coorg.	Coorg	9 11	8 2	8 9	9 14	9 11	10 4	11 15	12 6	15 9	17 3	17 11	20 10	...	...	...	...	...	...
Rajputana.	Jeypore	18 0	18 8	17 0	25 0	27 0	25 0	6 0	6 0	6 0	7 0	7 8	8 8	24 0	22 0	25 0	21 8	22 0	21 0
	Kishengurh	19 0	17 4	17 8	27 8	25 8	24 0	9 0	9 0	8 0	10 0	10 0	9 0	20 8	17 8	23 8	18 8	17 8	19 8
	Kerrowlee	25 8	20 0	18 7	27 8	23 14	26 4	10 8	10 0	10 0	12 3	11 4	11 4	26 7	26 14	26 4	22 11	23 0	21 15
	Ulwur	19 15	20 1	18 4	26 5	27 5	23 10	6 12	6 12	8 10	10 4	10 5	10 8	25 13	24 6	24 0	24 8	23 7	21 15
	Bhurtpore (City)	18 11	18 15	16 7	25 8	26 8	22 15	7 6	7 6	7 12	9 0	9 0	9 6	22 3	22 3	23 7	23 15	23 15	20 8
	Ajmere	18 0	17 0	16 0	25 0	26 0	25 0	8 0	8 0	5 0	8 0	8 0	8 0	25 0	26 0	19 0	20 0	20 0	20 0
	Deoli Cantonment	26 10	25 6	20 14	37 5	36 14	29 1	...	...	...	9 8	9 4	9 11	33 5	30 0	23 13	30 14	25 0	18 0
	Erinpura, Sirohee, Abu, Anadra, Bálmere, Jeysalmere	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Hilly Tracts of Meywar	19 0	19 0	21 0	21 0	20 0	25 0	...	...	...	12 8	12 0	15 0	...	...	...	...	...	...
	Meywar (Oodeypore)	24 3½	22 10½	15 6½	34 6	32 0½	21 14	8 15½	8 9½	9 6	...	...	...	...	...	...	...	...	...
	Bánswára (Meywar Agency)	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Partábgarh („)	22 3	22 3	17 3	...	...	...	8 12	8 12	8 12	11 14	11 4	11 14	...	...	...	...	...	...
	Marwar (Jodhpore)	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Bikaneer	13 4	13 0	10 4	...	...	...	8 11	8 11	8 6	6 12	6 12	6 0	...	...	...	17 12	17 12	18 0
	Boondee	29 12	31 0	23 12	54 0	50 0	38 4	7 8	6 8	10 8	8 0	7 0	11 8	55 0	48 0	36 4	...	...	...
	Kotah	30 0	30 0	24 0	40 0	40 0	25 0	7 0	7 0	8 0	7 8	7 8	11 0	47 8	42 8	30 0	18 0	18 0	12 8
	Tonk	28 8	24 0	21 0	35 4	36 0	31 0	6 8	6 8	6 8	7 8	7 8	8 8	38 8	40 0	30 8	36 0	...	...
	Jhallawar	27 0	26 13	18 13	43 14	40 9	20 0	...	...	...	11 9	10 8½	7 14	42 11	41 6	27 11	17 0½	17 0½	17 1
	Shahpoora	24 0	23 4	20 4	34 12	34 0	26 8	7 10	7 8	10 0	9 10	9 8	15 0	25 0	25 8	23 4	19 8	19 8	16 0
	Dholpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Central India.	Indore	21 0	20 0	15 0	...	...	...	9 3	9 3	9 3	10 0	10 0	10 0	26 10	26 10	24 0	22 0	22 14	18 8
	Gwalior	18 8	18 12	17 2	19 11	21 0	21 4	7 5	7 5	7 1	8 15	8 13	9 1	23 9	24 10	25 2	21 0	21 0	19 13
	Goona	30 0	30 0	25 0	21 0	21 0	20 0	8 0	8 0	8 0	9 0	9 0	8 8	50 0	45 0	40 0	21 0	20 0	20 0
	Baghelkhand (Sutna)	25 0	25 0	26 12	40 0	37 8	50 0	8 0	8 0	7 0	20 8	18 8	19 12	...*	...*	37 0	18 0	18 0	30 0

* Not sold.

Districts.	Lesser Millets, Bari, &c. (Kavaru, Verara, Sawan, Cheena, Coraloo, Murhwa, Naglee), *Panicum Miliaceum, &c.* Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.	Provinces.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	...	...	...	...	...	...	...	...	...	...	...	...	No return received			Mysore.
Coorg	29 3	31 2	31 0	21 6	22 4	30 9	110 0	110 0	110 0	10 8	10 9	10 3	11 3	10 3	9 12	Coorg.
Jeypore	...	...	...	22 0	24 0	23 0	...	...	...	15 8	15 8	15 0	15 4	15 4	14 12	Rajputana.
Kishengurh	...	...	...	24 8	20 4	24 0	...	...	...	...	...	...	16 0	16 0	16 0	
Kerrowlee	...	...	...	23 3	28 0	27 8	...	...	...	14 0	13 4	13 6	13 14	13 4	13 0	
Ulwur	...	...	...	25 10	25 13	28 8	...	...	...	16 4	16 4	15 7	15 8	15 8	14 12	
Bhurtpore (City)	...	...	...	22 1	22 8	22 5	...	...	...	12 4	12 12	12 4	12 0	12 0	12 0	
Ajmere	...	...	...	24 0	24 0	26 0	80 0	80 0	80 0	17 8	17 8	17 0	15 8	15 8	15 0	
Deoli Cantonment	...	...	...	31 8	31 9	28 8	220 0	220 0	220 0	13 6	13 4	13 8	13 6	12 4	12 12	
Erinpura, Sirohee, Abu, Anadra, Bálmere, Jeysalmere	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Hilly Tracts of Meywar	...	...	...	20 0	19 0	20 0	†	†	†	R a. p. 3 10 0	R a. p. per md. 4 0 0	R a. p 3 10 0	11 0	10 0	11 0	
Meywar (Oodeypore)	...	...	...	28 0½	21 14	16 12½	200 0	200 0	200 0	S. Ch. 12 1½	S. Ch. 12 1½	S. Ch. 10 15	11 11½	11 11½	10 8½	
Bánswára (Meywar Agency)	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Partábgarh („)	...	...	...	31 14	32 8	19 11	...	...	...	R a. p. 2 6 9	R a. p. per md. ...	R a. p. ...	16 8	16 8	16 4	
Marwar (Jodhpore)	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Bikaneer	...	...	...	19 0	18 8	17 8	...	...	...	S. Ch. ...	S. Ch. ...	S. Ch. ...	11 8	11 8	11 8	
Boondee	...	...	...	32 0	46 0	36 0	160 0	160 0	140 0	11 8	11 8	12 4	11 0	11 0	12 0	
Kotah	...	...	...	37 0	37 0	30 0	240 0	240 0	240 0	11 0	10 0	13 8	10 8	10 0	13 0	
Tonk	...	...	...	30 0	30 0	31 0	80 0	80 0	100 0	13 4	13 6	13 8	13 0	13 3	13 4	
Jhallawar	...	...	...	29 6½	31 0½	23 4½	...	...	...	10 3½	10 3½	10 3½	10 3½	10 3½	10 3½	
Shahpoora	...	...	...	26 7	26 8	23 8	160 0	160 0	160 0	13 6	13 4	12 14	13 4	12 14	12 12	
Dholpur	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Indore	...	...	...	23 8	22 5	17 7	100 0	100 0	100 0	11 8	11 8	12 0	11 0	11 0	11 6	Central India.
Gwalior	...	...	...	18 0	18 4	23 5	146 0	127 12	127 12	12 6	12 9	...	11 14	12 0	11 14	
Goona	...	...	...	33 0	34 0	32 0	200 0	200 0	200 0	12 13	12 12	12 8	12 8	12 8	12 0	
Baghelkhand (Sutna)	...	...	...	31 0	33 8	40 0	160 0	160 0	160 0	12 0	11 14	12 4	11 2	11 0	11 8	

† Eight pies per bundle.

DEPARTMENT OF FINANCE AND COMMERCE,
(Statistical Branch.)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st AND 2nd HALVES OF SEPTEMBER 1884, PUBLISHED IN PAGES 1432, 1433, 1490 AND 1491 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 11th AND 25th OCTOBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS. (Each cell: S. C.)

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of last year.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of last year.	Rice. Best sort. Present fortnight.	Rice. Best sort. Past fortnight.	Rice. Best sort. Corresponding fortnight of last year.	Rice. Common. Present fortnight.	Rice. Common. Past fortnight.	Rice. Common. Corresponding fortnight of last year.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of last year.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of last year.
	1st half of Sept. 1884.																		
Mysore.	Bangalore	11 6	11 8	10 1	12 9	12 8	11 11	[illegible] 8	9 14	9 10	10 13	10 14	10 10	24 0	22 8	31 4	...	...	...
Mysore.	Kolar	...	...	...	12 0	12 0	12 0	12 0	13 0	12 0	14 0	14 0	14 0	...	...	...	...	...	...
Mysore.	Túmkúr	14 0	14 0	14 8	12 8	12 8	11 8	11 8	12 8	13 0	12 0	13 8	13 8	...	...	...	...	...	...
Mysore.	Mysore	10 8	11 0	11 12	...	...	...	11 0	11 0	10 4	12 0	12 0	11 12	...	...	...	...	...	...
Mysore.	Shimoga	12 10	13 10	14 11	13 10	14 11	15 12	12 10	12 10	13 10	16 13	16 13	18 14	33 10	29 6	37 14	...	...	...
Mysore.	Kadur	13 0	10 0	14 0	15 0	11 0	15 0	16 0	16 0	15 0	18 0	18 0	17 0	...	...	...	...	...	...
	2nd half of September 1884.																		
Mysore.	Bangalore	11 0	11 6	10 8	12 2	12 9	11 7	9 4	9 8	9 13	10 4	10 13	10 13	24 2	24 0	28 10	...	...	...
Mysore.	Kolar	...	...	...	11 0	12 0	12 0	11 0	12 0	12 0	13 0	14 0	14 0	...	...	...	...	...	...
Mysore.	Túmkúr	14 0	14 0	14 8	12 0	12 8	11 8	11 8	11 8	13 0	12 0	12 0	13 8	...	...	...	...	...	...
Mysore.	Mysore	11 0	10 8	11 0	...	...	...	10 8	11 0	10 4	11 12	12 0	11 14	24 0	...	30 0	...	...	...
Mysore.	Shimoga	12 10	12 10	14 11	13 10	13 10	15 12	12 10	12 10	14 11	16 13	16 12	17 14	33 10	33 10	42 0	...	...	...
Mysore.	Kadur	13 0	13 0	14 0	15 0	15 0	15 0	18 0	16 0	17 0	20 0	18 0	19 0	...	...	...	...	...	...

Provinces.	Districts.	Lesser Millets, Bagi, &c. (Kavara, Veragoo, Sawee, Cheena Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of last year.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of last year.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of last year.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of last year.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of last year.
	1st half of Sept. 1884.															
Mysore.	Bangalore	27 14	30 14	29 7	23 4	23 5	29 12	96 0	96 0	96 0	12 4	12 8	12 4	12 0	12 0	12 0
Mysore.	Kolar	35 0	40 0	35 0	24 0	26 0	28 0	144 0	144 0	172 6	12 4	12 4	12 4	12 0	12 0	12 0
Mysore.	Túmkúr	29 0	35 0	41 0	23 0	24 0	36 0	340 0	340 0	340 0	12 0	11 8	11 0	11 8	11 0	10 8
Mysore.	Mysore	27 0	27 0	28 0	22 0	22 0	32 0	78 0	78 0	75 0	10 0	10 4	8 12	9 8	9 12	8 8
Mysore.	Shimoga	37 4	38 12	37 4	26 4	25 3	34 10	480 0	480 0	480 0	10 8	10 8	10 8	10 8	10 8	10 8
Mysore.	Kadur	36 0	40 0	38 0	28 0	28 0	32 0	64 0	64 0	64 0	...	...	...	11 0	10 0	10 0
	2nd half of September 1884.															
Mysore.	Bangalore	26 6	27 14	29 1	20 6	22 4	29 5	96 0	96 0	96 0	12 4	12 4	12 4	12 0	12 0	12 0
Mysore.	Kolar	32 4	35 0	33 0	20 0	24 0	38 0	192 0	144 0	172 6	12 4	12 4	12 4	12 0	12 0	12 0
Mysore.	Túmkúr	29 0	29 0	41 0	21 0	23 0	37 0	340 0	340 0	340 0	12 0	12 0	11 0	11 8	11 8	10 8
Mysore.	Mysore	22 0	27 0	26 0	21 0	22 0	32 0	75 0	78 0	75 0	10 0	10 0	8 12	9 8	9 8	8 8
Mysore.	Shimoga	37 4	37 4	38 1	26 4	26 4	34 10	450 0	480 0	480 0	10 8	10 8	10 8	10 8	10 8	10 8
Mysore.	Kadur	38 0	36 0	38 0	28 0	28 0	32 0	64 0	64 0	64 0	...	...	...	11 0	11 0	10 0

DEPARTMENT OF FINANCE AND COMMERCE,
(Statistical Branch.)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL KHARIF IN THE PUNJAB FOR 1884-85 UP TO 31st AUGUST 1884.

Canal Division.	Water distributed during August 1884: Depth in Canal at Regulating Gauge: Full supply	Actual throughout	Gross Consumption, Cubic Feet per Second: Estimated full supply	Actual average throughout	Navigation Return Canal: Principal items of traffic: Up	Down	Land irrigated (approximate): Zila	Acres	Rainfall: Average	During month	Chief crops (approximate): Name	Area in acres	Remarks
Bári Doáb Canal: 1st Division	4·9	4·1	3,073·6	1,123			Gurdáspur	17,451	8·7	10·2	Cotton	19,950	On the Bari Doáb Canal there is a decrease of 30,586 acres as compared with the corresponding period of the preceding year, which is due to an abundant and timely rainfall.
2nd Division, Main Branch, Lower	4·6	3·1		8·4			Amritsar	42,726	7·6	2·9	Rice	25,259	
2nd do., Lahore Branch	3·35	3·0		587			Lahore	49,185	4·3	6·8	Sugarcane	9,993	
Passed through Escapes				69							Others	54,160	
Total Bári Doáb Canal			3,073·6	2,613				109,362				109,362	
Corresponding period of last year			3,073·6	2,720				139,948				139,948	
Western Jumna Canal: Karnál Division	4·33	3·17	2,546	—795		505,548 cubic feet 1st and 2nd class timber, and 46,395 cubic feet fuel.	Umballa	2,070	10·94	15·58	Cotton	51,972	On the Western Jumna Canal there is an increase of 10,135 acres as compared with the corresponding period of the previous year.
Delhi do.	5·70	5·25		634			Karnál	39,025	4·33	13·09	Rice	36,363	
Hánsi do.	9·00	8·41		1,091			Delhi	38,148	5·80	8·10	Sugarcane	52,716	
Do. Balla Head	8·80	5·74		199			Rohtak	42,247	4·30	5·35	Others	44,818	
Passed through Escapes				571			Hissar	36,121	3·70				
							Jínd	27,211	2·80	4·80			
							Bíkaner	141					
							Kalsia	906					
Total Western Jumna Canal			2,546	1,700		505,548		185,869				185,869	
Corresponding period of last year			2,546	2,844		642,712		175,734				175,734	
Sirhind Canal: Main Line	8·0	3·72	4,500	1,201			Ludhiána	83	4·76	2·80	Cotton	360	
Abohar Branch	6·8	3·36	1,650	558			Ferozepore	4,291	2·71	1·0	Rice	3	
Bhattinda do.	5·8	1·97	1,200	180			Nábha State	54			Sugarcane	1	
Feeders	8·0	1·97	1,650	138			Faridkot	959			Others	7,000	
British Escapes				325			Sirsa	1,977	3·88	2·3			
Total Sirhind Canal				1,201				7,364				7,364	
Corresponding period of last year													
Inundation Canals: Upper Sutlej Division							Lahore	9,070			Detail not obtainable for want of establishment.		On the Inundation Canals the increase of 31,706 acres is due to there being a better supply in the rivers and canals than in the previous year.
Lower Sutlej and Chenab Division							Montgomery	29,310					
Indus Division							Mooltan	209,430	1·05	1·2			
Muzaffargarh							Dera Gházi Khan	113,642	1·69	2·57			
							Muzaffargarh	148,730		1·1			
Total Inundation Canals								510,182				510,182	
Corresponding period of last year								478,476				478,476	
Perennial Canals, Grand Total								302,595				302,595	
Do. corresponding period of last year								315,682				315,682	

J. E. CATTON,

Under-Secy. to Govt., Punjab, P. W. D., Irrigation Branch.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR THE OFFICIAL YEAR 1884-85.

Areas leased for irrigation up to the end of August 1884.

Circle.	District.	Canal.	Estimated full discharge.	Average discharge in month.	Discharge utilised.	Approximate area of land irrigated during the year up to the end of the month.	Approximate area of land under irrigation up to the same date last year.	Details of areas leased. Five years. All crops.	Five years. Khurreef.	Annual Leases. Khurreef.	Rubbee.	Sugar-cane.	Bhadoi.	Hot weather.	Total.	Grand Total.	Rainfall, 1884-85. During month	Up to end of month.	Rainfall, 1883-84. During month.	Up to end of month.	Remarks.
			C. ft.	C. ft.	C. ft	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	In.	In.	In.	In.	
Orissa	Cattack	Kendrapara	1,269	632·12	494·14	21,529	5,638	...	21,142	20	2,609	52	..	..	2,681	23,823					
		Gobri	372·82	66·69	16·51	345	...	...	...	..	..	..	..	..	...	...					
		Pattamoondee	1,042	366·92	165·90	5,474	346	...	4,918	..	8	..	..	..	8	4,926					
		High Level, Section I.	675	217·15	217·15	10,960	627	...	12,144	..	131	1	..	2	134	12,278					
		Taldunda, 1st Reach.	1,342	213	213	3,609	9,954	...	1,083	..	133	17	..	..	150	1,233	9·46	44·30	9·95	48·59	
		Taldunda, 2nd Reach.	566	33	33																
		Matchgong	776	38	38	5,273	22,309	...	8,740	..	..	4	..	..	4	8,744					
	Balasore	High Level, Section II.	727·16	54·93	54·93	575	111	...	2,270	..	..	112	..	..	112	2,382					
		High Level, Section III.	727·16	39·37	38·37	3,843	241	...													
		Total	...	...	...	50,608	39,228	...	50,297	20	2,881	186	..	2	3,089	53,386	..	..	..	..	
	Total of the corresponding period of last year.		...	...	...	...	...	...	14,259	..	1,153	552	..	228	1,933	16,192	..	..	..	..	
South-Western	Midnapore	Midnapore	1,411	360	331	58,713	71,966	...	57,815	..	..	..	..	..	...	57,815	6·95	41·53	16·65	38·15	Whole month discharging.
	Howrah	Panchkoorah	522	34	25	4,352	9,844	...	3,404	..	..	..	..	..	...	3,404	12·47	37·27	12·31	43·00	14 days discharging.
		Tidal Reaches, Ranges I and II.	...	...	...	275	50	...	277	..	..	..	..	..	...	277	..	..	..	..	
		Total	...	...	...	63,340	81,860	...	61,496	..	..	..	..	..	...	61,496	..	..	..	..	
	Total of the corresponding period of last year.		...	...	...	...	...	...	83,485	..	..	..	..	..	...	83,485	..	..	..	..	
Sone	Shahabad	Western Main	4,342	343	235·5	13,386	7,821	8,490	...	4,612	..	391	..	..	5,003	13,493	10·88	28·06	3·00	23·17	
		Buxar	1,226	759	683	47,310	22,210	25,839	...	26,416	..	2,149	25	..	28,590	54,429					
		Arrah	1,660	1,684	1,421	75,717	52,836	90,100	...	34,487	..	1,442	56	..	35,995	96,085	5·41	17·94	4·72	25·05	
	Patna and Gya.	Eastern Main	1,466	1,065	894	1,060	277	392	...	531	..	3	..	14	548	940	10·02	26·33	5·25	29·74	
		Patna				35,685	18,966	21,156	...	11,431	..	166	28	724	12,349	33,505					
		Total	...	...	...	173,378	102,110	115,977	...	77,477	..	4,151	109	738	82,475	198,452	..	..	..	..	
	Total of the corresponding period of last year.		...	...	...	...	...	85,248	...	23,969	..	3,823	160	7,139	35,091	120,339	..	..	..	..	
		Grand Total	...	...	...	297,326	223,196	115,977	111,793	77,497	2,881	4,337	109	740	85,564	313,334	..	..	..	..	
	Grand Total of the corresponding period of last year.		...	...	...	...	...	85,248	97,744	23,969	1,153	4,375	160	7,367	37,024	220,016	..	..	..	..	

The 14th October 1884.

G. F. E. S. NEILL, *Major, M.S.C.,*
Under-Secy. to the Govt. of Bengal, P. W. Dept.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

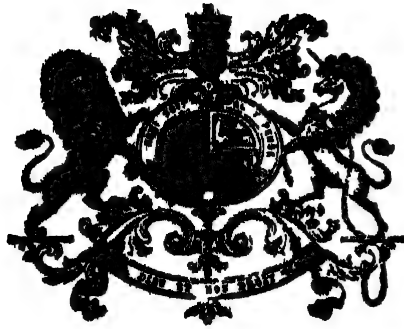
RAILWAY TRAFFIC.

No. XXVII of 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	Receipts for week ending 13th October 1883. Total.	Per mile open	Total mean length open.	Receipts for week ending 11th October 1884. Total.	Per mile open.	Total receipts from 1st April to 13th October 1883. Total.	Per mile open per week.	Total receipts from 1st April to 11th October 1884. Total.	Per mile open per week	Total Increase in 1884-85.	Total Decrease in 1884-85.
			R	R		R	R	R	R	R	R	R	R
	Guaranteed.												
11th Oct. 1884	Oudh and Rohilkhund .	547	81,189	148	594	83,176	140	30,58,318	200	26,86,399	176	. .	3,71,919
11th ditto .	Sind, Punjab and Delhi	736	2,00,952	273	706	1,78,182	252	59,79,518	288	54,15,303	267	. . .	5,64,215
11th ditto .	Madras . . .	861	1,09,736	127	861	1,22,815	143	36,18,207	150	37,56,613	158	1,38,406	. . .
11th ditto .	South Indian . .	655	78,878	120	654	85,172	130	21,85,763	119	24,45,682	135	2,59,919	. .
11th ditto	Great Indian Peninsula	1,450	3,85,571	266	1,450	4,77,220	329	1,73,11,707	426	1,72,76,663	428	. . .	35,044
11th ditto	Bombay, Baroda and Central India . .	461	1,79,989	390	461	1,75,435	380	59,31,782	400	59,73,022	408	41,240	. . .
	TOTAL .	4,709	10,36,315	220	4,726	11,22,000	237	3,80,85,205	288	3,75,53,682	288	. . .	5,31,613
	State.												
18th Oct. 1884	East Indian . .	1,509	6,23,113	413	1,509	7,05,583	467	2,68,60,172	686	2,13,77,160	511	. . .	54,82,712
11th ditto .	Eastern Bengal(*a*) .	228	1,05,570	463	233	1,55,028	665	27,45,362	430	26,06,731	404	. . .	1,38,601
18th ditto .	Nalhati . . .	27	1,030	38	27	1,114	41	44,071	58	42,356	56	. . .	1,715
11th ditto .	Northern Bengal .	239	38,874	163	249	40,780	164	11,17,286	170	10,61,053	155	. . .	56,233
11th ditto .	Kaunia-Dharla . .	32	2,763	86	37	3,270	88	54,445	61	67,899	71	13,454	. . .
11th ditto .	Tirhoot . . .	166	15,094	91	227	17,004	75	4,62,826	100	6,30,144	117	1,67,318	. . .
18th ditto .	Patna-Gya . .	57	7,284	128	57	12,640	222	2,45,225	153	2,80,211	177	34,986	. . .
11th ditto .	Cawnpore-Achnera .	138	9,339	68	240	12,930	53	2,88,690	75	4,71,919	70	1,83,229	. . .
18th ditto .	Dildarnagar-Ghazipur .	12	620	52	12	809	67	24,812	74	26,530	80	1,718	. . .
18th ditto .	Rajputana-Malwa .	1,117	1,86,394	167	1,120	1,89,080	169	63,51,708	203	60,13,379	194	. . .	3,38,329
18th ditto .	Rewari-Ferozepur .	89	5,184	58	241	13,160	55	2,17,321	87	3,71,066	92	1,53,745	. . .
4th ditto .	Wardha Coal . .	45	10,854	241	.	(*b*)	.	(*c*)3,63,026	299	(*d*)2,66,611	222	. . .	96,415
18th ditto .	Nagpur and Chhattisgarh	149	9,077	61	149	15,358	103	6,59,255	158	6,49,697	157	. . .	9,558
11th ditto .	Burma . . .	161	19,253	120	254	35,661	140	7,19,497	160	9,77,500	153	2,58,003	. . .
18th ditto .	Sindia	75	5,456	73	75	7,916	106	1,62,310	77	1,80,932	87	18,622	. . .
11th ditto .	Punjab Northern .	421	57,856	138	447	59,238	133	17,00,666	144	15,94,445	129	. .	1,06,221
11th ditto .	Indus Valley .	660	1,11,797	169	660	1,07,900	164	39,64,103	215	38,36,568	210	. . .	1,27,535
11th ditto .	Amritsar-Pathankot .	.	. .		66	4,668	71	.	.	1,07,132	64	1,07,132	. .
	TOTAL .	3,616	5,86,445	162	4,094	6,76,556	165	1,91,20,603	189	1,91,84,173	171	63,570	.
	Assisted Companies.												
11th Oct. 1884	Bengal Central . .	35	2,388	68	126	8,158	65	59,743	61	2,53,753	74	1,93,010	. .
11th ditto .	Assam. . .	39	1,762	45	70	6,286	90	(*f*)26,530	53	1,04,618	58	78,088	. . .
18th ditto .	Southern Mahratta .	.	. . .	.	214	6,762	32	. .	.	85,956	27	85,956	. . .
11th ditto .	Bengal and North-Western . . .	. .	.		69	960	14	.		(*g*)41,907	22	41,907	
	TOTAL .	74	4,150	56	479	22,166	46	86,273	58	4,85,234	47	3,98,961	
	Native States.												
11th Oct. 1884	Bhavnagar-Gondal .	193	13,762	71	193	15,408	80	5,16,842	96	6,39,207	120	1,22,365	. . .
18th ditto .	Jodhpur . . .	19	504	27	44	1,140	26	20,363	38	26,339	28	5,976	. . .
11th ditto .	Nizam's . . .	121	15,675	130	121	15,317	127	4,31,125	127	5,23,879	156	92,754	. .
4th ditto .	Mysore . . .	86	16,303	189	. .	(*b*)		(*c*)1,44,692	62	(*d*)1,*0,824	69	42,132	. . .
	TOTAL .	419	46,244	110	4058	31,865	89	11,13,022	95	13,76,249	111	2,64,227	. .
	GRAND TOTAL .	10,827	22,96,267	222	11,116	25,58,120	229	8,52,65,365	295	7,99,70,798	262	. .	52,88,567
	GROSS ESTIMATED EXPENSES .	. .	. . .	.	. .	. .		4,13,14,014	143	3,98,86,205	130	. . .	. . .
	NET RECEIPTS .	.	. .	.	. .	. . . .	.	4,39,51,351	152	4,00,90,543	132	. . .	38,60,808

(*a*) Excludes share of the earnings of the Bengal Central Railway, but includes the receipts of the late Calcutta and South-Eastern State Railway.
(*b*) Return not received.
(*c*) Total receipts from 1st April to 6th October 1883.
(*d*) Total receipts from 1st April to 4th October 1884.
(*e*) Exclusive of the mileage of Wardha Coal State Railway (45).
(*f*) Total receipts from 16th July to 13th October 1883.
(*g*) Total receipts from 2nd April to 11th October 1884.
(*h*) Exclusive of the mileage of Mysore State Railway (120).
(*i*) Exclusive of the mileage of …





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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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Nothing for publication.

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Oudh Estates Act Amendment Bill, 1884.
Excise Act Amendment Bill, 1884.

SUPPLEMENT No. 46.

PART I

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Simla, the 10th November 1884.

No. 1861.—Under the provisions of Section 9 of the Statute 24 & 25 Vic., cap. 67, the Governor General in Council is pleased to direct that His Excellency's Council shall assemble at Calcutta in the jurisdiction of the Lieutenant-Governor of Bengal.

The 13th November 1884.

No. 1877.—With reference to Home Department Resolutions Nos. 26-963, dated the 19th July 1883 (paragraph 5), and No. $\frac{2}{131-71}$, dated the 23rd August 1884, it is hereby notified that the examination prescribed for the filling up of vacancies in the clerical establishments of the Secretariat Offices of the Government of India and the Departments directly attached thereto will be held at Calcutta, in the Senate House of the Calcutta University, and at Allahabad and Lahore, at the places to be appointed by the Governments of the North-Western Provinces and Oudh and the Punjab, respectively, on Tuesday, the 13th January 1885, and following days. The hours of examination will be from 10 A.M. to 1 P.M. and from 1-30 P.M. to 4-30 P.M. daily.

The probable number of vacancies to be competed for is 30 in the Lower Division. There will be no examination for the Upper Division.

Candidates should pay the prescribed fee (Rs. 10) into the nearest Treasury, and forward the Treasury receipt to the Secretary to the Board of Examiners. Candidates paying their fees in Calcutta should pay them into the Bank of Bengal.

Application for permission to appear at the examination should, as directed in the Home Department Resolution of 19th July last, be made to the Secretary to the Board of Examiners, Calcutta, between the 1st and 15th days of December next (inclusive).

The attention of intending candidates is called to paragraphs 7 and 8 of the Resolution of 19th July last, prescribing the particulars* and documents which should accompany the application for permission to appear at the examination.

* (1) Evidence [illegible] candidate is not less than 18 and not [illegible] 24 years of age.

(2) A [illegible] candidate is of good moral character [illegible]d of the Institution in which he [illegible]ed, or (when a year or more has [illegible]cation terminated) from some [illegible]r, to whom he is well known [illegible] who is himself personally known to [illegible] some Government Office, this last fact being certified by the countersignature of the officer in question.

ESTABLISHMENTS.

The 11th November 1884.

No. 247.—Consequent on the return of Mr. D. M. Smeaton, C.S., Secretary to the Chief Commissioner of British Burma in the Land Revenue and Agricultural Department, to the North-Western Provinces, His Excellency the Governor General in Council has been pleased to sanction the following arrangements:—

Mr. H. Thirkell White, Acting Junior Secretary to the Chief Commissioner, to officiate temporarily, in addition to his own duties, as Secretary to the Chief Commissioner in the Land Revenue and Agricultural Department, from the date of Mr. Smeaton's giving over charge.

Mr. J. E. Bridges, Settlement Officer of Bassein, to officiate as Secretary to the Chief Commissioner in the Land Revenue and Agricultural Department and as Director of Agriculture from the 5th November, or any subsequent date on which he may assume charge.

MEDICAL.

The 10th November 1884.

No. 509.—Dr. R. M. Meiklejohn is appointed to be Civil Surgeon, Chhindwara, in the Central Provinces.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—SURVEYS.

Simla, the 11th November 1884.

No. 649—52-14 *S.*—Brevet Colonel B. R. Branfill, Deputy Superintendent of the 1st Grade, Survey of India Department, is permitted to retire from his appointment from the 10th instant. Colonel Branfill's services are accordingly placed at the disposal of the Military Department, with effect from the date of his retirement.

No. 650—52-14 *S.*—Mr. A. D'Souza, Surveyor, 1st Grade, is promoted to be an Assistant Superintendent of the 2nd Grade, Survey of India Department, with effect from the date of Mr. Hennessey's retirement.

AGRICULTURE.

The 11th November 1884.

No. 992—158-9 *A.*—The services of Mr. D. M. Smeaton, C.S., late Secretary to the Chief Commissioner in the Land Revenue and Agricultural Department and Director of the Agricultural Department, British Burma, are replaced at the disposal of the Government of the North-Western Provinces and Oudh, with effect from the date on which he made over charge of his appointment in British Burma.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—INTERNAL.

Simla, the 10th November, 1884.

No. 4130 *I.*—With reference to Foreign Department Notification, No. 7D.C.P., dated the 1st January, 1877, His Excellency the Viceroy and Governor-General is pleased to recognise as hereditary the title of "Maharaja" thereby conferred as a personal distinction upon Rajkrishna Singh, Raja of Susang, in the Mymensingh District, Bengal.

The 13th November, 1884.

No. 4148 *I.*—Under Section 320, Clause *k*, of the Criminal Procedure Code (Act X of 1882), the Governor-General in Council is pleased to exempt the following officials employed upon the Rajputana-Malwa Railway from service as Jurors or Assessors in criminal trials held in any Court in Rajputana:—

1. The Manager.
2. Engineers in charge of the line.
3. Engineering Inspectors employed on the line.
4. Locomotive Foremen, or Drivers in charge of changing stations.
5. Drivers of pilot engines.
6. District and Assistant Superintendents of Locomotive Department.
7. District Superintendents of Traffic.
8. Assistant Superintendents of Traffic.
9. Station Masters.
10. Guards.

EXTERNAL.

The 12th November, 1884.

No. 2986 *E.*—In exercise of the powers conferred by the Assam Frontier Tracts Regulation 1880, as amended by Regulation III of 1884, the Governor-General in Council is pleased to direct that the Assam Frontier Tracts Regulation, 1880 shall extend to the Mikir Hills Tract in the Nowgong district, and shall come into force in that tract from this date.

The boundaries by which the Mikir Hills Tract is separated from the adjoining territory in British India are as follows:—

From the trijunction point of the Nowgong, North Cachar, and Naga Hills districts at the place where the Longpher river joins the Diyung; northwards along the boundary line separating the Nowgong and Naga Hills districts to the trijunction point of the Nowgong, Naga Hills, and Sibsagar districts; thence along the Koliani river where it forms the boundary between the Nowgong and Sibsagar districts; thence from the point where the Koliani river ceases to flow immediately at the foot of the Mikir Hills, a line following the northern, western, and southern slopes of those hills (excluding all waste land grants which lie along their base, or on their lower slopes) to the point where the Dikharu river flows out of the hills; then down that stream to its junction with the Jamuna river; then down the Jamuna river to its junction with the Kopili; then up the Kopili to the northern boundary of the Rangkhang mouza (excluding all tea gardens which lie in the Kopili valley) and along that boundary to the Latumai river; then down the Latumai to the Borpani; then up the Borpani to the trijunction point of Dwar Singimari and Mouzas Rangkhang and Garubat; thence along the western boundary of Mouza Garubat to the confluence of the Senanadi and the Borpani river; then along the northern boundary of Dwarharlok and Dwaramlaparbat to the Umiani river at the northern boundary of the Khasi Hills district; then along the northern slopes of the hills to the trijunction pillar of the Nowgong, Kamrup, and Khasi Hills districts; thence the line followed is the boundary between the Nowgong and the Khasi Hills districts as laid down by the Chief Commissioner of Assam in Notification, No. 32 (Judicial Department), dated the 12th April, 1882, and after that the northern boundary of the North Cachar Frontier Tract as described in the Notification, No. 989E., dated the 22nd April, 1884, by the Government of India in the Foreign Department, published in the *Gazette of India* of the 29th idem, to the trijunction point on the Diyung river whence the line designated in this Notification started.

GENERAL.

The 8th November, 1884.

No. 2158 G.—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mr. Alfred Ritz as Acting Consul for the Austro-Hungarian Empire, at Calcutta, during the absence of Mr. H. Reinhold.

The 11th November, 1884.

No. 2169 G.—With reference to Foreign Department Notification, No. 1614G. of the 20th August, 1884, Mr. J. Janni, Consul for Sweden and Norway, at Bombay, resumed charge of his office on the 29th October, 1884.

No. 2181 G.—Surgeon-Major O. T. Duke, M.B., Officiating Political Agent of the 3rd Class, and Political Agent, Kelat, is granted privilege leave for one month, with effect from the 1st November, 1884.

The 12th November, 1884.

No. 2187 G.—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognise the appointment of Mirza Mahomed Sadik as Vice-Consul for Persia, at Karachi.

The 13th November, 1884.

No. 2211 G.—With reference to Foreign Department Notification, No. 924 G. of the 8th May, 1884, Mr. J. Woodtli, Consul for the German Empire, at Aden, resumed charge of his office on the 17th October, 1884.

No. 2214 G.—With reference to Foreign Department Notification, No. 927G. of the 8th May, 1884, Mr. J. Woodtli, Consul for the Netherlands, at Aden, resumed charge of his office on the 17th October, 1884.

The 14th November 1884.

No. 2219 G.—Foreign Department Notification, No. 1120G., dated the 3rd June, 1884, granting examination leave to Lieutenant C. E. Hodgson, of the Meywar Bhil Corps, is hereby cancelled.

H. M. DURAND,

Offg. Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Simla, the 6th November 1884.

No. 4361.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read—

Letter from the Mint Master, Bombay, No. 1029, dated the 6th September 1884, forwarding the Reports on the working of the Mints at Calcutta and Bombay for the year 1883-84.

RESOLUTION.—The value of gold received in the Calcutta Mint from private persons during 1883-84 amounted to Rs. 1,09,698; it was Rs. 1,88,216 in the previous year; so that there was a decrease of Rs. 78,518. Gold was not coined in 1883-84, the balance of mohurs at the Bank of Bengal being sufficient to meet the certificates issued on it. Nor was any gold coined in the Bombay Mint. No gold was received from Government Treasuries during the year. The net imports of gold into India in the year amounted to Rs. 5,46,33,156 against Rs. 4,93,08,715 in the previous year.

2. Silver amounting to Rs. 91,29,512 was received in the Calcutta Mint from private persons during the year; in 1882-83 the amount was Rs. 81,00,533. The sum transferred for coinage from the Paper Currency Department was Rs. 69,94,198 against Rs. 88,58,710 in the previous year.

3. In the Bombay Mint the amount of silver received from private persons was 345½ and 317 lakhs during the years 1882-83 and 1883-84. The sum transferred by the Paper Currency Department for coinage in 1883-84 was Rs. 2,53,94,455* against Rs. 4,25,82,408 in 1882-83. The receipt of uncurrent coin during 1883-84 was Rs. 12,02,510. The amount so received in the Mint at Calcutta was Rs. 40,44,329. The loss on the receipt of these sums was Rs. 30,394 or 2½ per cent. in the Bombay Mint, and Rs. 54,767 or 1·3 per cent. in the Mint at Calcutta. The heavier loss in Bombay is due to the coins tendered for recoinage having lost more than 2 per cent. in weight. Old Portuguese coin amounting to Rs. 46,976 was received in the Bombay Mint during 1883-84 against Rs 8,61,564 in the previous year, and British Indian silver coin to the value of Rs. 1,558 was also received in the same Mint from Goa. The total coinage of gold, silver, and copper at each Mint is shown separately for the last five years in the following table:—

* Including a remittance of uncurrent coin amounting to Rs. 3,53,415.

	CALCUTTA.					BOMBAY.				
	1879-80.	1880-81.	1881-82.	1882-83.	1883-84.	1879-80.	1880-81.	1881-82.	1882-83.	1883-84.
Tale of pieces of all kinds ...	74,181,243	24,408,790	17,785,150	90,308,537	95,197,621	61,215,596	31,986,036	23,207,320	71,076,331	45,681,476
Value—	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Gold	1,46,040	1,33,545	3,39,705	1,74,945	...	1,255	...	...	...	...
Silver	2,13,54,164	1,05,09,825	84,77,510	1,42,99,076	1,27,46,606	8,12,15,511	3,19,86,936	1,33,85,242	5,07,85,494	2,38,87,405
Copper	7,07,900	1,85,600	39,950	8,62,580	11,54,245	...	...	50,009	2,14,214	2,19,389
Total ...	2,22,08,104	1,08,28,970	88,57,165	1,53,36,601	1,39,00,851	8,12,16,766	3,19,86,936	1,34,35,251	5,09,99,708	2,41,06,794

4. The coinage of silver at both Mints during 1883-84 was much smaller than in the previous year, amounting to Rs. 3,66,34,011 against Rs. 6,50,84,570 in 1882-83.

5. The coinage of copper amounted to Rs. 11,54,245 in the Calcutta Mint and to Rs. 2,19,389 at Bombay. The coinage in both Mints largely exceeded that of the previous year, the total value amounting to Rs. 13,73,634 against Rs. 10,76,794 in 1882-83. Copper coin for the Straits Settlements amounting to Rs. 2,03,445 was struck in the Calcutta Mint in 1883-84 against Rs. 22,905 in 1882-83.

No silver or copper coins were struck during the year under review for the Portuguese Indian Government. Up to the close of 1883-84 Portuguese silver coin to the value of Rs. 19,07,931 (British Indian Currency) had been received in the Bombay Mint, and replaced by new coin to the value of 21½ lakhs. The withdrawal from circulation of old Portuguese copper coin continued during the year, the value of such coin received in the Bombay Mint for destruction having amounted to Rs. 1,47,083. The whole value of Portuguese copper coin received up to the end of 1883-84 was Rs. 2,25,366 (British Indian Currency), and the new coin issued to replace the old currency amounted in value to half a lakh of rupees.

6. The net imports of silver and the coinage in each year in both the Mints from 1872-73 are:—

	Net Imports. Lakhs.	Coinage. Lakhs.
1872-73	72	398
1873-74	249	237
1874-75	464	490
1875-76	155	255
1876-77	720	627
1877-78	1,468	1,618
1878-79	397	721
1879-80	787	1,025
1880-81	389	425
1881-82	538	219
1882-83	748	651

The Mint Master at Bombay states that only 317 lakhs of silver out of the 528 lakhs imported there (net) were tendered for coinage, the excess, consisting of fine silver in bars, having been absorbed by the Native States in Central India.

7. In addition to imported silver, bullion in the form of native coin and ornaments was received for coinage in the Bombay Mint as follows—

	Native silver ornaments. Lakhs.	Native coin. Lakhs.
1877-78	124	...
1878-79	116	67
1879-80	92	45
1880-81	10	25½
1881-82	4	1
1882-83	½	15½
1883-84	½	1¼

Bullion in this form is not sent to the Calcutta Mint. As indicating continued prosperity in the country, it is satisfactory to see that the melting of silver ornaments has almost ceased for the last two years.

8. The operative losses during the years 1882-83 and 1883-84 were respectively—in Calcutta Rs. 1,05,258 and Rs. 89,698, and in Bombay Rs. 94,289 and Rs. 66,387. These sums include losses on account of the withdrawal of old coins to the extent of Rs. 68,455 and Rs. 54,767 in the Calcutta Mint, and Rs. 29,691 and Rs. 30,394 in the Bombay Mint.

9. The proportion of loss in the melting and coining of silver has been as follows in Calcutta and Bombay per hundred tolahs :—

	Melting.		Coining.	
	Calcutta	Bombay.	Calcutta.	Bombay.
	Pies.	Pies.	Pies.	Pies.
1879-80	9·8	5	17	12
1880-81	9 2	5	15·5	14
1881-82	6·7	7	9	7
1882-83	7·87	7·5	9·1	6
1883-84	7·2	9·5	8 62	6

10. In respect of loss both in melting and coining, the work of the year in Calcutta was an improvement on that of the previous year. In the Bombay Mint the loss on coining was kept low, owing in some measure to the introduction of the system obtaining in Calcutta of annealing bits; but the increase of the loss in melting is not satisfactory. The Mint Master's conclusion that the increased loss is the result of carelessness on the part of the staff and of petty pilfering is probably correct, and the facts elicited in connection with the robbery of silver from the Mint last May tend to show that more careful supervision of the Melting Department is required.

11. The total revenue and expenditure of each of the Mints from 1879-80 to 1883-84 are shown below :—

	Revenue.		Expenditure.	
	Calcutta.	Bombay.	Calcutta.	Bombay.
	Rs.	Rs.	Rs.	Rs.
1879-80	5,17,277	18,51,834	10,60,646	11,06,806
1880-81	2,32,366	6,41,704	8,61,901	7,74,325
1881-82	2,11,295	3,83,528	8,90,413	6,45,716
1882-83	2,70,213	11,57,658	10,51,988	9,42,708
1883-84	2,23,937	5,57,634	9,75,327	7,46,422
Total ...	14,55,088	45,92,358	48,40,275	42,15,977

The total revenue of both Mints during the last five years has been Rs. 60,47,446, and the total charges Rs. 90,56,252, showing a total loss for this period of Rs. 30,08 806, or an average annual loss of Rs. 6,01,761.

12. The expenditure on account of salaries and establishments in the two Mints was as follows :—

	Calcutta.		Bombay.	
	1882-83.	1883-84.	1882-83	1883-84
	Rs.	Rs.	Rs.	Rs.
Fixed establishment	2,19,700	2,07,581	2,21,041	2,19,186
Extra	67,632	64,960	48,607	22,252
Total ..	2,87,332	2,72,541	2,69,648	2,41,438

The saving (Rs. 14,791) in the Calcutta Mint was the result of the retirement of Major-General Tennant and of the reduction of establishments, both fixed and extra, in the Operative Department on account of the reduced coinage of silver. The expenditure for extra establishment includes Rs. 4,145 in 1883-84, being the cost of establishment employed in the manufacture of cartridge metal which has now ceased.

The decrease in the fixed (*i.e.*, permanent) establishment in the Bombay Mint is due to the furlough for eight months granted to Colonel White from the first week of May. As in the Calcutta Mint, the saving in the extra establishment is the result of the smaller coinage of the year.

13. The expenditure on stores was Rs. 63,594 and Rs. 65,019 in the Calcutta Mint during 1882-83 and 1883-84, and Rs. 87,630 and 63,208 in Bombay.

The decrease in the Mint at Bombay was due to the smaller consumption of stores resulting from the smaller coinage.

14. An addition of Rs. 32,743 was made to the Capital Account of the Calcutta Mint on account of buildings and plant during the year. There was no outlay of this class in the Mint at Bombay.

The total at debit of Capital Account to end of 1883-84 was Rs. 74,41,731 in Calcutta and Rs. 34,24,238 in Bombay. The details are shown below :—

	Calcutta.	Bombay.
	Rs.	Rs.
Land	20,09,200	12,62,200
Plant	22,44,288	5,97,225
Buildings	31,88,243	15,64,813
Total ...	74,41,731	34,24,238

15. The Governor General in Council notes with satisfaction the adoption in the Bombay Mint of an improved method of examining coins resulting in greater expedition, and agrees with Colonel White that credit is due to Mr. English, from whose drawings the apparatus was constructed. The automaton weighing machines are said to have worked well. The electro-dynamic machine, however, got out of order and cannot be repaired in this country. No coins were therefore electro-adjusted during the year.

16. The gain on copper coinage in both Mints for the last three years is shown below:—

	Rs.
1881-82	1,39,707
1882-83	3,50,091
1883-84	5,60,227

ORDERED, that this Resolution be published in the *Gazette of India* and communicated to the Mint Masters, Calcutta and Bombay.

Ordered also, that the Resolution be communicated to the Comptroller and Auditor General, with a request that he will report the net gain on copper coinage annually in time for inclusion in the annual Resolution on the reports of the Mints.

The 11th November 1884.

No. 4449.—Whereas under the terms of the Notification in the Department of Finance and Commerce, No. 3640, dated 13th November 1880, the Municipality of Karachi has paid Rs. 557-8-0 as composition for the stamp duty chargeable on a sum of Rs. 1,11,500 which the said Municipality was authorised to borrow by the issue of debentures bearing dates the 1st July 1884 and 1st July 1885.

Therefore in exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council has exempted the said debentures from the payment of any stamp duty, with which they might otherwise be chargeable, whether on issue, renewal, or subdivision.

D. M. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Simla, the 14th November, 1884.

APPOINTMENTS.

No. 603.—PUNJAB FRONTIER FORCE—

5th Goorkha Regiment.

Lieutenant E. de S. Smart, Officiating Wing Officer, on probation, 40th Native Infantry, to be Officiating Wing Officer, on probation.

No. 604.—VOLUNTEER CORPS—

Rohilkhand Volunteer Rifle Corps.

Walter Erskine Neale, Esq., C.S., to be Major-Commandant, *vice* Major P. H. Wallerstein, resigned.

FURLOUGH AND LEAVE.

No. 605.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant-Colonel C. J. Durand, Bengal S. C., Military Accountant, 1st class, 1st grade, (m. c.) for one year,—14[illegible] days under rules IX and XV, and the remaining period under rule XIV, clause 2, of the regulations of 1868.

Conductor J. Symington, Ordnance Department, (m. c.) for one year,—104 days under rule I, and the remaining period under rule VI of the regulations of 1875.

No. 606.—Major and Brevet Lieutenant-Colonel H. M. Buller, Cavalry, Squadron Commander and 2nd-in-Command, 1st Regiment, Central India Horse, is granted leave in India (p. a.) for the 2nd and 3rd June, 1884, under rule XXV of the regulations of 1868.

No. 607.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel and Brevet Colonel A. E. Campbell, Bengal S. C., (p. a.) for 244 days.

Lieutenant-Colonel F. Knowles, Bengal S. C., (p. a.) for 25 days.

Lieutenant-Colonel H. B. Hanna, Bengal S. C., (m. c.) for six months.

PROMOTIONS.

No. 608.—The names of the following officers of the Bengal Staff Corps are moved up on the Indian Gradation List, under the provisions of the Royal Warrant of the 10th November, 1882:—

Placed on the list of Generals.

Lieutenant-General (now General) W. T. Hughes, C.B.

Placed on the list of Lieutenant-Generals.

Major-General Sir C. C. G. Ross, K.C.B.

Major-General Sir P. S. Lumsden, K.C.B., C.S.I.,

in consequence of the transfer to the unemployed supernumerary list of the undermentioned officers of the Bengal Staff Corps on the 23rd August, 1884, and the 7th September, 1884, respectively:—

General C. T. Chamberlain, C.S.I., and Lieutenant-General Sir S. J. Browne, K.C.B., K.C.S.I., V.C.

No. 609.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonel.

Major James L. N. Willis,—13th November, 1884.

To be Captains.

Lieutenant Goodson Adye,—13th November, 1884.

Lieutenant Henry Brabazon Urmston,—13th November, 1884.

Lieutenant Henry Richard Marrett,—13th November, 1884.

Lieutenant Redmond Conyngham Samuel Macausland,—13th November, 1884.

Lieutenant Francis Robert Bonham Knox,—13th November, 1884.

No. 610.—COMMISSARIAT DEPARTMENT—

Deputy Assistant Commissary and Honorary Lieutenant Cornelius O'Gorman to be Assistant Commissary (supernumerary), with effect from the 1st November, 1884.

No. 611.—SUBORDINATE MEDICAL DEPARTMENT—

Sub-Assistant Apothecary Arthur George [illegible]der to be a 2nd Grade Assistant Apothecary, with effect from the 31st October, 1884, vice 2nd Grade Assistant Apothecary Peter Alexander Maybert, resigned.

VOLUNTEER CORPS.

No. 612.—His Excellency the Governor General in Council is pleased to sanction the formation of a Volunteer Corps at Dacca, to be designated the

DACCA VOLUNTEER RIFLES.

The Corps will be under the orders of The Honourable the Lieutenant-Governor of Bengal.

APPOINTMENTS.

No. 613.—*Dacca Volunteer Rifles*—

Frederick Wyer, Esq., C.S., to be Captain-Commandant.

G. CHESNEY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 10th November, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned commissioned officers, on the dates specified, were received in the Military Department between the 20th October and the 10th November, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	Remarks.
Norfolk Regiment ...	Major D. Dickinson ...	2nd November, 1884.	Morar ...	...	...
Border Regiment ...	Major P. Walker ...	" "	Port Said ...	...	...

E. H. H. COLLEN,

Offg. Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 8th November 1884.

No. 281.—The undermentioned Assistant Engineers, 2nd Grade, Punjab, are transferred temporarily to State Railways, and their services placed at the disposal of the Director General of Railways:—

Mr. C. E. A. Jones.
Mr. H. R. Hackman.
Mr. A. E. Orr.

The 11th November 1884.

No. 282.—Captain F. Beauclerk, R.E., Examiner, 4th Class, 2nd Grade, having retired from the Army, is reappointed to the Accounts Branch of the Department in the same grade, with effect from the 25th September 1884.

No. 283.—The following promotions and reversions are made in the Railway Branch of the Public Works Department :—

Names.		From	To	Date.	Nature of promotion.
Mr. W. Michell	...	Ex. Engr., 4th Grade, *tempy.* ...	Asst. Engr., 1st Grade ...	15th Sept. 1884	
Mr. C. Thomson	...	„ „ 2nd „ sub. *pro tem.*	Ex. „ 3rd „ ...	20th Sept. 1884	
Captain W. Pitt, R.E.	...	„ „ 3rd „ „	„ „ 4th „ ...	„	
Baboo Sheo Dyal	...	„ „ 4th „ „	„ „ 4th „ *tempy.*	„	
Mr. F. J. Pope	...	Asst. „ 1st „ „	Asst. „ 2nd „ ...	„	
Mr. R. W. Roberts	...	Ex. „ 4th „ *tempy.* ...	„ „ 1st „ ...	21st Sept. 1884	
Mr. F. Wolley-Dod	...	„ „ 4th „ *tempy.* ...	„ „ 1st „ ...	28th Sept. 1884	
Mr. W. G. Gilchrist	...	„ „ 2nd „ sub. *pro tem.*	Ex. „ 3rd „ ...	1st Oct. 1884.	
Mr. B. Baxter	...	„ „ 3rd „ „	„ „ 4th „ ...	„	
Captain R. C. Maxwell, R.E.	...	„ „ 4th „ „	„ „ 4th „ *tempy.*	„	
Mr. A. Morse	...	Asst. „ 1st „ „	Asst. „ 2nd „ ...	„	
Baboo Sheo Dyal	...	Ex. „ 4th „ *tempy.* ...	„ „ 1st „ ...	„	
Mr. R. S. J. Routh	...	„ „ 4th „ *tempy.* ...	„ „ 1st „ ...	2nd Oct. 1884.	
Mr. J. M. Salmond	...	„ „ 4th „ sub. *pro tem.*	Ex. „ 4th „ ...	9th Oct. 1884	Permanent.
Mr. W. Home	...	Asst. „ 1st „ „	Asst. „ 1st „ ...	„	„
Mr. G. F. Lamb	...	„ „ 1st „ ...	Ex. „ 4th „ ...	„	Sub. *pro tem.*
Mr. A. Morse	...	„ „ 2nd „ ...	Asst. „ 1st „ ...	„	„
Mr. F. J. Pope	...	„ „ 2nd „ ...	„ „ 1st „ ...	„	„

The 12th November 1884.

No. 284.—Mr. F. G. Heaven, Assistant Engineer, 1st Grade, North-Western Provinces and Oudh, is transferred temporarily to the Superior Accounts Establishment, with the rank of Deputy Examiner, 2nd Grade, and posted to the Office of the Examiner of Public Works Accounts, Madras.

The 13th November 1884.

No. 285.—Lieutenant-Colonel T. F. Dowden, R.E., Superintending Engineer, 3rd Class, sub. *pro tem.*, attached to the Office of the Director General of Railways, is placed in charge of those portions of the Offices of the Secretary to the Government of India, Public Works Department, and Accountant General, Public Works Department, which will remain at Simla till further orders.

W. S. TREVOR, *Colonel, R.E.,*

Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

SIMLA, SATURDAY, NOVEMBER 15, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884:—

No. 15 OF 1884.

A Bill to amend the Oudh Estates Act, 1869.

WHEREAS it is expedient to amend the Oudh Estates Act, 1869; It is hereby enacted as follows:—

Amendment of definition of "registered" in section 2 of Act I of 1869.

1. Subject to the saving in section 2 of this Act, for the definition of "registered" in section 2 of the said Act, there shall be deemed to have been substituted from the date of the passing of the said Act the following definition, namely:—

"Registered."

"'Registered' means—

"(a) in the case of a will, registered according to the law for the time being in force relating to the registration of assurances, or deposited with a Registrar according to the law for the time being in force relating to the deposit of wills; and

"(b) in the case of any other instrument, registered according to the law for the time being in force relating to the registration of assurances."

Saving of certain wills.

2. Nothing in section 1 shall affect any will—

(a) declared by a judicial decision pronounced before the twenty-third day of October, 1884, to be invalid on the ground that it was not registered in accordance with the provisions of the said Act; or

(b) of which the validity is being questioned on that ground in a suit commenced before the twenty-third day of October, 1884.

STATEMENT OF OBJECTS AND REASONS.

It has recently been held by the Privy Council that a will that was deposited under the provisions of Part IX of Act VIII of 1871 was not "registered" within the meaning of section 13 and the definition in section 2 of the Oudh Estates Act 1869, which declares that "'registered' means registered according to the provisions of the rules relating to the registration of assurances for the time being in force in Oudh."

2. The consequences of this ruling, which affects also section 20 of the Act, where a similar provision occurs, are most important, since the procedure that is now pronounced to be inadequate to satisfy the requirements of the law has been constantly acted on. It is stated that the taluqdárs never suspected that the validity of wills formally deposited in the registration offices under sealed covers could be called in question. Moreover, it scarcely could have been intended that taluqdárs should be required to register their wills open, and it seems obvious that they cannot in the future be required to do so, which they will have to do under the decision of the Privy Council if the law remains unaltered.

3. Under these circumstances, it is considered advisable to amend Act I of 1869 so as to legalize the existing practice. This is done by the present Bill, and as the omission to fulfil the requirements of the law which has taken place in the past would seem to have been unintentional and due to a prevalent and hitherto undisputed misapprehension of its meaning, retrospective effect has been given to the amendment which covers all wills hitherto or at present only deposited and not registered, except wills already declared invalid by judicial decision or being questioned in a suit commenced before the date of the introduction of the Bill.

J. W. QUINTON.

The 23rd October, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 23rd October, 1884:—

No. 16 OF 1884.

A Bill to amend Act XXII of 1881.

XXII of 1881.

WHEREAS it is expedient to amend the Excise Act, 1881; It is hereby enacted as follows:—

In the said Act, after section 34, the following section shall be inserted:—

Power to invest police-officers with powers of excise-officers.

"34A. The Local Government may, from time to time, invest any police-officers of or above the grade of head constable, either by name or in virtue of their offices, with the powers conferred on excise-officers by sections 27, 28 and 29 of this Act; and every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an excise-officer within the meaning of this Act."

STATEMENT OF OBJECTS AND REASONS.

SECTION 46 of Act X, 1871, corresponding to section 59 of Act XXI of 1856, enabled Local Governments to confer on certain police-officers powers of searching for and seizing spirituous liquors and intoxicating drugs and arresting persons found in possession of them. These powers have been conferred and exercised up to the present time in the North-Western Provinces and Oudh, and are essential to the efficiency of the excise-administration, as no separate establishments for the prevention of smuggling are maintained in those provinces, and the land-revenue officials have little leisure for excise-duties.

2. The excise law came under revision in 1881 and was re-enacted in a somewhat simpler form by Act XXII of that year.

Section 24 of that Act gives Collectors power to appoint persons by name or by virtue of their office to be officers for the collection of the excise revenue, but as police-officers are not specially mentioned among the persons to be so appointed, and as section 20 of Act V, 1861, precludes the exercise by them of any such authority, it has been held that they cannot be appointed to discharge excise functions, and that the power of so employing them conferred upon Local Governments by Act X, 1871, has been taken away by the Act of 1881.

3. This seems to have escaped notice when Act XXII of 1881 was passed. In the Statement of Objects and Reasons, in the Report of the Select Committee and in the speeches of the Hon'ble Member in charge of the Bill, nothing whatever is said of depriving the Local Governments of the power hitherto enjoyed by them of employing police-officers on excise-duties. Mr. Whitley Stokes, accounting for the omissions in the later Act, stated that they were provided for by other enactments or were fit subjects for executive orders. The omission now brought to light does not fall under either of these categories, and it is impossible to suppose that a power held to be necessary for the excise-administration was taken away from Local Governments by a side wind.

4. The Government of the North-Western Provinces and Oudh urge that the omission should now be rectified, and with this object the present Bill is introduced.

J. W. QUINTON.

The 23rd October, 1884.

D. FITZPATRICK,
Secy. to the Govt. of India.

HOME DEPARTMENT.

RESULTS OF THE MEASURES ADOPTED IN BRITISH INDIA WITH THE VIEW OF EXTERMINATING WILD ANIMALS AND VENOMOUS SNAKES DURING THE YEAR 1883.

Extract from the Proceedings of the Government of India, in the Home Department (Public),—No. 53—1890-1901, under date Simla, the 14th November 1884.

Read—

Home Department Resolution Nos. 48—1618-1628, dated the 3rd November 1883, reviewing the reports on the results of the measures adopted for exterminating wild animals and poisonous snakes in British India during the year 1882.

Read also the following letters from Local Governments and Administrations submitting returns for the year 1883 :—

From the Government of Madras, No. 656A., dated 19th May 1884.
" " of Bombay, No. 1951, dated 7th June 1884.
" " of Bengal, No. 2839J.D., dated 25th September 1884.
From the Government of the North-Western Provinces and Oudh, No. 325—III-201-25, dated 21st June 1884.
From the Government of the Punjab, No. 1759, dated 10th July 1884.
From the Chief Commissioner of the Central Provinces, No. 3376-162, dated 11th July 1884.
From the Chief Commissioner of British Burma, No. 421-13R.R., dated 20th March 1884.
" " " of Coorg, No. 1638-I-202, dated 2nd February 1884.
" " " of Assam, No. 590, dated 16th May 1884.
From the Resident at Hyderabad, No. 140G., dated 2nd May 1884.
From the Chief Commissioner of Ajmere-Merwara, No. 478, dated 20th June 1884.

RESOLUTION.

The statement appended to this Resolution shows for each province the number of persons and cattle killed by wild animals and snakes, and the number of such animals and snakes destroyed, with the amount of rewards paid for their destruction during the year 1883 as compared with the previous year.

2. These figures show that the total number of persons killed has risen from 22,125 to 22,905. By far the largest mortality occurred, as in former years, in Bengal and the North-Western Provinces and Oudh, where the number of persons returned as killed was 10,455 and 6,298 respectively. Of the total number of deaths in all provinces, 20,067 were from snake bite. Of the remaining deaths, 985 were caused by tigers, 287 by wolves, 217 by leopards, and 1,139 by "other animals." Under the last head the largest mortality occurred in Bengal, where 420 deaths were caused by "jackals." The correctness of this figure seems to be open to question, and should be verified. In the number of deaths caused by "other animals" in Bengal, some caused by domesticated animals are included. This, as the Local Government has pointed out, ought to have been omitted.

3. The reported loss of cattle by wild animals and snakes amounted to 47,478, or 771 more than in the previous year. The largest loss occurred in Bengal and in the North-Western Provinces and Oudh, where 11,710 and 9,240 head were killed. Madras comes next with 9,099, the Central Provinces with 4,006, and Assam with 3,838, the loss reported from other provinces being comparatively small. Tigers, leopards, and wolves are reported to have killed respectively 16,563, 19,064, and 6,704, while only 1,641 are reported to have been killed by snake bite.

4. A satisfactory increase from 18,591 to 19,890 has taken place in the number of wild animals destroyed, the rewards paid for their destruction having proportionally increased from Rs. 1,26,782 to Rs. 1,52,003.

5. As in previous years, the only provinces which show a large destruction of snakes are Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab. The increase in the number destroyed in the last-named province was from 6,065 to 48,873, and in Bombay from 263,348 to 293,230; but in neither province does there appear to have been any material difference in the number of deaths from snake bite.

The Government of India can add nothing to the general remarks recorded in their Resolution reviewing the corresponding returns of last year. It can only reiterate the earnest hope that Local Governments and Administrations will energetically prosecute whatever practical measures may, under local conditions, seem best fitted to reduce the lamentable loss of life which is yearly caused by wild animals and snakes.

ORDER.—Ordered, that this Resolution be forwarded to Local Governments and Administrations and to the Foreign Department for information, and that it be published in the Supplement to the *Gazette of India*.

1		2									3												
		NUMBER OF PERSONS KILLED BY									NUMBER OF CATTLE KILLED BY												
ROVINCE.		Elephants.	Tigers.	Leopards.	Bears.	Wolves.	Hyenas.	Other Animals.	Snakes.	Total number of persons killed.	Elephants.	Tigers.	Leopards.	Bears.	Wolves.	Hyenas.	Other animals.	Snakes.	Total number of cattle killed.	Elephants.	* Amount of reward.	Tigers.	R
																					Rs. A. P.		R
...	1882	5	206	28	11	.	...	25	920	1,105	...	3,271	3,839	23	1,714	107	360	320	9,703	3	200 0 0	278	13,
	1883	5	267	40	28	3	6	24	1,207	1,649	1	3,400	4,418	30	416	308	188	278	9,090	1	......	166	11,
...	1882	...	10	7	3	3	..	52	1,190	1,265	...	1,277	595	...	1,020	60	6	131	3,008	...	......	71	1,
	1883	1	7	8	1	4	...	(B) 46	1,150	1,220	...	1,008	394	22	1,077	68	73	69	2,771	...	......	62	1,1
...	1882	21	355	111	47	62	11	601	9,191	10,458	5	4,071	3,370	45	487	134	220	228	8,580	1	......	574	11,
	1883	22	370	101	45	10	8	737	9,153	10,455	2	4,311	5,535	10	775	305	410	263	11,710	...	......	436	7,
astern es and	1882	4	23	13	14	193	2	143	5,69[illegible]	6,073	7	1,307	3,487	122	2092	300	962	318	8,004	...	......	98	(
	1883	5	23	9	13	245	8	(D) 92	5,904	6,298	1	1,353	4,801	187	1,807	160	(E) 527	314	9,240	...	......	118	1,
...	1882	1	...	...	1	5	...	19	939	965	...	41	1,797	83	766	103	3	126	2,010	...	......	24	2
	1883	...	2	2	1	3	1	46	900	964	...	138	1,565	35	803	46	98	47	2,670	...	......	19	1
ovinces	1882	...	156	30	8	6	...	85	1,058	1,343	...	2,068	1,170	6	82	24	485	54	3,889	...	......	256	11,4
	1883	...	137	37	10	6	4	111	1,076	1,381	..	2,251	1,149	11	11(	45	366	54	4,000	...	......	270	12,9
rma ...	1882	1	10	12	2	..	...	12	145	182	...	731	195	2	6	...	35	300	1,320	2	......	93	3,0
	1883	4	13	4	1	3	...	17	119	161	32	818	80	1	35	...	56	313	1,335	1	......	120	3,6
...	1882	...	...	...	...	.	...	...	...	..	...	68	220	...	...	...	...	...	284	..	......	8	1
	1883	...	2	...	...	..	...	...	..	2	...	97	34	...	...	..	.	1	132	...	......	9	3
...	1882	28	120	5	22	...	...	30	167	381	5	3,033	730	11	116	38	39	30	4,002	2	150 0 0	310	6,3
	1883	26	159	2	20	...	...	*52	210	469	...	2,740	669	15	93	63	†230	20	3,838	2	100 0 0	565	9,0
As- tricts.	1882	...	6	1	6	9	2	1	190	215	...	481	481	3	2,098	103	1	560	3,730	...	......	14	27
	1883	...	4	3	...	4	..	(A) 10	187	208	...	282	335	4	1,430	96	14	284	2,415	...	......	24	47
wara	1882	...	...	...	...	...	...	9	39	48	...	160	80	...	280	...	25	22	576	...	......	...	
	1883	...	2	2	...	...	1	4	83	92	...	39	36	..	157	...	...	1	232	...	... ..	2	
AL FOR 1882		60	895	207	114	278	14	1,037	19,510	22,125	17	16,517	15,070	295	8,661	1,007	2,070	2,107	46,707	8	350 0 0	1,730	48,0
AL FOR 1883		68	985	217	119	287	28	1,139	20,067	22,005	36	16,563	10,064	315	6,704	1,181	1,971	1,644	47,478	4	100 0 0	1,825	48,

(A) By wild boars ... 6
Unknown ... 4
—
10
—

* Boars 23
Buffaloes 23
Jackals 5
Rhinoceros 1
Wild Bulls 1

(B) By mad jackals ... 17
By mad dogs 9
By wild boars 11
By scorpion 6
By iguana 1
By alligator ... 1

† Boars ... [illegible]
Buffaloes ... [illegible]
Not accounted for [illegible]

NUMBER OF ANIMALS AND SNAKES DESTROYED AND AMOUNT OF REWARD PAID FOR THEIR DESTRUCTION.

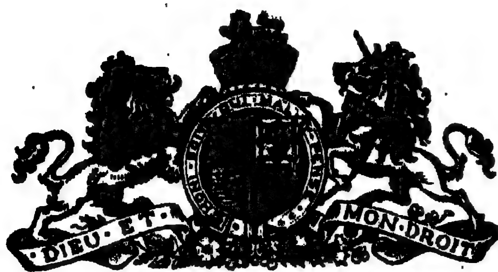
Amount of reward.	Bears.	Amount of reward.	Wolves.	Amount of reward.	Hyenas.	Amount of reward.	Other animals.	Amount of reward.	Snakes.	Amount of reward.	Total number, excluding snakes destroyed.	Total amount of reward, including snakes.
Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.		Rs. A. P.
27,931 8 0	215	1,358 8 0	24	110 0 0	280	1,250 0 0	41	6 8 0	...	...	2,035	41,111 9 0
46,796 0 0	298	2,084 0 0	93	650 0 0	457	2,017 0 0	100	40 0 0	...	...	2,708	64,130 0 0
1,005 0 0	16	132 0 0	304	1,381 0 0	31	72 0 0	1,093	66 15 0	262,348	5,125 2 0	1,824	10,008 1 0
2,148 0 0	29	270 0 0	313	1,133 0 0	134	530 0 0	(C) 550	35 10 0	293,230	6,725 4 0	1,336	11,081 14 0
3,550 0 0	258	503 4 0	1,231	9,320 8 0	449	896 8 0	2,464	582 13 0	32,187	6,417 13 0	5,867	32,453 14 0
3,498 0 0	233	490 0 0	1,187	6,900 0 0	400	744 0 0	2,473	1,635 12 0	38,850	7,005 10 3	5,653	27,076 6 3
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1,774 8 0	588	1,008 8 0	2,061	5,654 12 0	120	231 0 0	(F) 23	20 0 0	24,490	2,821 1 11	3,907	13,162 6 5
1,029 8 0	22	...	1,285	3,822 8 0	3	...	41	38 6 0	6,065	534 9 6	1,510	5,617 15 0
1,103 0 0	25	...	1,472	4,683 13 0	2	10 0 0	573	8 0 0	48,873	4,000 5 3	2,276	10,634 2 3
4,860 0 0	216	972 0 0	206	1,309 0 0	323	620 8 0	...	...	1,863	681 11 0	1,608	19,843 3 0
4,915 0 0	235	1,077 0 0	376	1,808 0 0	309	711 0 0	...	...	1,914	736 0 0	1,706	22,167 9 0
1,885 0 0	99	835 0 0	...	......	...	......	1,062	3,081 0 0	2,081	1 0 0	1,378	8,837 0 0
1,285 0 0	111	961 0 0	...	......	...	......	506	3,170 0 0	4,709	1 0 0	892	9,292 0 0
45 0 0	...	......	...	......	...	......	...	......	114	11 4 0	27	251 4 0
180 0 0	...	......	...	......	...	......	...	......	78	6 12 0	24	546 12 0
725 0 0	73	553 8 0	...	......	...	......	515	51 0 0	313	33 10 0	1,003	7,887 2 0
1,181 3 0	78	481 4 0	2	20 0 0	...	......	‡7	......	200	22 6 0	903	10,864 13 0
1,377 8 0	1	5 0 0	91	453 0 0	43	215 0 0	...	......	333	44 14 0	253	2,305 6 0
1,907 8 0	12	60 0 0	132	615 0 0	78	390 0 0	...	......	290	37 6 0	385	3,370 14 0
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[illegible]883 3 0	1,690	7,038 12 0	6,239	21,554 9 6	1,589	5,233 0 0	4,304	4,947 6 0	412,782	22,352 6 5	19,890	1,74,355 12 11

[illegible]ckals 50
[illegible]lligators 12
[illegible] dogs 16
[illegible] boars 448
[illegible]known 21

(D) By wild boars 9
" alligators and crocodiles 23
" jackals 57
" wild cat 1

‡ Boars 7

(E) By alligators an[illegible] diles ...
" jackals ...
" wild dogs ...



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 15, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

E. J. DEAN,
Publisher, Gazette of India.

BANK OF BENGAL.

Calcutta, the 10th November 1884.

Mr. R. Hardie has returned from leave and resumed the Office of Secretary and Treasurer.

By Order of the Board,
W. D. CRUICKSHANK,
Offg. Secretary & Treasurer.

SURVEY OF INDIA.

NOTIFICATIONS.

Simla, the 1st November 1884.

No. 478.—In supersession of Notification No. 473, dated the 10th October 1884, the following promotion is made, with effect from the forenoon of the 25th September 1884, *vice* Mr. J. McCay, deceased :—

Mr. A. George, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 479.—Mr. William Skilling is appointed an Assistant Surveyor, 3rd Grade. Survey of India, with effect from the date he reports himself for duty, to fill an existing vacancy.

G. C. DePRÉE, *Colonel,*
Surveyor General of India.

Calcutta, the 13th November 1884.

No. 480.—Mr. J. Todd, Surveyor, 2nd Grade, having returned to duty on the forenoon of 1st October 1884, from the furlough granted him in Notification No. 345, dated 10th April 1883, the following reversion is made, with effect from the same date :—

Mr. J. Newland, Officiating Surveyor, 4th Grade, to revert to his substantive appointment of Assistant Surveyor, 1st Grade.

M. W. ROGERS, *Major, R.E.,*
Assistant Surveyor General,
for Surveyor General of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 5th November 1884.

No. 3409.—The undermentioned Hospital Assistant, who has passed his Septennial Professional Examination, is promoted to the next higher class, with effect from the date specified against his name:—

NAME.	DATE OF COMPLETION.		Date of passing professional examination.	Date of promotion.
	14 years' service.	7 years' service.		
WITH ENGLISH QUALIFICATION EXAMINATION.				
Bihari Lal. . .	...	Sept. 27, 1884	Oct. 15, 1884	Oct. 15, 1884

By Order,

D. ROBERTSON, *Captain*,

1st Asst. to the Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA, P. W. D.

NOTIFICATIONS.—ESTABLISHMENT.

Indore, the 5th November 1884.

No. 11.—Mr. H. E. Grant, Assistant Engineer, 2nd Grade, is appointed Officiating Executive Engineer, Gwalior Division, during Mr. Ewing's absence on two months and twenty-four days' privilege leave, or until further orders, with effect from 15th October 1884.

No. 12.—Mr. P. Magrath, Sub-Engineer, 1st Grade, has been promoted to the honorary rank of Assistant Engineer, with effect from the 1st instant.

No. 13.—Mr. D. M. Litster, Assistant Engineer, 2nd Grade, has passed the examination prescribed in Public Works Code, Chapter II, paragraph 21, therefore the letters D. S. will be inserted against his name in the Classified List.

By Order,

C. S. THOMASON, *Col., R.E.*,

Secy. to Agent to the Govr. Genl. for Central India, P. W. D.

CHIEF COMMISSIONER AND SUPERINTENDENT, ANDAMAN AND NICOBAR ISLANDS.

NOTIFICATIONS.

Port Blair, the 1st November 1884.

No. 13.—Consequent on the departure of Lieutenant-Colonel M. Protheroe, C.S.I., Deputy Superintendent, Port Blair and Nicobars, on privilege leave, the following appointments are made, with effect from the afternoon of this date:—

Major R. J. Wimberley, from 1st Assistant Superintendent to Officiating Deputy Superintendent.

Mr. E. H. Man, from Officiating 2nd Assistant Superintendent to Officiating 1st Assistant Superintendent.

Mr. O. H. Brookes, from Officiating 3rd Assistant Superintendent to Officiating 2nd Assistant Superintendent.

Mr. M. B. Portman, from Officiating Extra Assistant Superintendent, 1st Class, to Officiating 3rd Assistant Superintendent.

Mr. R. Wimberley, from Officiating Extra Assistant Superintendent, 2nd Class, to Officiating Extra Assistant Superintendent, 1st Class.

No. 14.—With reference to Home Department Notification No. 702 F., dated 16th September 1884, Mr. M. H. Ferrars availed himself of the leave on the afternoon of 16th August, and returned to duty on the forenoon of the 1st September 1884.

T. CADELL, *Colonel*,

Chief Commr. of the Andaman and Nicobar Islands, and Supdt. of Port Blair and Nicobars.

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Bangalore, the 6th November 1884.

No. 19.—C. Timmaya, Subedar of the Yelsavirshime Taluk, having returned to duty on the 17th October 1884, from the three months' leave on private affairs, sanctioned in Notification No. 11 of 16th August last, and of which he availed himself on the 1st September 1884, the unexpired portion of the leave is cancelled.

By Order,

H. WYLIE, *Major*,

Secretary to the Chief Commr. of Coorg.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 5th November 1884.

No. 53.—With reference to Government of India, Military Department, Notification No. 587, dated 31st October 1884, Captain R. Jennings, R.E., Assistant Engineer, 1st Grade, joined the Military Works Department on the 6th October 1884, and is posted to the Head-Quarters Staff of the Inspector General of Military Works, which he joined on the forenoon of the same date.

The 6th November 1884.

No. 54.—Lieutenant H. Mullaly, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Public Works Code, Chapter II, paragraphs 16—18, for promotion to the rank of Assistant Engineer, 1st Grade, on the 10th September 1884.

J. J. McLEOD INNES, *Colonel, R.E.*,

Inspr. Genl. of Military Works.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Simla, the 6th November 1884.

No. 30.—In continuation of Notification No. 19, dated 24th July 1884, 3rd Grade Assistant Surgeon Siva Prosad Ray, of the Imperial Establishment, has been granted by the Secretary of State for India a further extension of extraordinary leave for forty-five days without pay.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 5th November 1884.

No. 69.—With reference to Government of India, Public Works Department, Notification No. 258, dated the 22nd October 1884, Mr. A. Collings, Executive Engineer, 4th Grade, is posted to the Sind-Sagar Railway Surveys.

No. 70.—With reference to Government of India, Public Works Department, Notification No. 268, dated 31st October 1884, Mr. J. S. Brown, Executive Engineer, 4th Grade, sub. *pro tem.*, is posted to the Rajputana-Malwa State Railway.

F. S. STANTON, *Colonel. R.E.*
Director General of Railways.

RAJPUTANA-MALWA RAILWAY.
(Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATION.

Ajmere, the 5th November 1884.

No. 15.—Mr. R. E. Wright, Executive Engineer, 2nd Grade, sub. *pro tem.*, is granted twelve months' furlough together with the usual subsidiary leave, with effect from 1st January 1885, or such subsequent date as he may be permitted to avail himself of the same.

H. DANGERFIELD,
Offg. Manager.

Report of a Deserter from the 2nd Battalion, Royal Lancaster Regiment of Infantry, dated at Poona, E. I., this 7th day of November 1884.

Number, Rank, and Name,—No. 3291, Private Charles Evans.
Age,—27 years 11 months.
Size,—5 feet 6¾ inches.
Colour of—
Complexion, fresh; Hair, light brown; Eyes, brown.
Date of Desertion,—3rd November 1884.
Place of Desertion,—On pass, Bombay.
Date of Enlistment,—12th December 1878.
At what Place Enlisted,—Kettering.
Parish and County in which Born,—St. Chad's, Shrewsbury, Salop.
Marks,—Cicatrix under left jaw.
Trade,—Groom.
Coat or Jacket,— } Regimentals.
Waistcoat,— }
Breeches or Trowsers— }
REMARKS,—
Under 6 years' service.

O. R. MIDDLETON, *Lieut.-Colonel,*
Comdg. 2nd Battn., Royal Lancaster Regt.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on or about the 4th day of October 1884, treasure consisting of 15 Dasarikattu rupees, valued at about Government R15, were found under ground in front of the house of Tade people, in the village of Bennabhupalapatnam, in the Golugonda Taluk, Vizagapatam District.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Vizagapatam, at his office, at 11 A.M., on the 25th May 1885, in order to the matter being enquired into and determined according to the provisions of the said Act.

H. G. TURNER,
Actg. Collector.

VIZAGAPATAM COLLECTOR'S OFFICE,
The 3rd November 1884.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on the 30th day of September 1884, treasure consisting of 36 large and 15 small Dasarikattu rupees, valued at about Government R43½, were found in a brass vessel under ground in the street in front of Mandarapu Swami's house, in the village of Kottakota, in the Golugonda Taluk, Vizagapatam District.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Vizagapatam, at his office, at 11 A.M., on the 25th May 1885, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

H. G. TURNER,
Actg. Collector.

VIZAGAPATAM COLLECTOR'S OFFICE,
The 3rd November 1884.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED OF		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Nov. 3	23,42,746	. . .	. . .	23,43,740	1,42,94,938	1,24,48,846
" 4	1,49,435	. . .	. . .	24,92,171	1,42,94,938	1,24,48,846
" 5	60,168	. . .	. . .	25,42,339	1,43,94,938	1,24,48,846
" 6	2,073	. . .	. . .	25,44,412	1,42,97,061	1,24,48,846
" 7	. . .	. . .	. . .	25,44,412	1,42,97,061	1,24,48,846
" 8	. . .	. . .	2,87,221	23,02,867	1,45,90,144	1,27,12,229

R. V. RIDDELL. *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 10th November 1884.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 31st October 1884.

PARTICULARS.	3½ per cent. Transfer Loan of 1853-54.	4 per cent. Loans: Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	Total.	4½ per cent. Loans: Of 1870.	Of 1878.	Transfer Loan of 1879, 4½ per cent. Portion.	Total.	Transfer Loan of 1879, seven Shillings per cent. Portion.	5 per cent. Loan of 1856-57.	GRAND TOTAL.
Balance of 15th October 1884	54,100	13,36,853	27,86,900	2,35,16,500	99,88,600	3,00,49,037	2,44,32,200	9,21,03,090	45,89,800	95,50,300	10,18,34,800	11,59,74,900	1,24,500	56,200	20,83,17,790
Add—															
Amount enfaced at Madras between 16th and 31st October 1884	. .	. . .	. . .	1,05,200	3,000	4,200	30,400	1,43,800	. . . .	. . . .	1,01,500	1,01,500	. . . .	. . . .	2,44,300
Amount enfaced at Bombay between 16th and 31st October 1884	. .	. . .	. . .	1,500	500	1,500	. . .	3,500	. . . .	. . . .	31,000	31,000	. . . .	. . . .	34,500
Amount enfaced at Calcutta between 16th and 31st October 1884	. .	. . .	. . .	10,000	1,000	23,500	36,000	70,500	. . . .	36,000	27,000	63,000	. . . .	. . . .	1,33,500
	54,100	13,36,853	27,86,900	2,36,33,200	99,91,100	3,00,78,237	2,44,98,600	9,23,24,890	45,89,800	95,86,300	10,19,94,300	11,61,70,400	1,24,500	56,200	20,87,30,090
Deduct—															
Amount written off in the London Registers	. .	. . .	500	23,500	2,500	37,500	16,000	80,000	. . . .	41,000	1,85,000	2,26,000	. . . .	23,500	3,29,500
Balance on 31st October 1884.	54,100	13,36,853	27,86,400	2,36,09,700	99,88,600	3,00,40,737	2,44,82,600	9,22,44,890	45,89,800	95,45,300	10,18,09,300	11,59,44,400	1,24,500	32,700	20,84,00,590

NOTE.—From 9th June 1867 to 31st Aug. 1884, enfaced from India 5,027 lakhs ; re-transferred from London 4,312 lakhs.
" 1st Sept. 1884 to 15th Sept. " " " 10 " " " 5 "
" 16th " " to 30th " " " 7 " " " 5 "
" 1st Oct. " to 15th Oct. " " " 10 " " " 6 "
" 16th " " to 31st " " " 4 " " " 3 "

5,058 lakhs. 4,331 lakhs.
4,331 "
Balance against India . 727 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 6th November 1884.

W. D. CRUICKSHANK,
Offg. Secretary and Treasurer.

ACCOUNTANT GENERAL'S OFFICE.

Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 6th November 1884.

PUBLIC WORKS (BUILDINGS AND ROADS AND MILITARY WORKS BRANCH) AND TELEGRAPH.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rajputana	August	Octr. 14, 1884
2	Punjab	Do.	Do. 17, ,,
3	Port Blair	Do.	Do. 20, ,,
4	Bombay	Do.	Do. 25, ,,
5	Central India	Do.	Do. 27, ,,
	Hyderabad Imperial	Do.	Do. 27, ,,
	Ditto Assigned Districts	Do.	Do. 27, ,,
8	Assam	Do.	Do. 29, ,,
	Coorg	Do.	Do. 29, ,,
	Madras	Do.	Do. 29, ,,
	North-Western Provinces and Oudh.	Do.	Do. 29, ,,
12	British Burma	Do.	Nov. 1, ,,
13	Central Provinces	Do.	Do. 3, ,,
14	Bengal	Do.	Do. 4, ,,
15	Military Works Branch	Do.	Do. 5, ,,

IRRIGATION.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rajputana	Aug. 1884	Oct. 13, 1884
2	Punjab	Do. ,,	Do. 20, ,,
3	Bombay	Do. ,,	Do. 24, ,,
	Bengal	Do. ,,	Do. 27, ,,
4	North-Western Provinces and Oudh.	Do. ,,	Do. 27, ,,
6	Madras	Do. ,,	Do. 29, ,,
7	British Burma	Do. ,,	Nov. 1, ,,
	TELEGRAPH.		
1	Indo-European	July 1884	Oct. 13, 1884
2	Indian	Do. ,,	Do. 20, ,,
3	General	Do. ,,	Do. 28, ,,
	GUARANTEED RAILWAYS.		
1	State Ry., Stores Branch	Aug. 1884	Oct. 16, 1884
2	Punjab	Do. ,,	Do. 17, ,,
3	Bombay	Do. ,,	Do. 24, ,,
4	North-Western Provinces and Oudh.	Do. ,,	Do. 29, ,,
5	Bengal	Do. ,,	Nov. 5, ,,
6	Madras	July ,,	Sept. 30, ,,

STATE RAILWAYS (CAPITAL).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bhopal	Aug. 1884	Oct. 13, 1884
2	N.-W. P. & Oudh Provl. Railway Survey.	Do. ,,	Do. 15, ,,
3	State Ry., Stores Branch	Do. ,,	Do. 16, ,,
4	N.-W. P. & Oudh Subsidized.	Do. ,,	Do. 17, ,,
	Amritsar Pathankot	Do. ,,	Do. 17, ,,
6	Naihati	Do. ,,	Do. 20, ,,
7	Bengal & North-Western	Do. ,,	Do. 21, ,,
	Wardah Coal	Do. ,,	Do. 21, ,,
9	Punjab Northern	Do. ,,	Do. 23, ,,
10	Bombay Railway Surveys	Do. ,,	Do. 24, ,,
	Bengal Central	Do. ,,	Do. 24, ,,
12	Dhond & Manmad	Do. ,,	Do. 25, ,,
	Jhansi-Manickpur	Do. ,,	Do. 25, ,,
14	Assam Railway Surveys	Do. ,,	Do. 27, ,,
	Indus Valley	Do. ,,	Do. 27, ,,
	Kaunia-Dhurla	Do. ,,	Do. 27, ,,
	Nagpur-Chattisgarh.	Do. ,,	Do. 27, ,,
	Patna & Gya	Do. ,,	Do. 27, ,,
	Sindia	Do. ,,	Do. 27, ,,
	Tirhoot	Do. ,,	Do. 27, ,,
	Sind-Pishin (Northern Sec.)	Do. ,,	Do. 27, ,,
	Sind-Pishin (Southern Sec.)	Do. ,,	Do. 27, ,,
	Assam Subsidized	Do. ,,	Do. 27, ,,
24	Cuddapah-Nellore	Do. ,,	Do. 28, ,,
	Eastern Bengal	Do. ,,	Do. 28, ,,
26	Madras Railway Surveys	Do. ,,	Do. 29, ,,
27	Bengal Administrative Charges.	Do. ,,	Do. 30, ,,
	Ranaghat-Bhagwangola	Do. ,,	Do. 30, ,,
	Rewari-Ferozepore	Do. ,,	Do. 30, ,,
30	British Burma	Do. ,,	Nov. 1, ,,
	Holkar	Do. ,,	Do. 1, ,,
	Northern Bengal	Do. ,,	Do. 1, ,,
	Rajputana-Malwa	Do. ,,	Do. 1, ,,
	Bassein-Henzada Ry. Survey	Do. ,,	Do. 1, ,,
35	Bellary-Kistna	Do. ,,	Do. 3, ,,
	Cawnpore-Achneyra	Do. ,,	Do. 3, ,,
	Southern Mahratta	Do. ,,	Do. 3, ,,
38	Dacca-Mymensing	Do. ,,	Do. 4, ,,
	Kokilamakh	Do. ,,	Do. 4, ,,
40	Bengal Provl. Ry. Surveys.	Do. ,,	Do. 6, ,,
	N.-W. P. & Oudh Provl. Railways.	Do. ,,	Do. 6, ,,
42	East Indian	July 1884	Oct. 27, ,,
43	Bhavnagar-Gondal (Land Charges).	June ,,	Aug. 27, ,,

STATE RAILWAYS (REVENUE).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bhopal	Aug. 1884	Oct. 13, 1884
2	Wardah Coal	Do. ,,	Do. 20, ,,
3	Punjab Northern	Do. ,,	Do. 23, ,,
4	Indus Valley	Do. ,,	Do. 27, ,,
	Kaunia-Dhurla	Do. ,,	Do. 27, ,,
	Nagpur Chattisgarh	Do. ,,	Do. 27, ,,
7	Eastern Bengal	Do. ,,	Do. 28, ,,
8	Naihati	Do. ,,	Do. 30, ,,
9	British Burma	Do. ,,	Nov. 1, ,,
	Northern Bengal	Do. ,,	Do. 1, ,,
	Rajputana-Malwa	Do. ,,	Do. 1, ,,
	Rewari-Ferozepore	Do. ,,	Do. 1, ,,
	Tirhoot	Do. ,,	Do. 1, ,,
14	Southern Mahratta	Do. ,,	Do. 3, ,,
15	Cawnpore-Achneyra	Do. ,,	Do. 6, ,,
16	East Indian	July ,,	Oct. 27, ,,
17	Ghazipur Dildarnagar	June ,,	Do. 11, ,,
18	Sindia	Do. ,,	Do. 16, ,,
	FOREIGN STATES. CAPITAL REVENUE.		
	Nizam's	Aug. 1884	Oct. 29, 1884
	Bhavnagar-Gondal	Do. ,,	Do. 29, ,,
	Khamgaon	July ,,	Sept. 30, ,,
	Amraoti	Do. ,,	Oct. 20, ,,

Simla, the 10th November 1884.

A. G. BEGBIE, *Major, R.E.,*
for *Accountant General, P. W. Dept.*

Statement of the Affairs of the Bank of Bengal for the week ending 11th November 1884.

LIABILITIES.	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,306	4	4
Public Deposits at Head Office	91,63,814	15	1	1,72,80,414	13	1
Public Deposits at Branches	81,16,599	14	0			
Other Deposits at Head Office and Branches				3,05,97,984	9	11
Bank Post Bills, &c.				3,11,074	15	1
Sundries				14,73,310	6	5
RUPEES				7,38,22,091	0	10

ASSETS.	R	a.	p.	R	a.	p.
Government Securities				73,07,466	0	0
Other authorized Investments				38,73,612	8	0
Loans on Government and other authorized Securities				80,39,061	7	9
Accounts of Credit on Government and other authorized Securities				79,06,596	14	0
Bills discounted and purchased				1,48,60,723	1	3
Balances with other Banks				8,22,666	2	5
Bullion				28,759	15	11
Dead Stock				11,85,670	0	5
Stamps				9,069	7	0
Sundries				6,29,055	14	3
				4,46,62,681	7	0
Cash and Currency Notes at Head Office	1,61,51,073	2	1	2,91,59,409	9	10
Cash and Currency Notes at Branches	1,30,08,336	7	9			
RUPEES				7,38,22,091	0	10

By order of the Directors,

BANK OF BENGAL,
Calcutta, 13th November 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

Rate for Demand Loans 3 per cent.
Percentage 58·7.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
1884.			
W38	M 75—85896	100	C. Rahimbux Peuji, Calcutta.
W39	M 74—52868	50	Dinsha Edalji, Shajehanpur.
	M 84—03844	50	
W41	M 76—30173	1,000	Superintendent, Bombay, Baroda, and Central India Railway Police, Bombay.
	„ —23888	1,000	
	„ —21956	1,000	
	„ —29013	1,000	

BOMBAY,
The 11th November 1884.

R. A. STERNDALE,
Asst. Acctt. Genl., Paper Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
183	P 10—81206	100	Nurput Singh, No. 15, Ahiritola, Calcutta.
	R 9—62081	100	
186	R 10—43845	100	Kawal Shaw, Dinapore.
187	P 78—18144	100	Radha Kissen, Lahore.

CALCUTTA,
The 14th November 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value. R	Name of Claimant.
24	E 20—86198	100	Noor Deen and Alla Bux, Dibi Bazar, Lahore.

LAHORE,
The 8th November 1884.

W. H. EGERTON,
for Depy. Commr. of Paper Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
30	B 78—67701	50	T M. Sabapathy Pillai, Negapatam.
31	B 84—69268	100	The Post Master General, Madras.

FORT ST. GEORGE,
The 8th November 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl., In-charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 13th November 1884.

Baker, C. W.
Cunningham, W.
Fairlie, A. C.
Finchett, W. A.
Gonsalves, P. A.
Harbans & Co.
Kinney, T.
Mills, Arthur.
Princep, C. E.
Rowe, C. F.
Smart, O.
Walkom, Mrs. J. W.
Watts, G. W.
Westwood, Mrs.

Letters marked "Care of Post Office.

Adda, Henry.
Amoss, Thomas.
Archdeacon of Colombo.
Avenel, Miss.
Boileau, Captain H.
Bott, Fred.
Brigg, E. A.
Burne, O.
Capel, Lt.-Col. A. W.
Caurey, Captain.
C. G.
Chapman, Frank.
Clift, Mrs. H. W.
Cooper, H.
DeLa Grange, Baron Louis.
Dodd, Col. C. A.
Edwards, Brig. Genl.
E. S. H.
Faersterman, Ignatz.
Fredalis, Soul.
Golding, Herbert.
Gill, F. N. G.
G. P. H. C.
Graham, John.
Gray, John Raymond.
H. E. M.
H. M. W.
Harcourt, W. H.
Harman, J. M.
Hoskins, A. C.
Howard, Mrs. M. S.
Huddleston, John E. Leslie.
Hurst, W. H.
King, W.
Knight, Capt. M. J.
Lampard, Henry.
Laughlin, R. C.
Lawless, Hiram.
Lewis, H.
Lopez, E.
Macdonald, Mrs. J.
Meij, H.
Morris, Pierce M.
Murgatroyd, C. A.
Q. R.
Ralston, James.
"Regina."
"Rex."
Salva, Federigo T.
Schomerully, Mr.
Seaton, S.
Simpson, Miss M.
"Stanhope."
Stern, Edward.
Thompson, James.
T. P. H. C.
Uren, Thomas.
Wallace, Col. W. A. J.
Williams, Mr. John.
Williamson, W. F.
Wilson, Theos.

Registered Letters.

Cherkes, Laya.
Ferefourd, Duglass.
Gough, B. W.
Owen, Fritz Cunliffe.
Richter, Anton.
Thibaud, Thomy.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 20th October 1884.

Broke, Capt.
Croster, Capt.
Chatterjee, Ambica Churn.
Duncan, W.
Exe. Engr., N. Delta S. Dn.
Foley, Rev. T.
Frank, Rev. J. E. D.
Famer, A. B.
Lane, C. H.
Mukerjee, Surendro Nath.
O'Connor, E. P.
Reddington, P. J.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 15th November 1884.

SEA AND FOREIGN MAILS.

*Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	15th Nov.	P. & O. Str. *Chusan.*
Foreign Mails *viâ* Bombay	16th "	From Bombay.*
Do. Book Post and Pattern Packets	17th "	Ditto.
Rangoon and Moulmein	19th "	Str. *Madura.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	19th "	Str. *Calcutta.*
Straits and Hong-Kong	18th "	Strs. *Japan* and *Wingsang.*
Port Blair and Camorta	20th "	Str. *Maharani.*

* Also for Cape Colonies through United Kingdom, also *viâ* Aden for Mauritius, Mahe (Seychelles), Mayotte, Nossi Be and Reunion can be forwarded.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

E. HUTTON,
Presidency Post Master

METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices specified below:—

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts . .	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts . . .	8	0	0
Report on the Meteorology of India in 1877, 4to, 193 pages text, 375 pages tables, 3 charts . . .	8	0	0
Report on the Meteorology of India in 1882, 4to, 152 pages text, 298 pages tables, 8 charts . . .	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2	8	0
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Offg. Under-Secy. to the Govt. of Bengal.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 15, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

UNCOVENANTED SERVICE FAMILY PENSION FUND.

Result of votes on Circular No. 3, dated 1st August 1884.

Subject.	Yes.	No.
Whether Mr. M. McInerney shall be restored to the fund on payment of the subscription due with interest under Rule 40 D. . . .	1,238	19

By order of the Directors,
W. H. RYLAND,
Secretary.

UNCOVENANTED S. F. P. FUND;
CALCUTTA,
The 7th November 1884.

PROMISSORY NOTES.

Lost or Stolen

The Government Promissory Note No. 198933, of the 4 per cent. of 1865, for R2,000, in favour of the Controller of Military Accounts, Bengal. Payment of the note and interest thereon have been stopped at the Public Debt Office, Bank of Bengal, and the public are cautioned against negotiating the note.

M. C. PERREAU, *Colonel,*
Contlr. of Mily. Accounts, Bengal.



SUPPLEMENT TO

The Gazette of India.

No. 46.} CALCUTTA, SATURDAY, NOVEMBER 15, 1884.

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GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALF OF JUNE AND 1st HALF OF OCTOBER 1884, PUBLISHED IN PAGES 1120, 1121, 1552, 1553, 1556, 1557, 1558, 1559, 1560 AND 1561 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 26th JULY AND 8th NOVEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of last year.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of last year.	Rice. Best sort. Present fortnight.	Rice. Best sort. Past fortnight.	Rice. Best sort. Corresponding fortnight of last year.	Rice. Common. Present fortnight.	Rice. Common. Past fortnight.	Rice. Common. Corresponding fortnight of last year.
	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
d half of June 1884.												
lly Tracts of Meywar	...	...	...	...	...	...	...	...	...	...	...	...
t half of Oct. 1884.												
mbay	12 5	12 0	10 2	20 3	21 13	18 0	7 8	7 12	7 8	11 7	11 13	12 8
hmedabad	16 0	16 8	12 0	24 0	24 0	20 0	6 8	6 8	6 8	10 8	11 0	12 0
aira	13 0	13 0	11 7	24 10	24 10	20 0	9 0	9 0	10 0	11 12	11 12	12 13
rat	13 10	13 10	11 4	12 3	12 8	12 4	7 5	7 5	7 6	8 3	8 3	8 5
roach	12 0	12 0	12 4	...	...	...	9 12	9 12	9 15¼	12 12	12 12	12 12
nna (Salsette)	11 7	10 10	10 5	...	10 8	12 14	8 0	8 0	9 0	9 4	9 4	10 9
láha (Alibag)	8 0	8 0	8 8	...	...	...	6 0	6 0	7 8	10 8	10 8	12 8
handesh (Dhulia)	21 15	23 2	15 12	...	...	...	7 4	7 2	7 10	11 0	10 12	12 10
ásik	17 0	17 0	14 4	...	...	...	6 0	6 0	7 7	10 6	10 6	12 0
hmednagar	16 8	15 15	15 13	...	...	...	7 15	7 11	8 13	10 3	10 0	10 8
oona	12 8	12 10	12 10	9 4	9 4	9 4	8 2	8 9	9 13	8 9	9 0	11 0
holápur	14 0	14 9	14 8	...	..	...	9 0	9 8	10 7	10 6	10 6	11 5
aládgi (Bagalkot)	15 8	17 0	19 0	11 8	12 8	16 8	7 0	8 7	6 8	11 0	11 0	12 0
tara	10 11	11 2	13 6	...	...	...	8 8	8 3	8 14	10 0	10 0	11 7
elgaum	16 9	18 5	16 0	12 5	12 10	12 6	13 2	14 0	12 8	13 10	14 8	13 8
harwar (Hubli)	18 0	22 0	21 0	...	...	...	12 0	13 0	13 0	13 0	15 0	16 0
atnágiri	9 4	7 4	7 15	...	...	...	8 9	7 13	8 9	9 14	8 8	14 2
anara (Karwar)	9 0	9 0	9 0	...	...	...	7 0	7 0	8 0	12 0	12 0	12 8
ánch Mahále (Godhra)	13 5	13 5	10 8	...	...	...	10 0	10 0	11 6	11 6	11 6	13 5
den	7 0	7 0	7 0	...	...	...	5 10	5 10	6 3	6 3	6 3	7 0
igarh	17 0	17 0	13 12	...	...	...	11 0	11 0	11 12	13 0	13 0	13 10
aroda	12 4	12 13	10 8	17 8	17 8	15 3	7 9	7 9	8 12	10 8	9 15	10 8

Districts.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of last year.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of last year.	Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Chena, Coraloo, Murkwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of last year.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of last year.
	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
d half of June 1884.												
lly Tracts of Meywar	...	...	...	...	...	...	...	...	...	...	...	...
t half of Oct. 1884.												
mbay	16 13	17 0	18 6	16 10	15 15	15 14	11 4	13 1	11 13	17 15	18 2	16 0
hmedabad	19 8	20 8	16 0	20 0	20 0	15 0	...	...	...	16 0	16 0	15 0
aira	20 8	20 8	16 0	18 0	18 0	14 14	21 0	21 0	18 13	13 8	13 8	15 6
rat	14 3	14 3	19 4	13 10	13 10	14 7	...	...	...	14 14	14 14	14 0
roach	16 0	16 0	16 0	13 12	13 12	13 14	...	..	...	12 8	12 8	12 10
nna (Salsette)	12 14	12 14	18 10	12 13	12 13	14 6	13 5	13 5	25 11	15 10	15 10	13 14
láha (Alibag)	...	...	...	...	...	...	...	...	...	14 0	12 0	12 0
handesh (Dhulia)	21 0	20 6	18 9	19 0	17 10	16 0	...	...	...	20 0	23 2	14 4
ásik	...	...	...	14 8	14 8	15 5	20 11	20 11	18 6	21 0	31 0	15 4
hmednagar	17 13	17 2	26 0	16 12	15 11	18 1	...	...	...	23 5	22 5	18 11
oona	15 4	15 4	21 12	13 13	13 13	17 4	15 6	15 6	15 6	19 9	19 9	16 11
holápur	15 8	17 4	24 13	18 6	19 4	22 1	...	...	...	21 7	20 8	14 10
aládgi (Bagalkot)	19 8	21 0	32 0	21 0	21 12	29 0	...	...	...	19 0	19 12	18 0
tara	13 5	13 5	20 0	12 15	12 15	18 2	...	...	...	18 3	16 14	16 14
elgaum	17 14	19 8	21 0	18 7	20 4	19 0	21 6	23 0	25 6	17 4	19 0	16 8
harwar (Hubli)	19 0	23 0	28 0	...	23 0	21 0	24 0	27 0	31 6	17 0	20 0	16 0
atnágiri	13 0	13 0	...	11 0	11 10	13 8	14 2	14 2	18 13	15 6	11 3	14 11
anara (Karwar)	16 0	16 0	13 0	13 0	13 0	...	20 0	20 0	18 0	14 0	15 0	12 8
ánch Mahále (Godhra)	17 12	17 12	20 0	17 12	17 12	14 8	20 0	20 0	20 0	22 13	22 13	20 0
den	9 5	9 5	12 7	7 8	7 8	11 3	...	...	...	9 5	9 5	9 5
igarh	22 13	22 0	18 13	25 0	25 0	17 12	...	...	...	21 8	21 8	17 8
aroda	17 8	17 8	...	16 5	16 5	14 9	18 10	17 8	17 8	14 4	15 2	14 9

Districts.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of last year.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of last year.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of last year.	Average Wages per Month. Able-bodied Agricultural Labourer.	Average Wages per Month. Syce or Horse-keeper.	Average Wages per Month. Common Mason, Carpenter, or Blacksmith.
	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	R a.	R a.	R a.
d half of June 1884.												
lly Tracts of Meywar	...	...	...	...	...	...	...	...	...	3 0	4 to 7	9 to 12
t half of Oct. 1884.												
mbay	62 6	62 6	62 6	12 9	12 9	14 6	12 9	12 9	12 9	...	...	...
hmedabad	80 0	80 0	80 0	16 8	16 8	16 0	16 0	16 0	16 0	...	...	...
aira	80 0	80 0	80 0	...	...	...	16 0	16 0	16 0	...	...	...
rat	80 0	80 0	80 0	13 10	13 10	13 9	13 10	13 10	13 9	...	...	...
roach	106 0	106 0	106 0	14 8¾	14 8¾	14 8¾	14 8¾	14 8¾	14 8¾	...	...	...
nna (Salsette)	70 0	70 0	71 0	15 3	15 3	15 12	13 5	13 5	15 10	...	...	...
láha (Alibag)	120 0	120 0	120 0	11 8	13 0	13 0	11 0	12 8	12 8	...	...	...
handesh (Dhulia)	140 0	140 0	140 0	12 4	14 0	13 0	12 0	13 14	12 14	...	...	...
ásik	128 0	128 0	128 0	15 10	15 10	15 8	15 8	15 8	15 5	...	...	...
hmednagar	84 1	81 1	79 10	14 6	14 4	14 0	14 2	14 0	13 13	...	...	...
oona	68 0	68 0	68 0	13 10	13 10	13 10	13 6	13 6	13 6	...	...	...
holápur	80 0	80 0	71 0	13 8	13 8	13 8	13 4	13 4	13 4	...	...	...
aládgi (Bagalkot)	100 0	100 0	100 0	12 0	12 6	10 8	11 12	12 0	10 0	...	...	...
tara	116 8	116 8	125 15	13 13	13 13	14 3	13 2	13 2	13 2	...	...	...
elgaum	60 0	60 0	65 0	11 8	11 8	11 12	11 0	11 0	11 4	...	...	...
harwar (Hubli)	80 0	80 0	80 0	8 12	8 0	8 6	8 0	8 0	8 0	...	...	...
atnágiri	120 0	120 0	120 0	11 0	11 0	13 2	10 6	10 6	12 15	...	...	...
anara (Karwar)	213 5	213 5	213 5	11 0	11 0	12 0	10 8	10 8	11 0	...	...	...
ánch Mahále (Godhra)	160 0	160 0	200 0	16 0	16 0	16 0	15 4	15 4	15 4	...	...	...
den	65 5	65 5	65 5	...	...	...	32 0	32 0	32 0	...	...	...
igarh	150 0	150 0	160 0	12 0	12 0	12 0	12 0	12 0	12 0	...	...	...
aroda	80 0	75 0	80 0	14 1	15 0	14 1	14 0	14 0	14 0	...	...	...

Dîsa	17 12	18 12	18 0	...	...	...	6 10	6 7	6 14	8 2	8 2	9 0	22 8	21 0	11 8	22 6	23 0	17 10	...	...	...	15 4	15 10	16 0	137 8	137 8	137 8	13 8	13 8	12 8	13 0	13 0	12 0	...	...	...
Nímach	23 0	23 0	18 0	41 0	40 0	25 0	8 12	9 0	9 0	11 0	11 0	10 0	35 0	34 0	32 0	18 0	18 0	14 0	...	...	...	23 8	24 0	20 0	160 0	160 0	160 0	...	...	...	15 0	15 0	12 0	...	...	...
Nasírabad	21 8	21 5¼	18 8¼	27 8	27 0	26 2	6 0	6 0	6 0	7 0	7 0	7 0	27 0	25 10¼	22 0	20 0	18 10¼	17 15	...	...	...	25 9½	24 10¼	28 0	71 0	86 10½	80 0	16 14	16 14	16 0¼	15 14	15 14	15 0	...	...	...
Rájkot	19 0	19 0	15 0	...	...	...	6 6	6 6	6 0	8 0	8 0	9 0	26 8	26 8	17 0	19 0	19 0	14 8	...	...	...	19 8	20 12	14 0	60 0	60 0	70 0	48 0	48 0	50 0	32 0	32 0	40 0	...	...	...
																											R a.	R a.	R a.						
																											per	maund.							
Sylhet	14 12	12 14	12 8	...	...	...	11 4	11 4	11 8	14 12	16 0	17 8	...	...	...	...	...	...	...	...	...	14 12	15 0	17 0	108 0	108 0	108 0	3 4	3 4	3 5	12 8	12 4	12 0	...	...	...
Cachar	12 4	11 9	9 6	13 4	10 0	16 0	10 0	10 10	16 0	12 4	15 4	17 12	...	...	...	...	...	...	...	...	...	15 0	14 0	12 13	80 0	80 0	80 0	3 4	3 4	3 8	11 12	11 8	10 10	...	...	...
Goálpárá	16 0	18 0	17 8	...	...	...	8 0	7 8	15 0	10 8	9 4	17 8	...	...	...	...	...	...	...	...	...	12 8	12 8	13 4	80 0	80 0	80 0	3 4	3 4	3 4	12 8	12 8	12 8	...	...	...
Gáro Hills	4 0	4 0	4 0	...	...	...	6 0	8 0	5 0	8 0	14 0	20 0	...	...	...	...	...	...	...	...	...	8 0	8 0	8 0	160 0	160 0	160 0	4 8	5 0	5 0	8 0	8 0	8 0	...	...	...
Kámrúp	16 0	16 0	16 0	...	...	...	11 0	11 0	12 0	16 0	16 0	20 0	...	...	...	...	...	...	...	...	...	11 0	11 0	14 0	200 0	200 0	200 0	3 8	3 8	3 8	11 0	11 0	11 8	...	...	...
Darrang	...	...	...	...	...	...	8 0	8 0	10 0	11 0	11 0	16 0	...	...	...	...	...	...	...	...	...	10 8	10 6	9 12	160 0	160 0	160 0	4 4	4 4	4 8	9 0	9 0	8 0	...	...	...
Nowgong	...	...	...	...	...	...	8 0	8 0	8 0	13 0	13 0	16 0	...	...	...	...	...	...	...	...	...	10 0	8 0	8 0	120 0	120 0	120 0	3 12	3 12	4 0	10 0	10 0	9 0	...	...	...
Sibságar	...	...	...	...	...	...	8 0	8 0	6 8	14 0	16 0	16 0	...	...	...	...	...	...	...	...	...	8 0	9 0	10 0	80 0	80 0	80 0	4 4	4 4	4 8	9 0	9 0	8 0	...	...	...
Lakhimpur	9 0	9 0	9 0	10 0	10 0	9 0	8 0	8 0	9 0	11 0	11 0	13 0	...	...	...	...	...	...	...	...	...	12 0	12 0	12 0	160 0	160 0	160 0	4 1	4 2	4 8	10 0	10 0	9 0	...	...	...
Khási & Jaintiá Hills	...	...	6 10	...	...	...	...	6 0	9 0	10 0	10 0	10 8	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5 0	4 8	4 12	8 0	8 0	8 0	...	...	...
Nága Hills	...	...	...	...	...	...	4 0	4 0	4 0	8 0	8 0	8 0	...	...	...	...	...	...	...	...	...	...	...	2 0	120 0	120 0	120 0	16 0	16 0	16 0	2 8	2 8	2 8	...	...	...
																											S. C.	S. C.	S. C.						
Amráoti	23 1	23 0	15 0	11 0	11 8	10 0	7 9	9 0	8 0	10 12	10 0	10 0	25 3	28 0	28 0	15 0	18 0	18 0	...	...	...	21 3	20 0	17 0	70 0	70 0	64 0	13 0	13 0	12 8	11 6	12 8	12 0	...	...	...
Akola	24 0	24 0	17 0	...	...	...	8 0	7 5	7 0	11 0	11 0	13 0	26 0	26 0	26 0	16 0	20 0	21 0	...	...	...	23 0	23 0	17 0	64 0	64 0	64 0	12 0	12 0	11 0	11 0	11 0	10 0	...	...	...
Ellichpur	20 0	20 0	16 0	6 0	6 0	14 0	8 2	8 0	8 0	11 0	10 8	12 0	24 2	24 0	27 0	15 0	15 0	22 0	...	...	...	17 2	17 2	15 0	128 0	128 0	64 0	...	...	...	11 0	11 0	11 0	...	...	...
Buldána	25 0	25 0	18 0	...	...	...	...	...	...	11 0	11 0	11 0	25 0	25 0	24 0	24 0	24 0	22 0	...	...	...	21 0	20 0	15 0	...	...	...	...	...	...	10 0	10 0	10 0	...	...	...
Wún	23 0	21 8	18 0	...	...	...	7 0	7 0	8 8	11 8	11 8	13 0	25 8	24 0	29 4	...	...	...	...	...	...	20 0	18 0	18 0	200 0	175 0	200 0	...	...	...	11 0	11 0	11 0	...	...	...
Básim	27 0	25 0	22 0	...	...	...	6 0	6 0	6 0	12 0	11 0	13 0	32 0	30 0	29 0	...	...	...	...	...	...	22 0	21 0	19 0	64 0	64 0	64 0	6 8	9 8	10 0	6 0	9 0	9 0	...	...	...
																											R a. p.	R a. p.	R a. p.						
																											per	maund.							
Erinpura	19 15	19 15	15 9	26 0	26 7	23 13	...	...	...	7 5	7 5	7 11	20 0	20 0	19 11	20 0	20 0	19 0	...	...	...	21 2	21 2	21 4	170 0	170 0	160 0	3 0 4	3 0 4	3 1 3	13 0	13 0	12 0	...	...	...
Sirohee	18 0	16 0	13 8	25 0	25 0	21 0	6 8	7 0	7 0	7 8	8 0	8 0	18 8	18 0	14 0	19 8	19 0	16 0	...	...	...	21 0	18 8	20 0	200 0	200 0	160 0	3 0 0	...	3 0 0	13 5	...	12 5	...	...	...
Abu	...	16 10	12 12	20 8	20 8	18 8	6 0	6 0	6 8	7 4	7 6	8 0	...	...	...	16 0	16 0	13 12	...	...	...	17 8	17 8	16 0	16	160 0	160 0	3 1 6	3 1 6	3 8 0	13 0	13 0	11 8	...	...	...
Anadra	18 0	17 4	14 0	23 8	23 0	21 0	6 4	6 8	7 0	8 0	8 0	8 8	...	...	...	18 0	18 0	15 8	...	...	...	20 0	20 0	18 0	...	...	...	2 15 0	2 13 3	3 4 0	13 8	14 4	12 4	...	...	...
Bálmere	15 8	15 8	15 4	...	...	...	5 4	5 4	6 0	8 12	8 12	8 8	...	...	...	32 0	30 0	30 0	...	...	...	13 0	13 0	15 0	280 0	280 0	290 0	2 5 0	2 7 0	2 5 0	17 8	16 0	17 0	...	...	...
Marwar (Jodhpore)	18 8	18 12	16 8	22 8	25 0	21 4	5 0	5 0	6 4	7 8	7 8	7 8	20 0	21 4	20 0	20 0	20 0	20 10	...	...	...	21 4	20 10	20 4	120 0	120 0	...	2 11 0	2 10 9	...	15 0	15 0	16 4	...	...	...
																											S. C.	S. C.	S. C.						
Dholpur	18 7	18 14	16 12	25 11	27 0	23 10	9 0	9 0	9 13	10 2	10 2	10 9	22 8	22 8	23 10	31 5	27 0	21 12	...	...	...	20 8	21 6	24 3	...	...	...	13 12	13 12	13 8	12 14	12 14	12 10	.	...	...

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

No. XXVIII of 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	Receipts for week ending 20th October 1883.		Total mean length open.	Receipts for week ending 18th October 1884.		Total receipts from 1st April to 20th October 1883.		Total receipts from 1st April to 18th October 1884.		Total Increase in 1884-85.	Total Decrease in 1884-85.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	Guaranteed.		R	R		R	R	R	R	R	R	R	R
18th Oct. 1884	Oudh and Rohilkhund	547	95,036	174	594	83,513	141	31,53,354	199	27,68,425	175	. . .	3,84,929
18th ditto	Sind, Punjab, and Delhi	735	1,75,401	239	706	2,09,093	296	61,54,919	286	56,24,396	269	. . .	5,30,523
18th ditto	Madras	861	1,17,791	137	861	1,18,144	137	37,35,998	150	38,85,490	158	1,49,492	. . .
18th ditto	South Indian	655	77,251	118	654	72,210	110	22,63,014	119	25,18,197	134	2,55,183	. . .
18th ditto	Great Indian Peninsula	1,450	4,37,377	302	1,450	5,02,605	347	1,77,49,084	421	1,77,79,499	426	30,415	. . .
18th ditto	Bombay, Baroda, and Central India	461	1,81,895	395	461	1,80,644	392	61,13,677	457	61,55,604	465	41,927	. . .
	Total	4,709	10,84,751	230	4,726	11,66,209	247	3,91,70,046	286	3,87,31,611	286	. . .	4,38,435
	State.												
25th Oct. 1884	East Indian	1,509	7,55,472	501	1,509	7,98,181	529	2,76,15,644	631	2,21,75,641	512	. . .	54,40,003
18th ditto	Eastern Bengal(a)	228	1,10,119	483	233	1,60,499	689	28,55,480	432	27,67,229	414	. . .	88,251
25th ditto	Nalhati	27	1,484	55	27	1,584	59	45,555	58	43,921	56	. . .	1,634
18th ditto	Northern Bengal	239	37,331	156	249	51,430	207	11,54,617	169	11,11,087	155	. . .	43,530
18th ditto	Kaunia-Dharla	32	2,202	69	37	3,525	95	56,647	61	71,531	72	14,884	. . .
25th ditto	Tirhoot	166	12,817	77	226	21,478	95	4,75,643	99	6,59,345	114	1,83,702	. . .
25th ditto	Patna-Gya	57	8,028	140	57	11,636	204	2,53,253	153	2,91,847	178	38,594	. . .
18th ditto	Cawnpore-Achnera	138	9,770	71	241	14,497	60	2,98,460	74	4,86,416	70	1,78,956	. . .
25th ditto	Dildarnagar-Ghazipur	12	678	56	12	705	59	25,490	73	27,235	79	1,745	. . .
25th ditto	Rajputana-Malwa	1,117	1,96,123	176	1,120	2,08,610	186	65,47,831	202	62,21,989	194	. . .	3,25,842
25th ditto	Rewari-Ferozepur	89	4,554	51	241	13,350	55	2,21,875	86	3,84,065	90	1,62,190	. . .
25th ditto	Wardha Coal	45	7,817	174	45	9,340	208	3,81,697	292	2,89,081	224	. . .	92,616
25th ditto	Nagpur and Chhattisgarh	149	10,778	72	149	12,322	83	6,70,033	155	6,60,698	154	. . .	9,335
18th ditto	Burma	161	25,289	157	254	36,251	143	7,44,786	160	10,13,751	151	2,68,965	. . .
25th ditto	Sindia	75	9,245	123	75	7,698	103	1,71,555	79	1,88,630	88	17,075	. . .
18th ditto	Punjab Northern	421	52,611	125	447	72,985	163	17,53,277	144	16,67,430	130	. . .	85,847
18th ditto	Indus Valley	660	1,18,606	180	660	1,20,100	182	40,80,763	213	39,63,396	209	. . .	1,17,367
18th ditto	Amritsar-Pathankot	. . .	. . .	.	66	6,032	91	. . .	. .	1,13,164	66	1,13,164	. . .
	Total	3,616	6,07,452	168	4,189	7,52,042	182	1,97,36,962	188	1,99,60,815	169	2,23,853	. . .
	Assisted Companies.												
18th Oct. 1884	Bengal Central	35	2,027	58	126	7,397	59	61,770	61	2,60,150	73	1,98,380	. . .
18th ditto	Assam	40	1,724	43	70	5,623	80	(b)28,253	51	1,10,241	59	81,988	. . .
25th ditto	Southern Mahratta	. . .	. . .	.	214	5,773	27	. . .	. .	91,729	27	91,729	. . .
18th ditto	Bengal and North-Western	. . .	. . .	.	69	1,430	21	. . .	. .	(c)43,337	22	43,337	. . .
	Total	75	3,751	50	479	20,223	42	90,023	58	5,05,457	47	4,15,434	. . .
	Native States.												
18th Oct. 1884	Bhavnagar-Gondal	193	14,094	73	193	15,950	83	5,30,936	95	6,55,157	118	1,24,221	. . .
25th ditto	Jodhpur	19	675	36	44	1,320	30	21,038	38	27,659	28	6,621	. . .
18th ditto	Nizam's	121	15,737	130	121	15,650	129	4,46,862	127	5,39,529	155	92,667	. . .
18th ditto	Mysore	86	6,290	73	129	7,318	57	1,67,285	67	2,03,250	68	35,965	. . .
	Total	419	36,796	88	487	40,238	83	11,66,121	96	14,25,595	110	2,59,474	. . .
	GRAND TOTAL	10,328	24,88,222	241	11,340	27,76,893	245	8,77,78,796	294	8,27,99,119	261	. . .	49,79,677
	Gross Estimated Expenses	. . .	. . .	.	. . .	. . .	.	4,26,46,132	143	4,14,38,531	131	. . .	. . .
	Net Receipts	. . .	. . .	.	. . .	. . .	.	4,51,32,664	151	4,13,60,588	130	. . .	37,72,076

(a) Excludes share of the earnings of the Bengal Central Railway, but includes the receipts of the late Calcutta and South-Eastern State Railway.

(b) Total receipts from 16th July to 20th October 1883.

(c) Total receipts from 2nd April to 18th October 1884.

FRED. FIREBRACE, Major, R.E.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL KHARIF, NORTH-WESTERN PROVINCES, 1884, UP TO 30th SEPTEMBER 1884.

Canal Division.	Water distributed during September 1884. Depth in canal at regulating gauge in feet. Full supply.	Actual average throughout.	Gross consumption, cubic feet per second. Allotted discharge.	Actual average throughout.	Total area of irrigation during current fasl.	Total area for the corresponding period of last year.
					Acres.	Acres.
Upper Ganges. Northern	10·60	. .	850	. .	49,899	49,945
Upper Ganges. Anúpshahr	7·00	. .	1,100	. .	58,324	58,654
Upper Ganges. Meerut	8·10	. .	850	. .	67,801	78,024
Upper Ganges. Bulandshahr	7·20	. .	900	. .	81,133	81,483
Upper Ganges. Aligarh	5·50	. .	1,200	. .	87,815	87,825
Total Upper Ganges Canal	. .	. .	4,900	. .	344,972	355,931
Lower Ganges. Narora	9·00	2·44	1,100	. .	19,819	14,592
Lower Ganges. Mainpuri	7·00	. .	700	40	27,511	34,043
Lower Ganges. Cawnpore	. .	0·9	1,300	. .	44,768	50,331
Lower Ganges. Etáwah	. .	1·1	1,050	. .	59,675	65,156
Lower Ganges. Bhognipur	6·70	0·65	1,050	. .	37,817	25,818
Total Lower Ganges Canal	. .	. .	5,200	40	189,590	189,940
Eastern Jumna Canal	4·74	2·81	1,300	320	91,415	111,547
Agra Canal	8·50	. .	1,300	. .	63,755	59,489
Rohilkhand	. .	. .	. .	. .	30,440	31,034
Bijnor	. .	. .	. .	. .	3,025	1,516
Dún	. .	. .	. .	. .	5,016	4,585
Jhánsi	. .	. .	. .	. .	2	55
Hamírpur	. .	. .	. .	. .	9	51
Total	. .	. .	. .	. .	728,224	754,148

Zila.	Land irrigated (approximate). Sugarcane.	Indigo.	Rice.	Cotton.	Other food-grains.	Fodder crops.	Miscellaneous.	Total.	Rainfall. Total from 1st April to end of September 1884.	Average of ten previous years for the same period.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	In.	In.
Sahâranpur	17,828	2,529	27,083	617	319	292	2,013	50,681	45·9	28·3
Muzaffarnagar	39,519	8,558	23,323	2,254	152	818	4,387	79,341	37·2	26·5
Meerut	65,087	30,148	7,785	10,912	4,435	4,452	2,370	125,189	36·6	25·0
Bulandshahr	5,268	61,792	108	13,799	7,450	3,904	1,415	93,766	26·1	22·4
Aligarh	314	46,453	293	8,481	5,522	419	1,336	62,848	46·3	21·8
Muttra	301	14,333	. .	8,519	228	261	3,171	26,813	26·7	29·5
Agra	495	9,399	. .	1,092	172	208	935	12,301	24·4	22·0
Etah	832	30,384	216	3,365	2,126	95	1,233	38,281	29·6	23·8
Mainpuri	1,961	34,882	281	1,330	1,376	94	701	40,625	38·5	28·5
Fatehgarh	2,033	16,840	50	123	447	12	345	19,850	20·0	25·7
Etáwah	2,827	47,835	364	115	958	458	432	53,589	24·5	21·9
Cawnpore	3,469	53,666	839	. .	1,286	4	1,488	60,752	15·7	2[illegible]·7
Delhi	. .	19	. .	166	. .	. .	. .	185	31·3	23·0
Gurgaon	171	12,753	. .	10,767	229	1,479	1[illegible]1	25,511	28·5	21·9
Dehra Dún	563	. .	4,066	3	17	. .	3[illegible]7	5,01[illegible]	73·1	65·3
Bijnor	2,361	. .	664	. .	. .	. .	. .	3,025	50·8	32·8
Tarái	731	. .	1,920	. .	. .	. .	. .	2,651	30·1	41·5
Pilibhít	2,241	. .	3,900	. .	. .	. .	. .	6,141	31·9	41·6
Bareilly	8,916	. .	12,726	. .	. .	. .	. .	21,642	47·3	35·5
Jhánsi	1	. .	. .	. .	. .	. .	1	2	14·6	27·1
Hamírpur	1	. .	1	. .	. .	. .	7	9	16·9	25·5
Total	154,949	369,591	84,249	61,543	25,0[illegible]8	12,526	20,352	728,218	. .	. .
Total for the same period last year	157,950	301,568	94,071	68,728	91,196	19,760	20,875	754,148	. .	. .
Increase	. .	68,023	. .	. .	. .	. .	. .	. .	. .	. .
Decrease	3,001	. .	9,722	7,185	66,188	7,234	523	25,930	. .	. .

Remarks.

		Cubic feet per second.
Supply—		
Entering head of Ganges Canal		Nil.
" of Lower Ganges Canal		600
	Total	600
Expended—		
Ganges Canal		Nil.
Lower Ganges Canal		40
Escaped—		
Narora Dn., L. G. C., Main Canal, Nadrai Escape	560	
Ditto ditto Mile 31 Percolation	40	
Mainpuri ditto Bewar Branch, tail	44	
Cawnpore ditto Tail	172	
Etáwah ditto Tail	233	
Bhognipur ditto Balrai Escape	47	
		1,096
		1,136
Deduct drainage water 340 + water received from Upper Ganges Canal		536
		600

Executive Engineer, Northern Division, Ganges Canal, reports—Late rice was supplied with water during the month. Rainfall at end of month caused demands to cease. Gram sown during the last few days destroyed by rainfall and some kharif crops injured. Rice still very high.

Executive Engineer, Bulandshahr Division, Ganges Canal, reports—There has been no irrigation during the month; the 5,721 acres increased are difference between actual measurement and assumed area by Shudkar.

Executive Engineer, Mainpuri Division, Lower Ganges Canal, reports—Average rainfall 14·1 inches.

Executive Engineer, Cawnpore Division, Lower Ganges Canal, reports—Chief decrease in sugar and food grains. The decrease on former is due to low supplies of water in April, and on latter to heavy rainfall.

Executive Engineer, Etáwah Division, Lower Ganges Canal, reports—Very heavy rain up to end of month and canal closed throughout. The falling off in irrigation was principally in the inferior crops and was due to the continuous rain.

Executive Engineer, Eastern Jumna Canal, reports—Decrease owing to plentiful and continuous rain in August and September. The falling off has been in cotton, fodder, rice and other food grains, chiefly the latter. There is an increase in sugarcane and indigo. Canal closed from 25th. Very heavy rain on 30th.

Executive Engineer, Rohilkhand Canal, reports—General rain on 1st, 2nd, and 14th; no demand except for Batwa rice in places. Heavy rain set in on 25th and continued until the 3rd and 4th October. All the rivers in very heavy flood and most of the country south of the Tarai submerged. Canal banks much cut about by drainage breaches. Rice has not suffered much except early rice in parts; makka and cotton damaged; gram and linseed which had been sown is spoilt. No serious damage to canals reported except at Kicha weir, where river set on to left bank above weir and broke into canal. The heavy and late rains will cause delay in rabi sowings, and there will be scarcely any demand for canal water. Much sickness prevails since the late rain.

Executive Engineer, Dun Canals, reports—Demand slack during month. Late rain at end of month caused some damage to crops. Rice harvest in progress.

Meerut, Bijnor, Jhánsi, and Hamírpur returns reported blank.

No remarks from the other Divisions.

Note.—The canals being closed, the Traffic Returns of both the Agra and Ganges Canals are blank.

Allahabad,
The 20th October 1884.

H. W. CONDUITT,
Offg. Asst. Secy. to Govt., N.-W. P. and Oudh, P. W. D., Irrigation Branch.

B



The Gazette of India.

PUBLISHED BY AUTHORITY.

No 47.} CALCUTTA, SATURDAY, NOVEMBER 22, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General.

Nothing for publication.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

Nothing for publication.

SUPPLEMENT No. 47.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Camp Delhi, the 18th November 1884.

It is hereby notified that His Excellency the Viceroy will arrive at the Sealdah Railway Station at 4-20 P.M. on the 2nd December 1884, instead of at 3-5 P.M., as notified in the *Gazette of India* of the 8th November 1884.

By Command,

WILLIAM BERESFORD, *Captain,*

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATION.—PUBLIC.

Calcutta, the 18th November 1884.

No. 1902.—The Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, and a Baronet, is expected to arrive at

Aden on or about December 2nd, and at Bombay on the 9th idem, to assume the office of Viceroy and Governor General of India.

The Resident at Aden will receive Lord Dufferin with all the honours and distinctions which are due to the Viceroy of India.

His Excellency the Governor of Bombay will make arrangements, in communication with the Naval authorities, for the landing and reception of Lord Dufferin at Bombay with all the honours and distinctions which are due to the Viceroy of India.

An Aide-de-Camp of the Viceroy will proceed to Bombay to attend upon Lord Dufferin throughout his journey from Bombay to Calcutta.

One of the principal civil officers of each Government or Administration, will be deputed to meet Lord Dufferin as he enters the limits of such Government or Administration, and will remain in attendance upon His Lordship until he passes beyond those limits.

At the Railway stations at which halts are made for rest and refreshment, Civil and Military officers will be in attendance. There will also be a Guard-of-Honour upon the platform.

Should Lord Dufferin make any stay at Allahabad, His Honour the Lieutenant-Governor of the North-Western Provinces will make all arrangements, in communication with the Military authorities, for His Lordship's reception in a suitable manner.

At stations between Bombay and Howrah, other than those mentioned in the two preceding paragraphs, the attendance of officers is dispensed with.

Proper police precautions will be taken at all the stations along the line at which the train stops.

Upon Lord Dufferin's arrival at the Howrah terminus of the East Indian Railway, His Lordship will be received by the Secretaries to the Government of India and by the Military Secretary and Aides-de-Camp to the Viceroy.

The following officers will also be in attendance upon the Howrah Railway platform:—

The Commissioner of Burdwan.

One of the Secretaries to the Government of Bengal.

The Brigadier-General Commanding the Presidency District, with the District Staff.

The Commissioner of Police and Chairman of the Justices of the Peace for the Town of Calcutta.

The Sheriff of Calcutta.

The Magistrate of Howrah.

A Guard of Honour of Native Infantry will be drawn up at the Howrah terminus.

Lord Dufferin, attended by his personal staff, by the Secretaries to the Government of India, by the Military Secretary and Aides-de-Camp of the Viceroy, will proceed to Government House in the Viceroy's carriages escorted by the Body Guard.

The line of route will be lined throughout by troops under the orders of the Brigadier-General Commanding the Presidency District.

A Royal Salute will be fired from the ramparts of Fort William as the cortége appears upon the Hooghly Bridge.

A Guard of Honour of British Infantry and a Guard of Honour of the Calcutta Volunteer Rifles will be drawn up opposite the grand entrance of Government House.

Lord Dufferin will be received as he alights from the carriage at the foot of the grand staircase by His Honour the Lieutenant-Governor of Bengal attended by his personal staff.

All the Civil and Military officers of Government at the Presidency will be in attendance upon the grand staircase of Government House, Consular Officers and other representatives of Foreign Governments at Calcutta, and all non-official gentlemen, are invited to be present upon the grand staircase.

His Excellency the Viceroy and Governor General, attended by his personal staff and the Members of the Governor General's Council, will receive Lord Dufferin at the top of the grand staircase, and will conduct His Lordship to the Throne-room.

Shortly afterwards, Lord Dufferin will proceed with the Members of the Governor General's Council to the Council Chamber, where His Lordship's Commission from Her Majesty the Queen-Empress will be read by the Home Secretary.

A Royal Salute will then be fired from the ramparts of Fort William in honour of Lord Dufferin upon his assumption of the Office of Viceroy and Governor General of India.

The troops may then be withdrawn.

Full dress will be worn by all officers, Civil and Military, on this occasion, and evening dress by all gentlemen not entitled to wear uniform.

The date and hour of Lord Dufferin's arrival at Howrah will be notified hereafter.

By Order of His Excellency the Viceroy and
Governor General of India in Council,

A. MACKENZIE,
Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Calcutta, the 21st November 1884.

No. 1718.—Mr. H. F. Clogstoun, Accountant General, Madras, having returned from privilege leave, resumed charge of his duties from Mr. W. Donald, before noon, on the 6th November 1884.

Mr. W. Donald, Deputy Accountant General, Madras, resumed charge of his duties from Mr. H. S. Groves, before noon, on the 6th November 1884.

No. 1721.—Mr. T. H. Biggs having been appointed to officiate as Deputy Accountant General, Punjab, made over charge of his duties as Assistant Comptroller General, after noon, on the 11th November 1884.

No. 1726.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

October 1884. **(Lakhs of Rupees.)**

[For the explanation of these heads, *see Gazette of India*, dated 22nd December 1883, Part 1, page 497.]	In October.		To end of October.		Whole year.	
	1884-85.	1883-84.	1884-85.	1883-84.	Budget, 1884-85.	Actuals. (Preliminary) 1883-84.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation)	40	31	8,82	8,98	22,40	22,74
Opium	76	78	5,06	5,44	8,59	9,56
Salt	55	45	3,56	3,41	6,33	6,14
Stamps	20	18	2,05	2,03	3,53	3,50
Excise	32	30	2,30	2,20	3,80	3,83
Provincial Rates	9	6	1,17	1,24	2,74	2,81
Customs	6	6	51	61	1,29	1,19
Assessed Taxes	1	2	45	46	52	52
Forest (Madras and Bombay only)	2	2	14	13	38	34
Registration	2	2	17	16	26	26
Tributes from Native States	4	4	24	24	70	72
Other Civil Revenue	14	19	1,58	1,58	3,00	3,05
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS	2,61	2,43	26,05	26,48	53,54	54,66
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works	— 37	— 38	— 2,26	— 2,28	— 3,80	— 3,74
Opium	— 4	— 5	— 2,65	— 1,58	— 2,35	— 1,86
Exchange on transactions with London	— 14	— 20	— 1,44	— 2,04	— 3,72	— 3,93
Other Civil Expenditure	— 1,49	— 1,60	— 11,17	— 10,96	— 21,08	— 19,73
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS	— 2,04	— 2,23	— 17,52	16,86	— 30,95	— 29,26
Extraordinary Receipts	...	...	...	...	...	...
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more,—Receipts less, than issues)	+ 8	+ 3	+ 39	+ 28	+ 47	+ 44
Forest, Telegraph, Marine (Net as above)	— 2	— 1	— 12	— 7	— 10	— 8
Guaranteed and subsidized Railways (Net as above)	+ 34	+ 26	+ 2,52	+ 2,63	+ 4,65	+ 4,75
Do. Repayment of surplus profits, &c.	...	...	— 3	— 19	— 45	— 59
Military Receipts	+ 3	+ 11	+ 34	+ 48	+ 88	+ 83
Military issues	— 1,02	— 1,03	— 6,84	— 6,71	— 11,88	— 11,66
Public Works Department—						
State Railways Receipts	+ 29	+ 17	+ 1,81	+ 1,29	} — 2,09	+ 2,42
" " Issues	— 39	— 30	— 3,21	— 2,33		— 4,53
East Indian Railway Receipts	+ 31	+ 31	+ 2,17	+ 2,63	} + 2,45	+ 4,54
" " " Issues	— 8	— 12	— 81	— 91		— 1,62
Ordinary Branches Receipts	+ 6	+ 9	+ 97	+ 97	} — 4,96	+ 1,90
" " Issues	— 43	— 52	— 3.75	— 3,99		— 7,31
TOTAL NON-CIVIL DEPARTMENTS	— 83	— 1,01	— 6,56	— 5,83	— 11,03	— 10,91
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more,—Receipts less, than payments)	...	+ 49	— 2	+ 2,51	+ 2,50	+ 2,50
Mint Certificates and Bullion Advances (Net as above)	+ 2	— 4	+ 18	+ 33	+ 3	+ 33
Council Bills paid (including Telegraphic) at R10 per £	— 39	— 83	— 6,39	— 10,07	— 16,50	— 18,84
Other Debt heads (Net as above)	...	— 12	+ 50	+ 4	+ 98	— 10
TOTAL DEBT AND REMITTANCE TRANSACTIONS	— 37	— 50	— 5 73	— 7,19	— 12,99	— 16,11
GRAND TOTAL RECEIPTS AND ISSUES	— 63	— 1,31	— 3,76	— 3,40	— 1,43	— 1,62
Opening Cash Balance in Treasuries and Presidency Banks	10,07	12,73	13,20	14,82	12,44	14,82
Closing Cash Balance in Treasuries and Presidency Banks	9,44	11,42	9,44	11,42	11,01	13,20

J. F. FINLAY,
for Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 21st November, 1884.

APPOINTMENTS.

No. 614.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Secretary of State for India :—

Lieutenant Francis Vaughan Whittall, Leinster Regiment, Officiating Wing Officer, 2nd Infantry, Hyderabad Contingent,—1st August, 1883.

No. 615.—ARMY STAFF—

With the approval of the Secretary of State for India in Council, His Excellency the Governor-General in Council is pleased to appoint Colonel Sir T. D. Baker, K.C.B., A.D.C., half pay, Adjutant General in India, with the local rank of Major-General, *vice* Major-General Sir G. R. Greaves, K.C.M.G., C.B., whose period of service in that appointment has expired. Dated 7th November, 1884.

No. 616.—DIVISIONAL STAFF—

Major-General H. N. D. Prendergast, C.B., V.C., R.E., Commanding the British Burmah Division, to command the Hyderabad Subsidiary Force, *vice* Major-General Sir C. P. Keyes, K.C.B., who has resigned that appointment. Dated 7th November, 1884.

No. 617.—PERSONAL STAFF—

The following appointment has been made on the personal staff of Major-General J. I. Murray, C.B., Commanding the Oudh Division :—

Lieutenant L. S. Peyton, Bengal S. C., Squadron Officer, 11th Bengal Lancers, to be Aide-de-Camp. Dated 25th October, 1884.

No. 618.—ORDNANCE DEPARTMENT—

Captain A. H. Browne, R A., Commissary of Ordnance, 3rd class, to be Commissary of Ordnance, 2nd class, *vice* Captain H. P. Willoughby, R. A., who has resigned that appointment. Dated 1st November, 1884.

No. 619.—COMMISSARIAT DEPARTMENT—

Lieutenant F. W. Repton, Bengal S.C., Wing Officer, 28th Native Infantry, to be a Sub-Assistant Commissary General, 2nd class, on probation, with effect from the 17th October, 1884, *vice* Major A. T. S. A. Rind, seconded.

No. 620.—PUNJAB FRONTIER FORCE—

1st Punjab Cavalry.

Lieutenant D. G. L Shaw, Hampshire Regiment, Wing Officer, on probation, 14th Madras Native Infantry, to be Officiating Squadron Officer, on probation, *vice* Captain E. Lloyd, whose services have been placed temporarily at the disposal of the Foreign Department.

FURLOUGH AND LEAVE.

No. 621.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Major A. Harden, General List, Infantry, Wing Officer, 2nd (Queen's Own) Native Infantry (m. c.) under the regulations of 1875.

Captain R. Jennings, R E., Assistant Engineer, 1st grade, Military Works Department (p. a) for one year, under rule IX of the regulations of 1868.

Captain J. A. C. Wedderburn, Bengal S. C., Wing Officer, 2nd (Queen's Own) Native Infantry, (m. c.) for one year, under rule I of the regulations of 1875.

Lieutenant A. A. Lane, Bengal S. C., Wing Officer and Adjutant, 28th Native Infantry, (m. c.) for one year, under rule I of the regulations of 1875.

Lieutenant A. B. Pritchard, Bengal S. C., Wing Officer and Quartermaster, 8th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Lieutenant A. W. T. Radcliffe, Bengal S. C., Wing Officer and Quartermaster, 14th Native Infantry, (p a.) for 303 days, under rule I of the regulations of 1875, embarking on or after the 2nd January, 1885.

Lieutenant E. H. Rodwell, Bengal S. C., Wing Officer and Quartermaster, 2nd Punjab Infantry, (p. a.) for 182 days, under rule I of the regulations of 1875.

Lieutenant J. G. Ramsay, Bengal S. C., Wing Officer and Adjutant, 24th Native Infantry, (p. a.) for one year, under rule I of the regulations of 1875.

Surgeon-Major R. Power, (p. a.) for one year and thirty days, under rule IX of the regulations of 1868.

Conductor J. Fairley, 1st Assistant Master, Thomason College, Roorkee, Public Works Department, (m. c.) for one year, under rule I of the regulations of 1875.

Conductor J. Combe, Ordnance Department, (m c.) for one year, under the regulations of 1868.

Sub-Conductor W. Steele, Ordnance Department, (m. c.) for one year, under rule VI of the regulations of 1875.

No. 622.—Major-General R. Blair, Infantry, is permitted to reside out of India.

No. 623.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India :—

Major J. S. Tait, Bengal S. C., (p. a.) for one month.

Captain B. M. Allen, Bengal S.C., (p. a.) for four months.

Captain E. W. Chalmers, Bengal S.C., (p. a.) for three months.

Captain F. M. Rundall, Bengal S.C., (p. a.) for one month.

Captain R. C. Hadow, Bengal S.C., (p. a.) for six weeks.

Brigade Surgeon J. Jones, M.D., (u. p. a.) without pay, for one month and 17 days.

No. 624.—The extension of furlough (u. p. a.) granted to Captain H. L. Wells, R.E., in G.G.O. No. 595 of 1884, is without pay.

PROMOTIONS.

No. 625.—The following promotions are made, subject to Her Majesty's approval :—

Bengal Army.

CAVALRY.

To be Lieutenant-Colonels.

Major and Brevet Lieutenant-Colonel Henry Alexander Shakespear,—20th November, 1884.

Major Fendall Currie,—20th November, 1884.

No. 626.—G. G. O. No. 535 of 1884 is cancelled.

No. 627.—NATIVE ARMY—

24th Native Infantry.

Jemadar Chungay Khan to be Subadar, *vice* Subadar Ruheem Ally, deceased,—11th September, 1884.

4th Goorkha Regiment.

Havildar Bahadur Sing Thappa to be Jemadar, *vice* Jemadar Suntoo Goorung, deceased,—17th October, 1884.

No. 628.—VOLUNTEER CORPS—

East Indian Railway Volunteer Rifle Corps.

Color-Sergeant Charles John Simmons to be Lieutenant, *vice* Lieutenant T. R. Browne, promoted.

Rangoon Volunteer Rifle Corps.

Captain G. G. B. Van Someren to be Major-Commandant, *vice* Major J. R. McCullagh, R.E., who has resigned that appointment.

RETIREMENTS.

No. 629.—The undermentioned officers have been permitted to retire from the service with effect from the dates specified, subject to Her Majesty's approval :—

Lieutenant-Colonel and Brevet Colonel Brydges Robinson Branfill, Cavalry,—10th November, 1884.

Major Robert Edward Seymour Smyth, General List, Infantry,—15th November, 1884.

Brigade Surgeon Charles Kilkelly, M.B.,—14th October, 1884.

No. 630.—Surgeon F. J. Tuohy, M.D., is placed on temporary half pay, with effect from the 21st November, 1884, subject to Her Majesty's approval.

No. 631.—VOLUNTEER CORPS—

The Eastern Bengal Railway Volunteer Rifle Corps will in future be designated the "Eastern Bengal *State* Railway Volunteer Rifle Corps."

E. H. H. COLLEN,

Officiating Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 20th November, 1884.

Statement of Deposits on account of Estates from the 11th to the 20th November, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					R a. p.		
British Military Service.							
Charles Wilbraham Ford (*a*).	Lieutenant .	York and Lancaster Regiment.	19th July, 1884.	Intestate .	743 14 9	. .	. . .
Indian Military Service.							
Edward Newbery (*b*). .	Major .	Bengal Staff Corps.	2nd June, 1884.	Will left .	26 14 0	. .	. . .

(*a*) *Next-of-kin.—Father*—Revd. Charles Newry Ford.
Bishopton Vicarage, Ferry Hill, Yorkshire.
Administrator General, Bengal, administering.
(*b*) *Vide* Notification of 13th October, 1884.

E. H. H. COLLEN,

Officiating Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 22, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

	R	a.	p.
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Postage on single copies varies according to weight.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

E. J. DEAN,

Publisher, Gazette of India.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 15th November 1884.

No. 481.—Consequent on the retirement of Brevet Colonel B. R. Branfill, B.C., Deputy Superintendent, 1st Grade, the following promotions are made, with effect from the forenoon of the 10th November 1884:—

Major G. Strahan, R.E., Deputy Superintendent, 2nd Grade (on furlough), to be Deputy Superintendent, 1st Grade.

Major W. J. Heaviside, R.E., Officiating Deputy Superintendent, 2nd Grade, is confirmed in that Grade.

Mr. H. Horst, Officiating Deputy Superintendent, 3rd Grade, is confirmed in that grade.

Major R. Beavan, S.C., Officiating Deputy Superintendent, 4th Grade, is confirmed in that grade.

Mr. F. W. Kelly, Officiating Assistant Superintendent, 1st Grade, is confirmed in that grade.

The 17th November 1884.

No. 482.—Mr. S. O. Madras, Assistant Surveyor, 1st Grade, Survey of India, is granted under Section 138, Chapter X, of the Civil Leave Code, privilege leave for three months, with effect from 20th November 1884, or such date as his services can be spared.

H. R. THUILLIER, *Lieut.-Col., R.E.,*

Deputy Surveyor General,

for *Surveyor General of India.*

SURVEY OF INDIA—REVENUE BRANCH.

NOTIFICATION.

Calcutta, the 15th November 1884.

No. 5 *R.*—Mr. D. A. King, Surveyor, 4th Grade, is granted privilege leave for thirty-six days, under the provisions of Chapter X, Section 138, of the Civil Leave Code, with effect from the 26th September 1884.

H. R. THUILLIER, *Lieut.-Col., R.E.,*
Deputy Surveyor General,
in charge Revenue Branch, Survey of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 12th November 1884.

No. 3497.—With reference to Foreign Department Notification No. 1997 G., dated the 16th October 1884, Captain H. M. Temple assumed charge of his duties as Boundary Settlement Officer in Bundelkhand, and *ex-officio* Assistant to the Political Agent, on the forenoon of the 31st October 1884.

By Order,
C. W. RAVENSHAW, *Capt.,*
for 1st Asst. to the Agent to the Govr. Genl.
for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Mount Abu, the 11th November 1884.

No. 3472 *G.*—Surgeon-Major T. H. Hendley, Residency Surgeon, Eastern Rajputana States, returned from furlough and re-assumed charge of his duties from Surgeon-Major D. N. Martin, on the forenoon of the 26th October 1884.

The 13th November 1884.

No. 3471 *G.*—Surgeon W. W. Webb, Officiating Medical Officer of the Meywar Bhil Corps, returned to duty on the 21st of October 1884 from the privilege leave granted him in this Office Notification No. 2935 G., dated 26th September 1884.

Third Class Hospital Assistant Gopaldass held medical charge of the Meywar Bhil Corps, from the 18th of August to the 20th of October 1884, both days inclusive.

By Order,
W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 11th November 1884.

No. 24 *C.*—The Chief Commissioner of Ajmir-Merwara is pleased to invest Mir Abdul Aziz, Naib Tehsildar of Beawar, with the undermentioned powers, to be exercised within the limits of the Beawar Tehsil :—

1. Powers of a Munsiff, as defined in Section 9 of Ajmir Courts' Regulation No. I of 1877.
2. Powers of a Magistrate of the 3rd Class, as defined in Section 32, Clause C of the Criminal Procedure Code (Act X of 1882).

Camp Ajmere, the 14th November 1884.

No. 34 *C.*—Under Sections 12 and 37 of Act X of 1882, Lieutenant R. D. C. Davies, Assistant General Superintendent, Thagi and Dacoity, Sujangarh, is invested with the powers of a Magistrate of the 3rd Class, and with the powers described in Section 206 of the said Act, to be exercised within the Ajmere-Merwara District.

By Order,
W. H. C. WYLLIE,
1st Asst. to the Chief Commr.

CHIEF COMMISSIONER OF AJMERE-MERWARA, IN THE P. W. D.

NOTIFICATION.

Camp Ajmere, the 12th November 1884.

No. 2795 *S.*—The land designated below being required for a public purpose, *viz.*, for the Ajmere Municipal Conservancy Tramway Scheme, declaration is made accordingly :—

District.	Purgunnah.	Village.	Area required.			Purpose for which required.	Remarks.
			Permanent.	Temporary.	Total Bighas.		
			Bighas.	*Bighas.*	*Bighas.*		
Ajmere	Ajmere	Ajmere	136	...	136	Ajmere Conservancy Project.	Plan can be seen at the Office of the Executive Engineer, Ajmere Provincial Division.
			46	45	91		
			1	...	1		

This declaration is made under Section 6 of Act X of 1870 (The Land Acquisition Act), and the Assistant Commissioner of Ajmere is hereby directed to take orders for the acquisition of the land specified above under Section 7 of that Act.

By Order,
W. G. CUMMING, *Major, R.E.,*
Offg. Secy. to the Chief Commr., Ajmere-Merwara,
in the P. W. D.

CHIEF COMMISSIONER OF COORG.

NOTIFICATIONS.

Bangalore, the 11th November 1884.

No. 20.—Bittiyandra Kalapa, Parpatigar of Kant-Murnad, is appointed to act as Subedar of the Mercara Taluk as a temporary arrangement, *vice* Mr. Kongandra Ganapatti, on other duty.

The 14th November 1884.

No. 21.—Mr. Kongandra Ganapatti, Subedar of the Mercara Taluk, assumed charge of the Office of the 2nd Assistant Commissioner of Coorg and of the District Treasury, on the forenoon of the 27th October 1884, in anticipation of the sanction of the Government of India to his appointment to act as 2nd Assistant Commissioner.

By Order,

H. WYLIE, *Major,*
Secretary to the Chief Commr. of Coorg.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 7th November 1884.

No. 55.—Captain J. F. Garwood, R.E., Executive Engineer, 2nd Grade, on return from furlough is posted to Beluchistan.

The 10th November 1884.

No. 56.—Major H. A. Graves, S.C., Executive Engineer, 4th Grade, on return from the six months' general leave granted him in Inspector General of Military Works' Notification No. 23, dated 3rd May 1884, is posted temporarily to the Rawalpindi Command, Military Works.

The 12th November 1884.

No. 57.—With reference to Government of India, Military Department, Memorandum No. 1107 M. W., dated 30th October 1884, Lieutenant R. V. Phillpotts, R.E., Assistant Engineer, 1st Grade, is posted to the Meerut Command, Military Works.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

Presidency and Oudh Command.

Lucknow, the 18th November 1884.

No. 4.—With reference to Inspector General of Military Works' Notification No. 47, dated the 29th October 1884, Captain N. Arnott, R.E., Executive Engineer, 2nd Grade, has been posted to the Barrackpore Division, Military Works, of which he took over charge from Captain W. H. Chippindall, R.E., Executive Engineer, 4th Grade, on the afternoon of the 3rd November 1884.

W. L. GREENSTREET, *Capt., R.E.,*
Supdg. Engr., Presdy. & Oudh Command,
Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Simla, the 11th November 1884.

No. 71.—With reference to Government of India, Public Works Department, Notification No. 274, dated 5th November 1884, Captain W. W. B. Whiteford, R.E., Executive Engineer, 3rd Grade, is posted to the Sind-Pishin State Railway, Northern Section.

No. 72.—With reference to Government of India, Public Works Department, Notification No. 280, dated 7th November 1884, Mr. G. M. Drury, Class II of the State Railway Superior Revenue Establishment, Traffic Department, is posted to the Rajputana-Malwa State Railway.

The 13th November 1884.

No. 73.—Mr. H. P. Burt, Assistant Engineer, 1st Grade, sub. *pro tem.*, is transferred from the Rajputana-Malwa Railway, to the Office of the Director General of Railways. The transfer is in the interests of the Public Service.

The 14th November 1884.

No. 74.—With reference to Government of India, Public Works Department, Notification No. 281, dated the 8th November 1884, the undermentioned Assistant Engineers, 2nd Grade, are posted to the Sind-Saugor Railway Surveys :—

Mr. C. E. A. Jones.
" R. H. Hackman.
" A. E. Orr.

No. 75.—Mr. H. S. Harington, Executive Engineer, 4th Grade, sub. *pro tem.*, has been granted by Her Majesty's Secretary of State for India, an extension of leave for one week in continuation of the twelve months' furlough previously granted him.

No. 76.—Mr. H. S. Harington, Executive Engineer, 4th Grade, sub. *pro tem.*, is, on return from furlough, posted to the Punjab Northern State Railway.

This cancels Director General's Notification No. 64, dated 13th October 1884.

No. 77.—Mr. E. W. Arundell, Executive Engineer, 4th Grade, is transferred from the Rewari-Ferozepore State Railway to the Sind-Saugor Railway Surveys.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

SOUTHERN MAHRATTA RAILWAY.

NOTICE.

Poona, the 15th November 1884.

Tenders are invited for the supply at Bellary of the following bridge-timbers of thoroughly seasoned sound teak, sawn and square, to be straight, free from cracks, knots, and flaws. The timber will be inspected and passed in Bombay or Bellary.

Prices to include cost of carriage to Bellary.

836 pieces 13′ 6″ × 8″ × 6″
836 " 13′ 6″ × 8″ × 5½″
836 " 13′ 6″ × 8″ × 5″

Tenders to be addressed to the Chief Engineer, Southern Mahratta Railway, Poona, on or before 27th November.

One-third of the timber of each size to be delivered at Bellary by 1st January 1885, and the remainder before 31st January 1885.

No. 1648.—*Account of Revenue and Expenditure of the Government of India for the first three*

N.B.—Amounts are converted into

	REVENUE.	Estimates, 1884-85.	April 1883 to June 1883.	April 1884 to June 1884.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue *	22,396,600	6,293,023	6,140,206	...	152,817
II	Opium	8,594,200	2,334,824	2,102,748	...	232,076
III	Salt	6,328,900	1,617,895	1,753,306	135,411	...
IV	Stamps	3,533,000	897,867	937,587	39,720	...
V	Excise	3,706,900	950,453	1,017,698	67,245	...
VI	Provincial Rates	2,740,300	851,369	805,435	...	45,934
VII	Customs	1,289,500	349,008	280,022	...	68,986
VIII	Assessed Taxes	518,100	286,972	286,833	...	139
IX	Forest	1,052,000	162,896	158,010	...	4,886
X	Registration	265,600	77,246	75,827	...	1,419
XI	Tributes from Native States	695,900	120,926	104,549	...	16,377
XII	Post Office	1,059,000	251,854	264,286	12,430	...
XIII	Telegraph	547,700	102,980	109,352	6,372	...
XIV	Mint	102,200	12,873	38,054	25,181	...
XV	Law and Justice	617,900	126,966	111,650	...	15,316
XVI	Police	308,800	70,964	72,908	1,944	...
XVII	Marine	205,900	34,000	31,034	...	2,966
XVIII	Education	198,700	48,772	42,298	...	6,474
XIX	Medical	46,100	12,603	9,634	...	2,969
XX	Scientific and other Minor Departments.	75,700	13,102	12,797	...	305
XXI	Interest	643,100	191,726	193,821	2,095	...
XXII	Receipts in aid of Superannuation, &c.	194,200	26,714	28,758	2,044	...
XXIII	Stationery and Printing	53,000	9,452	8,986	...	466
XXIV	Miscellaneous	248,300	44,867	53,547	8,680	...
		55,511,600	14,889,352	14,639,344	...	250,008
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,716,900	878,715	905,315	26,600	...
	East Indian Railway (Gross Earnings).	4,850,000	1,456,479	1,181,465	...	275,014
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,613,000	2,048,641	1,935,534	...	113,107
XXVII	Irrigation and Navigation (direct Receipts).	942,600	231,002	206,766	...	24,236
	Unproductive Public Works.					
XXIX	State Railways	196,100	20,718	51,890	31,172	...
XXX	Southern Mahratta Railway	...	...	3,306	3,306	...
XXXI	Irrigation and Navigation	140,700	23,266	24,255	989	...
XXXII	Military Works	37,700	6,202	5,070	...	1,132
XXXIII	Civil Buildings, Roads, and Services	520,600	108,449	108,990	541	...
XXXIV	Army	810,000	183,098	168,927	...	14,171
XXXV	Military Operations in Egypt	...	761	...	...	761
		70,339,200	19,846,683	19,230,862	...	615,821
	England, including Army, Public Works, &c.	221,200	79,345	70,777	...	8,568
	GRAND TOTAL	70,560,400	19,926,028	19,301,639	...	624,389

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,

Calcutta, the 20th November 1884.

months of the year 1884-85, as compared with the corresponding period of 1883-84.

sterling at R10 to the pound sterling.

	EXPENDITURE.	Estimates, 1884-85.	April 1883 to June 1883.	April 1884 to June 1884.	COMPARISON OF TWO YEARS	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt †	3,798,300	920,251	947,567	27,316	...
2	Do. on other Obligations	470,300	35,164	53,335	18,171	...
3	Refunds and Drawbacks	220,400	64,412	46,662	...	17,750
4	Assignments and Compensations	1,240,100	279,331	275,678	...	3,653
5	Land Revenue	3,340,100	698,886	751,564	52,678	...
6	Opium (including cost of production)	2,352,000	958,052	1,917,706	959,654	...
7	Salt (do. do.)	521,700	110,426	109,499	...	927
8	Stamps	85,600	21,256	23,259	2,003	...
9	Excise	98,600	23,104	22,188	...	916
10	Provincial Rates	53,000	9,153	9,229	76	...
11	Customs	142,000	34,061	35,631	1,570	...
12	Assessed Taxes	13,800	2,952	2,658	..	294
13	Forests	724,000	126,461	150,006	23,545	...
14	Registration	176,500	46,788	43,071	...	3,717
15	Post Office	1,146,500	267,366	268,577	1,211	..
16	Telegraph	628,700	118,188	117,990	...	198
17	Mint	73,400	21,037	20,905	...	132
18	General Administration	1,343,200	313,577	327,974	14,397	...
19	Law and Justice	3,376,700	785,630	815,079	29,449	...
20	Police	2,793,900	649,748	657,041	7,293	...
21	Marine (including River Navigation)	381,000	82,552	76,406	...	6,146
22	Education	1,237,100	265,993	265,764	...	229
23	Ecclesiastical	167,100	37,921	40,339	2,418	...
24	Medical	722,900	174,934	175,206	272	...
25	Political	548,200	103,738	119,926	16,188	...
26	Scientific and other Minor Departments	428,600	135,245	136,746	1,501	...
27	Territorial and Political Pensions	675,300	176,420	165,235	...	11,185
28	Civil Furlough and Absentee Allowances	900	187	8,058	7,871	...
29	Superannuation Allowances and Pensions	783,900	240,425	264,255	23,830	...
30	Stationery and Printing	383,300	82,059	84,700	2,641	...
31	Miscellaneous	268,600	78,970	66,044	...	12,926
32	Famine Relief	...	213	90	...	123
33	Protective Works—Railways	1,138,600	55,700	264,737	209,037	...
34	Do. do. Irrigation	310,100	63,900	53,339	...	10,561
35	Reduction of Debt	301,300	...	...	...	...
49	Exchange on transactions with London	3,538,100	1,117,295	840,437	...	276,858
		33,483,800	8,101,395	9,156,901	1,055,506	...
	Productive Public Works.					
36	State Railways (Working Expenses)	2,027,700	436,658	504,830	68,172	...
	East Indian Railway (Working Expenses)	2,052,500	554,354	587,800	33,416	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision).	530,000	107,959	48,957	...	59,002
38	Irrigation and Navigation (Working Expenses).	562,100	118,000	135,641	17,641	...
39	Charges in respect of Capital— (c) Guaranteed Railways Interest	5,300	...	..	...	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	166,700	83,376	32,689	...	50,687
41	Do. (Working and Maintenance)	176,700	30,097	41,008	10,911	...
42	Subsidized Railways	66,200	8,144	10,512	2,368	...
	Southern Mahratta Railway	89,500	42,893	47,748	4,855	...
43	Frontier Railways	—73,000	46,611	—8,289	...	64,900
44	Irrigation and Navigation	752,200	185,030	154,519	...	30,511
45	Military Works	919,200	178,386	183,497	5,111	..
46	Civil Buildings, Roads, and Services	3,882,200	767,772	710,447	...	57,325
47	Army	12,121,300	2,904,775	2,992,424	87,649	...
48	Military Operations in Egypt	...	21,896	...	...	21,896
		56,762,400	13,587,346	14,588,684	1,001,338	...
	England, including Army, Public Works, Guaranteed Interest, &c.	13,993,200	3,356,506	3,619,589	263,083	...
		70,755,600	16,943,852	18,208,273	1,264,421	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,239,900	271,151	401,869	130,718	...
	East Indian Railway	540,000	81,567	—10,071	...	91,638
51	Irrigation and Navigation	948,300	143,114	132,829	...	10,285
52	Miscellaneous Public Improvements	...	6,871	...	...	6,871
	In England—					
	State Railways	2,035,700	218,782	365,364	146,582	...
	East Indian Railway	...	155,062	114,028	...	41,034
	Irrigation and Navigation	500	2,257	260	...	1,997
		4,764,400	878,804	1,004,279	125,475	...
	GRAND TOTAL	75,520,000	17,822,656	19,212,552	1,389,896	...

† Includes interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

Statement of the Affairs of the Bank of Bengal for the week ending 18th November 1884.

LIABILITIES.		R	a.	p.
Capital paid-up		2,00,00,000	0	0
Reserve Fund		41,59,296	4	4
Public Deposits at Head Office	R 1,13,46,514 a. 14 p. 6			
Public Deposits at Branches	72,19,454 1 5	1,85,65,968	15	11
Other Deposits at Head Office and Branches		2,83,44,970	2	6
Bank Post Bills, &c.		4,27,283	12	7
Sundries		15,00,395	7	7
RUPEES		7,29,97,914	10	11

ASSETS.		R	a.	p.
Government Securities		69,44,951	0	0
Other authorized Investments		38,19,202	8	0
Loans on Government and other authorized Securities		80,69,915	1	2
Accounts of Credit on Government and other authorized Securities		79,82,116	13	11
Bills discounted and purchased		1,51,57,074	2	10
Balances with other Banks		8,46,033	11	4
Bullion		28,577	12	11
Dead Stock		11,88,612	7	4
Stamps		9,027	0	0
Sundries		6,29,349	6	3
		4,46,74,859	15	9
Cash and Currency Notes at Head Office	R 1,63,55,156 a. 12 p. 8			
Cash and Currency Notes at Branches	1,19,67,897 14 6	2,83,23,054	11	2
RUPEES		7,29,97,914	10	11

By order of the Directors,

BANK OF BENGAL,
Calcutta, 20th November 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

Rate for Demand Loans 3 per cent.
Percentage 57·3.

Statement of Transactions of District Savings Banks and State Railway Provident Institutions for the quarter ending 31st March 1884.

PROVINCE.	Number of Banks open.	DEPOSITS. No.	DEPOSITS. Amount. R	a.	p.	WITHDRAWALS. No.	Amount of Principal. R	a.	p.	Amount, Interest. R	a.	p.	BALANCE. R	a.	p.
India	10	1,253	66,325	14	8	390	77,877	15	6	536	4	11	5,59,111	15	9
Central Provinces	18	492	68,235	0	5	301	1,00,642	15	5	1,225	3	7	5,80,403	11	0
British Burmah	14	552	34,070	11	1	365	72,827	4	8	474	9	5	2,46,966	8	2
Assam	11	394	39,850	8	7	267	49,716	15	11	413	14	11	3,61,654	5	3
Bengal	48	2,622	2,66,413	3	10	1,636	3,59,228	5	5	2,019	3	5	26,45,346	12	6
N.-W. Provinces and Oudh	49	3,581	1,84,167	3	9	1,009	2,23,596	13	2	1,407	4	0	18,07,739	2	10
Punjab	25	766	1,20,382	11	3	520	1,53,576	10	9	1,093	14	11	10,74,027	9	2
Berar	6	171	14,536	7	4	109	24,625	1	5	323	4	6	2,13,097	7	7
State Railways	11	30,750	2,23,574	3	5	1,328	1,12,450	13	0	1,215	3	0	10,24,161	6	7
TOTAL	192	40,581	10,17,556	0	4	5,925	11,74,542	15	3	8,708	14	8	85,12,508	14	10

J. WESTLAND,
Comptroller General.

CALCUTTA,
The 20th November 1884.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED OF General Treasury.	CERTIFICATES ISSUED OF Currency Department.	BALANCE OF BULLION Under Assay.	BALANCE OF BULLION Assayed.	BALANCE OF BULLION Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Nov. 10	...	...	2,99,022	19,93,430	1,48,05,880	1,30,47,665
" 11	...	...	3,05,272	17,06,705	1,52,07,701	1,33,59,486
" 12	...	...	1,48,108	15,69,397	1,53,56,943	1,35,08,728
" 13	...	...	2,86,158	13,00,444	1,56,49,289	1,38,01,034
" 14	...	62,711	2,85,434	10,32,154	1,59,40,798	1,40,28,590
" 15	1,17,134	97,715	2,92,457	8,74,728	1,62,39,526	1,42,27,011

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT,
The 19th November 1884.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
12	D 17—05580	50	The District Superintendent of Police, Simla.
13	D 20—45836	100	Ghazi Din, Allahabad.

ALLAHABAD,
The 19th November 1884.

A. H. ANTHONY,
Assistant Accountant General,
in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
190	P 45—28078	500	Mr. R. W. Sanderson, Foreign Office, Simla.
	P 40—03305	50	
191	P 40—60769	50	Shew Das Bissen Das, 43½ Sootaputty, Calcutta.
192	R 10—52437	100	Pran Kristo Mondul, 374 Jorasanko, Calcutta.
193	P 78—08144	1,000	Radha Kishen, Merchant, Amritsar.
194	R 10—42566	100	Bachoo Choudhri, Dulsing Sarai.
	" —42567	100	
196	R 9—11363	100	Nundo Lall Sett, 39 Clive Street, Calcutta.
	" —06915	100	
	" —04976	100	
197	R 9—90650	100	The Collector of 24-Pergunnahs, Alipore.
	" —90649	100	

CALCUTTA,
The 21st November 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
25	*E 19—56496	50	Manukchand, Shop-keeper, Amritsur.
26	†E 20—77563	100	R. W. Sanderson, Esq., Foreign Office, Govt. of India, at Oak Lodge, Simla.
	" —84700	100	
	" —84511	100	
	" —84512	100	
	E 19—68245	50	
	" —77336	50	
	" —77337	50	

* Belonging to Agency No. 7, Amritsur.
† Belonging to Agency No. 2, Simla.

LAHORE,
The 14th November 1884.

W. H. EGERTON,
for *Depy. Commr. of Paper Currency.*

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 19th November 1884.

Abro, W. P.
Aloese, Goffredo.
Allan, Alex.
Baker, C. W.
Bisnee, S. R.
Brandon, E. J.
Bright, T.
Brown, H. S.
Cunningham, W.
Evans. F. Bowle.
Fairtie, A. C.
Finchett, W. A.
Gonsalves, F. A.
Griffiths, S. Stanley.
Hope, Kirk.
How, B. J.
Hurbans & Co.
Kinney, T., Manager, "The Criterion."
Macdonald, J. P.
Mills, Arthur.
Minchin, C. N.
Perkins, Lieut. John D.
Pogson, Mrs. W. B.
Princep, C. R.
Psyllas, Michel G.
Rowe, C. F.
Smart, O.
Stevens, R. J. F.
Walkem, Mrs. J. W.
Watts, G. W.
Westwood, Mrs.

Letters marked "Care of Post Office."

Adda, Henry.
Amoss, Thomas.
Archdeacon of Colombo.
Armstrong, W. Cairns.
Avenel, Miss.
Boileau, Captain H.
Bott, Fred.
Boucher, J.
Brigg, E. A.
Caurey, Captain.
C. G.
Chancellor, Miss.
Chapman, Frank.
Clift, Mrs. H. W.
Cooper, H.
DeLa Grange, Baron Louis.
Dodd, Col, C. A.
E. S. H.
Faersternmann, Ignatz.
Fredalis, Soni.
Gill, F. N. G.
Gloster, Mrs.
Golding, Herbert.
Gray, John Raymond.
H. E. M.
H. M. W.
Harcourt, W. H.
Harman, J. M.
Hoskins, A. C.
Huddleston, John E. Leslie.
Hurst, W. H.
King, W.
Lampard, Henry.
Laughlin, R. C.
Lawless, Hiram.
Lewis, H.
Locke, Henry Hover.
Lopez, E.
Macdonald, Mrs. J.
May, Mrs. Lilion.
Meij, H.
Morris, Pierce M.
Murgatroyd, C. A.
Owen, L. C.
Q. R.
Ramioh, C. V.
"Regina."
"Rex."
Sestan, S.
"Stanhope."
Stern, Edward.
Thompson, James.
T. P. H. C.
Uren, Thomas.
Wallace, Col. W. A. J.
Wilson, Theos.

Registered Letters.

Bateman, W. E.
Cherkes, Laya.
Deverill, Geo.
Fereiourd, Duglass.
Gough, B. W.
Hedge, G.
Owen, Fritz Cunliffe.
Richter, Anton.
Robin, L.
Thibaud, Thomy.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 17th November 1884.

Beames, Mrs. E.
Chatterjee, Protab Chundro.
Croster, Capt.
Dalrymple, Mr.
Duncan, Staff Sergt. W.
Exe. Engr., N. Delta S. Dn.
Foley, Rev. T.
Funier, A. B.
Kendall, Rev. W. C.
Laudale, J.
Lane, C. H.
Oleannon, E. P.
Skinner, James.
Wilson, Mrs.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 22nd November 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Madras and Ceylon	20th Nov.	P. & O. Str. *Kaisar-i-Hind.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	25th "	From Bombay.
Foreign Mails *viâ* Bombay	25th "	From Bombay.*
Do. Book Post and Pattern Packets	24th "	Ditto.
Rangoon and Moulmein	26th "	Str. *Pemba.*†
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	26th "	Str. *Mahratta.*

* Also for Cape Colonies through United Kingdom can be forwarded.
† Also for Port Blair can be sent by this opportunity.
N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,
Presidency Post Master.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 22, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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M. C. PERREAU, *Colonel,*
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The Gazette of India.

No. 47.] CALCUTTA. SATURDAY, NOVEMBER 22, 1884.

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GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

SUMMARY OF THE WEATHER REPORTS FOR THE MONTH OF OCTOBER 1884.

No. $\frac{143 \text{ Met.}}{27\text{-}12.}$

Extract from the Proceedings of the Government of India Revenue and Agricultural Department, (Meteo.) dated Calcutta, the 21st November 1884.

READ—

Summary of the Weather Reports for October 1884.

The unsettled weather, which characterised September over the greater part of the country, continued, though in a somewhat modified degree, during the early part of October.

The month opened with a heavy downpour of rain over the North-West Himalaya and adjoining parts of the Punjab and North-Western Provinces, due to the small cyclonic vortex which originated in Rohilkand at the close of the previous month. This downpour was apparently heaviest at Naini Tal, where

on the 1st 10·70 inches,
on the 2nd 5·30 do.,
and on the 3rd 3 50 do.

of rain was measured. At this time the seat of lowest pressure lay over Sind, the Punjab, and Rajputana, but subsequently on a rise of pressure in North-Western India it was transferred to Behar and Chutia Nagpur, and there resulted a decided indrought of southerly and easterly winds from the Bay towards Bengal, Behar, and the lower part of the North-Western Provinces. These winds brought rain as far west as Agra and continued until the 4th or 5th. After that date, dry north-westerly and westerly winds were established all over Northern India. About the 6th rain ceased generally for a time, but

from the 24th to the 27th it again fell rather heavily over Bengal and extended to many stations in Upper India. In Bengal and on the Central Indian Plateau, about the 15th, the wind shifted to north-east and continued to blow from between north and east till the end of the month.

In the Peninsula very unsettled weather prevailed. During the first week the winds were chiefly from the westward, and slight local showers fell; but about the 9th the wind shifted to the ordinary winter monsoon direction, and till the close of the month, north-east winds have held over the whole of the Peninsula with much more than the normal steadiness. The following figures show the exceptional character of the wind during this month:—

Wind resultants.

	Allahabad.	Calcutta.	Bombay.	Madras.	Negapatam.
October 1884 .	N 45° W 44%	N 16° E 47%	N 62° E 68%	N 19° E 37%	N 49° W 23%
October Average	N 50° W 16%	N 48° W 11%	N 25° W 33%	N 35° E 10%	S 47° W 86%

Two travelling cyclonic depressions have been recorded—the first in the neighbourhood of Negapatam on the 16th, whence it travelled to Madura on the 17th, and lay off Calicut on the 18th: the second appeared off the coast of the Northern Circars on the morning of the 24th, advanced to Gopalpur on the 25th, and broke up over Lower Bengal or the head of the Bay on the 26th.

The rainfall returns show that, with the exception of Cutch, the Indus Valley, and the stations of Jullunder, Jeypore, Mount Abu, Deesa, and Ahmedabad, rain fell in all parts of the country. In the east of the Punjab, the whole of the North-Western Provinces and Oudh, and in North Behar and Bengal, there was an excess. But on the Central Indian Plateau and eastward in Orissa, Lower Bengal, the Northern Circars, and also in Burma, there was less rain than usual. In Rajputana, the Saugor and Nerbudda Territories, Khandesh, Central India, and as far south as the Deccan, Hyderabad, and the Bellary District, the rainfall, though on the whole in excess, varied very considerably at different stations. On the Conkan and Malabar Coasts it was also irregular, but in the Carnatic there was a general and considerable excess.

The greatest excess was at Naini Tal, where the total rainfall was 18·6 inches more than usual; and the greatest defect at Vizagapatam, where it was 5 inches short of the average.

The mean pressure was above the normal at all stations; most so in North Western India (except at the hill stations where the excess was but slight), and least in the south of the Peninsula. During the first few days there was a general deficiency, but after the first week the barometer rose above the average over the greater part of India, and so continued till the close of the month. In the south of the Peninsula, however, there was a second period of depression between the 17th and 19th, coinciding with the disturbance noticed above.

With the local exceptions of Multan, Silchar, Ratnagiri, Goa, Karwar, Colombo, Rangoon, and Moulmein, the monthly temperature was everywhere below the normal average. In the North-Western Provinces, the western parts of the Central Provinces, Central India, Rajputana, Khandesh, and Hyderabad, the depression continued throughout the month.

Humidity was generally above the average, but in Lower Bengal, Orissa, the eastern parts of the Central Provinces, and on the South Konkan Coast, it was below it.

The following table shows the amount of rainfall according to the districts adopted in last month's report:—

Districts.	Average Rainfall in October.	Difference from the average in October 1884.
	Inches.	Inches.
Punjab, West	0·63	− 0·12
„ East	0·63	+ 1·57
North-Western Provinces, Trans-Gangetic	1·40	+ 4·51
„ „ „ Cis-Gangetic	1·07	+ 3·06
Behar	3·09	+ 0·44
Northern Bengal	5·21	+ 3·08
Assam, Cachar	4·77	− 0·86
Lower Bengal, Chutia Nagpur	5·56	− 0·24
Orissa, Northern Circars	8·52	− 0·81
Central Provinces, South	1·58	− 0·47
Berar, Khandesh	1·65	+ 1·13
Rajputana, Central India, Saugor, and Nerbudda	0·87	+ 0·19
Sind, Cutch	0·25	− 0·25
Gujarat	0·91	− 0·63
Konkan	2·88	+ 1·34
Deccan, Hyderabad	3·72	+ 0·64
Malabar	8·10	+ 0·18
Mysore, Bellary	5·77	+ 1·74
Karnatic	7·46	+ 3·51
British Burma	7·90	− 1·34

W. L. DALLAS,
Asstt. Meteorological Reporter to the Govt. of India.

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True Extract,

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALF OF SEPTEMBER 1884, PUBLISHED IN PAGES 1490 AND 1491 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 25th OCTOBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat.			Barley.			Rice. Best sort.			Rice. Common.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
Rajpootana.	Hilly Tracts of Meywar	19 0	18 0	21 0	20 0	20 8	25 0	...	...	...	12 0	11 0	15 0

Provinces.	Districts.	Great Millet (Cholum, Jowar), *Holcus Sorghum*.			Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*.			Lesser Millets, Ragi, &c. (Kavarn, Veragoo, Sawee, Cheena, Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Elusine Coracana*, &c.			Gram.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
Rajpootana.	Hilly Tracts of Meywar	...	...	...	...	...	...	...	...	...	19 0	20 0	20 0

Provinces.	Districts.	Firewood.			Salt. Wholesale.			Salt. Retail.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	R a. p.	R a. p.	R a. p.	S. C.	S. C.	S. C.
					Per maund.					
Rajpootana.	Hilly Tracts of Meywar	...*	...*	...*	4 0 0	3 10 0	3 10 0	10 0	11 0	11 0

* Eight pies per bundle.

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

Comparative Statement of the Net Indian Sea and Land Customs Revenue (excluding Salt Revenue) for the first seven months of the official year 1884-85, and of the thirteen preceding years.

(In Thousands of Rupees.)

FOR THE SEVEN MONTHS, APRIL TO OCTOBER.

Year.	Bengal.				Bombay.				Sindh.				Madras.				British Burma.				Total British India.					Year.
	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	Total Import Revenue.	Export Revenue.	Total Revenue.	
1871-72 . .	5,80	41,51	11,68	58,99	4,21	23,72	2,19	30,12	73	71	97	2,41	2,01	7,31	8,29	17,61	90	2,39	10,72	14,01	13,65	75,64	89,29	33,85	1,23,14	1871-72.
1872-73 . .	7,16	42,07	12,77	62,00	3,19	23,87	1,80	28,86	65	65	1,29	2,59	2,26	6,86	6,55	15,67	1,82	2,71	19,53	24,06	15,08	76,16	91,24	41,94	1,33,18	1872-73.
1873-74 . .	5,84	40,14	9,35	55,33	3,46	23,11	1,78	28,35	71	46	66	1,83	2,07	7,87	8,06	18,00	1,95	2,78	15,46	20,19	14,03	74,36	88,39	35,31	1,23,70	1873-74.
1874-75 . .	6,68	45,52	6,83	59,03	3,88	26,13	1,94	31,95	66	38	76	1,80	2,01	7,95	7,83	17,79	2,28	3,75	10,24	16,27	15,51	83,73	99,24	27,60	1,26,84	1874-75.
1875-76 . .	6,92	43,56	8,11	58,59	3,90	22,60	3,45	29,95	73	54	92	2,19	2,37	8,33	7,68	18,38	2,18	2,78	18,51	23,47	16,10	77,81	93,91	38,67	1,32,58	1875-76.
1876-77 . .	7,23	37,99	7,41	52,63	4,57	22,10	58	27,25	90	42	13	1,45	3,20	7,42	5,02	15,64	2,59	3,04	13,00	18,63	18,49	70,97	89,46	26,14	1,15,60	1876-77.
1877-78 . .	8,46	47,56	8,64	64,66	4,89	25,79	52	31,20	1,19	49	22	1,90	3,07	4,63	1,14	8,84	2,81	3,33	9,65	15,79	20,42	81,80	1,02,22	20,17	1,22,39	1877-78.
1878-79 . .	7,45	38,84	7,75	54,04	4,78	23,32	1,25	29,35	1,03	32	11	1,46	3,29	5,48	2,50	11,27	4,02	3,95	14,44	22,41	20,57	71,91	92,48	26,05	1,18,53	1878-79.
1879-80 . .	6,68	35,70	5,23	47,61	5,19	19,68	1,02	25,89	1,79	45	11	2,35	3,11	5,34	3,70	12,15	3,96	3,60	17,39	24,95	20,73	64,77	85,50	27,45	1,12,95	1879-80.
1880-81 . .	7,52	34,66	6,51	48,69	4,89	28,25	1,03	34,17	2,60	64	13	3,37	2,82	6,14	5,21	14,17	2,68	4,53	19,36	26,57	20,51	74,22	94,73	32,24	1,26,97	1880-81.
1881-82 . .	7,50	32,69	8,80	48,99	5,89	25,50	85	32,24	2,24	71	17	3,12	2,78	5,69	3,38	11,85	3,93	4,42	22,92	31,27	22,34	69,01	91,35	36,12	1,27,47	1881-82.
1882-83 . .	8,02	2	8,84	16,88	5,83	-1,05*	78	5,56	2,03	4	31	2,38	3,18	1	2,41	5,60	4,67	5	28,37	33,09	23,73	—93*	22,80	40,71	63,51	1882-83.
1883-84 . .	7,83	10	10,20	18,13	6,08	21	69	6,98	2,05	2	27	2,31	2,88	7	3,10	6,05	4,56	10	20,30	24,96	23,40	50	23,90	34,56	58,46	1883-84.
1884-85 . .	6,89	20	5,78	12,87	5,72	23	94	6,89	2,21	3	28	2,52	2,70	1	3,47	6,18	4,43	6	15,10	19,59	21,95	53	22,48	25,57	48,05	1884-85.

* The amount refunded is greater than the duty collected.

DEPARTMENT OF FINANCE AND COMMERCE,

STATISTICAL BRANCH;

Calcutta, 17th November 1884.

D. M. BARBOUR,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

No. XXIX of 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	Receipts for week ending 27th October 1883.		Total mean length open.	Receipts for week ending 25th October 1884.		Total receipts from 1st April to 27th October 1883.		Total receipts from 1st April to 25th October 1884.		Total Increase in 1884-85.	Total Decrease in 1884-85.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	Guaranteed.		R	R		R	R	R	R	R	R	R	R
1st Nov. 1884	Oudh and Rohilkhund .	547	97,832	179	594	90,711	153	32,51,186	198	28,61,192	174	. . .	3,89,994
1st ditto .	Sind, Punjab, and Delhi	735	1,89,163	257	706	2,05,989	292	63,44,082	285	58,30,386	270	. . .	5,13,697
25th Oct. 1884	Madras . . .	861	1,27,700	148	861	1,23,486	143	38,63,898	150	40,20,603	157	1,56,905	. . .
18th ditto .	South Indian . .	. .	(a)	.	. .	(a)		(b)22,63,014	119	(c)25,18,197	134	2,55,183	. . .
25th ditto .	Great Indian Peninsula	1,450	4,81,950	335	1,450	4,86,873	336	1,82,34,034	418	1,82,66,61.	423	32,576	. . .
25th ditto .	Bombay, Baroda, and Central India . .	461	1,89,017	410	461	1,66,262	361	63,02,694	456	63,24,589	462	21,895	. . .
	TOTAL .	4,054d	10,88,662	268	4,072e	10,73,321	264	4,02,58,708	284	3,98,21,576	285	. . .	4,37,132
	State.												
1st Nov. 1884	East Indian . .	1,509	9,79,021	649	1,509	7,09,105	470	2,85,94,665	632	2,28,85,046	510	. . .	57,09,619
25th Oct. 1884	Eastern Bengal(f) .	228	1,10,152	483	233	1,48,620	638	29,65,635	434	29,15,849	421	. . .	49,786
1st Nov. 1884	Nalhati . . .	27	1,622	60	27	1,382	51	47,178	58	45,204	56	. . .	1,974
25th Oct. 1884	Northern Bengal .	239	39,511	165	249	49,730	200	11,94,131	169	11,59,992	157	. . .	34,139
25th ditto .	Kaunia-Dharla . .	32	3,524	110	37	2,636	71	60,171	63	74,167	72	13,996	. . .
25th ditto .	Tirhoot . . .	166	14,318	86	226	19,274	85	4,89,961	99	6,77,382	111	1,87,421	. . .
1st Nov. 1884	Patna-Gya . .	57	8,702	153	57	11,216	197	2,61,955	153	3,03,063	179	41,108	. . .
18th Oct. 1884	Cawnpore-Achnera .	. .	(a)	.	. .	(a)	.	(b)2,98,460	74	(c)4,86,416	70	1,87,956	. . .
1st Nov. 1884	Dildarnagar-Ghazipur .	12	689	57	12	664	55	26,179	73	27,899	78	1,720	. . .
1st ditto .	Rajputana-Malwa .	1,117	2,16,271	194	1,120	1,90,410	170	67,64,102	202	63,90,035	192	. . .	3,74,067
1st ditto .	Rewari Ferozepur .	89	4,231	48	241	19,620	81	2,26,106	85	4,04,316	90	1,78,210	. . .
1st ditto .	Wardha Coal . .	45	13,679	304	45	11,705	260	3,95,376	292	3,04,178	228	. . .	91,198
1st ditto .	Nagpur and Chhattisgarh	149	10,791	72	149	14,946	100	6,80,824	152	6,76,831	153	. . .	3,993
25th Oct. 1884	Burma . . .	161	24,106	150	254	34,390	135	7,68,892	159	10,48,141	150	2,79,249	. . .
1st Nov. 1884	Sindia	75	8,857	118	75	6,858	92	1,80,412	80	1,95,488	88	15,076	. . .
25th Oct. 1884	Punjab Northern .	421	70,465	167	447	63,969	143	18,23,742	144	17,31,399	130	. . .	92,343
25th ditto .	Indus Valley . .	660	1,13,139	171	660	1,23,800	188	41,95,465	212	41,00,151	209	. . .	95,314
25th ditto .	Amritsar-Pathankot .	. .	. . .	.	66	6,399	97	. . .	.	1,19,563	67	1,19,563	. . .
	TOTAL .	3,478g	6,10,060	184	3,898h	7,05,619	181	2,03,78,589	188	2,06,60,074	173	2,81,485	. . .
	Assisted Companies.												
25th Oct. 1884	Bengal Central . .	35	2,048	59	126	7,838	62	63,818	61	2,67,988	73	2,04,170	. . .
25th ditto .	Assam. . . .	40	2,171	54	70	5,714	82	(j) 30,425	51	1,15,955	60	85,530	. . .
25th ditto .	Southern Mahratta .	. .	. . .	.	214	5,887	28	. . .	.	97,616	27	97,616	. . .
25th ditto .	Bengal and North-Western . .	. .	. . .	.	69	1,360	20	. . .	.	(k)44,697	21	44,697	. . .
	TOTAL .	75	4,219	56	479	20,799	43	94,243	57	5,26,256	47	4,32,013	. . .
	Native States.												
25th Oct. 1884	Bhavnagar-Gondal .	193	14,136	73	193	13,208	68	5,45,072	94	6,65,478	116	1,20,406	. . .
1st Nov. 1884	Jodhpur . . .	19	881	46	44	1,660	38	21,919	38	29,319	28	7,400	. . .
25th Oct. 1884	Nizam's . . .	121	17,826	147	121	16,059	132	4,64,688	128	5,55,932	155	91,244	. . .
25th ditto .	Mysore . . .	86	6,152	72	129	5,749	45	1,73,437	67	2,10,577	68	37,140	. . .
	TOTAL .	419	38,995	93	487	36,676	75	12,05,116	96	14,61,306	109	2,56,190	. . .
	GRAND TOTAL .	9,535l	27,50,957	289	10,146m	25,45,820	214	9,05,31,321	292	8,53,54,258	260	. . .	51,77,063
	GROSS ESTIMATED EXPENSES .	. .	. . .	.	. .	. . .	.	4,41,04,971	142	4,28,43,858	130	. . .	. . .
	NET RECEIPTS .	. .	. . .	.	. .	. . .	.	4,64,26,350	150	4,25,10,400	130	. . .	39,15,950

(a) Return not received.
(b) Total receipts from 1st April to 20th October 1883.
(c) Total receipts from 1st April to 18th October 1884.
(d) Exclusive of the mileage of South Indian Railway (655).
(e) Do. do. do. (654).
(f) Excludes share of the earnings of the Bengal C[illegible]

(g) Exclusive of the mileage of Cawnpore-Achnera State Railway (133).
(h) Do. do. do. do. (241).
(j) Total receipts from 16th July to 27th October 1883.
(k) Total receipts from 2nd April to 25th October 1884.
(l) Exclusive of the mileages of South Indian and C[illegible]

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE FORTNIGHT ENDING THE 19th NOVEMBER 1884.

GENERAL REMARKS.—Heavy rain fell at Madras and Tanjore during the fortnight under report, and the standing crops have been injured to some extent in both districts. In other parts of the Presidency, the rainfall has been beneficial to the crops, and general prospects are now fair. More rain is still wanted in Bellary and Anantapur. In Mysore the crops are generally in good condition and prospects are favourable. In Coorg the prospects of the rice crop are good; coffee-picking has commenced, and the cardamom crop has yielded an outturn above the average. Little or no rain has fallen in the Bombay Presidency during the fortnight, but agricultural prospects are on the whole good everywhere. In Sholapur and Kaladgi more rain would be beneficial to the *rabi* crop. Prospects continue favorable in the Central India and Rajputana States, and in the Berars and the Nizam's territories. No rain has fallen in the North-Western Provinces and Oudh and in the Punjab since the publication of the last reports, but agricultural prospects continue satisfactory. In the Central Provinces prospects are favourable. In Assam the prospects of the crops are generally good. Except in two or three districts where very slight rain occurred, no rain fell in Bengal during the past fortnight. Prospects are generally good, except in a few places where the *amun* paddy is still backward. In Nalhati not more than a six-anna crop is expected.

There is no change to record in agricultural operations. Harvesting of the *kharif* and ploughing and sowing for the *rabi* continue in progress generally throughout the country.

The public health is generally good, and prices are stationary with local fluctuation.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—(Nov. 12th)		
Bellary	·04	Standing crops need rain; harvest wet and dry crops yield moderate; one death from cholera.
Kurnool	·56	Standing crops good; harvest early cereals yield below half; small-pox in two taluks.
Ganjam	·003	Small-pox, cholera and cattle-disease prevalent.
Kistna	·07	Standing crops generally good; harvest paddy and *ragi* outturn about half; small-pox, fever, and cattle-disease; 72 deaths from cholera; river 2·15 feet over anicut.
Chingleput (Madras)	14·58	Two villages flooded in one taluk, no loss of life; standing crops good, but in parts of four taluks damaged by excessive rain; harvest paddy yield half; small-pox in three taluks; 12 deaths from cholera.
Coimbatore	1·49	Standing crops good, but dry crops damaged by insects in parts of seven taluks; agricultural operations progressing harvest paddy and *ragi* outturn about average.
Tanjore	12·06	Standing crops damaged by excessive rain in coast taluks; harvest paddy outturn below average; 50 deaths from cholera.
Madura	1·20	Heavy freshets in Vaigai; prospects considerably improved; 18 deaths from cholera.
Malabar	2·45	Second crop cultivation progressing; small-pox and cattle-disease and slight fever in two taluks.
Travancore	3·03	Standing second crop paddy good; 6 deaths from cholera. *General Remarks.*—General prospects improving, but excessive rainfall in coast districts, from Nellore southwards to Tanjore and Tinnevelly; 25 inches at Madras during the week, and upwards of 30 at Cuddalore; floods at Tuticorin; rain still wanted in parts of the Ceded districts.
Madras—(Nov. 19th)		
Bellary	Average ·14	Standing crops need more rain; harvest wet and dry crops, yield below average; 5 deaths from cholera.
Kurnool	„ ·62	Standing crops good; harvest early cereals, outturn below half; small-pox in one taluk.
Ganjam	„ ·04	Small-pox, cholera and cattle-disease prevalent.
Kistna	„ ·79	Standing crops generally good; harvest wet and dry crops, outturn about half; small-pox, fever and cattle-disease; 44 deaths from cholera; river, 2 feet over anicut.
Chingleput (Madras)	„ 6·17	Several tanks have breached; standing crops good, but those on low ground flooded and damaged by rain; harvest paddy, yield below half; small-pox in two taluks; 67 deaths from cholera.
Coimbatore	„ 4·02	Standing crops good; but dry crops damaged by insects and excessive rain in parts of eight taluks; agricultural operations progressing; harvest paddy and *ragi*, outturn about average.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—*contd.*		
Tanjore . . .	Average 6·07	Standing crops damaged by excessive rain in coast taluks; harvest wet and dry crops, outturn below average; 37 deaths from cholera.
Madura . . .	" 1·18	Flood in Vaigai; prospects considerably improved; 17 deaths from cholera.
Malabar . . .	" 2·44	Standing second crop paddy good; small-pox and cattle-disease slight; fever in two taluks; 3 deaths from cholera.
Travancore . . .	1·08	Standing second crop paddy good; small-pox prevalent; 12 deaths from cholera.
		General Remarks.—General prospects improved and now fair; rain still wanted in Bellary and Anantapur.
Bombay—(Nov. 5th)		
Kurrachee . . .	No rain . . .	Total rainfall from 1st January in Johi 6·58, Mirpur Batoro 6·24, and Shahbandar 18·28; river at Kotri on 3rd, 8 feet against 6 feet 5 inches on same date last year; fever generally prevalent; one case of cholera in Kurrachee fatal; total cases and deaths to date in Kotri 79 and 53; Shahhassan 50 and 33; Johi 3; Wali Shah 5 and 4; Guba 5 and 2; Dachar 2 and 1; disease ceased at Shahhassan and Johi; two cases of small-pox in Manora imported from Jeddu; disease also in five villages; in the districts 4 fresh cases, 1 death, 3 remaining sick; cattle disease in seven talukas; loss of 26 cows, 15 sheep and goats and 40 buffaloes in five talukas; rats doing damage in Jati and Shahbandar; *kron* worm in Daba and Manjhand; *mokri* insect in Shahbandar taluka; drought in Manjhand taluka; harvesting of *kharif* crops commenced. and good outturn expected; prices—wheat, red rice, and *bajri* in Karachi 26, 28 and 40; in Manjhand 30, 32, and 42; in Ghorabari 22, and 32, and in Jati 24, 30 and 32 pounds per rupee respectively.
Hyderabad . . .	. . . . .	River at Kotri on 2nd, 8 feet 1 inch against 6 feet 6 inches last year; sporadic cholera in Hyderabad, Gidu Bandar, Mohbat and Nowshahro talukas; total number of cases 84, and of deaths 62; fever in 9; small-pox in one and cattle disease in three talukas; wheat 29, *bajri* 42, *jowari* 44, red rice, 26, and white rice 20 pounds per rupee.
Ahmedabad . . .	. . . . .	Reaping of *kharif* and sowing of *rabi* crops in progress; fever in some talukas; wheat 30 and *bajri* 33 pounds.
Baroda . . .	. . . . .	Fever continues; cattle-disease in Vijapur; harvesting of *kharif* and sowing of *rabi* in progress; *bajri* 32 and rice 23 pounds.
Surat . . .	No rain	*Kharif* harvest continues; preparation for *rabi* progressing; fever in some talukas; *jowari* 30 and *nagli* 42 lbs.
Nasik . . .	. . . . .	Weather fair and dry; *kharif* reaping and *rabi* sowing vigorously continued; *til* and *kuliol* in parts of Kalvan suffered owing to excessive rain; public health good; one death from cholera at Nasik wheat 40, *bajri* 33½ and rice 21.
Colaba (Bombay) . .	. . . . .	Abnormal temperature 0° to 2° cool; vapour in air normal; wind normal.
Poona	*Nil*	Reaping of *kharif* and sowing of *rabi* progressing; prices *bajri* 33 and *jowari* 35 lbs. per rupee; in Poona, *bajri* 28 and *jowari* 30 lbs.
Ahmednagar . .	*Nil*	Reaping of *kharif* crops in progress in all talukas; *jowari* crop in good condition; slight cattle-disease in Parner; slight fever in Sheogaon and Akola; *bajri*, maximum 54 lbs. per rupee in Sangamner, minimum 36 lbs. in Shrigonda; *jowari*, maximum 60 lbs. per rupee in Sangamner, minimum 35 lbs. in Karjat.
Sholapore . . .	*Nil*	*Jowari* 36 lbs. 29 tolas, and *bajri* 35 lbs. 31 tolas per rupee; prospects tolerably good; young crops promising well.
Dharwar . . .	Maximum in Ranibennur 3·28, in Karajgi 2·40, in Kod 1·15, in Hangal 1·70, in Bankapur ·59, in Mundargi ·48, and in Hubli ·25; *nil* in other talukas.	More rain required in Dharwar, Navalgund, Bankapur, Kalghatgi, Kod and Ron talukas; rice crops suffered from drought in Dharwar taluka; sowing of late crops in progress; sowing of cotton resumed in Navalgund; slight cholera in Dharwar and Navalgund talukas; *jowari* 50 and rice 28 lbs. per rupee.
Kanara . . .	In Kumpta 8·26 and in Haliyal ·52.	Common rice in Karwar 16 seers per rupee; district average 15¼ seers; rice harvest completed in Karwar, and continues on coast talukas; above Ghat crop ready for harvest; sugarcane and garden produce healthy; fever in Supa taluka; cattle-disease in Karwar taluka.
Rajkot . . .	. . . . .	General health good; weather hot; fever generally prevails; slight cholera in Dhorajat; crops in good condition; *bajri* 38 and *jowari* 56 lbs. per rupee.
		General Remarks.—Rain in Dharwar, Belgaum, Kaladgi and Kanara; more still wanted in six talukas of Dharwar and parts of Kaladgi; general prospects throughout the Deccan and Southern Mabratta Country tolerably good; *kharif* harvest completed in Ratnagiri and part of Kanara; in progress in other districts; *rabi* sowing continues in almost all districts; fever general; cholera in parts of ten districts; smallpox and cattle-disease in seven.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay (Nov. 12th)—		
Kurrachee	*Nil*	Total rainfall to date in Sehwan 8·54, Manjhand 10·86, and in Sajawal 6·55; river at Kotri on 10th, 7 feet 7 inches against 6 feet 2 inches last year; fever generally prevalent; cattle-disease in five talukas; loss of 200 cows and bullocks and 267 buffaloes in Ghorabari and Sakro; cholera ceased at Kotri; disease now in following talukas; total to date in Sajawal 40 cases, 25 deaths; in Mirpur Batoro 68 cases, 48 deaths; in Shahbandar 23 cases, 12 deaths; 2 cases of smallpox in Manora; disease recovering in six villages in districts; 9 fresh cases, 2 deaths, 7 remaining sick; prices—wheat, red rice, and *bajri* in Kurrachee, 26, 28 and 4· lbs.; in Kotri nil, 36 and 42 lbs.; in Shahbander 20, 50 and 50, and in Tatta 26, 34 and 48 lbs. per rupee respectively.
Hyderabad	. . . . .	River at Kotri on 8th, 7 feet 8 inches against 6 feet 3 inches last year; sporadic cholera here and there; 88 persons attacked; 49 died; autumn fevers general; cattle-disease in one taluka; prices steady.
Ahmedabad	. . . . .	Reaping of *kharif* and sowing of *rabi* crops in progress; fever in some talukas; wheat 31 and *bajri* 32 lbs. per rupee.
Baroda	. . . . .	Slight fever still continues; smallpox in Tilakvada; harvesting of *kharif* and sowing of *rabi* continues; prices—*bajri* 33 and rice 23 lbs. per rupee.
Surat	. . . . .	*Kharif* harvest and *rabi* sowing progressing; fever in five talukas; *jowari* 31 and *nagli* 42 lbs. per rupee.
Násik	. . . . .	Weather fair; *kharif* reaping continues; *rabi* sowing nearly completed; public health good; wheat 40, *bajri* 33½, and rice 21 lbs. per rupee.
Colaba (Bombay)	·60 on 6th instant	Total rainfall to date 74·30, being 3·61 above average; abnormal temperature; 0° cool to 1° warm; vapour in air excessive on 6th, and defective on 7th; wind normal; thunder and lightning on 6th and 7th.
Poona	Light showers in four talukas.	Reaping of *kharif* and sowing of *rabi* progressing; *bajri* 33 and *jowari* 36 lbs. per rupee; in Poona, *bajri* 20 and *jowari* 33 lbs. per rupee.
Ahmednagar	. . . . .	Harvesting of *kharif* crops completed in Parner, and in progress in other talukas; *jowari* crop is in good condition everywhere, except in Sheogaon, where it is withering for want of moisture; more rain would be beneficial to the *rabi* crops; slight fever prevalent in Sheogaon and Akola; slight cattle-disease in Parner; *bajri*—maximum 54 lbs. per rupee in Kopargaon, minimum 36 lbs. in Shrigonda; *jowari*—maximum 60 lbs. per rupee in Sangamner, minimum 35 lbs. in Karjat.
Sholapore	·25	*Rabi* crops promising; more rain required in Madha, Pandarpur, Sangola and Malsiras; *jowari* 37 lbs. 18 tolas, and *bajri* 36 lbs. 36 tolas, per rupee.
Dharwar	Rain at 3 stations only in Bankapur ·44, in Ranibennur ·30 and in Kod ·6.	More rain is required throughout the district; early crops have improved by the late showers; rice is being reaped in Mugud, parts of Hangal, Kalghatgi and Kod; sowing of late crops in progress; cotton crops good; slight cholera in parts of the district; average prices, rice 30 and *jowari* 51 lbs. per rupee.
Kanara	In Kumpta ·3	Common rice in Karwar 16 seers per rupee; district, average 14¾ seers; rice harvest on coast; crop ready for harvest above Ghat; smallpox, 1 death in Sirsi; fever in Supa taluka; cattle-disease in Karwar; weather cloudy and warm.
Rajkot	. . . . .	Mornings cold; general health good; fever prevalent; cholera in Dhoraji; early crops being reaped; late crops in good condition; *bajri* 37 and *jowari* 51 lbs. per rupee. *General Remarks.*—Slight rain in parts of Poona, Sholapore, Dharwar and Belgaum; more still required in parts of Ahmednagar and Sholapore and throughout Dharwar, Belgaum and Kaladgi; *kharif* harvest and *rabi* sowing in progress in several districts; fever general, cholera in parts of ten districts; smallpox and cattle-disease in few places.
Bombay—(Nov. 19th)		
Kurrachi	. . . . .	Kurrachi river at Kotri on 17th, 7 feet 2 inches against 5 feet 7 inches last year; 2 cases of cholera in Rohri, fishing village 12 miles from Kurrachi and 6 from inland talukas; loss of 153 buffaloes and 282 cows and bullocks in Shahbander and Ghorabari; harvesting of *kharif* progressing; small-pox in nine villages in districts, 13 fresh cases, 1 death, 12 remaining sick; at railway station 2 cases, both fatal; in Mirpur Batoro 9 cases, 5 deaths; Shahbander 82 cases, 46 deaths, Jati 11 cases, 4 deaths; Sajawal 34 cases, 31 deaths; fever generally prevalent; cattle-disease in four talukas; prices—wheat, red rice and *bajri* in Kurrachi 26, 28 and 40; in Sehwan 36, 32 and 56, in Sajawal 28, 40 and 44, and in Sakro 18, 22 and 48 lbs. per rupee respectively.
Hyderabad	. . . . .	*Rabi* operations in progress; prospects of crops good; sporadic cholera here and there; fresh cases since last report 21, of which 17 fatal, besides 10 deaths of persons previously attacked; autumnal fever general; small-pox and cattle-disease in three talukas; wheat 28, *bajri* 40, *jowari* 44, red rice 26, and white rice 20 lbs. per rupee; days unusually hot; no cholera in Hyderabad.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd.*		
Ahmedabad	.....	*Kharif* harvest and *rabi* sowing progressing; fever in some talukas; wheat 30 and *bajri* 33 lbs. per rupee.
Baroda	.....	Fever continues; harvesting of *kharif* and sowing of *rabi* continue; prices—*bajri* 32 and rice 23 lbs. per rupee.
Surat	.....	*Kharif* harvest nearly completed; *rabi* sowing progressing; standing crops healthy; fever in all talukas; *jowari* 31 and *nagli* 42 lbs. per rupee.
Nasik	.....	Public health generally good; reaping of *kharif* crop still continues; *rabi* crops in good condition, wheat 40, *bajri* 34, and rice 21 lbs. per rupee.
Kolaba (Bombay)	.....	Abnormal temperature 0° to 2° cool; vapour in air defective from 14th to 18th; abnormal wind from east-north-east on 15th.
Poona	.....	Cold weather set in; reaping of *kharif* and sowing of *rabi* nearly completed; prices—*bajri* 35 and *jowari* 36 lbs. per rupee; in Poona, *bajri* 30 and *jowari* 32 lbs.
Ahmednagar	.....	Harvesting of *khaur* in progress; *rabi* crops good except in Sheogaon, where slightly damaged from blight; slight fever in Sheogaon and Akola; *bajri*, maximum 51 lbs. per rupee in Akola, minimum 36 lbs. in Shrigonda; *jowari*, maximum 60 lbs. per rupee in Sangamner; minimum 35 lbs. in Kurjat.
Sholapur	Little rain in few villages of Sholapur Taluka.	*Rabi* crops good in Barsi taluka, in others middling; more rain required; cold weather set in; *jowari* 37 lbs. 18 tolas and *bajri* 36 lbs. 29 tolas per rupee.
Dharwar	In Hangal 1·26 Ranibennur ·12 Karajgi ·10 Kod ·21	More rain urgently required throughout the district; rice being reaped; sowing of late *jowari* and wheat completed in Bankapur and Ranibennur, and in progress in others; cotton crops good; slight cholera in Kalghatgi and Ron; rice 22 to 33 and *jowari* 38 to 76 lbs. per rupee.
Kanara	In Karwar ·39 Sirsi ·29	Total rainfall 96·45 inches; common rice in Karwar 16 seers per rupee, district average 14½ seers; preparing ground for second crop in Hanawar; rice harvest above Ghats; small-pox one death in Sirsi; fever in Hanawar and Haliyal talukas; cattle-disease in Karwar subsiding; weather cold.
Rajkot	.....	General health good; weather cool; fever generally prevalent; *bajri* 38 and *jowari* 53 lbs. per rupee. *General Remarks.*—Slight rain in parts of Sholapur, Belgaum, Dharwar and Kaladgi; more still required in these districts for *rabi* crops; *kharif* harvest nearly completed in Surat, Poona, Satara and Kolaba; in progress in other districts; *rabi* sowing continues in several districts; *rabi* crops slightly damaged by blight in one taluka of Ahmednagar; fever general; cholera, small-pox and cattle disease in parts of seven districts.
Bengal—(Nov. 11th)		
Chittagong	*Nil*	Weather cloudy and hot; prospects of standing crops good; prices stationary; cholera still reported.
Dacca	*Nil*	Harvesting of sugarcane continues; prospects of standing crops good; mustard and other winter crops being sown.
24-Pergunnahs	*Nil*	Prospects of *amun* paddy satisfactory, reaping of the crop has begun; sowing of *rabi* crops still going on; common rice selling at from 11½ to 15 seers per rupee; public health generally good; state of river usual.
Moorshedabad	*Nil*	Cold weather has now fairly set in; *amun* paddy, so far as it has been planted out, is now likely to give a good outturn; all *rabi* crops doing very well; public health generally good, but cholera prevails in Moorshedabad city, and there have also been some cases in thana Shamshergunge, in sub-division Jungipore.
Rajshahye	*Nil*	Weather somewhat cloudy; prospects of *amun* paddy and spring crops fairly promising; cholera rather general in Nowgong sub-division.
Burdwan	*Nil*	Prospects of crops in Raneegunge good, Culna fair, Sudder and Cutwa less so, and in some tracts bad; price of rice falling very slightly.
Rungpore	*Nil*	Weather seasonable; prospects of *amun* paddy bad; coarse rice selling at Rs. 3-8 per maund; prices of other food-grains rising; malarious fever prevails.
Bhagulpore	*Nil*	Prospects of *amun* paddy fair, *kurthi* doing well, and *rabi* has germinated splendidly; oilseed crops doing very well; price of rice stationary.
Purneah	*Nil*	Prospects of standing crops, except paddy, good; ploughing for *rabi* crops going on; price of common rice stationary; fever prevalent; rivers falling.
Patna	*Nil*	*Rabi* crops growing well; paddy and *jowar* promising; poppy sowings have been somewhat retarded by late rain; some of the earlier sowings survive, but the majority of fields will have to be re-sown; public health good.
Durbhanga	*Nil*	Paddy getting into ear; *rabi* coming on well; prices stationary; cholera reported from the town.
Hazaribagh	*Nil*	Weather clear and cool; cutting of *amun* paddy commenced; *rabi* crops doing well in places, but the crops are not yet completely sown; coarse rice selling in the town at 16 seers per rupee; general health good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—*contd.*		
Cuttack	*Nil*	Weather cloudy; early *sarad* being cut, late *sarad* flowering and promising well; *rabi* crops flowering; price of rice stationary; cases of cholera are reported from several places, otherwise public health good.
Sarun	...	42,000 bigahs in Alleegunge Sub-Agency, and 24,500 bigahs in Chuprah have been sown with poppy; weather favourable for the cultivation of the crop; seeds coming on well everywhere.
Gya	...	Poppy sowings nearly completed; young plants doing well, and prospects good, if weather continues favourable; water in some places badly wanted, and a great demand for advances for sinking *kucha* wells.
Monghyr	...	Sowing of poppy crop going on; early sowings failed owing to extreme heat, the seed is now germinating well; weather more favourable.
		General Remarks.—No rain fell in any of the reporting districts; the cold weather has fairly set in; prospects of standing *amun* paddy generally good, but in Rungpore they are bad, and in Bogra very unfavourable; *rabi* crops doing well; storm and rain in Noakhally and Tipperah caused some damage to paddy plants when flowering; in Chittagong Hill Tracts the recent rain has done much damage to the cotton crop, and has retarded the sowing of mustard; cutting of *amun* paddy has commenced in one or two districts; harvesting of sugarcane continues; price of rice is slightly falling in a few districts, and in others it is almost stationary; public health good, though cholera and fever prevail in some districts.
Bengal-(Nov. 18th)		
Chittagong	·01	Weather seasonable; prospects of crops favourable; prices steady; cholera continues, otherwise general health good.
Dacca	*Nil*	Prospects of crops good; harvesting of *amun* paddy and sugarcane continues; chillies, mustard and other winter crops being sown.
24-Pergunnahs	*Nil*	Prospects of standing crops continue satisfactory; sowing of *rabi* crops nearly finished; harvesting of *amun* paddy and sugarcane has commenced; price of common rice varies from 12 to 15½ seers per rupee; public health generally good; state of river as usual in this season.
Moorshedabad	*Nil*	Weather seasonable; the estimated outturn of *amun* paddy continues to be a six-anna crop, but here and there only a two-anna crop will be reaped; the six-anna estimate is the general average for the whole district; *rabi* crops generally doing well, but in some quarters they have been damaged by catterpillars; cholera still prevails in and near Moorshedabad city, and there are sporadic cases of the disease elsewhere, but not of a serious type; common rice ranges from 14 seers at Berhampore to 14½ seers in the Jungipore sub-division.
Rajshahye	*Nil*	Weather seasonable; prospects of *amun* paddy and spring crops fairly promising; cutting of paddy has commenced in parts of the Nattore and Nowgong sub-divisions; fever general; cholera still reported from Nowgong.
Burdwan	*Nil*	Prospects of crops generally unfavourable; price of rice stationary with a tendency to rise in the sudder station.
Rungpore	*Nil*	Weather seasonable; prospects of *amun* paddy bad; tobacco, mustard and potato still being sown; other winter crops doing well; prices of grain rising; malarious fever prevalent.
Bhagulpore	*Nil*	Prospects of paddy fair and those of *rabi* good; rice is selling 13 seers and 14 chittaks per rupee.
Purneah	*Nil*	Paddy crop poor except that on low lands; other crops promise well; ploughing is still going on for *rabi*; common rice 14 seers per rupee; fever prevails over the district; rivers falling.
Patna	*Nil*	Sowing of *rabi* crops continues; paddy and *juar* promising; *rahur* has commenced to flower; public health good.
Durbhanga	*Nil*	Early paddy will be soon ready for cutting; *rabi* coming on well; prices stationary; public health good.
Hazaribagh	*Nil*	Weather cold and pleasant; harvesting of paddy continues; prospects of *rabi* crops good; poppy sowings nearly completed, but hardly half the seeds has germinated owing to scanty water-supply; coarse rice selling at 18 seers per rupee at the sudder station; general health good.
Cuttack	*Nil*	Weather cool; early *sarad* being harvested; prospects of late *sarad* good; *rabi* crops flowering; price of rice falling; cholera continues in some places, otherwise public health good.
Gya	...	Sowing of poppy almost completed, prospects generally continue very satisfactory, though in some of the eastern villages tank irrigated land is still unsown; advances for sinking *kutcha* wells will be made very soon.
Sarun	...	Of 75,918 bighas of land engaged for poppy, 74,831 bighas have been sown; plants from first sowings have six and eight leaves, and prospects excellent.
Mozufferpore	...	Poppy plants germinating well and prospects favourable.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—*contd.*		
Monghyr . . .	. . . .	Sowings of poppy crop still going on; prospects continue good.
		General Remarks.—No rain fell in any of the districts of the province except in Chittagong, Noakhally and Pooree, where the fall was very slight; weather generally cool; *amun* paddy being harvested in several districts, the prospects of this paddy in Burdwan, Moorshedabad, Rungpore, and Bogra have not improved; in thana Nulhati, in Birbhoom, a six anna crop is expected, and in Backergunge the crop has sustained some injury by the storm of the 1st instant; prospects elsewhere generally good; winter crops are still being sown and are doing well; fever and cholera prevail.
N.-W. Provinces and Oudh— (Nov. 13th)		
Benares („ 11th)	. . . .	Sugarcane doing well; seed for *rabi* harvest being sown; opium sown and germinating well, as also *rabi* seeds sown previously; no disease of men or cattle; bazars well supplied; prices steady, except barley, which is falling.
Allahabad („ „)	*Nil*	*Rabi* flourishing; health excellent; prices steady.
Gorakhpur („ 10th)	*Nil*	Weather cloudy towards end of week; *rabi* sown and germinating well; prices steady; public health good.
Jhansi („ 11th)	. . . .	*Kharif* crops ripening; sowing of *rabi* in progress; prices fluctuating; fever continues.
Rai Bareily („ 11th)	. . . .	Weather fine, but sometimes cloudy; *rabi* germinating well; general health good; supplies sufficient; prices steady.
Cawnpore („ 10th)	*Nil*	Cold increasing; *kharif* being cut; *rabi* prospects good, and the early sowings have, in parts of the district, germinated; fever and ague prevalent; no cattle-disease; prices steady.
Furrakabad („ 11th)	. . . .	Health of people improving; *kharif* crops being cut; *rabi* sowings have come up well; prices stationary.
Agra (Nov. 11th)	*Nil*	*Kharif* being harvested and *rabi* sowings continue; fever prevalent in all pergunnahs; prices steady.
Bareilly („ 10th)	. . . .	Condition of crops good; prices almost stationary; fever still prevalent; occasional sporadic cholera; cattle healthy.
Meerut („ „)	. . . .	Weather favourable; crops doing well; supplies sufficient; prices steady; sickness much decreasing; no cholera cases reported.
Kumaun („ „)	. . . .	Weather fair; wheat has been sown in many places; prices stationary; general health good; cattle-disease continues.
Lucknow („ „)	. . . .	Weather fair; *rabi* sowing nearly finished; *bajra* is being harvested; *mash* crop promises well; supplies abundant; prices steady; health of people good, but slight cattle-disease continues in tahsil Maliabad.
Partabgarh („ 11th)	. . . .	Prices almost steady; *rabi* coming on splendidly; *juar* being cut; general health good; poppy sowings far advanced and are germinating well; prospects favourable.
Sitapur („ „)	. . . .	Westerly winds have prevailed; *rabi* sowings are nearly over and prospects are favourable.
Fyzabad („ „)	*Nil*	Weather fair; *rabi* sowings nearly finished; prices steady; health of people good.
		General Remarks.—There was no rain during the week; the *kharif* is being cut; *rabi* crops, including poppy, are being sown and are germinating well; supplies are sufficient and prices remain steady; the health of the people and the condition of cattle continue normal.
N. W. P. and Oudh— (Nov. 19th)		
Benares (Nov. 18th) .	No rain . .	Prospects of sugarcane good; sowing for *rabi* nearly finished; opium germinating well; no disease of men and cattle; prices fluctuating slightly and inclined to fall; bazars well supplied.
Gorakhpore („ 17th) .	No rain . .	*Rabi* germinating well; opium prospects good; some cholera in Nepal frontier; prices stationary.
Fyzabad („ 18th) .	No rain . .	Weather fine; *rabi* germinating well; general health good; poppy sowings are now rapidly progressing.
Lucknow („ 17th) .	. . . .	Weather fine; west wind; *rabi* sowing continues; *mash, mathi* and *juar* crops are being harvested; sugarcane doing well; condition both of men and cattle good; supplies sufficient; prices stationary.
Rae Barelli (Nov. 17th)	. . . .	Weather seasonable; wind westerly; *rabi* sowings completed; crops germinating well; general health good; supplies abundant; prices steady.
Partabgarh („ 18th)	. . . .	Prices falling; *rabi* prospects excellent; general health good.
Allahabad . („ 18th)	No rain . .	Crops flourishing; prices falling; health excellent.
Cawnpore . („ 17th)	No rain . .	Weather cold; *rabi* prospects good; poppy sowings have commenced all over the district, and prospects of crop are favourable in parganas Shiurajpur, Cawnpore, Ghatampore and Narwal; but a loss is anticipated in parganas Rasulabad, Akbarpur, Derapur, and Bhognipur, in consequence of the Etawah branch of the Ganges canal being unable to supply water for irrigation; fever and ague prevalent; no cattle-disease; prices firm.
Farakhabad („ 18th)	. . . .	Health of people improving; *kharif* crops still being cut; *rabi* sowings have come up well; prices stationary.
Sitapur . („ 18th)	. . . .	Westerly winds still continue; the *hemwant* crops are nearly cut, and the *rabi* sowings are germinating well; no cattle sickness reported, but cholera has not left the district.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
N.-W. P. & Oudh—*contd.*		
Bareilly . (Nov. 17th)	. . . . .	Crops good; slight cholera, but decreasing; fever also decreasing; prices falling.
Kumaon . (" 17th)	. . . . .	Normal weather; *rabi* sowings progressing; health fair; prices still high; cattle-disease very virulent.
Agra . (" 18th)	No rain . .	*Kharif* nearly cut; *rabi* sowings going on; fever abating; prices steady.
Jhansi . (" 18th)	. . . . .	*Kharif* crop being cut; *rabi* prospects good; prices falling; condition of people and cattle good.
Meerut . (" 17th)	. . . . .	Weather clear and cold; *kharif* harvest almost completed; cotton crop very fair; *rabi* sowings in progress everywhere; wheat germinated well, and prospects good; fever decreasing; supplies ample, and prices easy.
		General Remarks.—No rain is reported during the week; the weather is seasonable; *kharif* harvest is nearly completed; *rabi* crops, including poppy, are thriving; markets are well supplied, and prices show a tendency to fall; health of the people and condition of cattle, except in Kumaon, where cattle-disease of a virulent type prevails, continue normal.
Punjab (Nov 12th)—		
Delhi	. . . . .	Fever still prevalent; reaping almost completed; prices falling.
Umballa . . .	. . . . .	Fever still prevalent but abating; *jowar* and *munj* being harvested, yield expected to be above average; wheat sowing commenced; prices stationary.
Jullundur . . .	. . . . .	Slight fever; *rabi* sowings commenced; *kharif* crops being cut; prices stationary.
Amritsar . . .	. . . . .	Health and crops good; prices almost stationary.
Ferozepore . . .	. . . . .	Fever still prevalent; cattle-disease in 3 or 4 villages of the Zira tahsil; probable yield of *kharif* crops good; *rabi* sowings commenced; prices of grain has fallen; prices of other food-grains are stationary.
Siálkot . . .	. . . . .	Health good; outturn of *kharif* above average; prices stationary.
Rawalpindi . . .	. . . . .	*Kharif* outturn above average in four and average in two tahsils; general health good; cattle-disease in two tahsils; prices falling.
Peshawar . . .	. . . . .	Slight fever; *rabi* sowings commenced; rain wanted; prices falling.
Mooltan . . .	. . . . .	Fever abating; *kharif* harvested; yield average; *rabi* sowings in progress; prices stationary.
Dera Ismail Khan .	. . . . .	Health and prospects good; coming yield of harvest above average.
		General Remarks.—No rain during the week; fever still prevalent in a few districts; *kharif* nearly harvested; *rabi* sowings in progress; prices stationary in some districts and falling in others.
Punjab— (Nov. 19th)		
Amritsar . . .	. . . . .	Health and crops good; prices rising.
Sialkot . . .	. . . . .	Health good; *rabi* sowings in progress; prices stationary.
Ferozepore . . .	. . . . .	Fever prevalent; *kharif* crops being cut; *rabi* being sown; prices fluctuating.
Lahore . . .	. . . . .	Health and crops good; prices steady.
Rawalpindi . . .	. . . . .	Health good; *kharif* outturn over average in 1, average in 4, and under average in 2 tahsils; prices rising.
Mooltan . . .	. . . . .	Fever abating; *rabi* sowings in progress; prices stationary.
Dera Ismail Khan .	. . . . .	Health and crop prospects good; coming yield of harvest above average.
Peshawar . . .	. . . . .	Health good; rain wanted; prices stationary.
		General Remarks.—No rain during the week; fever still prevalent in a few districts; *kharif* nearly harvested; *rabi* sowings in progress and prospects good.
Delhi	. . . . .	Fever still prevalent; harvesting almost completed, outturn about average; prices fluctuating.
Hissar . . .	. . . . .	No report received.
Umballa . . .	. . . . .	Fever abating; *kharif* crops nearly harvested; yield expected to be above average; wheat sown; prices stationary.
Jullundar . . .	. . . . .	Health good; rain wanted; *rabi* operations progressing; prices steady.
Central Provinces— (Nov. 12th)		
Nagpur . . .	. . . . .	Weather cool and pleasant; prospects of *kharif* good, *rabi* sowings progressing; fever prevalent, smallpox, cattle-disease in places; prices stationary.
Jubbulpore . . .	. . . . .	Weather cloudy and changeable; reaping of *kharif* crops approaching completion; *rabi* sowings in progress; fever slightly prevalent in places; prices stationary.
Saugor (Nov. 11th)	. . . . .	Weather cold and clear; *rabi* sowings progressing; rice and *kodo* being cut; prices slightly higher.
Seoni	. . . . .	Weather cloudy; *rabi* sowings in progress; fever prevalent; some cattle-disease; prices falling.
Hoshangabad . .	. . . . .	Weather clear and pleasant; *rabi* sowing still in progress; rain wanted; fever prevalent; wheat 22, rice 11 seers per rupee.
Khandwa . . .	. . . . .	Weather cloudy at close of week; prospects good; *rabi* sowing in progress; health good; rice 14¾, wheat 24¾, *juar* 30 seers per rupee.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Cen. Provinces—*contd.*		
Raipur	. . . . .	Weather clear and cool; rice doing well; cotton in pod; wheat sowing in progress; health good; rice 24, wheat 30 seers per rupee.
Sambalpur . (Nov. 8th)	. . . . .	Weather clear and cold in morning; prospects, rice good, sugarcane, cotton fair, *til* and *urd* indifferent; fever, cattle-disease prevalent; common rice 28 seers per rupee.
		General Remarks.—Prospects are unchanged and continues favourable.
Central Provinces—(Nov. 19th)		
Nagpur	. . . . .	Weather cold; *kharif* crops, excepting *juar* and cotton, turning out well; *rabi* sowings progressing favourably; fever prevalent; cattle-disease decreasing; prices slightly risen.
Jubbulpore . . .	. . . . .	Weather clear and cool; reaping of *kharif* continues; *rabi* sowings progressing; prospects good; wheat 26, rice 16 seers per rupee.
Saugor (Nov. 18th) .	. . . . .	Weather clear and cold; *rabi* sowings in progress; rice and *juar* being cut; cotton-picking not commenced; health good; prices steady.
Seoni	. . . . .	Weather clear and cold; *kharif* being threshed; *rabi* sowings nearly completed; fever prevalent; also some cattle-disease; prices falling.
Hoshangabad . .	. . . . .	Weather cool and pleasant; *rabi* sowings in progress; rain still wanted; fever prevalent; wheat 24, rice 11 seers per rupee.
Khandwa . . .	. . . . .	Weather clear; prospects good; *rabi* sowings continue; general health good; rice 14¾, wheat 18, *juar* 24¾ seers per rupee.
Raipur	. . . . .	Weather clear and cool; prospects good; harvesting of rice and *kodo* commenced; cotton ripening; *rabi* sowings completed; fever prevalent; prices stationary.
Sambalpur (Nov. 15th) .	. . . . .	Weather clear and cold; prospects good; reaping of rice commenced; cattle-disease in parts; common rice 29¾ seers per rupee.
		General Remarks.—Prospects unchanged; *rabi* sowings have been nearly completed, and the harvesting of rice and millet has commenced.
British Burma—(Nov. 12th)		
Akyab	. . . . .	Cholera still prevalent in town and district; paddy crops excellent; season up to date favourable; reaping commenced.
Rangoon . . .	*Nil*	Health good; total rainfall 86·66 inches.
Bassein . . .	·33	Cattle-disease abating; reaping commenced; total rainfall 105·76 inches.
Prome . . .	*Nil*	Slight smallpox in one township; more rain wanted; some damage to crops by rats; total rainfall 41·57 inches.
Moulmein . . .	·05	Prospects of crops good; total rainfall 178·72 inches.
Tavoy . . .	·51	Slight cholera and smallpox; prospects of crops very good; reaping of early crops commenced; total rainfall 162·44 inches.
Pegu	*Nil*	Crops promising, but later rain required; total rainfall 109·34 inches.
Henzada . . .	*Nil*	Crops strong and healthy; total rainfall 89·61 inches.
Thayetmyo . . .	·04	Crops generally promising fairly; but more rain is badly wanted; total rainfall 32·25 inches.
Toungoo . . .	·26	Total rainfall 73·26 inches.
		General Remarks.—Cholera continues in Arakan; elsewhere general health good; reaping of early crops commenced; crop prospects good everywhere except in Pegu division, where more rain is wanted.
British Burma—(Nov. 19th)		
Akyab (Nov. 15th)	0·17	Cholera still prevalent in town and district; *paddy* crops doing very well; season up to date favorable; reaping commenced in one township; total rainfall 197·07.
Bassein („)	2·94	Cattle-disease disappearing; slight cholera in 1 circle; total rainfall 108·70; rain though useful in the north has caused some damage in the southern township.
Rangoon („)	2·58	Health good; total rainfall 89·24.
Amherst („) (Moulmein).	3·47	Slight cholera in town; reaping commenced; total rainfall 182·19.
Tavoy („)	0·47	Prospects of crops very good; reaping progressing; total rainfall 162·91.
Pegu . („)	1·88	Crops well in ear and improved by rain; total rainfall 111·22.
Henzada („)	1·48	Prospects of crops good; slight damage to crops in 1 township; reaping commenced; total rainfall 91·09.
Prome („)	0·92	Slight small-pox in 1 township; plants in good condition; total rainfall 42·49.
Toungoo („)	0·83	General appearance of crops good; total rainfall 74·59.
Thayetmyo („)	1·22	Crops generally promising fairly; total rainfall 33·47.
		General Remarks.—Cholera still prevalent in Arakan, slight in Bassein and Moulmein; small pox in Prome; elsewhere health good; reaping commenced; prospects of crops good in all districts since rain of last week.
Assam—(Nov. 12th)		
Gauhati . . .	*Nil*	Mornings and nights cool; cholera reported from Manzah, Bhobanipur; prospects of *sali* crops not very good, but that of tea improving; public health fair.
Sylhet . . .	*Nil*	Crop prospects good; public health but indifferent.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Assam—*contd.*		
Cachar . . .	*Nil*	Weather cold ; last two days cloudy ; some injury done to *sali* crops by insects ; prospects of tea good ; common rice 13 5/16 seers per rupee ; a few cases of cholera reported in Sadr and Lakhipur stations.
Dibrugarh . . .	*Nil*	Weather cool ; prospects of *sali* crop fair ; district healthy.
Assam— (Nov. 19th)		
Gauhati . . .	No rain during the week ending 18th instant.	Mornings and nights cool and foggy ; prospect of *sali* crops not very good ; sugarcane improving ; public health good.
Sylhet . . .	*Nil*	State and prospects of all crops good ; cholera and small-pox as prevalent as before.
Cachar . . .	*Nil*	Weather cold ; reaping of *sali* crops commenced in some parts of the district ; prospects of tea good ; common rice 12½ seers per rupee ; health good.
Dibrugarh . . .	*Nil*	Weather cool ; prospect of *sali* crop fair ; district healthy.
Mysore and Coorg—		
Bangalore . . .	2·0	Crops generally in fair condition ; agricultural operations in active progress ; prospects satisfactory ; public health fairly good ; no material change in provinces.
Mysore . . .	·04 ; elsewhere in the Province average ·74	
Mercara . . .	63·41	The heavy rain that has fallen has been injurious to rice and coffee crops and has interfered with the drying of cardamoms.
Mysore and Coorg— (Nov. 19th)		
Bangalore . . .	·43	Standing crops in good condition ; more rain needed for wet cultivation.
Mysore . . .	·64 Slight rain has fallen throughout the province.	Crops thriving ; prospects favourable ; public health good.
Mercara . . .	·29	Prospects of crops improved ; picking of cardamoms completed ; outturn above the average ; coffee-picking has commenced in native gardens.
Berar & Hyderabad— (Nov. 12th)		
Amraoti . . .	*Nil*	Weather cool ; crops in good condition ; cotton-picking commenced ; *rabi* sowings completed ; wheat 22 and *jowari* 26 seers per rupee.
Akola . . .	*Nil*	Weather clear and cold ; *kharif* prospects good ; *rabi* sowings completed.
Hyderabad . . .	*Nil*	Reaping of *kharif* crops continues ; *abi* crops prospering ; general health good ; prices—wheat 13½, coarse rice 12¼, white *juar* 17½, yellow *juar* 21 and *tur* 16¾ seers per halli sicca rupee.
Berar & Hyderabad— (Nov. 19th)		
Amraoti . . .	. . . . .	Weather clear and cool ; crops in good condition ; cotton-picking continued ; wheat 22, *jowari* 26 seers per rupee.
Akola . . .	. . . . .	*Kharif* crops thriving ; *rabi* crops above ground and doing well.
Hyderabad . . .	Average rainfall during week ·33	Total rainfall from 1st January 31·84 ; reaping of *abi* crops commenced ; *rabi* crops prospering ; no sickness ; prices—wheat 14, coarse rice 12¾, white *juar* 17¼, yellow *juar* 23, and *tur* 19 seers per hali sicca rupee.
Central India States— (Nov. 12th)		
Indore . . .	*Nil*	Weather fine and seasonable ; health good ; agricultural prospects excellent.
Morar (Gwalior) . .	*Nil*	Total rainfall 32·68 inches ; fever still in Lashkar and Morar ; 2 cases of cholera in Morar.
Sutna	*Nil*	Weather cloudy.
Neemuch . . .	*Nil*	Sowing of *rabi* approaching completion ; *juar* being reaped ; public health good.
Goona	. . . . .	Health and prospects good.
Agar	*Nil*	Health and prospects good.
Sehore	*Nil*	Weather clear ; prospects of crops good, but *kharif* much injured by late rains ; public health good.
Nowgong . . .	*Nil*	Total rainfall 72·63 inches ; public health good ; weather and agricultural prospects fair.
Manpur . . .	*Nil*	Sowing finished in many places and crops rising up ; health good ; slight cholera in Burwani, Rajpur and Sagore.
Central India States— (Nov. 19th)		
Indore	. . . . .	Weather clear and cold ; health good ; agricultural prospects excellent.
Morar (Gwalior) . .	*Nil*	Fever abating in Morar and Lashkar.
Sutna	*Nil*	Health good.
Neemuch . . .	*Nil*	Sowing of opium in progress ; *juar* being reaped ; health and prospects good.
Goona	. . . . .	Health and prospects good.
Sehore	*Nil*	Weather clear ; prospects of crops and public health good.
Nowgong . . .	*Nil*	Weather seasonable ; public health indifferent ; agricultural prospects good.
Manpur . . .	*Nil*	Prospects good ; sowing of *rabi* crops almost finished ; no cholera cases reported ; public health good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Rajputana—(Nov. 12th)		
Abu . . (Nov. 12th)	. . . . .	Weather cool and seasonable.
Sirohee . (" 9th)	. . . . .	Tanks, wells and crops prospects good; weather fine and cold at night.
Marwar . (" 7th)	·4	Jodhpore city tanks almost full; fever still prevails; *kharif* harvesting and the *rabi* sowings in progress.
Harowtee . (" 10th)	. . . . .	*Kharif* nearly harvested; wheat and barley being sown; weather clear and seasonable.
Jhallawar . (" 7th)	. . . . .	Weather cold and bright; fever prevalent.
Ajmere . (" 11th)	. . . . .	Fever still continues; *rabi* sowings continue.
Jeypore . (" 4th)	·13	Weather seasonable; prices steady; health good, excepting a good deal of fever.
Ulwur . (" 11th)	·13	Fever continues; prices falling.
Rajputana—(Nov. 19th)		
Abu . (Nov. 19th)	*Nil*	Weather seasonable; fever still prevalent.
Marwar (" 14th)	*Nil*	Tanks almost full; fever still prevails; *kharif* being harvested, and *rabi* sowings still in progress.
Jeypore (" 18th)	*Nil*	Weather seasonable; prices steady; health fair.
Harowti (" 17th)	*Nil*	*Rabi* and opium sowings completed; health good.
Jhallawar (" 14th)	*Nil*	A good amount of fever; weather seasonable; prospects good.
Ajmere (" 18th)	*Nil*	Fever prevalent and prospects good.
Ulwar (" 18th)	*Nil*	Fever decreasing; prices steady; weather seasonable.
Nepal—(Nov. 13th)		
Nepal . . .	*Nil*	Weather good; prospects of crops fair.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

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☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

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Nothing for publication.

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Nothing for publication.

SUPPLEMENT No. 48.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 27th November, 1884.

No. 21.—In exercise of the power conferred by the Statute 24 & 25 Vic., cap. 67, s. 17, the Governor-General in Council has been pleased to appoint Friday, the 5th December next, at 11 A.M., as the time, and the Council Chamber in the Government House, Calcutta, as the place, for a meeting of the Council of the Governor-General for the purpose of making Laws and Regulations.

D. FITZPATRICK,
Secy. to the Govt. of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Calcutta, the 28th November 1884.

No. 1922.—ERRATUM.—In that part of Home Department Notification No. 1155, dated the 19th July 1884, which defines the Eastern boundary of the District of Thongwa in the Irrawaddy Division of British Burma, for "Tanmanaing and Môkkyun" read "Tawkee and Zepathwe."

ESTABLISHMENTS.

The 28th November 1884.

No. 251.—Mr. A. J. R. Bainbridge is permitted to resign Her Majesty's Bengal Civil Service, with effect from the 1st September 1884.

JUDICIAL.

The 28th November 1884.

No. 1431.—The services of Lieutenant R. F. H. Anderson, Bengal Staff Corps, Wing Officer, 5th Native Infantry, are placed temporarily at the disposal of the Government of the Punjab for employment as Officiating Cantonment Magistrate, Jullundur.

ECCLESIASTICAL.

The 25th November 1884.

No. 182.—Her Majesty's Secretary of State for India has permitted the Reverend A. D. C. Clarke, a Junior Chaplain on the Bengal (Lahore) Establishment, to resign his appointment, with effect from the 21st August last.

The 28th November 1884.

No. 186.—The Reverend W. H. Bray, a Junior Chaplain on the Bengal Establishment, to be a Senior Chaplain, with effect from the 14th instant.

EDUCATION.

The 28th November 1884.

No. 339.—APPOINTMENT—Mr. J. Elliott, Superintendent of the Jubbulpore Normal School, to be Inspector of Schools, 4th grade, in the Central Provinces, with effect from the date of the promotion of Mr. G. Thompson, B.A.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Calcutta, the 28th November 1884.

No. 857—116-19 *G.*—Mr. C. S. Bayley, C.S., Officiating Registrar of the High Court, Calcutta, is appointed to officiate as Under-Secretary to the Government of India in the Revenue and Agricultural Department, with effect from the 13th instant, in addition to his other duties.

EXHIBITIONS.

The 27th November 1884.

No. 1272 *Ex.*—Dr. J. Anderson, Superintendent, Indian Museum, is allowed a further extension for twenty days of the furlough granted to him in Notification No. 177, dated the 21st February last.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 26th November, 1884.

No. 2263 *G.*—Captain C. W. Ravenshaw, Officiating Political Assistant of the 1st Class, is posted as 2nd Assistant to the Governor-General's Agent in Central India, with effect from the date of assuming charge.

No. 2265 *G.*—Captain I. MacIvor, Political Assistant of the 3rd Class, is posted as 3rd Assistant to the Governor-General's Agent in Central India, with effect from the date of assuming charge.

No. 2267 *G.*—The services of Surgeon-Major O. T. Duke, M.B., Officiating Political Agent of the 3rd Class, and Political Agent, Kelat, are placed at the disposal of the Home Department.

The 27th November, 1884.

No. 2271 *G.*—Surgeon-Major J. Duke, Indian Medical Service, is appointed Medical Officer of the Mulwah Bheel Corps, and of the Bhopawar Political Agency, with effect from the date of assuming charge, *vice* Surgeon-Major H. D. S. Compigné, M.D., retired.

No. 2273 *G.*—The services of Surgeon-Major D. N. Martin, M.D., Medical Officer, 30th Regiment of Native Infantry, are replaced at the disposal of the Military Department, with effect from the forenoon of the 28th October, 1884, the date on which he was relieved of the medical charge of the Eastern Rajputana States Residency by Surgeon-Major T. H. Hendley.

No. 2287 *G.*—Mr. J. B. Lyall, C.S., Resident of the 1st Class, and Resident in Mysore and Chief Commissioner of Coorg, is granted privilege leave for two months and twelve days, with effect from the 10th December, 1884, or from the subsequent date on which he may avail himself of it.

No. 2289 *G.*—Colonel T. G. Clarke, Commissioner and District and Sessions Judge of Coorg, is appointed to officiate as a Resident of the 1st Class, and as Resident in Mysore and Chief Commissioner of Coorg, with effect from the date of assuming charge, during the absence on privilege leave of Mr. J. B. Lyall, C.S.

H. M. DURAND,
Offg. Secy. to the Govt. of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Calcutta, the 27th November 188 4.

No. 1815.—*Abstract of Accounts of the Department of Issue of Paper Currency on the 31st October 1884, published as required by Section 27 of the Indian Paper Currency Act, XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	Reserve in Silver Coin and Bullion.		
		Coin.	Bullion.	TOTAL.
	R	R	R	R
Calcutta . . .	7,27,55,200	1,78,80,619	1,21,85,131	3,00,65,750
Allahabad . .	78,38,315	67,15,080	...	67,15,080
Lahore . . .	81,68,885	1,05,80,295	...	1,05,80,295
Bombay . . .	4,85,07,740	2,62,00,307	52,37,158	3,14 97,465
Kurrachee . .	29,71,820	20,53,365	32,300	20,85,665
Madras . . .	1,26,26,120	28,38,460	6,30,000	34,68,460
Calicut . . .	16,97,030	10,42,970	13,500	10,56,470
Rangoon . . .	15,94,700	1,00,50,625	...	1,00,50,625
TOTAL .	15,61,19,810	7,80,21,721	1,80,98,089	9,61,19,810
price paid for Government Securities of the nominal value of R6,25,21,700 held under Section 19 of the Act . .				6,00,00,000
GRAND TOTAL .				15,61,19,810

The 28th November 1884.

No. 1793.—Mr. J. E. O'Conor, Assistant Secretary to the Government of India, in the Department of Finance and Commerce, having been granted privilege leave for two months, made over charge of his office and availed himself of the leave, before noon, on the 20th November 1884.

Mr. C. R. Kiernander, Deputy Auditor General having been appointed to officiate as Assistant Secretary during Mr. O'Conor's absence on privilege leave, assumed charge of his duties, before noon, on the 26th November 1884.

No. 1817.

ORDER—By the Government of India, Department of Finance and Commerce.

Read the following:—

FINANCIAL. INDIA OFFICE;
No. 347. *London, 30th October 1884*

To His Excellency the Most Honourable the Governor General of India in Council.

MY LORD MARQUIS,—

I forward herewith a copy of the report of the Deputy Master of the Royal Mint, dated the 1s

of October 1884, on the pyx coins of the Calcutta and Bombay Mints issued in 1883, from which you will observe that the "Standard weight and fineness of the Coins have been maintained with the usual approximation to accuracy."

I have, &c.,
(Sd.) KIMBERLEY.

Dated Royal Mint, 1st October 1884.
From—ROBERT F. SUFT, Esq.,
To—The Secretary, Treasury.

The examination of the pyx coins of the Indian Mints, transmitted to the Deputy Master of the Mint by direction of the Lords Commissioners of Her Majesty's Treasury on the 2nd August last being completed, I have the honor to forward herewith a report on the weight and fineness of the coins and to return the bullion remaining.

No. 13140-84.

CALCUTTA MINT.
Silver.

	Oz.
Fine	8·544
Standard	11·383
	19·927

BOMBAY MINT.
Silver.

	Oz.
Fine	6·940
Standard	7·410
	14·350

The coins were first weighed singly by the Mint balance and were then handed to the Assayer of the Mint by whom each coin has been separately assayed and reported upon.

The standard weight and fineness of the coins have been maintained with the usual approximation to accuracy.

In accordance with the directions of their Lordships, parting assays have been made of the silver coins of each Presidency in order to ascertain the average proportion of gold contained in them, and the result is shewn in the Report. These assays have been made in the manner detailed in the Report of the 25th October 1869.

Memorandum of the weight and fineness of coins issued from the Indian Mints in the year 1883.

No. of Pieces.	Mint.	Denomination of Coin.	Average weight of a Piece.	Average proportion of silver in 1000 parts.	Average proportion of Gold in the Silver coins ascertained for parting assay in 1000 parts.
			Grains.		
40	Calcutta	Rupee .	179·959	915·88	·470
15		½ Rupee .	89·974	915·56	
26		¼ Rupee .	45·023	915·51	
14		⅛ Rupee .	22·543	915·78	
40	Bombay	Rupee .	180·012	915·81	·130
3		¼ Rupee .	45·010	915·47	
8		⅛ Rupee .	22·497	915·43	

ROYAL MINT,
1st October 1884.

(Sd.) R. F. SUFT,
for *Depy Master and Comptroller.*

ORDER.—Ordered, that the above papers be communicated to the Mint Masters, Calcutta and Bombay, for information.

Ordered also, that they be published in the *Gazette of India* for general information.

D. BARBOUR,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 28th November, 1884.

APPOINTMENTS.

No. 632.—BRIGADE STAFF—

Captain N. P. O'Gorman, Lincolnshire Regiment, to be a Brigade Major on the establishment, *vice* Lieutenant-Colonel C. M. Stockley, vacated on promotion. Dated 18th November, 1884.

No. 633.—COMMISSARIAT DEPARTMENT—

Lieutenant H. S. G. Hall, Sub-Assistant Commissary General, 2nd class, on probation, is confirmed in that appoinment, with effect from the 9th November, 1883.

No. 634.—Lieutenant C. G. R. Thackwell Bengal S. C., Wing Officer, 20th Bengal Infantry, to be a Sub-Assistant Commissary General, 2nd class, on probation, with effect from the 31st October, 1884, *vice* Lieutenant H. R. Marrett, seconded on appointment as Superintendent, Hissar Cattle Farm.

No. 635.—HYDERABAD CONTINGENT—

2nd Cavalry.

Surgeon C. Mallins, M.B., Medical Officer, 1st Infantry, to officiate as Medical Officer, *vice* Surgeon-Major J. F. Sargent, on furlough.

1st Infantry.

Surgeon A. O. Evans, Madras Medical Service, to officiate as Medical Officer, *vice* Surgeon Mallins, M.B.

FURLOUGH AND LEAVE.

No. 636.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Captain C. C. Ellis, R.E., Executive Engineer, 4th grade, Military Works Department, (p. a.) for one year and 182 days, under rule IX of the regulations of 1868.

Surgeon-Major J. J. Monteath, M.D., (m. c.) for one year, under rules IX and XV of the regulations of 1868.

No. 637.—With reference to G. G. O. No. 349 of 1884, Surgeon-Major L. E. Eades, Medical Officer, 5th Bengal Infantry, has been granted by the Secretary of State for India furlough (m. c.) for one year, with effect from the 13th April, 1884.

No. 638.—Honorary Surgeon T. Browne was on furlough out of India, from the 23rd May to the 15th September, 1884, under the regulations of 1868.

No. 639.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Lieutenant-Colonel and Brevet Colonel Æ. Perkins, R E., (u. p. a.) without pay, for one month.

Major and Brevet Lieutenant-Colonel R. F. C. A. Tytler, General List Infantry, (p. a.) for 31 days.

Major W. S. S. Bisset, R.E., (p. a.) for seven days.

Major E. C. Elliston, Bengal S.C., (m. c.) for 183 days.

Captain G. E. Money, Bengal S.C., (m. c.) for 92 days.

Lieutenant E. K. E. Spence, Bengal S.C., (p. a.) for 14 days.

Surgeon-Major R. Pringle, M.D., (p. a.) for 150 days.

Surgeon-Major C. P. Oldham, (u. p. a.) without pay, for 30 days.

LONDON GAZETTE.

No. 640.—The following extracts are published for general information:—

"London Gazette," dated the 28th October, 1884, page 4655.

India Office, 27th October, 1884.

The Queen has approved of the following Promotions among the Officers of the Staff Corps and Indian Military Services made by the Governments in India:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major William Brereton Birch. Dated 30th July, 1884.

Major George Young. Dated 20th August, 1884.

To be Majors.

Captain Thomas James Bailey. Dated 5th August, 1884.

Captain and Brevet Major Stannus Verner Gordon. Dated 9th August, 1884.

The Queen has also approved of the following Admissions to the Staff Corps made by the Government of India:—

BENGAL STAFF CORPS.

To be Lieutenants.

Lieutenant George Rodney Brown, from the Royal Warwickshire Regiment. Dated 12th June, 1883, but to rank from 23rd April, 1881.

Lieutenant Edmund Boteler Burton, from the West Riding Regiment. Dated 1st July, 1882, but to rank from 1st July, 1881.

Lieutenant William Alexander Wickedé Strickland, from the Dorsetshire Regiment. Dated 1st July, 1882, but to rank from 1st July, 1881.

Lieutenant Herbert Arrott Browning, from the East Lancashire Regiment. Dated 21st June, 1883, but to rank from 1st July, 1881.

Lieutenant George William Rawlins, from the North Lancashire Regiment. Dated 11th July, 1882, but to rank from 1st July, 1881.

Lieutenant Lesley Charles Hamilton Stainforth, from the South Wales Borderers. Dated 15th June, 1883, but to rank from 1st July, 1881.

Lieutenant Frederick Weston Peile Macdonald, from the Royal Irish Regiment. Dated 17th June, 1883, but to rank from 22nd October, 1881.

Lieutenant Turenne Jermyn, from the Royal Irish Regiment. Dated 12th June, 1883, but to rank from 22nd October, 1881.

Lieutenant Charles Clements Reid, from the East Lancashire Regiment. Dated 27th May, 1883, but to rank from 22nd October, 1881.

"London Gazette," dated the 4th November 1884, page 4755.

War Office, Pall Mall, 4th November, 1884.

MEMORANDA.

Deputy Assistant-Commissary James Keenan, Bengal Establishment, to have the honorary rank of Lieutenant. Dated 12th June, 1884.

INDIAN STAFF CORPS.

The undermentioned Lieutenant-Colonels to be Colonels:—

William Wheeler Hume, Bengal. Dated 5th August, 1884.

John Newbold Wilson, Madras. Dated 20th August, 1884.

Oswald Menzies, Bengal. Dated 26th August, 1884.

PENSIONS.

No. 641.—Conductors C. Ryan and H. Smith, late of the Hyderabad Contingent, have been transferred to the pension establishment.

PROMOTIONS.

No. 642.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Major.

Captain Mansel Armstrong,—22nd November, 1884.

To be Captain.

Lieutenant Henry Montague Pakington Hawkes,—23rd November, 1884.

No. 643.—NATIVE ARMY—

29th Bengal Infantry.

Jemadar Golab Sing to be Subadar, Havildar Nutha Sing to be Jemadar, *vice* Subadar Gujja Sing, "Bahadur," invalided,—1st October, 1884.

43rd Bengal Infantry.

Subadar Ghumbir to be Subadar-Major Jemadar Gookul Tewary to be Subadar, Havildar Rajbir Newar to be Jemadar, *vice* Subadar-Major Juggoo Ram, invalided,—3rd September, 1884.

REWARDS.

No. 644.—GOOD SERVICE PENSIONS—

It is notified that on the recommendation o- the Government of India, Her Majesty's Government has been pleased to confer good service pent sions on the undermentioned officers, with effecf from the dates specified:—

From the 10th July, 1884, in room of Lieutenant-General F. R. Maunsell, C.B., Royal (late Bengal) Engineers, succeeded to the Colonel's allowance.

COLONEL HENRY ALEXANDER BROWNLOW, ROYAL (LATE BENGAL) ENGINEERS.

Dates of Commissions.

2nd Lieutenant	11th December, 1849.
Lieutenant	1st August, 1854.
Captain	27th August, 1858.
Brevet Major	28th August, 1858.
Major	5th July, 1868.
Brevet Lieutenant-Colonel	14th January, 1869.
Lieutenant-Colonel	23rd July, 1874.
Brevet Colonel	1st October, 1877.

Appointments.

Regimental duty, Bengal Sappers and Miners,—from 7th November, 1851, to 26th February, 1852.

Deputy Superintendent, Ganges Canals (North-Western Provinces, Public Works Department, Irrigation Branch),—from 27th February, 1852, to 12th October, 1854.

Deputy Superintendent, Eastern Jumna Canals (North-Western Provinces, Public Works Department, Irrigation Branch),—from 13th October, 1854, to 27th February, 1856.

Superintendent, Eastern Jumna Canals (North-Western Provinces, Public Works Department, Irrigation Branch),—from 28th February, 1856, to 27th March, 1865.

Superintending Engineer, Irrigation Works (North-Western Provinces, Public Works Department),—from 28th March, 1865, to 15th February, 1872.

(Held appointments of Field Engineer, Delhi Field Force, and Assistant Field Engineer, Rohilkhand Field Force, during the Mutiny, 1857-58.)

Officiating Chief Engineer, Irrigation Works, and Joint Secretary to Government, North-Western Provinces, Public Works Department,—from 16th February, 1872, to 5th March, 1874.

Superintending Engineer, Irrigation Branch, Public Works Department, Punjab,—from 6th March, 1874, to 23rd February, 1876.

Officiating Chief Engineer and Joint Secretary to Government, Punjab, Public Works Department,—from 24th February, 1876, to 29th April, 1876.

Superintending Engineer, Irrigation Branch, Public Works Department, Punjab,—from 30th April, 1876, to 19th June, 1876.

Officiating Chief Engineer and Secretary to Government, North-Western Provinces, Irrigation Branch, Public Works Department,—from 20th June, 1876, to 10th April, 1877.

Officiating Inspector General of Irrigation and Deputy Secretary to the Government of India, Public Works Department,—from 11th April, 1877, to 27th July, 1878.

Secretary to Government, North-Western Provinces and Oudh, Irrigation Branch, Public Works Department,—from 28th July, 1878, to 31st December, 1878.

Secretary to Government, North-Western Provinces and Oudh, Public Works Department, and Chief Engineer, Irrigation Branch,—from 1st January, 1879, to 19th February, 1882.

Inspector General of Irrigation and Deputy Secretary to the Government of India, Public Works Department,—from 20th February, 1882, to date.

War Services.

***Indian Mutiny*, *1857-58*.**—Battle of Budle-ke-Serai, siege of Delhi (dangerously wounded), and the Rohilkhand Campaign. Despatches, *London Gazette*, 15th December, 1857, and 10th August, 1858. Medal with clasp and Brevet of Major.

From the 12th August, 1884, in room of Major-General J. G. Medley, Retired List, deceased.

COLONEL JOHN PRINGLE SHERRIFF, BENGAL STAFF CORPS.

Dates of Commissions.

Ensign	20th January, 1851.
Lieutenant	30th November, 1854.
Captain	1st January, 1862.
Brevet Major	2nd January, 1862.
Major	20th January, 1871.
Brevet Lieutenant-Colonel	4th January, 1870.
Lieutenant-Colonel	20th January, 1877.
Brevet Colonel	1st October, 1877.

Appointments.

Doing-duty, 16th Native Infantry,—from 12th March, 1851, to 25th August, 1851.

Doing-duty, 35th Light Infantry,—from 26th August, 1851, to 31st August, 1857.

Quartermaster, 2nd Punjab Native Infantry,—from 1st September, 1857, to 3rd October, 1858.

Adjutant, 2nd Sikh Infantry,—from 4th October, 1858, to 31st December, 1858.

Officiating 2nd-in-Command, 2nd Sikh Infantry,—from 1st January, 1859, to 22nd September, 1859.

Attached to 54th Foot,—from 23rd September, 1859, to 14th December, 1862.

Attached to Landour Convalescent Depôt,—from 15th December, 1862, to 18th April, 1865.

Station Staff Officer, Landour Convalescent Depôt,—from 19th April, 1865, to 24th February, 1871.

General duty, Landour Convalescent Depôt,—from 25th February, 1871, to 22nd October, 1871.

Officiating 2nd-in-Command, 42nd Native Infantry,—from 23rd October, 1871, to 16th May, 1873.

Officiating Commandant, 42nd Native Infantry,—from 17th May, 1873, to 12th December, 1874.

Commandant, 42nd Native Infantry,—from 13th December, 1874, to 31st March, 1884.

War Services.

Indian Mutiny, 1857-58.—Siege, assault, and capture of Delhi. Actions of Bulandshahr, Aligarh, and Fatehpur-Sikri-Jumna Expedition. Despatches, G. G. O. No. 1105 of 1860. Medal with clasp. Brevet of Major.

Looshai Expedition, 1871-72.—Medal with clasp.

Duffla Expedition, 1874-75.—Despatches, G. G. O. No. 375 of 1875.

Operations against the Nagas, 1875 and 1879-80.—Despatches, G. G. O. No. 574 of 1875. Clasp.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 54.—Mr. Ferdinand Halford Elderton has been appointed by the Secretary of State for India a 3rd Grade Officer in the Indian Marine, with effect from the 23rd October, 1884.

DISMISSALS.

No. 55.—Mr. R. B. Sim, Assistant Engineer, Indian Marine, is dismissed the service.

G. CHESNEY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 28th November, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the undermentioned Commissioned Officers, on the dates specified, were received in the Military Department between the 11th and 28th November, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Royal Engineers	Captain H. B. Rich	17th Nov., 1884	Rawal Pindi.		
Durham Light Infantry	Lieutenant C. G. Wells	21st Nov., 1884	Allahabad.		
Leinster Regiment	Captain A. B. Hibgame	23rd Nov., 1884	Fyzabad.		

Statement of Deposits on account of Estates between the 20th and 28th November, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
British Military Service.					R a. p.		
Charles Arthur George Cumine (a).	Captain	East Surrey Regiment.	14th August, 1884.	Intestate	456 0 1		
Indian Military Service.							
Charles Hyder Forster (b)	Major	General List, Infantry.	10th March, 1884.	Will left in favour of a former wife.	47 11 0		

(a) *Next-of-kin.*—Colonel Cumine, Imperial Square, Cheltenham, Gloucester.
(b) *Vide* Notification of 7th July, 1884.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 26th November 1884.

No. 286.—Major-General H. F. Hancock, R.E., Chief Engineer, 1st Class, having vacated his appointment in the Public Works Department on promotion to his present military rank, is re-appointed to the Department in the same rank.

The 28th November 1884.

No. 287.—Mr. C. A. Bull, Executive Engineer, 1st Grade, is transferred temporarily, at the public expense, from the Establishment under the Director General of Railways, to that under the Government of Madras, for employment as Engineer-in-Chief of the Railway Surveys in Madras.

No. 288.—Major G. T. Skipwith, R.E., Executive Engineer, North-Western Provinces and Oudh, is appointed to officiate as Superintending Engineer, 3rd class, during the absence of Major Harrison, R.E., on deputation, or until further orders.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, NOVEMBER 29, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

	R	a.	p.
Subscription for *Gazette* and Supplement per annum	15	0	0
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Subscription for Supplement only	6	0	0
Postage	3	0	0
For a single copy of the *Gazette*	0	8	0
For a single copy of the Supplement	0	4	0

Postage on single copies varies according to weight.

Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance.*

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

E. J. DEAN,
Publisher, Gazette of India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 24th November 1884.

No. 3604.—With reference to Government of India, Military Department, Notification No. 558 of the 17th October 1884, Surgeon-Major H. D. S. Compigné, M.D., made over, and 2nd Class Hospital Assistant Gulam Safdar, received, charge of the medical duties connected with the Malwa Bhil Corps and Bhopawar Agency on the afternoon of the 12th November 1884, pending the arrival of Surgeon-Major J. Duke.

By Order,

C. W. RAVENSHAW, *Capt.,*
for 1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Ajmere, the 13th November 1884.

No. 54 C.—Surgeon C. Adams, of the Madras Medical Service, and Medical Officer of the Bikaneer Agency, having been pronounced unfit for duty by a Medical Board assembled at Ajmere, is permitted to proceed to Europe in anticipation of the furlough being granted to him by his own Government.

Mount Abu, the 24th November 1884.

No. 3505 G.—Second Class Hospital Assistant Mohomed Jan, attached to the Pali Dispensary in Jodhpore, is granted two months' privilege leave from the 30th September 1884, and 2nd Class Hospital Assistant Rungbeer Nagorecote, of the Reserve List of Hospital Assistants for Native States, is appointed to officiate during his absence

Third Class Hospital Assistant Koodrutoollah, attached to the Agency Hospital at Bickanir, is granted three months' privilege leave from the 14th September 1884.

First Class Hospital Assistant Alleemooddin, attached to the Eastern Rajputana States Agency, returned from the leave granted him in this Office Notification No. 2515 G. of the 11th August 1884, and resumed charge of his duties on the afternoon of the 4th September 1884, from Passed Medical Pupil (No. 500) Futteh Mohomed who reverted to the Reserve List of Hospital Assistants for Government employment.

Third Class Hospital Assistant (No. 392) Burjore Misre is, with the permission of the Surgeon-General with the Government of India, transferred from the service under the Jeypore Durbar to the Military Department from the 7th August 1884.

Third Class Hospital Assistant (No. 245) Brij Mohun Lall is, with the permission of the Surgeon-General with the Government of India, transferred from the Rajputana-Malwa Railway to the Military Department from the 1st September 1884.

No. 3511 *G.*—Captain F. G. Alexander, Officiating 2nd-in-Command of the Erinpura Irregular Force, returned to duty on the forenoon of the 10th November 1884, from the fifty days' privilege leave granted him in this Office Notification No. 2691 G., dated the 2nd of September 1884.

No. 3513 *G.*—Surgeon D. ff. Mullen, Medical Officer of the Meywar Agency, returned to duty on the forenoon of the 3rd November 1884, from the privilege leave granted him in this Office Notification No. 1855 G., dated 23rd June 1884.

Second Class Hospital Assistant Imdad Hoosein held medical charge of the Meywar Agency from the 3rd August to the 2nd November 1884, both days inclusive.

By Order,

W. H. C. WYLLIE,

1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF COORG.

NOTIFICATIONS.

Bangalore, the 19th November 1884.

No. 22.—Kongandra Mudaya, Subedar of the Padmalknad Taluk, is granted three months' leave on medical certificate, under Section 128 of the Civil Leave Code, with effect from the 9th October 1884.

2. Paragraph 1 of Notification No. 15 of the 18th October 1884, granting Mr. Mudaya one month's privilege leave, with effect from the 9th idem, is cancelled.

No. 23.—It is hereby notified, under Section 4 of Act X of 1870 (The Land Acquisition Act), that the undermentioned land is required for a public purpose by the Verajendrapet Municipality, *viz.*, for the purpose of constructing a Surgery :—

The land needed measures 690 square yards and belongs to one Nanji, of Virajendrapet. It is bounded on the north by Busamah's ground, on the east by the Cannanore road, on the south by the hospital compound, and on the west by Govinda Singh's waste land.

A plan of the land has been made and can be inspected at the Office of the President of the Virajendrapet Municipality.

By Order,

H. WYLIE, *Major,*

Secretary to the Chief Commr. of Coorg.

TELEGRAPH DEPARTMENT.

Calcutta, the 28th November 1884.

Offices reported opened and closed during the month of October 1884:—

NAMES OF STATIONS.	Where situated.	Date.	REMARKS.
	Departmental.		
Bahawalpur City	Punjab	1st	Opened.
Desangmukh	Assam	1st	Ditto.
Gonda	Oudh	1st	Ditto.
Goragali	Punjab	4th	Ditto.
Grant's Buildings	Bombay	1st	Ditto.
Gujrat City	Punjab	1st	Ditto.
Jaudiala City	Ditto	25th	Ditto.
Jessore	Bengal	11th	Ditto.
Jhang	Punjab	27th	Ditto.
Kamalia	Ditto	25th	Ditto.
Karachi City	Sind	8th	Ditto.
Mahableshwar	Bombay Presidency.	1st	Ditto.
Matheran	Ditto	1st	Ditto.
Moopoon	Suburbs of Moulmein.	23rd	Ditto.
Murwara	Central Provinces	Sep. 25th	Ditto.
Okpo	British Burma	Oct. 14th	Ditto.
Pakpattan	Punjab	28th	Ditto.
Sadarghat	Suburbs of Chittagong.	27th	Ditto.
	Railway Offices.		
Bara Gudah			
Bhatnida			
Faridkot			
Ferozepore			
Golewalah	Rewari-Ferozepore State Railway.	Oct. 1st	Ditto.
Goniana			
Jaitu			
Kalanwali			
Kotkapura			
Raman			
Shergarh			
Banawar			
Dodbeli	Tumkur State Railway.	Aug. 11th	Ditto.
Golhalli			
Hirehulli			
Baheri			
Bareilly City			
Bhojeepura Junction.	Rohilkhund-Kumaon State Railway.	Oct. 1st	Ditto.
Doorania			
Huldwani			
Katgodam			
Kichha			
Lalkua			
Damukdea	Northern Bengal State Railway.	14th	Closed.
Narculdangah	Eastern Bengal State Railway.	7th	Ditto.
Dhainpur			
Khanth			
Mogulpur	Oudh and Rohilkhund Railway.	1	Opened.
Nagina			
Puraini			
Sahispur			
Seohara			

A. J. LEPPOC CAPPEL.

Director General of Telegraphs in India.

MILITARY WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 13th November 1884.

No. 58.—Deputy Commissary and Honorary Lieutenant C. Atkinson, Assistant Engineer, on return from furlough, is posted to Biluchistan Circle.

The 17th November 1884.

No. 59.—Lieutenant J. G. Lutyens, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Chapter II, paragraphs 16—18, of the Public Works Department Code, for promotion to Assistant Engineer, 1st Grade, on the 1st November 1884.

The 20th November 1884.

No. 60.—Lieutenant H. F. Kelly, R.E., Assistant Engineer, 2nd Grade, passed the examination laid down in Chapter II, paragraphs 16—18, of the Public Works Department Code, on the 25th October 1884.

J. J. McLEOD INNES, *Colonel, R.E.,*
Inspr. Genl. of Military Works.

Presidency and Oudh Command.

Lucknow, the 21st November 1884.

No. 5.—With reference to the Inspector General of Military Works' Notification No. 49, dated the 29th October 1884, Major G. D'A. Jackson, G.L.C., Executive Engineer, 3rd Grade, has been posted to the Barrackpore Division, Military Works, which he joined on the afternoon of the 12th November 1884.

W. L. GREENSTREET, *Major, R.E.,*
Supdg. Engr., Presdy. & Oudh Command,
Military Works.

SOUTHERN MAHRATTA RAILWAY.

NOTICE.

Poona, the 15th November 1884.

Tenders are invited for the supply at Bellary of the following bridge-timbers of thoroughly seasoned sound teak, sawn and square, to be straight, free from cracks, knots, and flaws. The timber will be inspected and passed in Bombay or Bellary.

Prices to include cost of carriage to Bellary.

836 pieces 13′ 6″ × 8″ × 6″
836 „ 13′ 6″ × 8″ × 5½″
836 „ 13′ 6″ × 8″ × 5″

Tenders to be addressed to the Chief Engineer, Southern Mahratta Railway, Poona, on or before 27th November.

One-third of the timber of each size to be delivered at Bellary by 1st January 1885, and the remainder before 31st January 1885.

Report of a Deserter from the Detachment, 1st Battalion, Royal Welsh Fusiliers, dated at Barrackpore, this 25th day of November 1884.

Number, Rank, and Name,—No. 1979, Private Francis Ruddigan.	At what Place Enlisted,—Enniskillen, Ireland.
Age,—24 years.	Parish and County in which Born,—Drumrielly, Ireland.
Size,—5 feet 8¾ inches.	Marks,—Scar on right knee.
Colour of—Complexion, dark; Hair, black; Eyes, blue.	Trade,—Labourer.
Date of Desertion,—24th November 1884.	Coat or Jacket,—Regimental serge.
Place of Desertion,—Barrackpore.	Waistcoat,—None.
Date of Enlistment,—29th June 1878.	Breeches or Trowsers,—Regimental serge.
	REMARKS,—Supposed to have embarked on board-ship at Calcutta.

R. A. W. COLLETON, *Lieut.,*
Comdg. Dett., 1st Battn., Royal Welsh Fusiliers.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878) that, on 13th October 1884, treasure consisting of the undermentioned property was found by Madiga Kollarigadu, in the soil near a channel at Chalkur, Penukonda Taluk, Anantapur District, Madras Presidency:—

List of Property.	*Approximate Value.* R	a.	p.
1 Silver girdle	12	10	0
4 Silver hollow bangles	12	8	0
1 Silver anklet 2 Silver pieces of anklet	7	10	0
TOTAL	32	12	0

All persons claiming the said treasure or any part thereof are required to appear personally or by agent before the Collector of Anantapur, on 15th April 1885, for the matter being enquired into and determined in accordance with the provisions of the said Act.

——————,
for *Collector.*

ANANTAPUR COLLECTOR'S OFFICE,
The 13th November 1884.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on the 14th October 1884, treasure consisting of 132 gold coins called "Aparanji Roocalu" and weighing 2¼ tolas, and valued at R40, was found in an unoccupied and unclaimed house site in the village of Mandapalle, in Pullampett Taluk.

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of Cuddapah, at his office, at 11 A.M., on the 1st June 1885, in order to the matter being enquired into and determined in accordance with the provisions of the said Act.

——————,
Actg. Collector.

CUDDAPAH COLLECTOR'S OFFICE,
The 22nd November 1884.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th November 1884.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1853-54	4 PER CENT. LOANS							4½ PER CENT. LOANS				TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PORTION.	5 PER CENT. LOAN OF 1856-57.	GRAND TOTAL.
		Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	TOTAL.	Of 1870.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TOTAL.			
Balance of 31st October 1884	54,100	13,36,553	27,86,400	2,36,09,700	99,88,600	3,00,40,737	2,44,82,600	9,22,44,890	45,89,800	95,46,300	10,18,09,300	11,59,44,400	1,24,600	32,700	20,84,00,590
Add—															
Amount enfaced at Madras between 1st and 15th November 1884	...	...	...	...	...	...	...	...	...	...	1,500	1,500	...	...	1,500
Amount enfaced at Bombay between 1st and 15th November 1884	...	...	...	3,000	...	9,500	4,500	17,000	...	12,000	1,27,000	1,39,000	...	...	1,56,000
Amount enfaced at Calcutta between 1st and 15th November 1884	...	...	10,300	62,000	6,000	49,700	47,900	1,75,900	...	5,000	1,72,500	1,77,500	...	...	3,53,400
	54,100	13,36,853	27,96,700	2,36,74,700	99,94,600	3,00,99,937	2,45,35,000	9,24,37,790	45,89,800	95,62,300	10,21,10,300	11,62,62,400	1,24,600	32,700	20,89,11,490
Deduct—															
Amount written off in the London Registers	...	...	24,300	2,92,400	20,000	4,43,300	97,600	8,77,600	16,100	29,000	73,300	1,19,400	600	...	9,96,500
Balance on 15th November 1884	54,100	13,36,553	27,72,400	2,33,82,300	99,74,600	2,96,56,637	2,44,37,400	9,15,60,190	45,73,700	95,33,300	10,20,37,000	11,61,44,000	1,24,000	32,700	20,79,14,990

NOTE.—From 9th June 1867 to 15th Sept. 1884, enfaced from India 5,037 lakhs; re-transferred from London 4,317 lakhs.
" 16th Sept. 1884 to 30th " " " " 7 " " " 5 "
" 1st Oct. " to 15th Oct. " " " 10 " " " 6 "
" 16th " " to 31st " " " " 4 " " " 3 "
" 1st Nov. " to 15th Nov. " " " 5 " " " 10 "

5,063 lakhs. 4,341 lakhs.
4,341 "
Balance against India . 722 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 19th November 1884.

R. HARDIE,
Secretary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 25th November 1884.

LIABILITIES.	R	a.	p.
Capital paid-up	2,00,00,000	0	0
Reserve Fund	41,59,296	4	4
Public Deposits at Head Office . R 68,81,543 a. 3 p. 0; Public Deposits at Branches . R 72,77,243 a. 8 p. 1	1,41,58,786	11	1
Other Deposits at Head Office and Branches	3,09,52,275	3	3
Bank Post Bills, &c.	3,59,991	2	1
Sundries	15,39,351	4	0
RUPEES .	7,11,69,700	8	9

ASSETS.	R	a.	p.
Government Securities . . .	71,20,238	0	0
Other authorized Investments . .	38,36,882	8	0
Loans on Government and other authorized Securities	76,55,797	11	3
Accounts of Credit on Government and other authorized Securities .	78,70,812	2	2
Bills discounted and purchased . .	1,45,26,634	12	1
Balances with other Banks . .	8,86,333	12	2
Bullion	28,577	12	11
Dead Stock	11,88,431	11	5
Stamps	9,223	4	0
Sundries	6,29,400	13	3
	4,37,52,332	7	3
Cash and Currency Notes at Head Office . R 1,47,57,028 a. 11 p. 1; Cash and Currency Notes at Branches . R 1,26,60,339 a. 6 p. 5	2,74,17,368	1	6
RUPEES .	7,11,69,700	8	9

By order of the Directors,

BANK OF BENGAL,
Calcutta, 27th November 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

Rate for Demand Loans 3 per cent.
Percentage 58·2.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department	Under Assay	Assayed	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Nov. 17	. . .	1,90,953	2,75,409	6,16,380	1,65,90,842	1,43,69,179
„ 18	. . .	1,55,853	2,66,747	3,65,689	1,60,93,311	1,41,52,002
„ 19	. . .	2,12,169	2,47,400	1,33,281	1,08,46,018	1,14,88,209
„ 20	2,861	1,88,079	11,155	1,24,724	1,07,57,718	1,48,07,073
„ 21	. . .	1,82,713	1,24,403	7,805	1,68,84,790	1,42,37,499
„ 22	. . .	1,94,175	406	7,423	1,60,85,204	1,40,39,775

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT.
The 25th November 1884.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
199	P 10—63067	100	Sarupchunder Sikdar, 32, Nundo Ram Sen's Lane, Hautkhola, Calcutta.
200	P 40—63499	50	Shaik Gul Mahomed, 143, Cotton Street, Burro Bazar, at Meran Moah's Kotee, Calcutta.
	„ —63498	50	
	„ —65452	50	
	„ —65449	50	

CALCUTTA.
The 28th November 1884

J. TAYLOR,
Assistant Comptroller General,
in charge, Paper Currency

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
32	B 84—75764	100	Post Master General, Madras.
	„ —75765	100	

FORT ST. GEORGE,
The 17th November 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl.,
In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 21st November 1884.

No. 9447.—Mr. G. J. Hynes, Assistant Director General of the Post Office, is granted three months' privilege leave, with effect from 18th November, under Section 188 of the Civil Leave Code.

P. SHERIDAN,
for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 27th November 1884.

Abro, W. P.
Blanee, S. R.
Brandon, E. J.
Bright, T.
Cameron, George.
Foster, Miss E.
Griffiths, Stanley.
Hamilton, T.
Hendrick, Miss Maggie C.
How, B. J.
Locken, H. W.
Macdonald, J. P.
Marcoth, A.
Minchin, C. N.
Oleese, Goffredo.
Perkins, Lieut. John D.
Petrie, D. Robert.
Pogson, Mrs. W. R.
Ricksby, Thomas.
Scott, A.

Letters marked "Care of Post Office."

Adda, Henry.
Alexander, D. D.
Amoss, Thomas.
Archdeacon of Colombo.
Armstrong, W. Cairns.
Boileau, Captain H.
Bott, Fred.
Brigg, E. A.
Caurey, Captain.
C. G.
Chancellor, Miss.
Chapman, Frank.
Clift, Mrs. H. W.
Cooper, H..
DeLa Grange, Baron Louis.
Faerstermann, Ignatz.
Gill, F. N. G.
Gloster, Mrs.
Golding, Herbert.
Gray, John Raymond.
H. E. M.
H. M. W.
Harcourt, W. H.
Harman, J. M.
Hoskins, A. C.
Huddleston, John E. Leslie.
Hurst, W. H.
King, W.
Lampard, Henry.
Laughlin, R. C.
Lawless, Hiram.
Lewis, H.
Lee, Miss C.
Lopez, E.
Macdonald, Mrs. J.
Melj, H.
Morris, Pierce M.
Murgatroyd, C. A.
Owen, L. C.
Q. R.
Ramloh, C. V.
"Regina."
"Rex"
Roberts, John Herbert.
Robertson, W.
Rustonjee, S.
Seatan, S.
"Stanhope."
Stern, Edward.
Thompson, James.
T. P. H. C.
Thrussell, A.
Tigbe, James.
Wackerbarth, C.
Wilson, Theos.

Registered Letters.

Bateman, W. E.	Deverill, Geo.	Harrison, Lieut. E. B.
Burgaes, R.	Ferefourd, Duglass.	Thibaud, Thomy.
Cherkes, Laya.	Gedge, G.	Whitehello, R.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 17th November 1884.

Beames, Mrs. F.	Exe. Engr., N. Delta S. Dn.	Landale, J.
Chatterjee, Protab Chunadro.	Foley, Rev. T.	Lane, C. H.
Croster, Capt.	Fumer, A. B.	Oleemon, E. P.
Dalrymple, Mr.	Kendall, Rev. W. C.	Skinner, James.
Duncan, Staff Sergt. W.		Wilson, Mrs.

A. P. GHOSAL,
Postmaster, Barrackpore.

It is hereby notified for general information that the following Mail Despatches to Ceylon will be made from the Calcutta General Post Office during the month of December 1884 :—

DATE OF CLOSING.	ROUTE.
5th December 1884 .	By French Steamer.
9th December 1884 .	By P. & O. Steamer from Bombay.
9th December 1884* .	By B. I. S. N. Co.'s private vessel.
13th December 1884 .	By P. & O. Steamer from Calcutta.
22nd December 1884* .	By Star Line private vessel.
23rd December 1884 .	By P. & O. Steamer from Bombay.
23rd December 1884* .	By B. I. S. N. Co.'s private vessel.
27th December 1884 .	By P. & O. Steamer from Calcutta.

* These dates are subject to alteration in the event of departure of the vessel being delayed.

N.B.—The letter-box will close at 7 P.M. precisely; after which hour, letters fully prepaid and bearing an extra postage stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

The rate of postage on letters conveyed by private vessels is two (2) annas per ½ oz. (prepayment compulsory).

The postage on letters conveyed by the P. & O. and French steamers is three (3) annas per ½ oz. (prepayment optional).

The 29th November 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1884.	
Madras and Ceylon	20th Nov.	P. & O. Str. *Kaisar-i-Hind.*
Foreign Mails *vid* Bombay	2nd Dec.	From Bombay.*
Do. Book Post and Pattern Packets	1st „	From Bombay.
Rangoon and Moulmein	3rd „	Str. *Khandalla.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	3rd „	Str. *Coconada.*
Madras, Ceylon, Batavia, Singapore, and China	5th „	French Str. *Tibre.*

* Also for Cape Colonies through United Kingdom; also *vid* Aden to Zanzibar, Lamoo, Mombaza, Kilwakivinjee, Lindi, Mozambique, Delagoa Bay, and Cape Colonies can be forwarded.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P.M.

E. HUTTON,
Presidency Post Master.

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The Gazette of India.

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CALCUTTA, SATURDAY, NOVEMBER 29, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

The Power-of-Attorney granted by me in favor of Mr. Nowrojee Hormusjee Cooper has been revoked from the 6th September last.

HORMUSJEE NUSSERWANJEE COOPER.

BENGAL CIVIL FUND.

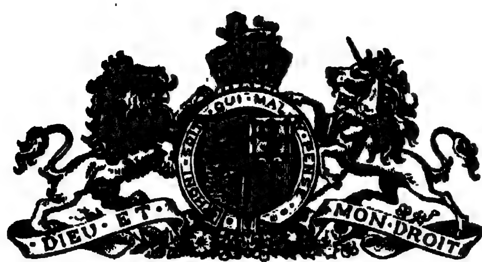
NOTICE.

The Half-yearly General Meeting of Subscribers to the Bengal Civil Fund will be held at the Town Hall on Monday, the 26th January 1885, at 10 A.M., for the submission of the Annual Accounts, the election of Managers for the ensuing year, and the consideration of any other business that may be brought forward.

By order of the Managers,

CHAS. S. BAYLEY,
Secretary.

BENGAL CIVIL FUND OFFICE,
The 20th November 1884.



SUPPLEMENT TO

The Gazette of India.

No. 48.] CALCUTTA. SATURDAY, NOVEMBER 29, 1884.

OFFICIAL PAPERS.

A SUPPLEMENT *to the* GAZETTE OF INDIA *will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.*

Non-Subscribers to the GAZETTE *may receive the* SUPPLEMENT *separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.*

No Official Orders or Notifications, the publication of which in the GAZETTE OF INDIA *is required by Law, or which it has been customary to publish in the* CALCUTTA GAZETTE, *will be included in the* SUPPLEMENT. *For such Orders and Notifications the body of the* GAZETTE *must be looked to.*

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

EXECUTIVE OFFICERS AND ENGINEERS OF HER MAJESTY'S MARINE IN THE JUNIOR GRADES ENTITLED TO THE PERSONAL ATTENDANCE OF A CIVIL SURGEON WHEN THEY REQUIRE TO BE TREATED ON SHORE.

No. $\frac{18}{514-26}$.

Extract from the Proceedings of the Government of India, in the Home Department (Medical),—under date Calcutta, the 26th November 1884.

Read—

Home Department Resolution No. 12—334-51, dated the 16th August 1884.

RESOLUTION.

The Resolution read directs that, with certain exceptions noted in paragraph 2 thereof, all officers of Government, whether gazetted or not, drawing less than R250 a month, will no longer be entitled to the gratuitous medical attendance at their own residences of a Civil Surgeon. The Governor General in Council is further pleased to extend the exception to the case of the Executive Officers and Engineers of Her Majesty's Marine in the junior grades who, though drawing a salary of less than R250 a month, will be entitled to the personal attendance of the Civil Surgeon when they require to be treated on shore.

ORDER.—Ordered, that a copy of this Resolution be forwarded to all Local Governments and Administrations for information;

that a copy be forwarded to the Military (Marine) Department for information; and

that a copy be forwarded to the Surgeon General with the Government of India for information.

Also, that the Resolution be published in the *Gazette of India* for general information.

(True Extract.)

A. MACKENZIE,

Secretary to the Government of India.

A

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF JULY 1884.

No. 1.—As to Age and Sex.

	Demerara.				Trinidad.				Mauritius.				Total.		Grand Total.
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Under 2 years	31	31	62	34·63 women to every 100 men.	18	20	38	37·96 women to every 100 men.	6	11	17	30·63 women to every 100 men.	55	62	117
From 2 to 10 years	82	78	160		64	38	102		36	21	57		182	137	319
" 10 to 20 "	184	72	256		74	53	127		67	29	96		325	154	479
" 20 to 30 "	443	217	660		157	88	245		223	84	307		823	389	1,212
" 30 to 40 "	85	39	124		34	14	48		56	24	80		175	77	252
" 40 to 50 "	9	6	15		6	2	8		6	4	10		21	12	33
Above 50 "	4	1	5		...	1	1		...	1	1		4	3	7
Grand Total	838	444	1,282	...	353	216	569	...	394	174	568	...	1,585	834	2,419

No. 2.—As to Places whence Emigrants came to Calcutta for embarkation.

	Demerara. Males.	Females.	Total.	Proportion	Trinidad. Males.	Females.	Total.	Proportion	Mauritius. Males.	Females.	Total.	Proportion	Total. Males.	Females.	Grand Total.
Orissa	...	1	1	...	...	...	...	...	2	...	2	...	2	1	3
Western Bengal	57	42	99	...	13	18	31	...	7	2	9	...	77	62	139
Central ditto	7	7	14	...	2	5	7	...	4	6	10	...	13	18	31
Eastern ditto	...	...	...	...	...	...	...	...	2	2	4	...	2	2	4
Behar	268	149	417	...	144	100	244	...	161	76	237	...	573	325	898
N.-W. Provinces	331	176	507	...	106	65	171	...	138	64	202	...	575	305	880
Oudh	120	48	168	...	55	18	73	...	50	12	62	...	225	78	303
Central India	3	2	5	...	1	5	6	...	10	8	18	...	14	15	29
Punjab	7	5	12	...	27	5	32	...	11	1	12	...	45	11	56
Nepal	...	...	...	...	1	...	1	...	2	...	2	...	3	...	3
Mixed, Madras and Bombay, &c.	45	14	59	...	4	...	4	...	7	3	10	...	56	17	73
Grand Total	838	444	1,282	...	353	216	569	...	394	174	568	...	1,585	834	2,419

No. 3.—As to Caste and Religion.

	Demerara. Males.	Females.	Total.	Proportion	Trinidad. Males.	Females.	Total.	Proportion	Mauritius. Males.	Females.	Total.	Proportion	Total. Males.	Females.	Grand Total.
Brahmins, high caste	130	79	209	...	35	18	53	...	67	22	89	...	232	119	351
Hindus: Agriculturists	198	71	269	...	92	66	158	...	127	42	169	...	417	179	596
Hindus: Artisans	116	49	165	...	43	25	68	...	45	19	64	...	204	93	297
Hindus: Low castes	304	175	479	...	132	69	201	...	108	54	162	...	544	298	842
Musulmans	90	69	159	...	51	38	89	...	47	37	84	...	188	144	332
Christians	...	1	1	...	...	...	...	...	...	...	...	...	...	1	1
Grand Total	838	444	1,282	...	353	216	569	...	394	174	568	...	1,585	834	2,419

MEMO.	M.	F.	Total.
1. Hindus	1,397	689	2,086
2. Musulmans	188	144	332
3. Christians	...	1	1
Total	1,585	834	2,419

C. S. BAYLEY,

for Offg. Secretary to the Government of India.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF AUGUST 1884.

No. 1.—As to Age and Sex.

	Demerara.				Trinidad.				Mauritius.				Total.		Grand Total.
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Under 2 years	20	18	38	52·02 women to every 100 men.	12	9	21	49·39 women to every 100 men.	4	10	14	45·48 women to every 100 men.	36	37	73
From 2 to 10 years	50	36	86		32	39	71		22	15	37		104	90	194
" 10 " 20 "	100	36	136		57	25	82		34	21	55		191	82	273
" 20 " 30 "	238	120	358		180	76	256		155	55	210		573	251	324
" 30 " 40 "	34	20	54		43	11	54		48	15	63		125	46	171
" 40 " 50 "	2	1	3		4	2	6		3	5	8		9	8	17
Above 50 "	...	...	...		...	...	...		...	...	...		...	...	...
Grand Total	444	231	675		328	162	490		266	121	387		1,038	514	1,552

No. 2.—As to Places whence Emigrants come to Calcutta for embarkation.

	Demerara.				Trinidad.				Mauritius.				Total.		Grand Total.
Orissa	...	...	...	...	...	...	...	...	1	1	2	...	1	1	2
Western Bengal	68	52	120	...	26	18	44	...	8	1	9	...	102	71	173
Central ditto	14	13	27	...	2	...	2	...	3	5	8	...	19	18	37
Eastern ditto	2	...	2	...	...	...	...	...	...	...	...	...	2	...	2
Behar	146	86	232	...	158	93	251	...	131	73	204	...	435	252	687
N.-W. Provinces	134	49	183	...	105	46	151	...	81	35	116	...	320	130	450
Oudh	54	22	76	...	32	4	36	...	22	4	26	...	108	30	138
Central India	5	3	8	...	1	1	2	...	7	1	8	...	13	5	18
Punjab	11	1	12	...	...	...	...	...	9	...	9	...	20	1	21
Nepal	...	...	...	...	3	...	3	...	1	...	1	...	4	...	4
Mixed, Madras and Bombay, &c.	10	5	15	...	1	...	1	...	3	1	4	...	14	6	20
Grand Total	444	231	675	...	328	162	490	...	266	121	387	...	1,038	514	1,552

No. 3.—As to Caste and Religion.

	Demerara.				Trinidad.				Mauritius.				Total.		Grand Total.
Bramins, high caste	53	34	87	...	51	13	64	...	44	16	60	...	148	63	211
Hindus — Agriculturist	108	32	140	...	79	31	110	...	76	30	106	...	263	93	356
Hindus — Artisans	70	37	107	...	44	15	59	...	47	13	60	...	161	65	226
Hindus — Low castes	168	115	283	...	120	83	203	...	60	44	104	...	348	242	590
Musulmans	45	13	58	...	34	20	54	...	39	18	57	...	118	51	169
Christians	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total	444	231	675	...	328	162	490	...	266	121	387	...	1,038	514	1,552

MEMO.	M.	F.	Total.
1. Hindus	920	463	1,383
2. Musulmans	118	51	169
3. Christians	...	...	...
Total	1,038	514	1,552

C. S. BAYLEY,

for *Offg. Secretary to the Government of India.*

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF OCTOBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Cholum, Jowar), *Holcus Sorghum*.			Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
MADRAS.	Ganjam	11 13	11 13	8 13	...	...	...	14 2	13 13	17 0	15 2	14 11	17 14	...	...	...	...	...	...
	Vizagapatam	15 0	15 0	10 0	...	...	...	10 2	10 2	9 0	12 5	11 14	11 5	...	...	23 13	29 11	26 11	23 13
	Godavery	15 5	14 6	9 14	...	...	...	10 14	11 14	11 14	15 0	15 0	14 0	23 0	23 0	23 0	...	...	...
	Kistna	14 11	14 11	9 13	...	...	...	13 0	13 0	14 0	13 10	13 10	15 13	21 13	21 13	21 5	...	...	...
	Nellore	15 11	16 3	10 5	...	...	...	12 14	12 14	13 6	14 0	14 0	14 0	22 2	22 2	21 10	...	23 8	...
	Cuddapah	14 0	14 0	13 10	...	...	...	12 6	12 6	12 6	14 2	13 5	13 5	20 8	21 5	30 13	23 14	23 8	30 6
	Anantapur	13 6	11 8	13 6	...	...	...	11 13	11 3	11 13	13 0	12 6	14 0	23 11	24 11	33 0	22 10	21 10	30 2
	Bellary	15 6	16 5	18 3	...	...	...	11 13	11 13	11 13	13 0	13 0	13 0	25 11	23 11	49 6	18 13	18 13	26 5
	Kurnool	13 5	12 11	11 2	...	...	...	11 6	11 6	11 0	12 2	12 2	11 13	26 0	21 11	37 0	22 8	...	35 0
	Madras	10 5	10 10	11 0	...	...	...	12 11	12 11	13 8	14 0	14 0	15 2	23 6	23 0	23 0	20 8	21 2	22 6
	Chingleput	...	...	...	...	...	...	12 0	12 0	14 3	13 10	13 10	15 2	...	...	...	18 8	18 8	21 2
	North Arcot	9 11	10 3	9 11	...	...	...	13 2	13 2	13 8	16 0	15 0	16 5	...	...	32 13	...	...	29 11
	South Arcot	9 6	9 6	9 6	...	...	...	12 10	12 3	14 13	13 2	13 2	15 5	...	...	...	25 6	24 3	33 14
	Tanjore	8 13	8 2	11 0	...	...	...	10 6	11 3	17 0	14 10	14 3	20 0	25 6	23 0	35 0	25 6	25 6	40 10
	Trichinopoly	9 3	8 10	9 3	...	...	...	10 6	10 6	14 13	11 3	11 3	15 14	21 0	19 10	32 3	24 2	21 10	30 8
	Madura	9 0	9 0	11 11	...	...	...	10 14	10 14	13 14	11 13	11 3	15 8	22 11	22 11	37 5	23 8	23 8	35 5
	Tinnevelly	9 14	9 14	9 3	...	...	...	10 11	10 11	14 5	11 10	11 10	16 0	18 6	18 6	...	19 2	19 2	...
	Coimbatore	10 11	10 11	13 2	...	...	...	13 8	13 8	14 6	14 8	14 8	15 6	23 8	22 10	27 13	25 6	25 6	28 10
	Nilgiris	7 2	8 8	10 10	...	...	...	9 10	9 10	10 6	11 3	11 3	11 10	18 8	15 6	21 10	18 14	14 0	22 6
	Salem	10 3	10 3	12 11	...	...	...	12 2	11 13	15 0	13 3	12 8	16 0	23 11	23 11	36 6	23 0	21 5	29 8
	South Canara	10 5	10 5	9 0	...	...	...	9 3	9 3	9 11	14 3	14 3	13 3	...	...	...	...	...	...
	Malabar	9 6	9 0	7 3	...	...	...	13 13	13 13	14 10	14 10	14 10	15 6	...	...	...	...	...	...
BOMBAY.	Bombay	10 9	12 5	10 2	18 0	30 3	16 8	7 8	7 8	7 8	11 7	11 7	11 7	17 14	16 13	17 0	17 10	16 10	15 15
	Ahmedabad	16 8	16 0	12 0	24 0	24 0	20 0	6 8	6 8	6 8	10 8	10 8	12 0	24 0	19 8	16 0	20 0	20 0	16 8
	Kaira	13 14	15 0	11 7	26 8	24 10	17 12	10 0	9 0	10 0	13 14	11 12	13 5	23 0	20 8	...	19 0	18 0	15 4
	Surat	13 10	13 10	11 2	12 8	12 8	12 4	7 5	7 5	7 6	8 3	8 3	8 4	14 3	14 3	19 4	13 10	13 10	14 8
	Broach	12 0	12 0	12 2	...	...	...	9 12	9 12	9 12	12 12	12 12	12 10	16 0	16 0	16 0	13 12	13 12	13 10
	Tanna (Salsette)	11 7	11 7	10 10	...	...	12 14	8 0	8 0	9 0	9 4	9 4	10 9	12 14	12 14	18 10	12 13	12 13	14 6
	Colába (Alibág)	8 0	8 0	8 8	...	...	...	6 0	6 0	7 8	10 8	10 8	12 8	...	...	...	...	...	...
	Khandesh (Dhulia)	21 12	21 15	15 12	...	...	...	7 4	7 4	7 10	11 0	11 0	12 10	21 0	21 0	18 9	19 0	19 0	16 0
	Násik	17 0	17 0	14 4	...	...	...	6 0	6 0	7 7	10 6	10 6	12 0	...	...	...	14 8	14 8	15 5
	Ahmednagar	16 11	16 8	14 6	...	...	...	8 1	7 15	8 14	10 4	10 3	10 13	19 2	17 13	26 3	17 2	16 12	18 8
	Poona	12 10	12 8	12 10	9 4	9 4	9 4	8 9	8 2	9 13	9 3	8 9	11 0	15 4	15 4	21 12	13 13	13 13	17 4
	Sholápur	14 4	14 0	14 8	...	...	...	8 13	9 0	11 7	10 6	10 6	12 4	15 8	15 8	25 14	17 7	18 6	23 14
	Kaládgi (Bagalkot)	16 0	15 8	19 0	11 8	11 8	16 8	7 8	7 0	6 8	10 12	11 0	12 0	20 0	19 8	34 0	21 0	21 0	32 0
	Satara	11 6	10 11	13 6	...	...	...	8 3	8 3	8 14	10 0	10 0	11 7	13 6	13 5	19 0	12 15	12 15	17 2
	Belgaum	14 8	16 9	16 11	12 0	12 5	12 0	12 8	13 2	13 3	13 8	13 10	12 9	15 12	17 14	21 0	16 13	18 7	19 0
	Dharwar (Hubli)	18 0	18 0	21 0	...	...	...	12 0	12 0	13 0	13 0	13 0	16 0	19 0	19 0	28 0	18 0	...	21 0
	Ratnágiri	9 4	9 4	8 9	...	...	...	8 9	8 9	8 9	9 14	9 14	14 2	14 5	13 0	...	9 13	11 0	13 8
	Kanara (Karwar)	9 0	9 0	9 0	...	...	...	7 0	7 0	8 0	11 0	12 0	13 8	16 0	16 0	13 8	13 0	13 0	...
	Pánch Maháls (Godhra)	13 5	13 5	10 8	...	...	...	10 0	10 0	11 6	11 6	11 6	13 5	19 2	17 12	20 0	17 2	17 2	14 8
	Aden	7 0	7 0	7 0	...	...	...	5 10	5 10	6 3	6 3	6 3	7 0	9 5	9 5	13 7	7 8	7 8	11 3
	Asirgarh	19 0	17 0	13 12	...	...	...	11 0	11 0	11 12	13 1	13 0	13 10	24 0	22 13	18 12	26 11	25 0	17 12
	Baroda	12 13	12 4	10 8	17 8	17 8	11 11	7 9	7 9	8 12	10 8	10 8	10 8	17 8	17 8	15 12	16 5	16 5	15 12
	Disa	17 12	17 12	12 2	...	...	...	6 10	6 10	6 14	8 2	8 2	9 0	22 8	22 8	10 7	22 6	22 6	16 0
	Nimach	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nasirabad	21 2½	21 8	20 0	28 0	27 8	27 0	6 0	6 0	6 0	7 0	7 0	7 0	27 0	27 0	22 11	21 0	20 0	19 6
	Rajkot	19 8	19 0	15 10	...	...	...	6 6	6 6	6 0	8 0	8 0	9 0	26 8	26 8	17 2	19 0	19 0	15 2
	Upper Sindh Frontier	14 12	15 0	13 12	20 0	20 0	24 8	10 0	10 0	10 0	11 4	11 4	13 4	24 8	25 8	32 0	24 8	26 8	26 8
	Karachi	14 10	14 10	13 2	19 0	19 0	24 0	8 0	8 0	9 0	14 0	15 0	15 0	18 0	21 0	24 0	20 0	19 0	19 0
	Haidarabad (Nakur)	16 0	18 0	14 0	26 0	26 0	27 0	12 0	12 0	13 8	15 0	16 0	16 8	26 0	27 0	28 0	25 0	26 0	24 0
	Shikarpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Sukkur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Thar & Parkar (Umarkot)	16 0	16 0	11 8	...	...	...	...	...	...	13 4	13 4	12 6	...	...	...	19 4	19 11	16 15
BENGAL.	*Western Districts.*																		
	Burdwan	16 0	15 0	15 0	21 0	22 0	25 5	11 4	12 0	12 0	14 4	16 8	16 8	...	...	...	...	...	...
	Bancoorah	15 4	15 8	16 0	17 0	17 0	14 0	14 0	13 12	12 8	18 8	16 0	16 0	...	...	...	...	...	...
	Beerbhoom	16 8	16 8	15 0	...	...	...	12 0	11 8	15 0	14 0	13 8	16 8	...	...	...	...	...	...
	Midnapore	12 0	12 0	12 0	20 0	20 0	15 0	14 0	14 0	14 0	17 0	17 0	18 0	...	...	...	...	...	...
	Hooghly	16 0	16 0	13 0	...	...	...	8 0	8 0	8 0	13 0	12 8	14 0	...	...	...	...	...	...
	Howrah	15 0	15 0	13 4	...	...	...	11 0	11 0	12 12	13 0	12 12	14 8	...	...	...	...	...	...

Districts.	Lesser Millets, Ragi, &c. (Kavaru, Verargu, Sawee, Cheena, Coraloo, Murhwa, Nuglee), *Panicum Miliaceum, &c.*			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.			Provinces.
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Ganjam	29 5	32 8	35 3	26 10	30 0	26 10	215 13	215 13	215 13	...	...	...	13 13	13 13	13 13	MADRAS.
Vizagapatam	26 5	26 5	24 3	32 13	31 10	37 6	93 5	93 5	95 3	14 0	14 0	14 10	12 14	13 14	14 0	
Godavery	32 13	30 14	29 2	29 6	29 6	35 11	194 6	145 13	194 6	14 10	14 10	14 10	14 10	14 10	14 10	
Kistna	28 6	28 6	26 14	29 2	27 14	30 13	145 13	145 13	145 13	15 11	15 11	15 11	14 10	14 10	15 3	
Nellore	25 0	25 0	21 13	21 0	21 0	23 2	93 5	93 5	93 5	15 6	14 13	15 6	14 13	14 13	14 13	
Cuddapah	30 0	28 8	30 0	24 2	25 13	34 6	194 6	194 6	194 6	17 2	17 2	17 2	16 10	16 10	16 10	
Anantapur	23 5	23 5	32 0	24 10	26 14	37 0	...	...	...	14 5	14 14	14 5	14 5	14 5	14 5	
Bellary	24 3	28 5	33 0	20 3	20 3	34 11	94 13	94 13	91 13	15 3	15 3	15 13	14 14	14 14	15 8	
Kurnool	...	...	...	24 0	23 3	32 3	138 3	139 0	138 13	14 13	14 13	14 13	14 6	14 6	14 6	
Madras	28 6	27 11	26 0	25 0	25 0	26 2	83 13	83 13	85 0	17 5	17 5	16 14	16 3	16 3	16 8	
Chingleput	27 6	27 6	26 11	21 13	21 13	25 11	92 5	92 5	92 5	17 6	17 6	17 5	17 0	17 0	17 0	
North Arcot	34 3	32 8	34 3	23 10	26 10	28 10	140 0	140 0	140 0	15 6	15 6	15 6	14 5	14 5	14 13	
South Arcot	28 10	28 3	33 6	27 6	27 0	26 2	213 13	213 13	201 11	18 14	18 14	19 5	18 0	18 0	18 6	
Tanjore	26 6	26 6	39 5	21 14	22 11	28 0	170 2	170 2	194 6	16 2	16 10	15 8	15 10	15 10	14 11	
Trichinopoly	26 3	24 14	34 2	23 2	23 2	30 13	97 3	97 3	97 3	16 10	16 10	17 0	16 3	16 8	16 3	
Madura	26 5	27 14	40 5	24 8	24 8	30 5	111 13	111 13	97 3	16 6	17 8	17 13	15 14	17 5	17 5	
Tinnevelly	21 2	21 2	...	26 0	26 0	29 11	70 0	70 0	70 0	17 13	17 13	18 5	17 6	17 6	17 13	
Coimbatore	26 3	26 3	32 13	29 6	30 6	35 2	97 3	97 3	131 3	15 2	15 2	14 2	14 10	14 10	13 10	
Nilgiris	17 5	17 5	21 10	19 2	20 11	23 3	161 13	161 13	161 13	13 0	13 0	13 0	12 0	12 0	12 0	
Salem	28 3	27 6	34 8	29 8	30 3	34 8	151 10	151 10	151 10	18 0	18 0	17 8	16 14	16 14	16 14	
South Canara	22 14	22 14	20 3	20 3	20 8	23 3	126 6	109 5	109 5	15 5	15 5	18 6	14 5	14 5	17 3	
Malabar	20 13	20 6	17 8	26 0	26 0	26 14	121 8	121 8	121 8	15 5	15 5	14 6	14 6	14 6	13 8	
Bombay	8 15	11 4	11 5	18 2	17 15	15 12	67 3	62 6	63 6	12 9	12 9	14 6	12 9	12 9	14 6	BOMBAY.
Ahmedabad	...	...	...	16 0	16 0	15 8	80 0	80 0	80 0	16 8	16 8	16 8	16 0	16 0	16 0	
Kaira	...	21 0	20 0	15 0	13 8	15 4	80 0	80 0	80 0	...	...	...	16 0	16 0	16 0	
Surat	...	...	...	14 14	14 14	14 0	80 0	80 0	80 0	13 10	13 10	13 9	13 10	13 10	13 9	
Broach	...	...	...	12 8	12 8	12 10	106 0	106 0	106 0	14 8½	14 8½	14 8½	14 8½	14 8½	14 8½	
Tanna (Salsette)	13 5	13 5	25 11	15 10	15 10	18 4	70 0	70 0	71 0	15 3	15 3	15 12	13 5	13 5	15 10	
Colába (Alibág)	...	...	...	14 0	14 0	12 0	120 0	120 0	120 0	11 8	11 8	13 0	11 0	11 0	12 8	
Khandesh (Dhulia)	...	...	...	20 0	20 0	14 4	140 0	140 0	140 0	13 4	13 4	18 0	12 0	12 0	12 14	
Násik	20 11	20 11	18 6	11 0	11 0	15 4	128 0	128 0	128 0	15 10	15 10	15 8	15 8	15 8	15 5	
Ahmednagar	...	...	...	23 14	23 5	17 14	86 13	84 1	75 0	14 7	14 6	12 4½	14 3	14 2	12 2	
Poona	15 6	15 6	5 6	19 9	19 9	14 15	68 0	68 0	68 0	14 8	13 10	13 10	13 15	13 6	13 6	
Sholápur	...	...	...	21 14	21 7	16 14	80 0	80 0	71 1	13 8	13 8	13 8	13 4	13 4	13 4	
Kaládgi (Bagalkot)	...	...	...	18 8	19 0	18 0	100 0	100 0	100 0	12 6	12 0	10 8	12 0	11 12	10 0	
Satara	...	...	...	17 9	18 3	16 14	116 8	116 8	145 10	13 13	13 13	13 2	13 2	13 2	12 6	
Belgaum	21 8	21 6	25 0	15 8	17 4	16 0	60 0	60 0	65 0	11 8	11 8	11 8	11 0	11 0	11 0	
Dharwar (Hubli)	24 0	24 0	31 0	17 0	17 0	16 0	89 0	80 0	80 0	8 12	8 12	8 6	8 0	8 0	8 0	
Ratnágiri	14 2	14 2	21 2	18 8	15 6	14 11	75 0	120 0	120 0	12 5	11 0	13 2	11 10	10 6	12 15	
Kanara (Karwar)	20 0	20 0	18 0	14 0	14 0	12 8	213 5	213 5	213 5	12 2½	11 0	14 0	11 7½	10 8	13 0	
Pánch Maháls (Godhra)	20 0	20 0	20 0	22 13	22 13	20 0	160 0	160 0	200 0	16 0	16 0	16 0	15 4	15 4	15 4	
Aden	...	...	...	9 5	9 5	9 5	65 5	65 5	65 5	...	...	...	32 0	32 0	32 0	
Asirgarh	...	...	...	22 5	21 8	17 8	150 0	150 0	160 0	12 0	12 0	12 4	12 0	12 0	12 4	
Baroda	19 12	18 10	18 10	14 0	14 4	14 9	80 0	80 0	80 0	14 1	14 1	14 1	14 0	14 0	14 0	
Disa	...	...	...	15 5	15 4	15 5	137 8	137 8	137 8	13 8	13 8	12 8	13 0	13 0	12 0	
Nimach	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Nasirabad	...	...	...	21 6	25 9½	29 0	76 14	71 0	86 14	16 14	16 14	16 0½	15 14	15 14	15 0	
Rajkot	...	...	...	19 8	19 8	14 2	60 0	60 0	70 0	48 0	48 0	50 0	32 0	33 0	40 0	
Upper Sindh Frontier	60 0	60 0	58 0	20 4	20 0	22 12	200 0	200 0	200 0	*12 11	*12 11	*13 12½	12 10*	12 10*	12 12*	
Karachi	11 0	11 0	10 0	20 0	20 0	18 0	80 0	80 0	90 0	17 11	17 11	17 11	17 0	17 0	17 0	
Haidarabad (Nakur)	25 0	24 0	26 0	18 0	18 0	24 0	320 0	320 0	320 0	14 8	14 8	14 8	14 0	14 0	13 0	
Shikarpur	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Sukkur	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Thar and Parkar (Umarkot)	...	...	...	...	...	...	160 0	160 0	120 0	14 12	14 12	14 12	14 12	14 12	14 12	
Western Districts.										Prices per md. of 40 seers. R a. p.	R a. p.	R a. p.				BENGAL.
Burdwan	...	...	...	17 12	18 0	18 0	120 0	120 0	120 0	2 14 8	2 14 8	3 0 4	13 0 a	13 0	12 15	
Bancoorah	...	...	...	17 12	17 8	17 0	240 0	240 0	320 0	3 2 0	3 3 0	3 3 6	12 12 b	12 8	12 0	
Beerbhoom	...	...	...	17 4	18 0	18 0	160 0	160 0	160 0	3 2 6	3 2 6	3 1 3	13 0 c	12 0	12 0	
Midnapore	...	...	...	16 0	16 0	16 4	155 0	155 0	155 0	2 15 0	3 0 3	2 14 0	13 0 d	12 12	12 12	
Hooghly	...	...	...	17 0	17 0	17 0	120 0	120 0	120 0	2 14 0	2 14 0	2 14 0	13 9 e	13 9	13 9	
Howrah	...	...	...	17 8	17 0	17 0	80 0	80 0	80 0	2 15 0	3 0 0	2 14 0	13 0	13 0	13 0	

a In the sub-divisions the retail prices of salt per rupee were :—Culna 14 seers, Cutwa 13 seers, and [illegible] 13-12 seers.
b In the interior the retail price of salt ranged from 11 to 18 seers per rupee.
c In the interior the retail price of salt ranged from 11-8 to 13-8 seers per rupee.
d In the sub-divisions the retail prices of salt per rupee were :—Ghattal 14-8 seers, Contai 12-8 seers, and Tumlook 11 seers.
e In the sub-divisions the retail prices of salt per rupee were :—Serampore 13 seers and Jehanabad 13-8 seers.
* In common use.

PRICES CURRENT OF FOOD-GRAINS THROUGH[OUT IN]DIA FOR THE 2nd HALF OF OCTOBER 1884—*continued*.

QUANTITIES PER RU[PEE IN] SEERS OF 80 TOLAHS.

BENGAL—*continued*.

Districts.	Wheat. Present fortnight. S. Ch.	Wheat. Past fortnight. S. Ch.	Wheat. Corresponding fortnight of 1883. S. Ch.	Barley. Present fortnight. S. Ch.	Barley. Past fortnight. S. Ch.	Barley. Corresponding fortnight of 1883. S. Ch.	Rice (best sort). Present fortnight. S. Ch.	Rice (best sort). Past fortnight. S. Ch.	Rice (best sort). Corresponding fortnight of 1883. S. Ch.	Rice (common). Present fortnight. S. Ch.	Rice (common). Past fortnight. S. Ch.	Rice (common). Corresponding fortnight of 1883. S. Ch.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight. S. Ch.	Great Millet. Past fortnight. S. Ch.	Great Millet. Corresponding fortnight of 1883. S. Ch.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight. S. Ch.	Bulrush Millet. Past fortnight. S. Ch.	Bulrush Millet. Corresponding fortnight of 1883. S.
Central Districts.																		
Calcutta	17 10	17 10	15 6	20 0	20 0	20 10	8 6	8 6	11 0	10 8	10 8	16 0	11 7	11 7	20 10	11 8	11 8	21
24-Pergunnahs	14 4	14 0	13 4	18 0	17 8	16 0	8 0	8 0	8 0	14 8	14 0	13 5	...	...	...	...	...	
Nuddea	16 0	16 0	14 8	20 0	20 0	24 10	10 4	10 10½	11 14	11 0	11 6	13 5¼	...	...	...	...	...	
Khoolna	...	...	...	...	...	...	12 0	14 0	14 0	14 0	16 0	18 0	...	...	...	...	...	
Jessore	14 0	14 0	11 0	...	...	...	11 0	11 0	13 0	13 4	14 0	20 0	...	...	...	...	...	
Moorshedabad	18 0	18 0	15 0	...	...	...	11 0	11 0	12 0	14 8	14 8	16 0	...	...	...	...	...	
Dinagepore	15 0	16 0	15 0	16 0	16 8	15 0	10 13	10 8	12 0	12 6	13 4	15 8	...	...	...	...	...	
Rajshahye	16 8	16 8 to 17 4	13 5	21 0	22 8	22 8	9 6	8 10 to 10 14	12 0 to 13 0	12 0	11 4 to 12 0	13 8 to 14 0	...	...	...	...	...	
Rungpore	13 0	16 0	13 5	...	...	...	7 0	9 7	10 0	11 0	10 11	13 5	...	...	...	...	...	
Bogra	15 0	15 0	16 8	...	...	...	9 12	9 15	10 8	12 12	12 0	15 0	...	...	...	...	...	
Pubna	18 0	19 8	18 0	...	...	...	8 4	8 4	8 0	13 8	12 12	14 8	...	...	...	...	...	
Darjeeling	10 0	10 0	7 0	9 0	10 0	7 0	5 0	5 0	5 0	10 0	10 0	10 0	...	...	...	...	...	
Jalpáiguri	10 0	10 0	10 0	20 0	20 0	20 0	10 0	8 0	12 8	12 0	11 8	16 0	...	...	...	...	...	
Eastern Districts.																		
Dacca	15 0	16 0	14 4	17 0	18 0	18 0	11 0	10 10	16 0	13 8	13 0	18 0	...	...	...	...	...	
Furreedpore	20 0	20 0	22 0	34 0	34 0	30 0	11 0	11 0	15 0	12 0	12 0	18 0	...	...	...	...	...	
Backergunge	...	...	...	...	...	...	11 8	13 0	13 0	13 0	16 0	15 0	...	...	...	...	...	
Mymensing	13 8	13 0	12 0	...	...	...	10 8	10 0	11 8	13 0	11 8	15 0	...	...	...	...	...	
Chittagong	15 0	15 0	12 8	...	...	...	12 0	13 0	14 0	16 0	17 0	22 0	...	...	...	...	...	
Noakholly	...	...	...	...	...	...	13 0	13 0	19 0	14 0	14 0	21 0	...	...	...	...	...	
Tipperah	14 9	15 4	13 0	...	...	...	13 5	11 7	18 8	15 4	13 1	19 8	...	...	...	...	...	
Chittagong Hill Tracts	...	...	...	...	...	...	11 6	11 6	12 4	16 0	12 5	13 14	...	...	...	...	...	
Hill Tipperah	12 0	12 0	10 0	...	...	...	12 0	12 0	16 0	14 0	14 0	19 0	...	...	...	...	...	
Behar.																		
Patna	21 0	21 0	20 0	25 0	25 0	32 0	11 4	11 4	13 0	12 0	12 0	16 0	...	...	...	...	...	
Gya	18 0	19 0	17 0	16 0	20 8	21 0	8 4	8 8	11 0	11 8	11 8	14 8	...	...	...	...	...	
Shahabad	18 8	18 0	16 0 to 17 0	21 0	20 0	24 0	8 0	8 0	10 0 to 11 0	12 0	12 0	15 0	23 0	...	23 0	...	24 0	24
Durbhunga	18 11	18 2	13 0	22 0	20 15	23 0	9 5	9 15	11 0	13 8	13 8	12 8	...	...	...	...	...	
Mozufferpore	17 0	19 0	15 0	26 0	26 0	25 0	11 0	12 0	9 0	16 0	16 0	11 0	...	...	...	...	...	
Sarun	19 8	20 0	17 0	23 0	23 0	25 0	8 0	8 0	9 8	11 8	12 4	16 0	26 0	25 0	25 0	...	...	
Chumparun	16 0	15 8	19 0	19 0	20 0	31 0	12 0	12 0	14 0	18 0	20 0	18 0	...	...	...	...	...	
Monghyr	19 7	19 7	18 9	18 9	19 15	27 4	10 8	9 12	12 5	11 9	11 0	13 15	...	...	...	...	...	
Bhágalpur	18 15	18 15	15 2	20 8	18 15	22 11	10 6	10 1	12 10	13 4	12 10	15 12	...	...	...	...	...	
Purneah	16 0	17 0	16 0	...	...	...	12 0	11 0	13 0	13 0	14 0	16 0	...	...	...	...	...	
Maldah	19 0	19 8	16 0	...	...	...	10 0	9 0	10 0	12 0	12 8	12 0	...	...	...	...	...	
Southal Pergunnahs	16 0	17 0	13 0	...	...	...	10 0	12 0	14 0	14 8	14 0	16 0	...	...	...	...	...	
Orissa.																		
Cuttack	19 11	19 11	13 2	...	...	...	13 2	13 2	13 2	17 1*	17 1	21 0	...	...	...	...	...	
Pooree	14 7	14 7	10 8	...	...	...	13 2	15 12	15 12	17 1	19 3	19 11	...	...	...	...	...	
Balasore	18 0	16 0	14 0	11 0	11 0	...	16 0	14 0	10 0	28 0	24 0	16 0	...	...	...	...	...	
CHOTA NAGPORE. *South-Western Frontier Agency.*																		
Hazáribágh	15 0	15 8	14 8	15 0	16 0	18 0	11 0	11 0	9 8	14 0	14 0	14 8	...	...	...	...	...	
Lohardugga	15 0	13 0	16 0	...	...	18 0	13 0	12 0	14 0	18 0	18 0	18 0	...	...	...	...	...	
Singbhoom	18 0	18 0	20 0	20 0	20 0	24 0	20 0	20 0	24 0	24 0	24 0	28 0	...	...	...	...	...	
Maubhoom	14 0	13 0	13 0	...	...	...	13 0	14 0	16 0	18 0	19 0	21 0	...	...	...	...	...	

* The retail price of rice in the interior ranged from 21 to 26-4 seers per rupee.
f In the sub-divisions the retail prices of salt per rupee were :—Baraset and Bussirhat 13 seers, Barrackpore 12-12 seers, and Dum-Dum 12 seers.
g In the sub-divisions the retail prices of salt per rupee were :—Kooshtea 13 seers, Meherpore and Chooadanga 12 seers, and Ranaghat, 12-14 seers.
h In the sub-division the retail price of salt per rupee was —Satkhira and Bagirhat 11 seers
i In the sub-divisions the retail prices of salt per rupee were :—Jhenidah and Narail 12 seers, Bongong 13 seers, and Magurah 10-12 seers.
j In the sub-divisions the retail prices of salt per rupee were :—Lalbagh 11 seers, Jungypore 11-9 seers, and Kandi 13 seers.
k The retail price of salt at Raigunge was 11-8 seers per rupee.
l The retail price of salt in the sub-division of Nattore was 13 seers per rupee.
m In the sub-divisions the retail prices of salt per rupee were :—Gaibanda and Kurigram 13 seers, and Nilphamari 12 seers.
n The retail price of salt at Serajgunge was 13 seers per rupee.
o The retail price of salt at Fallacotta in the Alipur sub-division was 10 seers per rupee.
p In the sub divisions the retail prices of salt per rupee were :—Manickgunge 12 seers, and Narsingunge 14 seers.
q In the sub-divisions the retail prices of salt per rupee were :—Goalundo 13 seers and Madaripore 12 seers.
r In the sub-divisions the retail prices of salt per rupee were :—Patuakhali 10-10 seers, Perozepore 11 seers, and Bhola 12 seers.
s In the sub-divisions the retail prices of salt per rupee were :—Atcia 12 seers, and Netrakona 12-5 seers.

Districts.	Other Millets (Ragi, &c.). Present fortnight. S. Ch.	Other Millets. Past fortnight. S. Ch.	Other Millets. Corresponding fortnight of 1883. S. Ch.	Gram. Present fortnight. S. Ch.	Gram. Past fortnight. S. Ch.	Gram. Corresponding fortnight of 1883. S. Ch.	Firewood. Present fortnight. S. Ch.	Firewood. Past fortnight. S. Ch.	Firewood. Corresponding fortnight of 1883. S. Ch.	Salt. Wholesale prices per maund of 40 seers. Present fortnight. R. a. p.	Salt. Wholesale. Past fortnight. R. a. p.	Salt. Wholesale. Corresponding fortnight of 1883. R. a. p.	Salt. Retail. Present fortnight. S. Ch.	Salt. Retail. Past fortnight. S. Ch.	Salt. Retail. Corresponding fortnight of 1883. S. Ch.
Central Districts.															
Calcutta	...	...	...	19 11	19 11	18 13	100 0	100 0	90 0	2 12 0	2 12 0	2 12 0	12 13	12 13	13 5
24-Pergunnahs	...	...	...	17 8	17 8	17 8	100 0	100 0	80 0	3 0 0	2 12 0	3 0 0	12 13*f*	13 5	12 13
Nuddea	...	...	...	20 0	21 5¼	18 13	...	...	...	3 0 0	3 0 0	...	12 12*g*	12 12	11 10½
Khoolna	...	...	...	16 0	16 0	16 0	240 0	200 0	180 0	3 2 0	3 2 0	3 4 0	12 0*h*	12 0	10 8
Jessore	...	...	...	16 0	16 0	16 0	120 0	120 0	120 0	3 0 0	3 2 0	3 2 0	12 0*i*	10 12	11 8
Moorshedabad	...	...	...	19 0	20 0	19 0	120 0	120 0	120 0	3 1 3	3 1 3	3 0 0	11 0*j*	12 0	13 5
Dinagepore	...	...	...	13 0	14 0	15 0	160 0	160 0	160 0	3 4 0	3 3 0	3 6 0	12 0*k*	12 8	11 8
Rajshahye	...	...	...	20 0	20 11	20 0	240 0	240 0	240 0	3 0 0	3 0 0	3 0 0	12 12*l*	12 0	12 0
Rungpore	...	...	...	9 12	14 0	16 0	110 0	110 0	110 0	4 0 0	3 5 0	3 5 0	10 0*m*	11 14	11 14
Bogra	...	...	...	16 8	17 4	15 12	80 0	80 0	62 8	3 5 4	3 5 4	3 2 8	12 0	10 8	12 0
Pubna	...	...	...	17 4	17 4	18 13	200 0	200 0	200 0	3 1 6	3 1 6	3 2 6	12 6*n*	12 6	12 0
Darjeeling	0	14 0	12 0	8 0	10 0	8 0	102 8	102 8	128 0	4 8 0	4 0 0	4 8 0	8 0	8 0	8 0
Jalpáiguri	...	...	...	16 0	16 0	16 0	128 0	128 0	128 0	3 4 0	3 4 0	3 4 0	12 4*o*	13 4	12 4
Eastern Districts.															
Dacca	...	...	...	17 0	17 0	20 0	80 0	90 0	97 0	3 0 0	3 1 0	3 2 0	13 0*p*	13 0	13 0
Furreedpore	...	...	...	16 0	16 0	20 0	120 0	120 0	120 0	3 2 0	3 2 0	3 5 0	12 0*q*	12 0	12 0
Backergunge	...	...	...	17 0	17 0	16 0	120 0	120 0	120 0	3 0 0	2 11 0	2 11 0	11 0*r*	13 0	13 0
Mymensingh	...	...	...	15 0	14 8	18 0	...	...	...	3 3 0	3 2 0	3 4 0	12 8*s*	12 8	12 4
Chittagong	...	...	...	11 0	11 0	16 0	...	120 0	40 0	...	...	3 4 0	...	...	10 8
Noakholly	...	...	...	11 0	11 0	12 0	...	...	...	3 6 0	3 6 0	...	10 0	10 0	10 0
Tipperah	...	...	...	15 10	15 10	18 4	...	...	...	3 4 0	3 4 0	3 2 0	12 0*t*	12 0	12 0
Chittagong Hill Tracts	...	...	...	...	...	...	320 0	320 0	320 0	...	...	...	...	...	8 0
Hill Tipperah	...	...	...	14 0	14 0	14 0	...	...	...	3 4 0	3 4 0	3 4 0	11 0	11 0	11 0
Behar.															
Patna	...	...	...	24 0	24 0	28 0	100 0	100 0	130 0	3 2 0	3 2 0	3 0 0	10 8	10 8	11 0
Gya	...	...	...	20 0	21 0	20 0	240 0	220 0	160 0	3 4 0	3 4 0	3 5 0	11 0*u*	11 0	11 0
Shahabad	...	...	...	22 0	22 0	24 0	140 0	160 0	120 0	3 1 0	3 1 0	3 1 0	12 4*v*	12 0	12 8
Durbhunga	6	...	24 0	19 13	20 15	18 0	176 0	198 0	160 0	3 3 6	3 2 6	3 10 0	13 3*w*	12 0	10 0
Mozufferpore	...	...	...	20 0	20 0	21 0	140 0	140 0	140 0	3 4 0	3 4 0	3 5 0	12 0*x*	12 0	11 8
Sarun	0	24 0	30 0	21 8	21 8	22 0	160 0	160 0	160 0	3 2 0	3 2 0	3 5 0	12 0*y*	12 0	11 0
Chumparun	...	...	...	18 0	17 0	23 0	...	...	...	3 4 0	3 7 0	3 6 0	12 0*z*	11 4	11 0
Monghyr	...	...	...	22 5	22 1	24 2	126 0	126 0	126 0	2 14 6	2 14 6	3 2 5	13 5*z1*	13 1	12 1
Bhágalpur	...	...	...	21 7	21 7	22 11	64 0	151 8	151 8	2 15 0	2 15 6	3 1 0	12 10*z2*	12 10	12 10
Purneah	...	...	...	17 0	17 0	19 0	160 0	160 0	160 0	3 10 0	3 10 0	3 12 0	11 0*z3*	10 12	11 0
Maldah	...	...	...	16 0	17 8	20 0	180 0	180 0	160 0	3 4 0	3 2 6	3 4 0	11 8	12 0	11 0
Southal Pergunnahs	...	...	...	16 0	19 0	17 0	200 0	200 0	200 0	3 7 0	...	3 6 0	11 0*z4*	11 0	10 8
Orissa.															
Cuttack	12	15 12	18 6	22 5	22 5	18 6	80 0	80 0	80 0	2 12 0	2 12 0	2 12 0	14 0	14 0	14 0
Pooree	...	...	...	17 2	17 2	17 1	95 0	100 0	96 0	2 7 0	2 7 0	2 12 0	16 0*z5*	16 0	13 3
Balasore	...	...	...	16 0	14 0	14 0	120 0	120 0	120 0	3 6 0	3 6 0	4 2 0	11 0*z6*	11 0	9 2
CHOTA NAGPORE. *South-Western Frontier Agency.*															
Hazáribágh	0	36 0	27 0	16 0	17 0	17 8	240 0	240 0	240 0	3 10 0	3 6 0	3 10 0	10 0*z7*	10 0	10 8
Lohardugga	...	32 0	34 0	16 0	16 0	14 0	120 0	120 0	100 0	3 10 0	3 10 0	4 0 0	10 0	10 0	9 0
Singbhoom	...	...	...	12 0	12 0	24 0	160 0	180 0	180 0	4 0 0	4 0 0	4 7 0	9 0	9 0	8 0
Maubhoom	...	...	...	17 0	17 0	16 0	240 0	240 0	120 0	3 8 0	3 6 0	3 10 0	11 10	11 12	10 12

t In the sub-divisions the retail prices of salt per rupee were :—Brahmanbariah 12-8 seers, and Chaudpore 12 seers.
u In the Aurungabad sub-division the retail price of salt was 12 seers per rupee.
v The retail prices of salt at Baxar and Sasseram was 12 seers per rupee.
w In the sub-divisions the retail prices of salt per rupee were :—Madhubani 11 seers, and Tajpore 11-8 seers.
x In the interior the retail prices of salt ranged from 11 to 12-8 seers per rupee.
y In the sub-divisions of Sewan and Gopalgunge the retail price of salt was 12 seers per rupee.
z In the Bettiah sub-division the retail price of salt was 12 seers per rupee.
z1 In the sub-divisions the retail prices of salt per rupee were :—Begusarai 11 seers and Jamui 11-8 seers.
z2 In the sub-divisions the retail prices of salt per rupee were :—Banka 12 seers, Madhupura 10-8 seers, and Soopole 10 seers.
z3 In the sub-divisions the retail prices of salt per rupee were :—Kissengunge 10 seers, and Arrareah 11 seers.
z4 The retail price of salt at Godda and Rajmehal was 11 seers per rupee.
z5 In the Khoord sub-division the retail price of salt was 14 seers per rupee.
z6 The retail price of salt at Bhuddruck was 9 seers per rupee.
z7 The retail price of salt at Kharruckdiha was 12 seers per rupee.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT

QUANTITIES PER RUPEE

Provinces	Districts	Wheat. Present fortnight. S. Ch.	Wheat. Past fortnight. S. Ch.	Wheat. Corresponding fortnight of 1883. S. Ch.	Barley. Present fortnight. S. Ch.	Barley. Past fortnight. S. Ch.	Barley. Corresponding fortnight of 1883. S. Ch.	Rice (best sort). Present fortnight. S. Ch.	Rice (best sort). Past fortnight. S. Ch.	Rice (best sort). Corresponding fortnight of 1883. S. Ch.	Rice (common). Present fortnight. S. Ch.	Rice (common). Past fortnight. S. Ch.	Rice (common). Corresponding fortnight of 1883. S. Ch.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight. S. Ch.	Great Millet. Past fortnight. S. Ch.	Great Millet. Corresponding fortnight of 1883. S. Ch.	Bulrush Millet, (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight. S. Ch.	Bulrush Millet. Past fortnight. S. Ch.	Bulrush Millet. Corresponding fortnight of 1883. S. Ch.
Assam	Sylhet	14 12	14 12	12 8	...	...	...	9 6	11 4	19 0	10 8	14 12	17 8	...	...	...	...	...	...
	Cachar	12 0	12 4	9 6	13 0	13 4	13 5	10 0	10 0	16 0	12 4	12 4	17 2	...	...	...	...	...	...
	Goálpárá	16 0	16 0	22 8	...	...	...	8 0	8 0	11 8	10 8	10 8	16 0	...	...	...	...	...	...
	Gáro Hills	4 0	4 0	4 0	...	...	...	6 0	6 0	5 0	12 0	8 0	10 0	...	...	...	...	...	...
	Kámrúp	16 0	16 0	15 0	...	...	...	11 0	11 0	12 8	14 0	16 0	19 0	...	...	...	...	...	...
	Darrang	...	...	...	...	...	...	7 0	8 0	10 0	9 0	11 0	16 0	...	...	...	...	...	...
	Nowgong	...	...	...	...	...	...	8 0	8 0	10 8	8 0	13 0	16 0	...	...	...	...	...	...
	Sibságar	...	...	...	...	...	...	8 0	8 0	6 8	14 0	14 0	18 0	...	...	...	...	...	...
	Lakhimpur	9 0	9 0	9 0	10 0	10 0	9 0	8 0	8 0	8 0	11 12	11 0	12 0	...	...	...	...	...	...
	Khási & Jaintiá Hills	...	...	...	...	...	...	...	...	9 0	10 0	10 0	10 0	...	...	...	...	...	...
	Nága Hills	...	...	...	...	...	...	4 0	4 0	4 0	8 0	8 0	8 0	...	...	...	...	...	...
N. W. Provinces	Dehra Dún																		
	Saháranpur																		
	Muzaffarnagar																		
	Meerut																		
	Bulandshahr																		
	Aligarh																		
	Kumaun																		
	Garhwál																		
	Bijnor																		
	Moradabad																		
	Budaun																		
	Bareilly																		
	Sháhjahánpur																		
	Taráí Pergunnahs																		
	Muttra																		
	Agra																		
	Farukhabad																		
	Mainpuri																		
	Etáwah	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Etah																		
	Jalaun																		
	Jhánsi																		
	Lalitpur																		
	Cawnpore																		
	Fatehpur																		
	Bánda																		
	Allahabad																		
	Hamírpur																		
	Jaunpur																		
	Gorakhpur																		
	Basti																		
	Azamgarh																		
	Mirzapur																		
	Benares																		
	Gházipur																		
	Balia																		
	Philibhít																		
	Almora																		
Oudh	Sultánpur																		
	Partábgarh																		
	Fyzabad																		
	Kheri																		
	Lucknow																		
	Bára Banki	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Bahraich																		
	Rai Bareli																		
	Sitapur																		
	Gonda																		
	Unáo																		
	Hardui																		
Punjab	Gujránwála	29 4	29 0	22 8	45 0	50 0	40 0	...	...	...	14 0	13 0	14 0	40 0	40 0	32 0	26 0	26 0	28 0
	Lahore	27 0	27 0	28 0	43 0	45 0	38 0	...	...	...	10 0	10 0	11 0	35 0	35 0	38 0	26 0	26 0	24 0
	Ferozepore	...	25 8	21 0	...	42 0	35 0	...	...	...	...	11 0	11 0	...	...	36 0	...	...	...
	Sirsa	23 0	22 0	20 8	35 0	30 0	36 0	...	...	...	10 0	10 0	12 0	36 0	36 0	35 0	26 0	28 0	38 0
	Hissar	19 0	20 0	20 0	30 0	30 0	29 0	...	...	...	10 0	10 0	9 0	32 0	33 0	28 0	27 0	23 0	23 0
	Rohtak	22 0	22 0	19 0	27 0	24 0	27 0	...	...	...	11 0	11 0	8 0	32 0	26 0	22 0	30 0	28 0	21 0
	Gurgaon	...	...	20 0	...	...	27 0	...	...	...	...	...	10 0	...	...	23 0	...	...	22 0
	Delhi	21 8	21 0	18 8	28 8	28 0	24 8	...	...	...	10 0	10 0	12 0	26 0	26 0	24 0	25 0	23 0	20 0
	Karnál	22 8	22 8	19 0	28 0	28 0	27 0	...	...	...	13 0	13 0	12 8	24 0	25 0	23 0	30 0	30 0	21 0
	Umballa	25 0	25 0	20 8	28 0	28 0	28 0	...	...	...	10 0	10 0	11 4	40 0	40 0	30 0	25 0	25 0	16 0
	Ludhiana	27 8	27 8	23 8	32 0	32 0	38 0	...	...	...	11 0	11 0	11 0	36 0	35 0	34 0	25 0	25 0	26 0
	Simla	15 0	15 4	17 0	21 0	23 0	...	...	...	...	7 8	9 0	...	17 8	17 8	...	14 4	14 4	...

[IN]DIA FOR THE 2nd HALF OF OCTOBER 1884—*continued.*

[QUANTITIES PER RUPEE IN] SEERS OF 80 TOLAHS.

Districts	[Lesser] Millets, Ragi, [e]tc. (Kavaru, Veragu, [S]awee, Cheena, Coraloo, [M]urhwa, Nuglee), *Panicum Miliaceum, &c.* Present fortnight. S. Ch.	Millets. Past fortnight. S. Ch.	Millets. Corresponding fortnight of 1883. S. Ch.	Gram. Present fortnight. S. Ch.	Gram. Past fortnight. S. Ch.	Gram. Corresponding fortnight of 1883. S. Ch.	Firewood. Present fortnight. S. Ch.	Firewood. Past fortnight. S. Ch.	Firewood. Corresponding fortnight of 1883. S. Ch.	Salt. Wholesale. Present fortnight. R a. p.	Salt. Wholesale. Past fortnight. R a. p.	Salt. Wholesale. Corresponding fortnight of 1883. R a. p.	Salt. Retail. Present fortnight. S. Ch.	Salt. Retail. Past fortnight. S. Ch.	Salt. Retail. Corresponding fortnight of 1883. S. Ch.	Provinces
Sylhet	...	...	...	15 0	14 12	17 0	108 0	108 0	108 0	3 3 0	3 4 0	3 4 0	12 8	12 8	12 8	Assam
Cachar	...	...	...	15 0	15 0	12 13	80 0	80 0	80 0	3 4 0	3 4 0	3 8 0	12 0	11 12	10 10	
Goálpárá	...	...	...	12 8	12 8	16 0	80 0	80 0	62 0	3 4 0	3 4 0	3 4 0	12 8	12 8	12 4	
Gáro Hills	...	...	...	8 0	8 0	8 0	160 0	160 0	160 0	4 8 0	4 8 0	5 0 0	8 0	8 0	8 0	
Kámrúp	...	...	...	12 0	11 0	15 0	200 2	200 0	200 0	3 8 0	3 8 0	3 8 0	11 0	11 0	11 0	
Darrang	...	...	...	10 0	10 8	9 12	160 0	160 0	160 0	4 4 0	4 4 0	4 8 0	9 0	9 0	8 0	
Nowgong	...	...	...	10 0	10 0	8 0	120 0	120 0	120 0	3 10 0	3 12 0	4 0 0	10 0	10 0	9 0	
Sibságar	...	...	...	9 0	8 0	10 0	80 0	80 0	80 0	4 4 0	4 4 0	4 8 0	9 0	9 0	8 0	
Lakhimpur	...	...	...	12 0	12 0	12 0	160 0	160 0	160 0	4 0 0	4 1 0	4 8 0	10 0	10 0	9 0	
Khási & Jaintiá Hills	...	...	...	...	...	...	...	...	...	5 0 0	5 0 0	5 0 0	8 0	8 0	8 0	
Nága Hills	...	...	...	...	...	2 0	...	120 0	120 0	16 0 0	16 0 0	16 0 0	2 8	2 8	2 8	
Dehra Dún																N. W. Provinces
Saháranpur																
Muzaffarnagar																
Meerut																
Bulandshahr																
Aligarh																
Kumaun																
Garhwál																
Bijnor																
Moradabad																
Budaun																
Bareilly																
Sháhjahánpur																
Taráí Pergunnahs																
Muttra																
Agra																
Farukhabad																
Mainpuri																
Etáwah	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Etah																
Jalaun																
Jhánsi																
Lalitpur																
Cawnpore																
Fatehpur																
Bánda																
Allahabad																
Hamírpur																
Jaunpur																
Gorakhpur																
Basti																
Azamgarh																
Mirzapur																
Benares																
Gházipur																
Balia																
Philibhít																
Almora																
Sultánpur																Oudh
Partábgarh																
Fyzabad																
Kheri																
Lucknow																
Bára Banki	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Bahraich																
Rai Bareli																
Sitapur																
Gonda																
Unáo																
Hardui																
Gujránwála	...	...	...	38 4	39 4	31 4	90 0	90 0	95 0	15 4	15 4	15 4	15 0	15 0	15 0	Punjab
Lahore	...	...	...	39 0	40 0	35 0	80 0	80 0	80 0	15 0	15 0	15 0	14 0	14 0	14 0	
Ferozepore	...	...	...	...	42 0	33 0	...	90 0	100 0	...	14 0	13 8	...	13 8	13 8	
Sirsa	...	...	...	37 0	37 0	36 0	120 0	126 0	120 0	13 8	13 8	12 8	13 0	13 0	12 0	
Hissar	...	...	...	30 0	31 0	28 0	120 0	120 0	120 0	13 8	13 8	13 0	13 0	13 0	12 8	
Rohtak	...	...	...	27 0	27 0	25 0	100 0	80 0	100 0	12 8	12 8	12 0	11 0	11 0	11 0	
Gurgaon	...	...	...	...	...	22 0	...	...	130 0	...	...	12 0	...	...	12 0	
Delhi	...	...	...	24 8	24 8	22 8	70 0	70 0	80 0	13 0	13 0	13 0	12 0	12 0	12 0	
Karnál	...	...	...	25 0	23 0	24 0	160 0	160 0	140 0	12 4	12 4	12 4	12 0	12 0	12 0	
Umballa	...	...	...	31 0	31 8	27 0	160 0	160 0	150 0	14 0	14 0	14 0	13 0	13 12	13 12	
Ludhiana	...	...	...	33 0	35 0	31 0	100 0	100 0	100 0	15 0	15 0	14 0	14 8	14 8	14 0	
Simla	...	...	...	14 12	15 12	21 0	80 0	80 0	80 0	9 12	10 0	11 4	9 0	9 6	10 8	

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF OCTOBER 1884—*continued.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces	Districts	Wheat: Present fortnight	Wheat: Past fortnight	Wheat: Corresponding fortnight of 1883	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar, *Holcus Sorghum*): Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bulrush Millet (Cumboo, Bajra) *Penicillaria Spicata*: Present fortnight	Bulrush Millet: Past fortnight	Bulrush Millet: Corresponding fortnight of 1883
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
PUNJAB—*continued.*	Kángra	20 0	20 0	20 0	29 0	28 0	32 0	...	...	...	14 0	12 0	14 0	...	...	...	...	...	...
	Jullundur	29 0	29 0	21 8	40 0	40 0	34 0	...	...	...	8 0	8 0	6 0	42 0	38 0	36 0	32 0	32 0	24
	Hoshiárpur	30 0	30 8	20 0	36 0	36 0	25 0	...	...	...	12 0	12 0	12 0	40 0	39 0	28 0	24 0	24 0	20
	Gurdáspur	32 0	31 0	24 8	40 0	40 0	30 0	...	...	...	16 0	14 0	14 0	32 0	32 0	30 0	14 0	14 0	14
	Amritsar	28 4	28 12	23 8	40 0	41 0	37 0	...	...	...	12 8	12 8	13 8	43 0	42 0	37 0	27 8	26 8	31
	Siálkot	30 0	30 0	24 8	53 0	54 0	39 0	...	...	...	13 8	13 0	12 0	44 0	44 0	35 0	32 0	32 0	31
	Gujrát	32 8	32 0	25 8	47 8	47 0	40 0	...	...	...	12 2	11 14	11 8	47 0	46 0	40 0	44 8	44 0	40
	Jhelum	30 0	30 0	25 0	46 0	45 0	33 0	...	...	...	12 0	12 0	12 0	32 0	32 0	34 0	33 0	33 0	38
	Ráwalpindi	32 8	32 8	27 0	54 0	55 0	41 0	...	...	...	12 12	12 0	11 12	60 0	60 0	...	60 0	60 0	46
	Shahpúr	29 0	29 0	27 0	37 0	37 0	40 0	...	...	...	12 0	12 0	15 0	38 0	38 0	36 0	38 0	38 0	34
	Jhang	21 0	21 8	19 6	35 8	37 8	29 0	...	...	...	10 0	10 0	9 8	28 0	28 0	24 6	30 0	31 0	30
	Montgomery	22 0	22 0	18 0	32 0	36 0	...	...	...	...	9 0	9 0	5 8	...	...	...	...	...	...
	Mooltan	18 8	18 8	16 8	28 0	28 0	28 0	...	...	...	10 0	11 0	11 0	28 0	28 0	26 0	28 0	28 0	25
	Muzaffargarh	21 0	21 0	17 8	26 0	26 0	27 0	...	...	...	6 0	6 0	5 0	23 0	23 0	22 0	23 0	23 0	23
	Dera Gházi Khán	19 6	20 8	18 2	27 8	27 11	25 0	...	...	...	11 4	11 4	10 0	31 14	32 10	31 4	31 4	30 3	27
	Dera Ismail Khán	23 8	23 8	20 10	35 6	35 6	31 4	...	...	...	8 12	8 12	8 0	37 8	34 0	33 12	30 0	27 8	30
	Bannu	...	38 2	28 2	...	50 10	36 4	...	...	...	...	8 7	8 12	...	35 0	40 0	...	40 0	32
	Kohát	31 4	31 4	20 6	63 12	59 15	33 2	...	...	...	14 0	14 0	11 8	...	...	30 10	49 12	45 14	31 1
	Peshawar	31 0	30 4	21 8	58 8	58 0	37 0	...	...	...	12 8	12 8	11 5	50 0	50 0	42 12	39 8	36 0	33
	Hazára	34 0	34 0	26 0	46 0	50 0	40 0	...	...	...	12 0	12 0	13 0	...	...	38 0	32 0	36 0	30
CENTRAL PROVINCES.	Saugor	27 0	27 0	23 12	...	...	...	11 0	11 0	8 0	12 0	12 0	10 0	...	...	...	...	...	...
	Damoh	32 0	32 0	28 0	...	...	...	13 8	13 8	13 8	17 8	14 8	14 8	...	...	...	...	...	...
	Jubbulpore	25 0	22 8	23 0	22 0	22 8	23 8	11 0	10 0	10 0	14 0	13 8	16 0	23 0	23 0	30 0	17 0	18 0	16
	Mandla	35 0	35 0	26 0	...	...	...	14 0	14 0	15 0	20 0	19 0	21 8	...	...	...	...	...	...
	Seoni	28 0	28 0	22 8	...	...	...	12 8	12 8	13 8	18 0	20 0	20 0	...	...	...	...	...	...
	Narsinghpur	22 0	22 0	19 0	...	...	...	9 8	9 0	9 8	12 8	11 8	12 0	...	...	...	...	...	...
	Hoshangabad	21 6	20 4	15 12	...	...	...	5 10	5 0	4 8	11 4	10 2	10 3	...	...	...	...	...	...
	Nimár	24 12	24 12	17 8	...	...	...	10 7	11 9	13 10	14 14	14 14	15 15	30 0	30 0	20 10	32 0	28 0	20
	Betúl	26 0	28 0	18 0	...	...	...	11 0	11 0	12 0	12 0	12 0	13 0	21 0	21 0	19 8	...	...	...
	Chhindwára	24 0	23 1	25 8	...	...	...	7 8	7 9	8 8	12 13	12 11	15 0	27 11	28 15	31 0	...	...	...
	Wardha	27 0	25 0	20 0	...	...	...	9 0	8 8	9 0	13 0	11 12	14 0	27 0	27 0	26 0	...	...	...
	Nágpur	27 4	27 4	19 12	...	...	...	9 12	9 12	9 12	14 12	14 12	16 0	29 12	29 12	31 4	...	...	...
	Chánda	27 0	27 0	20 0	...	...	...	...	...	...	17 8	17 8	15 0	26 8	26 8	35 8	...	...	...
	Bhandára	26 8	27 0	22 0	...	...	...	10 0	11 8	10 0	17 0	18 0	22 0	23 8	23 0	42 0	...	...	...
	Bálaghát	24 0	24 0	20 0	...	...	...	15 0	15 0	18 0	23 0	23 0	27 0	...	...	...	...	...	...
	Raipur	32 0	30 0	24 4	...	...	...	15 0	15 0	15 8	23 0	24 0	30 8	...	...	...	...	...	...
	Bilaspur	48 13	48 13	28 8	...	...	...	26 4	26 2	28 8	45 10	54 10	39 0	...	...	...	...	...	...
	Sambalpur	26 4	24 8	16 8	...	...	...	26 4	26 4	27 12	29 12	28 0	31 0	...	...	...	...	...	...
BRITISH BURMA.	*Arakan Division*																		
	Akyab	No return received																	
	Northern Arakan	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kyoukpyoo	...	...	...	...	...	...	13 9	...	9 7	15 1	...	11 0	...	...	...	...	...	...
	Sandoway	...	...	...	...	...	...	19 2	...	17 2	22 14	...	19 2	...	...	...	...	...	...
	Pegu Division.																		
	Rangoon Town	16 4	...	13 4	...	...	...	10 0	...	11 6	11 2	...	12 8	...	...	...	...	...	...
	Pegu	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tharrawaddy	...	...	...	...	...	...	7 2	7 2	...	7 14	7 14	...	...	...	...	...	...	...
	Prome	18 8	14 9	9 11	...	...	...	12 8	12 3	12 3	14 7	14 7	14 7	...	...	...	...	...	...
	Irrawaddy Division.																		
	Bassein	...	...	...	...	...	...	14 12	14 10	12 12½	17 12	16 8	13 5	...	...	...	...	...	...
	Henzada	...	...	...	...	...	...	11 15	11 15	10 4	15 10	15 10	13 0	...	...	...	...	...	...
	Thonegwa	...	...	...	...	...	...	8 6	8 6	...	9 6	9 6	...	...	...	...	...	...	...
	Thayetmyo	15 1	15 1	9 4	...	...	...	9 6	9 6	10 0	10 6	10 6	11 13	...	...	...	...	...	...
	Tenasserim Division.																		
	Moulmein Town & Amherst	9 0	9 0	9 0	...	...	...	9 11	9 11	9 0	12 2	12 2	11 1	...	...	...	...	...	...
	Tavoy	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Mergui	...	...	...	...	...	...	13 13	13 13	14 9	14 14	15 6	16 10	...	...	...	...	...	...
	Toungoo	...	...	...	...	...	...	10 10	10 10	10 10	12 13	12 13	12 13	...	...	...	...	...	...
	Shwaygyin	...	...	...	...	...	...	9 13	10 10	9 13	10 6	12 7	11 5	...	...	...	...	...	...
	Salween	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
HYDERABAD ASSIGNED DISTRICTS.	Secunderabad	12 15	12 11	15 8	...	...	...	8 4	9 14	8 4	11 11	11 4	11 4	17 12	17 12	22 3	...	...	29
	Bolarum	13 13	14 13	15 0	...	...	...	9 0	9 0	8 1	10 15	10 15	10 4	18 15	18 15	29 0	...	...	...
	Chudderghat	13 8	12 8	14 0	...	...	...	7 8	7 8	7 8	9 8	9 8	10 0	17 0	19 0	25 8	24 0	23 0	34
	Amráoti	22 8	23 1	15 0	...	11 0	10 0	7 8	7 9	8 0	10 8	10 12	10 0	26 0	25 3	28 0	17 0	15 0	18
	Akola	25 0	24 0	17 0	...	...	...	8 0	8 0	7 0	11 0	11 0	13 0	23 0	26 0	26 0	16 0	16 0	31
	Ellichpur	20 8	20 0	17 0	6 4	6 0	14 0	8 2	8 2	8 0	11 0	11 0	10 0	24 12	24 2	28 0	15 12	15 0	24
	Buldána	26 0	25 0	18 0	...	...	...	...	...	...	11 0	11 0	11 0	26 0	25 0	26 0	24 0	24 0	22
	Wún	23 0	22 0	17 0	...	...	...	7 0	7 0	8 0	11 8	11 8	11 8	25 0	25 8	29 4	...	...	...
	Básim	27 0	27 0	22 0	...	...	...	6 0	6 0	6 6	11 0	12 0	14 0	29 0	32 0	30 0	...	...	...

Districts	Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nugloo), *Panicum Miliaceum, &c.*: Present fortnight	Lesser Millets: Past fortnight	Lesser Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883	Provinces
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Kángra	...	...	...	24 0	24 0	21 0	120 0	120 0	140 0	11 8	11 8	11 8	11 0	11 0	11 0	PUNJAB—*continued.*
Jullundur	...	...	...	33 0	33 8	29 0	110 0	110 0	110 0	15 0	15 0	14 8	14 8	14 8	14 0	
Hoshiárpur	...	...	...	30 8	32 8	27 8	110 0	110 0	110 0	14 0	14 0	14 0	13 12	13 12	13 12	
Gurdáspur	...	...	...	32 0	34 0	29 0	120 0	120 0	120 0	14 0	14 0	13 4	13 0	13 0	12 8	
Amritsar	...	...	...	38 0	40 8	34 8	90 0	90 0	90 0	15 10	15 10	15 6	15 0	15 0	15 0	
Siálkot	...	...	...	35 0	36 0	31 0	120 0	120 0	120 0	16 0	16 0	15 8	15 8	15 8	15 0	
Gujrát	...	...	...	34 12	34 8	28 12	100 0	100 0	100 0	*	*	*	16 0	16 0	15 8	
Jhelum	...	...	...	32 0	33 8	29 0	120 0	120 0	120 0	16 8	16 8	16 0	16 0	16 0	15 0	
Ráwalpindi	...	...	...	40 8	39 0	35 0	100 0	87 0	95 0	15 8	15 10	15 6	15 6	15 6	15 4	
Shahpúr	...	...	...	36 0	37 0	39 0	240 0	240 0	320 0	17 0	17 0	17 0	16 0	16 0	16 0	
Jhang	...	...	...	30 0	30 0	26 12	200 0	200 0	200 0	14 8	14 8	14 4	14 0	14 0	14 2	
Montgomery	...	...	...	36 0	37 0	31 0	200 0	200 0	200 0	13 0	13 0	12 0	12 0	12 0	11 0	
Mooltan	...	...	...	28 0	28 0	28 0	100 0	100 0	90 0	14 8	14 0	14 0	14 0	13 8	13 8	
Muzaffargarh	...	...	...	24 8	23 8	22 0	120 0	120 0	90 0	*	*	*	13 0	13 0	13 8	
Dera Gházi Khán	...	...	...	25 0	23 8	21 14	125 0	125 0	125 0	28 12	28 12	29 14	27 8	27 8	26 14	
Dera Ismail Khán	...	...	...	32 14	33 5	26 9	125 0	125 0	125 0	47 8	44 0	50 0	45 0	42 0	47 8	
Bannu	...	...	...	...	47 8	29 6	...	80 0	80 0	...	80 0	80 0	...	60 0	80 0	
Kohát	...	...	...	35 11	34 6	26 12	102 0	102 0	102 0	61 3	61 3	68 14	58 11	58 11	63 12	
Peshawar	...	...	...	37 4	36 8	28 0	104 0	105 0	107 0	42 4	44 4	40 0	41 0	42 12	38 8	
Hazára	...	...	...	29 0	28 0	23 0	110 0	110 0	80 0	...	...	...	12 12	12 12	12 0	
Saugor	...	...	...	25 8	25 8	28 0	140 0	140 0	120 0	9 4	9 4	9 12	9 0	9 0	9 8	CENTRAL PROVINCES.
Damoh	...	...	...	27 0	28 0	39 0	200 0	200 0	200 0	10 0	9 0	10 8	9 8	8 8	10 4	
Jubbulpore	...	...	...	31 0	30 0	30 0	120 0	120 0	120 0	11 12	11 8	11 8	11 4	11 0	11 0	
Mandla	30 0	30 0	25 0	45 0	45 0	40 0	256 0	256 0	256 0	...	...	...	10 0	10 0	9 0	
Seoni	...	...	...	32 0	32 0	26 0	220 0	220 0	220 0	11 0	10 8	11 8	10 12	10 4	11 0	
Narsinghpur	...	...	...	32 0	32 0	25 8	140 0	140 0	140 0	11 0	11 0	11 0	10 8	10 8	10 8	
Hoshangabad	...	...	...	29 4	28 2	23 8	140 0	140 0	160 0	11 14	11 14	11 8	11 0	11 0	10 8	
Nimár	...	...	...	27 10	25 13	20 4	160 0	160 0	160 0	13 13	13 13	13 13	13 0	13 0	13 0	
Betúl	18 8	18 8	15 0	26 0	26 0	18 0	320 0	320 0	320 0	10 8	10 8	8 8	10 0	10 0	8 0	
Chhindwára	17 1	17 0	21 0	27 6	26 12	28 0	200 0	200 0	200 0	9 12	9 6	9 0	9 0	8 13	8 0	
Wardha	...	...	...	23 0	22 0	21 0	160 0	160 0	100 0	12 0	12 0	12 0	11 8	11 8	11 0	
Nágpur	...	...	...	21 12	21 12	21 12	120 0	120 0	120 0	12 0	12 0	12 0	11 12	11 12	11 12	
Chánda	...	...	...	27 8	27 8	20 0	360 0	360 0	360 0	...	...	...	11 0	11 0	9 8	
Bhandára	...	...	...	20 0	20 0	23 0	180 0	180 0	95 0	11 4	11 4	10 4	10 8	10 12	10 0	
Bálaghát	...	...	...	25 0	25 0	26 0	275 0	275 0	275 0	11 0	11 0	9 4	10 8	10 8	9 0	
Raipur	...	...	...	20 0	21 0	26 8	64 0	64 0	64 0	10 8	10 8	11 4	10 0	10 0	11 0	
Bilaspur	100 0	100 0	128 4	36 0	36 8	34 0	120 0	120 0	120 0	...	...	...	9 0	9 0	10 0	
Sambalpur	...	...	...	19 8	18 0	14 8	125 0	125 0	120 0	11 0	12 0	11 0	10 0	11 0	10 0	
Arakan Division.																BRITISH BURMA.
Akyab													No return received			
Northern Arakan	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Kyoukpyoo	...	...	...	4 0	...	4 0	50 0	...	50 0	...	...	...	...	...	...	
Sandoway	...	...	...	...	...	...	469 11	...	469 11	...	...	...	22 13	...	39 0	
Pegu Division.																
Rangoon Town	...	...	...	19 2	...	12 10	320 0	...	320 0	50 11	...	50 11	22 10	...	22 10	
Pegu	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Tharrawaddy	...	...	...	8 14	8 14	...	535 11	535 11	...	...	...	...	22 5	32 7	...	
Prome	...	...	...	15 9	13 13	12 7	167 9	167 9	139 11	29 9	29 9	25 5	18 10	18 10	16 9	
Irrawaddy Division.																
Bassein	...	...	...	12 4	13 8	10 15½	282 10	295 2	284 7½	26 15	35 7	24 5½	25 13	25 14	22 2¾	
Henzada	...	...	...	...	...	...	183 8	183 8	183 8	29 9	29 9	29 9	29 9	29 9	29 9	
Thonegwa	...	...	...	18 3	18 3	...	147 10	147 10	...	39 0	39 0	...	35 0	35 0	...	
Thayetmyo	...	...	...	13 13	13 13	13 13	245 0	245 0	245 0	29 9	29 9	25 5	18 15	18 15	18 15	
Tenasserim Division.																
Moulmein Town & Amherst	...	...	...	12 2	12 2	11 1	220 0	220 0	220 0	30 8	30 8	20 15	20 15	20 15	20 8	
Tavoy	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Mergui	...	...	...	...	...	...	428 0	428 0	428 0	36 8	36 8	24 5	29 3	29 3	16 2	
Toungoo	...	...	...	8 1	8 1	12 9	24 0	24 0	24 0	25 0	25 0	23 8	18 12	18 12	18 12	
Shwaygyin	...	...	...	...	...	...	150 0	150 0	250 0	35 6	35 6	35 6	18 14	18 14	18 14	
Salween	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Secunderabad	...	...	29 9	17 4	16 12	14 7	125 0	115 0	125 0	10 11	10 13	10 11	10 3	10 4	10 3	HYDERABAD ASSIGNED DISTRICTS.
Bolarum	...	...	...	18 10	18 10	15 7	116 14	116 14	116 14	...	...	...	10 12	11 12	10 12	
Chudderghat	...	...	...	18 0	18 0	14 0	80 0	80 0	80 0	...	...	...	9 12	9 12	9 8	
Amráoti	...	...	...	20 4	21 3	17 0	...	70 0	64 0	12 8	13 0	12 8	11 8	11 6	12 0	
Akola	...	...	...	21 0	23 0	17 0	64 0	64 0	64 0	11 0	12 0	11 0	11 0	11 0	11 0	
Ellichpur	...	...	...	17 12	17 2	18 0	128 0	128 0	64 0	...	...	...	11 0	11 0	11 0	
Buldána	...	...	...	24 0	21 0	14 0	...	...	...	...	...	...	...	...	...	
Wún	...	...	...	22 0	20 0	14 0	200 0	200 0	200 0	...	...	...	11 0	11 0	11 8	
Básim	...	...	...	24 0	22 0	19 0	64 0	64 0	64 0	9 8	6 8	10 8	9 0	6 0	10 0	

* No whole sale salt sold.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF OCTOBER 1884 —*concluded.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past Fortnight.	Great Millet. Corresponding fortnight of 1883.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Mysore.	Bangalore	10 8	10 11	10 2	11 11	12 3	11 5	9 2	9 1	9 15	10 0	10 3	11 2	24 6	24 0	23 14	...	...	...
	Kolar	...	...	...	10 0	11 0	12 0	12 0	11 4	12 8	13 0	13 4	15 0	...	...	...	...	...	...
	Túmkúr	14 0	14 0	13 8	12 0	12 0	12 0	11 0	11 0	11 0	11 8	11 8	14 8	...	...	...	...	...	...
	Mysore	10 12	11 0	11 0	...	...	...	10 4	9 0	11 0	11 6	10 0	12 4	...	...	35 0	...	...	...
	Shimoga	12 10	12 10	13 10	14 11	14 11	15 12	12 10	11 9	14 11	15 4	14 3	18 14	27 5	27 5	42 0	...	...	...
	Kadur	14 0	14 0	14 0	15 0	15 0	15 0	19 0	19 0	22 0	21 0	21 0	21 0	...	...	...	...	...	...
Coorg	Coorg	9 6	9 11	8 8	9 15	9 14	10 2	11 6	11 15	15 11	17 0	17 3	20 10	...	...	...	...	...	...
Rajpootana.	Jeypore	18 0	18 0	17 0	26 0	25 0	25 0	6 0	6 0	6 0	8 0	7 0	8 8	22 0	21 0	24 0	22 0	21 8	22 0
	Kishengurh	19 0	19 0	17 8	26 12	27 8	24 0	9 0	9 0	8 0	10 0	10 0	9 0	22 4	20 8	23 8	23 4	18 8	19 8
	Kerrowlee	20 8	20 3	18 2	27 11	27 3	26 14	10 13	10 8	10 0	10 15	12 3	10 10	26 7	26 7	26 4	25 3	22 11	20 10
	Ulwur	19 5	19 15	18 12	26 11	26 5	23 13	6 12	6 12	8 10	10 8	10 4	10 8	27 0	25 13	23 0	26 2	24 8	18 15
	Bhurtpore (City)	18 11	18 11	17 1	25 3	25 8	22 9	7 6	7 6	7 12	9 9	9 0	9 2	22 3	23 3	22 7	29 4	23 15	19 11
	Ajmere	18 0	18 0	16 0	25 0	25 0	25 0	8 0	8 0	5 0	8 0	8 0	8 0	25 0	25 0	19 0	20 0	20 0	19 0
	Deoli Cantonment	26 5	25 6	21 3	37 7	36 14	30 8	...	...	...	9 4	9 4	9 4	35 0	30 0	24 0	32 0	25 0	21 8
	Erinpura	21 1	19 15	16 4	28 12	26 7	25 2	...	...	...	7 10	7 5	7 8	21 0	20 0	20 0	20 5	20 0	20 0
	Sirohee	18 0	18 0	13 8	25 0	25 0	25 0	6 8	6 8	6 8	7 8	7 8	8 0	18 8	18 8	14 0	19 8	19 8	15 0
	Abu	16 8	16 12	12 12	20 8	20 8	19 0	6 0	6 0	6 8	7 4	7 4	7 10	...	...	...	16 0	16 0	14 2
	Anadra	18 0	18 0	14 0	23 8	23 8	22 0	6 6	6 4	7 0	8 0	8 0	8 4	...	...	...	18 0	18 0	16 0
	Bálmere	15 8	15 8	15 4	...	...	...	5 4	5 4	6 0	9 0	8 12	8 8	...	...	...	35 0	32 0	28 0
	Jeysalmere	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Hilly Tracts of Meywar	18 0	19 0	20 8	22 0	21 0	25 0	...	...	...	12 0	12 8	15 0	...	...	...	...	...	...
	Meywar (Oodeypore)	23 7	24 3¼	16 0¼	34 6	34 6	22 10½	8 9¼	8 15¾	9 6	...	...	...	...	...	...	...	...	...
	Bánswára (Meywar Agency)	27 8	27 8	19 6	...	...	...	7 8	8 12	10 0	17 8	16 4	16 4	...	...	...	...	...	...
	Partábgurh („)	23 7	22 3	16 9	...	...	...	10 0	8 12	8 12	13 12	11 14	11 14	...	...	...	...	...	...
	Marwar (Jodhpore)	19 12	18 8	16 4	22 8	22 8	21 4	5 9	5 0	6 4	8 2	7 8	7 8	20 0	20 0	21 4	20 0	20 0	18 12
	Bikaneer	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Boondee	30 0	29 12	24 8	53 0	54 0	40 0	7 8	7 8	9 8	8 0	8 0	10 0	5[illegible] 0	55 0	38 4	...	...	...
	Kotah	30 0	30 0	24 0	40 0	40 0	25 0	7 0	7 0	8 0	7 8	7 8	11 0	47 8	47 8	32 0	18 0	18 0	12 8
	Tonk	23 8	23 8	20 8	35 8	35 4	30 12	6 8	6 8	6 8	7 8	7 8	8 10	38 8	38 8	30 12	34 8	36 0	24 8
	Jhallawar	26 11¼	27 0	18 13	43 14	43 14	20 0	...	...	...	11 11	11 9	8 9	42 11	42 11	31 12	17 0¼	17 0¼	17 1
	Shahpoora	[illegible]8 4	24 0	19 14	35 8	34 12	30 0	7 12	7 10	11 0	9 12	9 10	14 4	35 0	25 0	24 4	20 0	19 8	14 0
	Dholpur	18 2	18 7	16 9	25 5	25 11	23 10	9 0	9 0	10 2	10 2	10 2	10 11	24 14	22 8	24 7	37 10	31 5	20 5
Central India.	Indore	21 0	21 0	15 8	...	...	...	9 3	9 3	9 3	10 0	10 0	10 14	28 3	26 10	23 0	22 0	22 0	21 14
	Gwalior	18 6	18 8	17 6	20 1	19 11	21 15	7 3	7 5	7 9	8 15	8 15	9 2	23 5	23 9	24 10	24 10	21 0	20 9
	Goona	30 0	30 0	25 0	21 0	21 0	20 0	8 0	8 0	8 0	9 0	9 0	8 8	43 0	50 0	40 0	20 0	21 0	20 0
	Baghelkhand (Sutna)	25 12	25 0	25 4	40 0	40 0	41 4	8 0	8 0	7 0	19 0	20 8	19 4	...*	...*	38 12	18 0	18 0	30 0

* Not sold.

Districts.	Lesser Millets, Rari, &c. (Kavaru, Varagu, Sawee, Cheena, Coraloo, Murhwa, Nuglee), *Panicum Miliaceum*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.	Provinces.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Bangalore	27 14	25 2	32 11	21 7	20 12	29 6	96 0	96 0	113 3	12 4	12 4	12 4	12 0	12 0	12 0	Mysore.
Kolar	35 8	31 4	43 0	24 8	21 8	30 0	144 0	192 0	172 6	12 4	12 4	12 4	12 0	12 0	12 0	
Túmkúr	32 0	29 0	46 0	24 0	20 0	40 0	340 0	340 0	340 0	11 8	11 8	11 8	11 0	11 0	11 0	
Mysore	25 0	21 0	30 0	23 0	20 0	33 0	75 0	75 0	75 0	10 0	10 0	8 12	9 8	9 8	8 8	
Shimoga	29 15	27 13	37 13	23 2	22 1	33 10	480 0	480 0	480 0	10 8	11 0	10 8	10 8	11 0	10 8	
Kadur	40 0	40 0	42 0	26 0	26 0	36 0	64 0	64 0	64 0	...	...	...	11 0	11 0	10 0	
Coorg	26 10	29 3	29 10	21 0	21 6	29 11	110 0	110 0	110 0	10 12	11 3	10 1	10 0	10 8	9 7	Coorg
Jeypore	...	...	...	23 0	22 0	23 4	...	...	...	16 4	15 8	15 0	16 0	15 4	14 12	Rajpootana.
Kishengurh	...	...	...	25 8	24 8	24 0	...	...	...	...		...	16 0	16 0	16 0	
Kerrowlee	...	...	...	23 15	23 2	27 8	...	...	...	14 4	14 0	13 8	14 0	13 14	13 4	
Ulwur	...	...		25 13	25 10	28 0	...	...	...	16 4	16 4	15 7	15 8	15 8	14 12	
Bhurtpore (City)	...	...	...	22 7	22 1	22 11	...	...	...	12 4	12 4	12 4	12 0	12 0	12 0	
Ajmere	...	...	...	24 0	24 0	26 0	80 0	80 0	80 0	17 8	17 8	17 0	15 8	15 8	15 0	
Deoli Cantonment	...	...	...	30 12	31 9	29 4	230 0	230 0	230 0	13 5	13 6	13 10	12 14	12 4	13 10	
										R a. p.	R a. p. per md.	R a. p				
Erinpura	...	...	...	22 0	21 2	21 4	190 0	170 0	160 0	3 0 4	3 0 4	3 0 6	13 0	13 0	12 6	
Sirohee	...	...	...	21 0	21 0	18 0	210 0	200 0	160 0	2 12 0	3 0 0	3 0 0	13 5	13 5	12 5	
Abu	...	...	...	17 8	17 8	16 0	160 0	160 0	160 0	3 1 6	3 1 6	3 8 0	13 0	13 0	11 12	
Anadra	...	...	...	20 0	20 0	18 0	...	...	...	2 15 0	2 15 0	3 4 0	13 8	13 8	12 4	
Bálmere	...	...	...	13 0	13 0	15 0	280 0	280 0	300 0	2 3 3	2 5 0	2 5 0	18 4	17 8	17 0	
Jeysalmere	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Hilly Tracts of Meywar	...	...	...	20 0	20 0	21 0	†	‡	†	4 2 0	3 10 0	3 10 0	9 8	11 0	11 0	
										S. Ch.	S. Ch.	S. Ch.				
Meywar (Oodeypore)	...	...	...	22 4¼	23 0¾	17 15½	200 0	200 0	200 0	12 1¾	12 1¾	11 11¼	11 11¼	11 11½	11 5¼	
										R a. p.	R a. p. per md.	R a. p.				
Bánswára (Meywar Agency)	...	...	...	35 0	35 0	32 8	...	...	...	3 5 9	...	...	12 8	12 8	9 6	
Partábgarh („)	...	...	...	31 1	31 14	19 9	...	...	...	2 6 9	...	...	16 8	16 8	16 4	
Marwar (Jodhpore)	...	...	...	22 8	21 4	20 4	90 0	120 0	...	2 10 9	2 11 0	...	15 0	15 0	15 0	
										S. Ch.	S. Ch.	S. Ch.				
Bikaneer	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Boondee	...	...	...	32 0	32 0	37 0	160 0	160 0	120 0	11 8	11 8	12 8	11 0	11 0	12 4	
Kotah	...	...	...	37 0	37 0	30 0	240 0	240 0	240 0	12 0	11 0	13 8	11 8	10 8	13 0	
Tonk	...	...	...	29 8	30 0	32 0	80 0	80 0	100 0	12 12	13 4	13 8	12 8	13 0	13 4	
Jhallawar	...	...		29 9¼	29 6¼	24 1	...	...	...	10 3½	10 3½	10 7¼	10 0	10 0	10 3½	
Shahpoora	...	...	...	35 8	26 7	23 4	160 0	160 0	160 0	13 5	13 6	13 14	13 4	13 4	13 10	
Dholpur	...	...	...	19 12	20 8	24 7	...	...	...	13 12	13 12	13 8	12 14	12 14	12 10	
Indore	...	...	...	24 0	23 8	18 0	100 0	100 0	100 0	11 8	11 8	12 0	11 4	11 0	11 6	Central India.
Gwalior	...	...	...	17 6	18 0	22 12	146 0	146 0	127 12	12 6	12 6	...	11 14	11 14	12 0	
Goona	...	...	...	30 0	33 0	32 0	200 0	200 0	200 0	12 12	12 10	12 8	12 8	12 8	12 0	
Baghelkhand (Sutna)	...	...	...	32 0	31 0	36 2	160 0	160 0	160 0	11 14	12 0	12 4	11 14	11 2	11 5	

‡ Ten pies per bundle.

† Eight pies per bundle.

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st HALF OF OCTOBER 1884, PUBLISHED IN PAGES 1560 AND 1561 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 8th NOVEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight. S.	C.	Wheat. Past fortnight. S.	C.	Wheat. Corresponding fortnight of last year. S.	C.	Barley. Present fortnight. S.	C.	Barley. Past fortnight. S.	C.	Barley. Corresponding fortnight of last year. S.	C.	Rice, Best sort. Present fortnight. S.	C.	Rice, Best sort. Past fortnight. S.	C.	Rice, Best sort. Corresponding fortnight of last year. S.	C.	Rice, Common. Present fortnight. S.	C.	Rice, Common. Past fortnight. S.	C.	Rice, Common. Corresponding fortnight of last year. S.	C.
Mysore.	Bangalore	10	11	11	0	10	12	12	3	12	2	11	15	9	1	9	4	9	8	10	3	10	4	10	8
	Kolar	...		...		...		11	0	11	0	11	4	11	4	11	0	12	0	13	4	13	0	14	0
	Túmkúr	14	0	14	0	14	0	12	0	12	0	11	8	11	0	11	8	13	0	11	8	12	0	14	0
	Mysore	11	0	11	0	11	0	...		...		...		9	0	10	8	11	0	10	0	11	12	13	0
	Shimoga	12	10	12	10	14	3	14	11	13	10	15	9	11	9	14	10	11	11	14	3	16	13	18	14
	Kadur	14	0	13	0	14	0	15	0	15	0	15	0	19	0	18	0	18	0	21	0	20	0	20	0

Provinces.	Districts.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight. S.	C.	Great Millet. Past fortnight. S.	C.	Great Millet. Corresponding fortnight of last year. S.	C.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight. S.	C.	Bulrush Millet. Past fortnight. S.	C.	Bulrush Millet. Corresponding fortnight of last year. S.	C.	Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena Coraloo, Marhwa, Nugiee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c. Present fortnight. S.	C.	Lesser Millets. Past fortnight. S.	C.	Lesser Millets. Corresponding fortnight of last year. S.	C.	Gram. Present fortnight. S.	C.	Gram. Past fortnight. S.	C.	Gram. Corresponding fortnight of last year. S.	C.
Mysore.	Bangalore	24	0	24	2	28	4	...		...		...		25	2	26	6	30	0	20	12	20	6	29	3
	Kolar	...		...		...		...		...		...		31	4	32	4	36	0	21	8	20	0	30	0
	Túmkúr	...		...		...		...		...		...		29	0	23	0	40	0	20	0	21	0	36	0
	Mysore	...		24	0	34	0	...		...		...		21	0	22	0	28	0	20	0	21	0	34	0
	Shimoga	27	5	33	10	42	0	...		...		...		27	13	37	4	12	0	22	1	26	4	33	10
	Kadur	...		...		...		...		...		...		40	0	38	0	40	0	26	0	28	0	34	0

Provinces.	Districts.	Firewood. Present fortnight. S.	C.	Firewood. Past fortnight. S.	C.	Firewood. Corresponding fortnight of last year. S.	C.	Salt, Wholesale. Present fortnight. S.	C.	Salt, Wholesale. Past fortnight. S.	C.	Salt, Wholesale. Corresponding fortnight of last year. S.	C.	Salt, Retail. Present fortnight. S.	C.	Salt, Retail. Past fortnight. S.	C.	Salt, Retail. Corresponding fortnight of last year. S.	C.
Mysore.	Bangalore	96	0	96	0	96	0	12	4	12	4	12	4	12	0	12	0	12	0
	Kolar	192	0	192	0	172	6	12	4	12	4	12	4	12	0	12	0	12	0
	Túmkúr	340	0	340	0	340	0	11	8	12	0	11	0	11	0	11	8	10	8
	Mysore	73	0	73	0	75	0	10	0	10	0	8	12	9	8	9	8	8	8
	Shimoga	480	0	480	0	480	0	11	0	10	8	10	8	11	0	10	8	10	8
	Kadur	61	0	64	0	64	0	...		...		...		11	0	11	0	10	0

DEPARTMENT OF FINANCE AND COMMERCE,
(Statistical Branch.)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE FORTNIGHT ENDING THE 26th NOVEMBER 1884.

GENERAL REMARKS.—With the exception of British Burmah, Madras, Mysore and Coorg, and two districts in the Punjab, no rain is reported for the past week from any of the reporting stations.

The prospects of the *rabi* are good in Bombay, except in one or two districts where more rain is wanted; in the North-Western Provinces and Oudh, the Punjab, the Central Provinces, and in the Berars and Hyderabad. Sowings have been completed or are approaching completion in most Provinces. The *rabi* is also doing well in Bengal, except in two or three districts where the crops have been damaged by insects.

The *kharif* harvest continues in progress generally throughout the country. In Bengal the *amun* paddy is being cut in many districts, a fair outturn being expected in some. In Assam the condition of the standing crops is generally good. Agricultural prospects are favourable in British Burmah, and reaping has commenced in parts. In Madras general prospects are fair, but more rain is wanted in the districts of Bellary and Anantapore, which suffered most this year.

Harvesting is in progress in several districts, but the outturn is below the average. In Mysore the crops are generally in good condition, and prospects are favourable.

The public health is generally good, but slight cholera, smallpox and fever exist in some Provinces.

Prices remain unchanged, except in Bengal and the North-Western Provinces and Oudh, where they show a tendency to fall, and in the Punjab, where they are fluctuating.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—(Nov. 26th)		
Bellary	Average ·04	Standing crops need more rain; harvest wet and dry crops, yield below average; 3 deaths from cholera.
Kurnool	" ·04	Standing crops good; harvest cereals, outturn below average; smallpox in 2 taluks; 11 deaths from cholera.
Ganjam	*Nil*	Smallpox, cholera, and cattle-disease prevalent.
Kistna	*Nil*	Standing crops generally good; harvest wet and dry crops, outturn below average; river 3 feet over anicut; smallpox, fever, and cattle-disease prevalent; 29 deaths from cholera.
Chinglepnt (Madras)	Average 1·86	Some tanks have breached; standing crops good in 2 talukas; in parts of others damaged by rain and floods; harvest paddy, yield below half; smallpox in 3 talukas; 56 deaths from cholera.
Tanjore	" ·06	Standing crops generally good, but large tracts damaged by late floods and rain; harvest wet and dry crops, outturn below average; 72 deaths from cholera.
Coimbatore	" ·22	Standing crops good; but dry crops damaged by insects and excessive rain in parts; harvest wet and dry crops, outturn, *wet*, average, *dry*, below average; smallpox in one and fever in 2 talukas; 17 deaths from cholera.
Madura	" ·25	Prospects considerably improved; 59 deaths from cholera.
Malabar	" ·10	Standing 2nd crop paddy good; smallpox and cattle-disease slight; fever in 2 talukas; 10 deaths from cholera.
Travancore	*Nil*	Standing 2nd crop paddy good; smallpox prevalent; 12 deaths from cholera.
		General Remarks.—General prospects fair; more rain wanted in Bellary and Anantapur.
Bombay—(Nov. 26th)		
Hyderabad	. . . . .	*Rabi* operations in progress; prospects of crops good; no cholera throughout the district; autumnal fever general; smallpox in 3 and cattle-disease in 5 talukas; wheat 28, *bajri* 40, *jowari* 44, red rice 21, and white rice 20 lbs. per rupee.
Ahmedabad	. . . . .	*Kharif* harvest and *rabi* sowing progressing; fever in some talukas; wheat 31 and *bajri* 32 lbs. per rupee.
Baroda	. . . . .	Fever continues, slight cattle-disease in Kadi taluka; harvesting of *kharif* crop completed; sowing of *rabi* in progress; opium sowing commenced in Kadi division; prices—*bajri* 32 and rice 23 lbs. per rupee.
Surat	. . . . .	*Kharif* harvest nearly completed; *rabi* sowing progressing; standing crops healthy; fever in some talukas; *jowari* 32 and *nagli* 42 lbs. per rupee.
Nasik	. . . . .	Reaping of *kharif* crops nearly completed; *rabi* crops healthy; public health generally good; *bajri* 24, wheat 40, and rice 21 lbs. per rupee.
Colaba (Bombay)	. . . . .	Temperature abnormal; 3° cool from 19th to 21st, rose to 1° warm by the 23rd and fell back to 1° cool by the 25th; vapour in air defective from 19th to 22nd; wind normal.

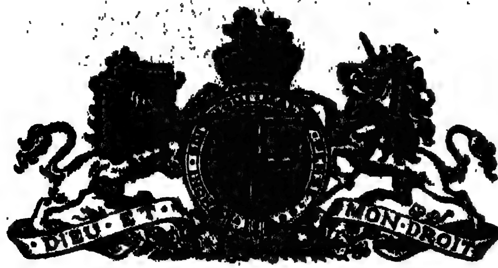
Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd.*		
Poona	. . . . .	Harvesting of *kharif* in progress; *rabi* crops good; prices—*bajri* 34 and *jowari* 37 lbs. per rupee; in Poona *bajri* 30 and *jowari* 33 lbs. per rupee.
Ahmednagar . .	. . . . .	Harvesting of *kharif* in progress; *rabi* crops good except in Sheogaon and Shrigunda; *jowari* and gram damaged in former, and *jowari* in latter; fever in Sheogaon and Akola; cattle-disease in Koparpaon; *bajri* maximum 51 lbs. per rupee in Akola, minimum 36 lbs. in Nagar; *jowari* maximum 60 lbs. per rupee in Sangamner; minimum 35 lbs. in Karjat.
Sholapore . . .	No rain . . .	*Rabi* crops withering in places excepting Barsi taluka; cotton crops slightly injured in Barsi and very inferior in Karmala taluka; three cases of cholera in Sangola taluka, no deaths; *jowari* 35 lbs. 10 tolas and *bajri* 36 lbs. 20 tolas per rupee.
Dharwar . . .	. . . . .	Rain urgently required throughout the district; rice being reaped, sowing of late *jowari* and wheat completed; cotton crops good; slight cholera in Kalghatgi; rice 26 to 34 and *jowari* 38 to 81 lbs. per rupee.
Kanara . . .	. . . . .	Common rice in Karwar 16 seers per rupee; district average 14¾ seers; rice harvest nearly completed above Ghats; two deaths from smallpox in Sirsi; fever in Honavar, Siddapur, Supa, and Yellapur talukas; weather fair.
Rajkot . . .	. . . . .	General health good; weather cool; fever generally prevalent; *bajri* 37 and *jowari* 52 lbs. per rupee.
		General Remarks.—No rain; *rabi* crops in good condition except in parts of Sholapur and Kaladgi where they are withering for want of rain; more rain also required in parts of Belgaum and Dharwar; *jowari* and gram in two talukas of Ahmednagar and cotton in one taluka of Sholapur slightly damaged; fever general; cholera in parts of six districts; cattle-disease in seven and smallpox in four districts.
N.-W. Provinces and Oudh— (Nov. 27th)		
Benares (Nov. 25th)	No rain . .	Prospects of opium remain unchanged; irrigation for *rabi* crops is going on, and prospects are good; late rice is being cut in Gangapur; no disease of men or cattle; bazars well supplied; prices falling.
Gorakhpur („ 24th)	No rain . .	*Rabi* and poppy all sown and promising well; public health good; prices steady.
Fyzabad („ 25th)	No rain .	Prospects of *rabi* crops good; opium has germinated fairly; public health and condition of cattle good.
Lucknow („ 24th)	. . . . .	Weather fine; west wind; outturn of the *kharif* crops good; poppy sowings continue; young *rabi* is being irrigated, condition and health of men and cattle good; supplies sufficient; prices steady.
Rai Barelli („ „)	*Nil*	Weather clear and cold; *rabi* prospects good; health of people and condition of cattle good; supplies ample; prices steady.
Partabgarh („ 25th)	*Nil*	Crops coming on splendidly; prices almost stationary; general health good.
Allahabad („ „)	No rain . .	Crops flourishing; prices falling; health excellent.
Banda („ 26th)	*Nil*	Weather clear; *kharif* crops being cut; *rabi* sowings continue; prospects good; fever prevalent; no distress.
Ballia („ 25th)	*Nil*	Weather fine; spring crops doing well; health good.
Farakhabad („ „)	*Nil*	*Rabi* prospects good; poppy sowings nearly completed; health of people improving; prices steady.
Sitapur . („ „)	. . . . .	West wind during week; *rabi* being irrigated and prospects are favourable; no cattle disease; cholera continues in one tahsil; opium crop reported flourishing.
Bareilly . („ 24th)	*Nil*	Crops satisfactory; market falling slightly; fever still prevalent.
Kumaon . („ „)	*Nil*	Weather fair; wheat sowings nearly over and germination has begun in some places; general health good with the exception of smallpox and fever in some places; cattle-disease continues; prices stationary.
Agra . („ 25th)	No rain . .	*Rabi* and poppy sowing nearly completed; *kharif* being harvested; fever abating; prices slightly falling.
Jhansi . („ „)	*Nil*	*Rabi* crops germinating well; prices falling; condition of people and cattle good.
Meerut . („ 24th)	*Nil*	Weather seasonable; spring sowings in progress everywhere; condition of men and cattle good; supplies plentiful; prices steady.
		General Remarks.—*Kharif* harvest is nearly completed; *rabi* crops including poppy are flourishing, and prospects are very favourable; markets are well supplied, and prices tend to fall; the general health of the people and condition of cattle are good.
Punjab—(Nov. 26th)		
Delhi (Nov. 25th) .	. . . . .	Fever abating; harvesting over, outturn about average; *rabi* sowings almost completed; prices fluctuating.
Hissar	. . . . .	Fever prevalent; *kharif* being harvested in Rohtak, yield over average in one and average in two tahsils; *rabi* flourishing.
Jullundar . . .	. . . . .	Rain wanted; health good; *rabi* sowing finished; prospects good; prices steady.
Amritsar . . .	. . . . .	Health good; prices fluctuating.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Punjab—*contd.*		
Ferozepore	. . . .	Fever prevalent; *rabi* sown; *kharif* being cut; prices fluctuating.
Lahore	. . . .	Health and crops good; prices stationary.
Rawalpindi	1·90	Health good; *rabi* sowings in progress; prices steady.
Mooltan	. . . .	Fever abating; *rabi* being sown; prices stationary.
Dera Ismail Khan	. . . .	Health and prospects good; coming yield expected to be above average.
Peshawar	·10	Health good; more rain wanted; prices stationary.
		General Remarks.—Slight rain in the Rawalpindi and Peshawar districts; fever still prevalent in a few districts; *kharif* nearly harvested; *rabi* sowing almost completed.
Central Provinces—(Nov. 26th)		
Nagpur	. . . .	Weather cold and clear; *rabi* sowings progressing favourably, completed in Umrer tahsil; fever and cattle-disease decreasing; prices stationary.
Jubbulpore	. . . .	Weather clear and cool; reaping of *kodo* and *juar* continues; *rabi* sowings in progress; prospects favourable; prices stationary.
Saugor (Nov. 25th)	. . . .	*Rabi* sowings in progress; rice, *juar*, and *til* being cut; cotton picking commenced in places; health good; prices steady.
Seoni	. . . .	Weather cold; threshing of *kharif* progressing; fever and cattle-disease decreasing; prices falling.
Hoshangabad	. . . .	Weather cool and pleasant; *rabi* sowing continues; rain wanted; fever prevalent; prices stationary.
Khandwa	. . ? .	Weather clear; *rabi* sowings completed; reaping of *kharif* commenced; health good; rice 14¾, wheat 18, and *juar* 24½ seers per rupee.
Raipur	. . . .	Weather clear and cool; *dhan* and *kodo* being cut; sowing of wheat going on; health good; wheat 36 and rice 23 seers per rupee.
Sambalpur (Nov. 22nd)	. . . .	Weather cold; rice excellent, except on low lands; cotton and *urad* suffered from rain; *tilli* in many parts poor, other crops very fair; health good; prices stationary.
		General Remarks.—Weather cold; prospects continue favourable; health good; prices steady.
British Burma—(Nov. 26th)		
Akyab (Nov. 22nd)	*Nil*	Cholera still in town and district; crop prospects very good; total rainfall 197·67.
Bassein	1·12	Total rainfall 109·82.
Rangoon	0·15	Total rainfall 89·39.
Amherst (Moulmein)	0·37	Slight cholera; reaping progressing; total rainfall 182·56.
Tavoy	2·81	Prospects of crops very good; reaping of early crops progressing; total rainfall 165·72.
Pegu	1·09	Crops well in ear; prospects favourable; total rainfall 112·31.
Henzada	0·15	Reaping commenced in parts; total rainfall 91·24.
Prome	*Nil*	Crops reported in good condition; slight damage in parts from floods and want of rain; harvest begun; total rainfall 42·40.
Toungoo	*Nil*	General appearance of crops good; total rainfall 74·59.
Thayetmyo	*Nil*	Crops generally promising fairly; total rainfall 33·47.
		General Remarks.—Cholera continues in Arakan and has appeared in Amherst and Moulmein; slight smallpox in parts, public health otherwise good; health of cattle generally good; reaping has begun; crop prospects favourable everywhere.
Assam—(Nov. 26th)		
Gauhati	No rain during the week ending 25th instant.	Weather seasonable; mustard being sown; prospects of *sali* crop not very satisfactory; sugarcane doing well; public health fair.
Sylhet	*Nil*	State and prospects of all crops good; cholera and small-pox still prevalent in the district.
Cachar	*Nil*	Weather cold; reaping of *sali* crops continues; tea season nearly closed; common rice 12½ seers per rupee; nine deaths from choleral reported from Sadar.
Dibrugarh	*Nil*	Weather seasonable; *sali* on high lands poor, on low lands good; *matikalai* and mustard are doing well; cholera reported from North Lakhimpur Sub-Division.
Mysore and Coorg—		
Bangalore	·55	There has not been much rain in the western portions of the province; crops, however, are generally in good condition and prospects favourable; prices satisfactory; public health good.
Mysore	·45	(see above)
Coorg	1·10	Rain unseasonable and productive of more damage to standing crops than good; a good rice crop coming into ear; coffee berries improving slowly; picking commenced; slight rise of price in English market; the picking of cardamoms completed; crop good and better prices offering; disagreeable high winds prevailing, causing cold and fever.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Berar & Hyderabad—(Nov. 26th)		
Hyderabad . . .	*Nil*	Reaping of *kharif* crops concluded; reaping of *abi* rice continues; *rabi* crops prospering; no sickness; prices—wheat 12, coarse rice 13, white *juar* 18, yellow *juar* 23, and *tur* 18 seers per *halli* sicca rupee.
Amraoti . . .	. . . . .	Weather cool and clear; crops in good condition; cotton-picking continues; wheat 22 and *jowari* 26 seers per rupee.
Akola . . .	. . . . .	*Kharif* and *rabi* crops in good condition; cotton-picking progressing.
Central India States—(Nov. 26th)		
Indore	*Nil*	No change since last report.
Morar (Gwalior) . .	*Nil*	Prospects good.
Sutna	*Nil*	Health good,
Goona . . .	*Nil*	Weather cold; health and prospects good.
Sehore . . .	*Nil*	Weather clear; prospects of crops and public health good.
Rajputana—(Nov. 26th)		
Abu . (Nov. 26th)	. . . . .	Weather cold and seasonable; fever subsiding.
Sirohee . („ 16th)	. . . . .	Good supply of water in tanks and wells; crop prospects and health satisfactory; weather fine.
Marwar („ 21st)	. . . . .	City tanks almost full; fever abating; *kharif* being harvested; *rabi* sowings almost completed.
Harowti („ 24th)	. . . . .	Weather seasonable; health good.
Jhallawar („ 21st)	. . . . .	Weather cold and bright; fever prevalent.
Ajmere („ 25th)	. . . . .	Weather seasonable; health good.
Jeypore („ „)	. . . . .	Prospects favourable; prices steady; health good.
Ulwar („ „)	. . . . .	Prices falling; fever decreasing; wells full.
Nepal—(Nov. 20th)		
Khatmandu . .	*Nil*	Weather seasonable; prospects fair.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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Nothing for publication.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22. The Panch Mahals Laws Bill, 1884.

SUPPLEMENT No. 49.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 5th December, 1884.

No. 22.—His Excellency the Viceroy and Governor-General, under the authority vested in him by the Statute 24 and 25 Vic., cap. 67, section 10, has been pleased to re-appoint the Hon'ble G. H. P. Evans to be an Additional Member of the Council of the Governor-General for the purpose of making Laws and Regulations, with effect from the 8th instant.

D. FITZPATRICK,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—ESTABLISHMENTS.

Calcutta, the 2nd December 1884.

No. 263.—Mr. Kongandra Ganapatti, Subedar of the Mercara Taluk, Coorg, is appointed to act as 2nd Assistant Commissioner of Coorg, until further orders, *vice* Mr. Chappadi Subiah, Rai Bahadur, deceased.

The 5th December 1884.

No. 270.—Mr. C. W. McMinn, B.C.S., Deputy Commissioner, 2nd Class, in the Central Provinces, to be Deputy Commissioner, 1st Class, *vice* Colonel W. B. Thomson, retired.

MEDICAL.

The 4th December 1884.

No. 534.—APPOINTMENT.—Surgeon-Major O. T. Duke, M.B., to officiate as Joint Medical Officer of Simla, during the absence on furlough of Surgeon-Major R. Power, or until further orders.

JUDICIAL.

The 4th December 1884.

No. 1464.—The Honourable J. O'Kinealy, a Judge of the High Court of Judicature at Fort William in Bengal, obtained furlough, with effect from the 7th April 1884, to the 15th September last, both days inclusive.

This cancels Home Department Notification No. 379, dated the 10th March 1884.

No. 1467.—Under the provisions of Section 3 of Act XXVI of 1881 (The Negotiable Instruments Act, 1881), the Governor General in Council has been pleased to appoint the undermentioned person to perform the functions of a Notary Public under that Act :—

Mr. William Richard Munton,—Dehra Dun.

PORT BLAIR.

The 2nd December 1884.

No. 687.—The services of Lieutenant-Colonel M. Protheroe, C.S.I., are placed at the disposal of the Government of Madras, with effect from the 1st instant.

PATENTS.

The 3rd December 1884.

No. 1170.—Specifications of the undermentioned inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every specification is open to public inspection, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency, upon payment of a fee of one rupee. A certified copy of any specification will be given to any person requiring the same on payment of the expense of copying:

No. 68 of 1884.—Charles Adams, of Brussels, in the Kingdom of Belgium, for new or improved apparatus for working railway points and signals.

No. 94 of 1884.—John Hodgart, Engineer, Oomrawuttee, East Berar, for a machine for opening and cleaning cotton.

No. 128 of 1884.—Jasper Henry Selwyn, Vice-Admiral, of Gloucester Crescent, Hyde Park, in the County of Middlesex, England, for improvements in, and pertaining to, furnaces for the combustion of liquid fuel.

No. 148 of 1884.—James Watson, of London, England, Engineer, for a regulator for the engines of hydraulic pumps.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATIONS.—SURVEYS.

Calcutta, the 1st December 1884.

No. 657—72-11 *S.*—Consequent on the return from furlough of Mr. F. R. Mallet, Deputy Superintendent, Geological Survey of India, on the 8th ultimo, the following reversions will take effect from that date:—

Mr. F. Fedden will cease to act as Curator of the Museum.

Mr. C. L. Griesbach will cease to officiate in the 1st Grade, and as Deputy Superintendent.

Mr. C. S. Middlemiss will revert to his substantive appointment in the 3rd Grade.

No. 659—32-26 *S.*—Consequent on the return from the special leave granted to Mr. H. B. Medlicott, Superintendent of the Geological Survey of India, the following reversions will take effect from the 13th ultimo:—

Dr. W. King, Officiating Superintendent, to revert to his substantive appointment as Deputy Superintendent.

Mr. T. W. H. Hughes to cease to act as Deputy Superintendent.

Mr. F. Fedden to revert to his substantive appointment in the 2nd Grade.

Mr. E. J. Jones to revert to his substantive appointment in the 3rd Grade.

No. 661—72-12 *S.*—Consequent on the return from furlough of Mr. C. A. Hacket, Assistant Superintendent of the 2nd Grade, Geological Survey of India, on the 18th ultimo, Mr. T. H. D. LaTouche will revert to his substantive appointment in the 3rd Grade, with effect from that date.

The 5th December 1884.

No. 671—72-15*S.*—Consequent on the departure on furlough of Mr. F. Fedden, Assistant Superintendent, Geological Survey of India, Mr. T. D. La Touche, Assistant Superintendent, 3rd grade, is appointed to officiate in the 2nd grade, with effect from the 22nd November 1884.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 2nd December, 1884.

No. 2317 *G.*—Subject to the confirmation of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Clement C. Ellis as Consular Agent for the United States of America, at Chittagong.

No. 2321 *G.*—Lieutenant-Colonel M. G. Gerard, C.B., Officiating 2nd-in-Command, 2nd Regiment, officiated as Commandant, Central India Horse, on the 2nd and 3rd June, 1884, during the absence on general leave of Lieutenant-Colonel H. M. Buller.

The 3rd December, 1884.

No. 2328 *G.*—Surgeon-Major C. W. Calthrop, M.D., Medical Officer of the 4th Bengal Cavalry, held medical charge of the Gwalior Political Residency, Morar Cantonment Magistracy, and Morar Jail, in addition to his own duties, from the afternoon of the 4th June to the afternoon of the 3rd September, 1884, during the absence on leave of Surgeon-Major F. A. Smyth.

Surgeon F. R. Barker, M.B., Army Medical Department, held medical charge of the Gwalior Political Residency, Morar Cantonment Magistracy, and Morar Jail, from the afternoon of the 9th to the afternoon of the 15th October, 1884.

Surgeon-Major C. W. Calthrop, M.D., received medical charge of the Gwalior Political Residency, Morar Cantonment Magistracy, and Morar Jail, from Surgeon F. R. Barker, M.B., on the afternoon of the 15th October, 1884.

The 5th December, 1884.

No. 2348 *G.*—The following changes are made in the Graded List of the Political Department:—

Promotions.

Consequent on the deputation of Captain C. E. Yate, Political Assistant of the 2nd Class, with the Afghan Boundary Commission, with effect from the 28th July, 1884—

Captain T. C. Pears, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant W. H. Cornish, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

Consequent on the deputation of Captain E. L. Durand, Political Agent of the 3rd Class, and Officiating Political Agent of the 2nd Class, with the Afghan Boundary Commission, with effect from the 21st August, 1884—

Mr. J. R. FitzGerald, Political Agent of the 3rd Class, to officiate as a Political Agent of the 2nd Class.

Major N. C. Martelli, Political Assistant of the 1st Class, to officiate as a Political Agent of the 3rd Class.

Captain T. C. Pears, Political Assistant of the 2nd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 1st Class.

Lieutenant C. Herbert, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant W. H. Cornish, Political Assistant of the 3rd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 2nd Class.

Lieutenant R. D. C. Davies, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

Captain T. Hope, Officiating Political Agent of the 3rd Class, to be a Political Agent of the 3rd Class, sub. *pro tem.*

Lieutenant H. L. Ramsay, Officiating Political Assistant of the 1st Class, to be a Political Assistant of the 1st Class, sub. *pro tem.*

Lieutenant P. J. Melvill, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant W. E. Evans-Gordon, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

Reversions.

Consequent on the appointment of Lieutenant-Colonel C. A. Baylay, Additional Political Agent of the 1st Class, to officiate as a Resident of the 2nd Class, and as Resident in the Western States of Rajputana, with effect from the 25th September, 1884—

Lieutenant-Colonel C. A. Baylay, from Additional Political Agent of the 1st Class, to his substantive grade of Political Agent of the 2nd Class.

Major F. A. Wilson, from Political Agent of the 2nd Class, to Political Agent of the 3rd Class.

Lieutenant-Colonel V. E. Law, from Political Agent of the 3rd Class, to Political Assistant of the 1st Class, and Political Agent of the 3rd Class, sub. *pro tem.*

Captain T. Hope, from Political Agent of the 3rd Class, sub. *pro tem.*, to Officiating Political Agent of the 3rd Class.

Mr. P. J. C. Robertson, from Political Assistant of the 1st Class, to Political Assistant of the 2nd Class, and Political Assistant of the 1st Class, sub. *pro tem.*

Lieutenant H. L. Ramsay, from Political Assistant of the 1st Class, sub. *pro tem.*, to Officiating Political Assistant of the 1st Class.

Lieutenant H. L. Ramsay, from Political Assistant of the 2nd Class, to Political Assistant of the 3rd Class, but to continue to officiate as a Political Assistant of the 1st Class.

Captain I. MacIvor, from Political Assistant of the 3rd Class, to Political Assistant of the 3rd Class, sub. *pro tem.*

Lieutenant W. E. Evans-Gordon, from Political Assistant of the 3rd Class, sub. *pro tem.*, to Officiating Political Assistant of the 3rd Class.

Promotions.

Consequent on the appointment of Lieutenant-Colonel A. W. Roberts, Officiating Political Agent of the 2nd Class, to be an Additional Political Agent of the 2nd Class, temporarily, with effect from the 27th September, 1884—

Lieutenant-Colonel V. E. Law, Political Agent of the 3rd Class, sub. *pro tem.*, to officiate as a Political Agent of the 2nd Class.

Captain T. Hope, Officiating Political Agent of the 3rd Class, to be a Political Agent of the 3rd Class, sub. *pro tem.*

Major E. A. Fraser, Political Assistant of the 1st Class, to officiate as a Political Agent of the 3rd Class.

Lieutenant C. Herbert, Political Assistant of the 2nd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 1st Class.

Lieutenant W. H. Cornish, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant R. D. C. Davies, Political Assistant of the 3rd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 2nd Class.

Lieutenant W. E. Evans-Gordon, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

Major W. F. Prideaux, Political Agent of the 2nd Class, on return from furlough, to officiate as a Political Agent of the 1st Class, with effect from the 9th October, 1884.

Reversions.

Consequent on the return from furlough of Major W. F. Prideaux, Officiating Political Agent of the 1st Class, with effect from the 9th October, 1884.

Mr. W. J. Cuningham, from Officiating Political Agent of the 1st Class, to Officiating Political Agent of the 2nd Class.

Lieutenant-Colonel V. E. Law, from Officiating Political Agent of the 2nd Class, to Political Agent of the 3rd Class, sub. *pro tem.*

Captain T. Hope, from Political Agent of the 3rd Class, sub. *pro tem.*, to Officiating Political Agent of the 3rd Class.

Major E. A. Fraser, from Officiating Political Agent of the 3rd Class, to his substantive grade of Political Assistant of the 1st Class.

Lieutenant C. Herbert, from Officiating Political Assistant of the 1st Class, to Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant W. H. Cornish, from Political Assistant of the 2nd Class, sub. *pro tem.*, to Officiating Political Assistant of the 2nd Class.

Lieutenant R. D. C. Davies, from Officiating Political Assistant of the 2nd Class, to Political Assistant of the 3rd Class, sub. *pro tem.*

Lieutenant W. E. Evans-Gordon, from Political Assistant of the 3rd Class, sub. *pro tem.*, to Officiating Political Assistant of the 3rd Class.

Promotions.

Consequent on the appointment of Major E. A. Fraser, Political Assistant of the 1st Class, to officiate as a Political Agent of the 3rd Class, with effect from the 26th October, 1884—

Lieutenant C. Herbert, Political Assistant of the 2nd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 1st Class.

Lieutenant W. H. Cornish, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant R. D. C. Davies, Political Assistant of the 3rd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 2nd Class.

Lieutenant W. E. Evans-Gordon, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

Consequent on the deputation of Captain T. C. Pears, Officiating Political Assistant of the 1st Class, on boundary duty in Meywar-Tonk, with effect from the 26th October, 1884.

Lieutenant P. J. Melvill, Political Assistant of the 2nd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 1st Class.

Lieutenant R. D. C. Davies, Officiating Political Assistant of the 2nd Class, to be a Political Assistant of the 2nd Class, sub. *pro tem.*

Lieutenant W. E. Evans-Gordon, Political Assistant of the 3rd Class, sub. *pro tem.*, to officiate as a Political Assistant of the 2nd Class.

Captain E. Lloyd, Officiating Political Assistant of the 3rd Class, to be a Political Assistant of the 3rd Class, sub. *pro tem.*

H. M. DURAND,

Officiating Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.

Calcutta, the 3rd December 1884.

No. 1843.—Mr. E. M. Palmer, having been appointed as Assistant Accountant General and Examiner of Local Accounts, Bengal, received charge of the said appointment from Mr. F. de H. Larpent, before noon, on the 15th November 1884.

No. 1844.—Mr. C. J. Rivett-Carnac, having been appointed to officiate as Assistant Comptroller General, received charge of the said office from Mr. T. H. Biggs, before noon, on the 30th October 1884.

No. 1845.—Mr. H. J. Brereton, Officiating Accountant General, North-Western Provinces and Oudh, having been granted furlough for one year, made over charge of his duties, after noon, on the 18th November 1884.

The following Addendum to the Codes of the Financial Department is published for general information :—

No. 1864.

CIVIL LEAVE CODE.

Page 163.

Section 59, Rule 1.

Add after the word furlough in this rule "or special leave."

No. 1899.—Colonel W. Moore-Lane, Post Master General of the Punjab, having returned from privilege leave, resumed charge of his duties from Mr. J. R. Maconachie, before noon, on the 13th November 1884.

No. 1900.—The services of Mr. J. R. Maconachie are replaced at the disposal of the Government of the Punjab, with effect from the 13th November 1884.

No. 1904.—Mr. A. D. Carey, Commissioner of Northern India Salt Revenue, having returned from privilege leave, resumed charge of his duties from Mr. A. B. Patterson, before noon, on the 20th November 1884.

No. 1906.—The services of Mr. A. B. Patterson are replaced at the disposal of the Government of the North-Western Provinces and Oudh, with effect from the 20th November 1884.

No. 1909.—In exercise of the powers conferred by Section 8 of the Indian Stamp Act, 1879, the Governor General in Council is pleased to remit the stamp duty payable under the Act on sanads of jagirs and other documents conveying lands granted to individuals by Government.

2. This Notification shall have retrospective effect from 1st April 1879.

The 4th December 1884.

No. 1917.—Mr. W. H. Dobbie, having been appointed as Assistant Accountant General and Examiner of Local Accounts, Bengal, and Mr. T. H. Biggs, having been appointed to officiate as Deputy Accountant General, Punjab, Mr. Dobbie made over, and Mr. Biggs received, charge of the appointment of Deputy Accountant General, Punjab, after noon, on the 25th November 1884.

No. 1945.

RESOLUTION—*By the Government of India, Department of Finance and Commerce.*

Read—

Letter from the Government of Bombay, No. 2518 of 22nd March 1884, forwarding a letter from Mr. S. A. Kittredge regarding the stamp duties and registration fees payable on debentures issued by Joint Stock Companies, and making certain recommendations thereon.

OBSERVATIONS.—It appears that Joint Stock Companies are now, in some cases, deterred by the expense involved under the provisions of the Stamp and Registration Acts from raising money by the issue of debentures under a deed of mortgage giving to the holders of the debentures a lien on the property of the Company. For the purpose of raising money in this way the Company would ordinarily—

(1) execute a mortgage deed making over their property to trustees for the benefit of the debenture holders,

(2) issue debentures under the terms of the trust deed.

Under the Indian Stamp Act, 1879, the mortgage or trust deed and each of the debentures would be liable separately to stamp duty. The mortgage or trust deed would be an instrument of which registration would be compulsory, and on which a registration fee would be payable. The debentures, containing a reference to real property as security, might also be held to require registration, and they would, as a precautionary measure, ordinarily be registered. Considerable expense is therefore involved in the issue of debentures of the kind described.

RESOLUTION.—With a view to reduce this expense, and to encourage investment by way of loan on the security of the property of Joint Stock Companies, the Governor General in Council has determined to exempt debentures of the kind above described and interest coupons attached thereto from stamp duty, the mortgage or trust deed remaining liable to stamp duty, and has issued a separate Notification for this purpose.

In regard to registration, His Excellency the Governor General in Council is of opinion that it is expedient that the mortgage or trust deed should continue subject to compulsory registration and to the usual registration fee. Regarding the registration of the debentures separate orders will be issued hereafter.

ORDERED, that a copy of this Resolution be forwarded to the Government of Bombay with reference to the letter read in the preamble, and to all other Local Governments and Administrations for information and guidance.

ORDERED also, that this Resolution be published in the *Gazette of India* for general information.

No. 1946.—In exercise of the powers conferred on him by Section 8 of the Indian Stamp Act, 1879, His Excellency the Governor General in Council is pleased to remit the stamp duty payable under that Act on debenture bonds issued by a Joint Stock Company under the terms of a mortgage deed, making over in whole or in part the property of the company to trustees for the benefit of the debenture-holders, and on interest coupons attached to the said debentures.

The 5th December 1884.

The following Addendum to the Codes of the Financial Department is published for general information:—

No. 1962.

CIVIL LEAVE CODE.

Page 219.

Schedule A.

Insert the following in the proper place in this Schedule:—

"Meteorological Department.—The Meteorological Reporter and the Assistant Meteorological Reporter to the Government of India."

J. F. FINLAY,

for Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 5th December, 1884.

APPOINTMENTS.

No. 645.—STAFF CORPS—

The undermentioned officers appointed by the Secretary of State probationers for the Indian Staff Corps, are posted as follows, with effect from the dates of their arrival in India :—

Bengal Staff Corps.

Lieutenant W. F. Shakespear, 4th Dragoon Guards.

Madras Staff Corps.

Lieutenant C. G. Nurse, Royal Irish Fusiliers.

Bombay Staff Corps.

Lieutenant F. T. Williams, Royal Irish Fusiliers.

No. 646.—VOLUNTEER CORPS—

Burma State Railways Volunteer Corps.

Captain Adoniah Graham Schuyler, Middlesex Regiment, to be Adjutant.

FURLOUGH AND LEAVE.

No. 647.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave :—

Lieutenant-Colonel and Colonel W. Jeffreys, R.E., Superintending Engineer, 1st class, N.-W. Provinces and Oudh, Public Works Department, (p. a.) for two years, under rule IX of the regulations of 1868, embarking on or after the 27th December, 1884.

Lieutenant-Colonel H. R. Spearman, Bengal S.C., Deputy Commissioner, 2nd grade, British Burma, (p. a.) for one year, under rule IX of the regulations of 1868.

Captain J. Butler, Bengal S.C., Deputy Commissioner, 3rd grade, officiating 2nd grade, British Burma, (p. a.) for one year and 23 days, under rule IX of the regulations of 1868.

Lieutenant J. Lamb, Bengal S.C., Wing Officer and Adjutant, 22nd Bengal Infantry, (p. a.) for 270 days, under rule I of the regulations of 1875.

No. 648.—Lieutenant P. B. Lindsell, Bengal S. C., Squadron Officer, 15th Bengal Cavalry, is granted furlough (u. p. a.) without pay, for the 12th October, 1883, in extension of that allowed to him in G. G. O. No. 477 of 1883.

No. 649—Surgeon-Major G. Henderson, M. D., has been granted an extension of furlough by the Secretary of State for India (m. c.) for six months

No. 650.—Assistant Commissary and Honorary Lieutenant C. O'Gorman, Commissariat Department, is granted leave in India (p. a.) from the 13th September, 1884, to the date of his transfer to the pension establishment, under the regulations of 1868. (This cancels G. G. O. No. 496 of 1884.)

No. 651.—Sub-Conductor J. J. Carter, Commissariat Department, is granted leave in India (p. a.) from the 1st November, 1884, to the date of his transfer to the pension establishment, under rule X of the regulations of 1875.

No. 652.—Sub-Conductor T. J. Ellis, Commissariat Department, is granted leave in India (m. c.) for sixty days under rule X of the regulations of 1875, with effect from the 27th September, 1884.

PENSIONS.

No. 653.—Sub-Conductor James Joseph Carter, Commissariat Department, is transferred to the pension establishment.

PROMOTIONS.

No. 654.—Under the provisions of the Royal Warrant of the 10th November, 1881, the names of the following officers are placed on the list of Lieutenant-Colonels, on the Indian Gradation List :—

Major F. L. Haleman, Madras S. C.,

Major G. Thomas, half-pay, late Madras S. C.,

in consequence of the transfer to the Unemployed Supernumerary List of the undermentioned officers, on the 10th June, 1884, and the 7th September, 1884, respectively :—

Major-General H. A. Browne, Bengal Infantry, and

Lieutenant-General Sir S. J. Browne, K.C.B., K.C.S.I., V.C., Bengal S. C.

No. 655.—The following promotions are made, subject to Her Majesty's approval :—

BREVET.

To be Lieutenant-Colonels.

Major Frank Hale Berwick Marsh, Bengal General List, Infantry, in succession to Lieutenant-General Sir J. Forbes, Bombay Cavalry, transferred to the Unemployed Supernumerary List. Dated 10th June, 1884.

Major Vincent William Tregear, Bengal General List, Infantry, in succession to Major-General C. Dumbleton, Bengal Cavalry, transferred to the Unemployed Supernumerary List Dated 4th August, 1884.

Major Arthur Fitzgerald, Bengal General List, Infantry, in succession to General C. T. Chamberlain, C.S.I., Bengal S. C., transferred to the Unemployed Supernumerary List. Dated 23rd August, 1884.

No. 656.—ORDNANCE DEPARTMENT—

Deputy Assistant Commissary and Honorary Lieutenant Henry William Dunlop to be Assistant Commissary;

Conductor James Spence, Head Overseer, Gun Powder Factory, Madras, to be Deputy Assistant Commissary (Seconded);

Conductor Edward Hickey to be Deputy Assistant Commissary;

Sub-Conductor Henry E. Dallison to be Conductor;

Sergeant Joseph Irwin to be Sub-Conductor, on probation,

With effect from the 13th August, 1884, *vice* Assistant Commissary and Honorary Lieutenant J. McManus, deceased.

Sergeant George Evans to be Sub-Conductor, on probation, *vice* Sub-Conductor G. H. Gregory, deceased, with effect from the 6th September, 1884.

No. 657.—

Sub-Conductor Henry Staff to be Conductor;

Supernumerary Sub-Conductor Arthur Frederick Wickham to be absorbed as a Sub-Conductor;

With effect from the 14th November, 1883, *vice* Conductor J. Fox, pensioned.

Sub-Conductor George Edward Vowles to be Conductor;

Sergeant Thomas Howard to be Sub-Conductor, on probation,

With effect from the 9th April, 1884, *vice* Conductor G. Young, pensioned.

Sub-Conductor (Supernumerary Conductor) James Buchanan to be Conductor;

Sergeant (Supernumerary Sub-Conductor) Ebenezer Johnson to be Sub-Conductor,

With effect from the 10th April, 1884, *vice* Conductor H. Todman, pensioned.

Sergeant Alexander Sandilands to be Sub-Conductor, on probation, with effect from the 6th May, 1884, *vice* Sub-Conductor T. Howard, deceased.

Sub-Conductor Francis Deane to be Conductor;

Sergeant Thomas John Scott to be Sub-Conductor, on probation,

With effect from the 7th June, 1884, *vice* Conductor W. Wilson, pensioned.

Sub-Conductor Henry Jepson to be Conductor;

Sergeant Patrick Halpin to be Sub-Conductor, on probation,

With effect from the 2nd July, 1884, *vice* Conductor H. Harwood, pensioned.

No. 658.—COMMISSARIAT DEPARTMENT—

Sergeant William Myers to be Sub-Conductor, with effect from 21st September, 1884, *vice* Sub-Conductor Jo. Sherry, deceased.

PUBLIC WORKS DEPARTMENT.

No. 659.—Sergeant Ansell Samuel McDowell to be Sub-Conductor, with effect from the 12th June, 1884.

No. 660.—PUNJAB FRONTIER FORCE—

6th Punjab Infantry.

Havildar Jalabudin to be Jemadar, *vice* Ghulam Mahomed, resigned,—5th November, 1884.

REWARDS.

No. 661.—GOOD SERVICE PENSIONS—

In consequence of the succession of Lieutenant-General F. R. Maunsell, C.B., to the Colonel's allowance, on the 10th July, 1884, the dates from which the good service pensions conferred in G. G. Orders Nos. 585 and 644 of 1884 will have effect, as follows:—

Colonel G. T. Chesney, Royal (late Bengal) Engineers, from the 10th July, 1884, *vice* Lieutenant-General F. R. Maunsell, C.B., succeeded to the Colonel's allowance.

Colonel H. A. Brownlow, Royal (late Bengal) Engineers, from the 27th July, 1884, *vice* Major-General A. B. Johnson, C.B., succeeded to the Colonel's allowance.

MARINE DEPARTMENT.

DISMISSALS.

No. 56.—Mr. R. J. Vincent, Assistant Engineer, Indian Marine, is dismissed the service.

G. CHESNEY,
Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 5th December, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the under-mentioned Warrrnt Officers, on the dates specified were received in the Military Department between the 29th November and 5th December, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Military Works Department.	Conductor H. T. Mudge	7th Nov., 1884	Lucknow.		
Ordnance Department	Honorary Captain J. Loughlin	19th Nov., 1884	Rawal Pindi.		

Statement of Deposits on account of Estates between the 29th November and 5th December, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
Indian Military Service.					R a. p.		
John Finnis	Lieutenant-Colonel.	Bengal S. C.	12th Sept., 1884	Will left	1,205 8 3		

Widow—Florence Stanley Finnis.
Children—
John Fortescue.
Florence May Antonia.
George Home.
Caroline Beatrice Quisted.
Hubert Benjamin.
Muriel Louise.
Vivian Decima.
Address—Care of T. C. Finnis, Esq., 13, York Terrace, Regent Park, London.
Administrator General, Bengal, administering.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATION.

Fort William, the 4th December 1884.

No. 289.—During the absence of the Accountant General, Public Works Department, from Simla, the Examiner of Accounts, Military Works, will have charge of the State Railway Stores Accounts Office.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA. SATURDAY, DECEMBER 6, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

	R	a.	p.
Subscription for *Gazette* and Supplement per annum	15	0	0
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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

E. J. DEAN,

Publisher, Gazette of India.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 3rd December 1884.

The Honorable the Chief Justice of the High Court of Judicature at Fort William in Bengal has appointed Edward Luke Vail, the younger, Esquire, of No. 46, Collin's Street, East, and William Carter Smith, Esquire, of No. 82, Collin's Street, West, in the City of Melbourne, in the Colony of Victoria, Solicitors, Commissioners, within all parts of the Colony of Victoria, for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property in British India.

By Order,

R. BELCHAMBERS,

Registrar.

BANK OF BENGAL.

NOTICE.

Calcutta, the 1st December 1884.

The Directors have made the following changes in the Bank's Establishment:—

Mr. F. A. Gillam, on his return from leave, has resumed charge of the Rangoon Branch, and Mr. A. M. Lindsay has reverted to his substantive appointment of Agent at Akyab.

R. HARDIE,

Secretary & Treasurer.

No. 1730.—*Account of Revenue and Expenditure of the Government of India for the first four*

N.B.—Amounts are converted into

	REVENUE.	Estimates, 1884-85.	April 1883 to July 1883.	April 1884 to July 1884.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue *	22,396,600	7,315,122	7,133,811	...	181,311
II	Opium	8,594,200	3,078,493	2,767,934	...	310,559
III	Salt	6,328,900	2,088,939	2,187,139	98,200	...
IV	Stamps	3,533,000	1,239,398	1,280,988	41,590	...
V	Excise	3,796,900	1,260,966	1,339,989	79,023	...
VI	Provincial Rates	2,740,300	985,799	928,292	...	57,507
VII	Customs	1,289,500	420,085	341,213	...	78,872
VIII	Assessed Taxes	518,100	360,644	363,843	3,199	...
IX	Forest	1,052,000	236,546	215,988	...	20,558
X	Registration	265,600	107,597	104,122	...	3,475
XI	Tributes from Native States	695,900	142,570	159,137	16,567	...
XII	Post Office	1,059,000	336,486	356,578	20,092	...
XIII	Telegraph	547,700	145,682	145,421	...	261
XIV	Mint	102,200	16,240	43,933	27,693	...
XV	Law and Justice	617,900	171,726	157,997	...	13,729
XVI	Police	308,800	96,757	99,232	2,475	...
XVII	Marine	205,900	45,690	40,283	...	5,407
XVIII	Education	198,700	66,491	60,486	...	6,005
XIX	Medical	46,100	15,775	12,618	...	3,157
XX	Scientific and other Minor Departments.	75,700	15,706	17,468	1,762	...
XXI	Interest	643,100	217,101	219,302	2,201	...
XXII	Receipts in aid of Superannuation, &c.	194,200	41,344	43,664	2,320	...
XXIII	Stationery and Printing	53,000	13,108	13,010	...	98
XXIV	Miscellaneous	248,300	64,246	83,177	18,931	...
		55,511,600	18,482,511	18,115,625	...	366,886
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,716,900	1,081,009	1,151,297	70,288	...
	East Indian Railway (Gross Earnings).	4,850,000	1,859,003	1,473,727	...	385,276
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,613,000	2,154,475	2,105,307	...	49,168
XXVII	Irrigation and Navigation (direct Receipts).	942,600	354,385	366,153	11,768	...
	Unproductive Public Works.					
XXIX	State Railways	196,100	39,245	70,589	31,344	...
XXX	Southern Mahratta Railway	...	...	3,824	3,824	...
XXXI	Irrigation and Navigation	140,700	37,145	36,517	...	628
XXXII	Military Works	37,700	9,862	8,855	...	1,007
XXXIII	Civil Buildings, Roads, and Services	520,600	140,478	166,552	26,074	...
XXXIV	Army	810,000	243,015	223,029	...	19,986
XXXV	Military Operations in Egypt	...	861	...	...	861
		70,339,200	24,401,989	23,721,475	...	680,514
	England, including Army, Public Works, &c.	221,200	90,831	91,226	395	...
	GRAND TOTAL	70,560,400	24,492,820	23,812,701	...	680,119

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 4th December 1884.

months of the year 1884-85, as compared with the corresponding period of 1883-84.

sterling at R10 to the pound sterling.

	EXPENDITURE.	Estimates, 1884-85.	April 1883 to July 1883.	April 1884 to July 1884.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt †	3,798,300	1,144,294	1,153,947	9,653	...
2	Do. on other Obligations	470,300	51,985	62,732	10,747	...
3	Refunds and Drawbacks	220,400	90,074	64,953	...	25,121
4	Assignments and Compensations	1,240,100	325,461	322,868	...	2,593
5	Land Revenue	3,340,100	1,006,779	1,085,028	78,249	...
6	Opium (including cost of production)	2,352,000	982,812	1,933,425	950,613	..
7	Salt (do. do.)	521,700	154,060	152,322	...	1,738
8	Stamps	85,600	28,646	31,104	2,458	...
9	Excise	98,600	30,696	31,248	552	...
10	Provincial Rates	53,000	19,835	18,765	...	1,070
11	Customs	142,000	45,467	47,246	1,779	...
12	Assessed Taxes	13,800	4,718	4,092	...	626
13	Forests	724,000	166,931	192,015	25,084	...
14	Registration	176,500	63,815	58,717	...	5,098
15	Post Office	1,146,500	374,578	358,912	...	15,666
16	Telegraph	628,700	153,539	156,997	3,458	...
17	Mint	73,400	26,978	26,554	...	424
18	General Administration	1,343,200	424,545	438,473	13,928	...
19	Law and Justice	3,376,700	1,054,498	1,086,244	31,746	...
20	Police	2,793,900	885,492	904,141	18,649	...
21	Marine (including River Navigation)	381,000	111,185	104,467	...	6,718
22	Education	1,237,100	360,624	365,565	4,941	...
23	Ecclesiastical	167,100	51,358	53,886	2,528	...
24	Medical	722,900	233,212	234,255	1,043	...
25	Political	548,200	137,844	153,651	15,807	...
26	Scientific and other Minor Departments	428,600	171,227	175,145	3,918	...
27	Territorial and Political Pensions	675,300	228,476	217,132	...	11,344
28	Civil Furlough and Absentee Allowances	900	219	8,205	7,986	...
29	Superannuation Allowances and Pensions	783,900	291,660	317,415	25,755	...
30	Stationery and Printing	383,300	114,628	114,984	356	...
31	Miscellaneous	268,600	99,133	92,026	...	7,107
32	Famine Relief	...	3,233	111	...	3,122
33	Protective Works—Railways	1,138,600	70,971	347,950	276,979	...
34	Do. do. Irrigation	310,100	77,726	71,504	...	6,222
35	Reduction of Debt	301,800	...	...	...	...
49	Exchange on transactions with London	3,538,100	1,361,465	1,095,747	...	265,718
		33,483,800	10,348,164	11,481,826	1,133,662	...
	Productive Public Works.					
36	State Railways (Working Expenses)	2,027,700	575,409	663,451	88,042	...
	East Indian Railway (Working Expenses)	2,052,500	687,350	718,055	30,705	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision).	530,000	113,759	57,973	...	55,786
38	Irrigation and Navigation (Working Expenses).	562,100	166,109	187,995	21,886	...
39	Charges in respect of Capital— (c) Guaranteed Railways Interest	5,300	2,891	2,466	...	425
	Unproductive Public Works.					
40	State Railways (Capital Account)	166,700	96,728	46,557	...	50,171
41	Do. (Working and Maintenance)	176,700	38,844	53,681	14,837	...
42	Subsidized Railways	66,200	10,164	13,823	3,659	...
	Southern Mahratta Railway	89,500	42,893	49,045	6,152	...
43	Frontier Railways	—73,000	59,788	—13,043	...	72,831
44	Irrigation and Navigation	752,200	247,646	216,081	...	31,565
45	Military Works	919,200	252,439	251,778	..	661
46	Civil Buildings, Roads, and Services	3,882,200	1,094,190	981,718	...	112,472
47	Army	12,121,300	3,868,254	3,972,571	104,317	...
48	Military Operations in Egypt	...	30,637	...	..	30,637
		56,762,400	17,635,265	18,683,977	1,048,712	...
	England, including Army, Public Works, Guaranteed Interest, &c.	13,993,200	5,670,670	5,892,061	221,391	...
		70,755,600	23,305,935	24,576,038	1,270,103	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,239,900	328,195	547,494	219,299	...
	East Indian Railway	540,000	111,542	36,806	...	74,736
51	Irrigation and Navigation	948,300	197,216	183,956	...	13,260
52	Miscellaneous Public Improvements	...	9,702	...	...	9,702
	In England—					
	State Railways	2,035,700	270,092	1,266,606	996,514	...
	East Indian Railway	...	196,837	127,368	...	69,469
	Irrigation and Navigation	500	2,257	260	...	1,997
		4,764,400	1,115,841	2,162,490	1,046,649	...
	GRAND TOTAL	75,520,000	24,421,776	26,738,528	2,316,752	...

† Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

TELEGRAPH DEPARTMENT.

Calcutta, the 4th December 1884.

Offices reported opened and closed during the month of November 1884:—

NAMES OF STATIONS.	Where situated.	Date.	REMARKS.
	Departmental.		
Asirgarh	Central Provinces	21st	Opened.
Bhuddruck	Bengal	6th	Ditto.
Chandbali	Ditto	24th	Ditto.
Gurkhai	Beluchistan	1st	Closed.
Hathras City	North-Western Provinces.	30th	Opened.
Jalgaon	Bombay Presidency.	21st	Ditto.
Malkapur	Berar	29th	Ditto.
Muttra	North-Western Provinces.	30th	Ditto.
Myitta	British Burmah.	1st	Ditto.
Ranikhet Cantonment.	North-Western Provinces.	22nd	Closed.
Shahjahanpur Cantonment.	Ditto	30th	Opened.
Shahjahanpur City	Ditto	28th	Ditto.
Shegaon	Central Provinces	29th	Ditto.
Shikarighat	Assam	1st	Ditto.
Solon	Punjab	15th	Closed.
Sonapur	Assam	17th	Opened.
Wardha	Central Provinces	18th	Ditto.
	Railways, &c.		
Dibrugarh Cantonment.	Assam Railway	22nd	Closed.
Luckermundi	Bengal and North-Western Railway.	29th	Opened.
Chogdah	Dacca-Mymensingh Railway.	20th	Ditto.
Jutur	Kurnool-Cuddapah Canal.	20th	Ditto.
Nundial	Kurnool-Cuddapah Canal.		
Kauli	Patiala Railway	1st	Ditto.
Patiala	Patiala Railway		

A. J. LEPPOC CAPPEL.

Director General of Telegraphs in India.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 27th November 1884.

No. 3646.—With reference to Foreign Department No. 2254 G., dated the 18th instant, Lieutenant M. J. Meade surrendered, and Captain C. W. Ravenshaw assumed, charge of the duties of 2nd Assistant to the Governor General's Agent in Central India, on the forenoon of the 24th idem.

By Order,

D. ROBERTSON, *Captain,*

1st Asst. to the Agent Govr. Genl. for Central India.

No. 3649.—The undermentioned 2nd Class Hospital Assistant passed his English Qualification examination according to the test laid down in G. G. O. No. 955 of 1868 on the date specified against his name:—

Name	Date of Rank.	Date of passing English Qualification Examination.
Sheo Pershad	21st Feb. 1876	11th Nov. 1884

By Order,

C. W. RAVENSHAW, *Captain,*

for 1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATIONS.

Abu, the 27th November 1884.

No. 3530 *G.*—With reference to Foreign Department Notification No. 2219 G., dated the 14th of November 1884, Lieutenant C. E. Hodgson, Officiating Wing Officer, Meywar Bhil Corps, is granted privilege leave from the 15th of June to the 12th of August 1884, both days inclusive.

The 28th November 1884.

No. 3553 *G.*—Surgeons-Major J. H. Newman and L. D. Spencer, respectively, delivered over and received charge of the Office of Surgeon to the Rajputana Agency and Superintendent General of Dispensaries and Vaccination in Rajputana, on the forenoon of the 22nd of November 1884.

No. 3556 *G.*—Brevet Lieutenant-Colonel A. Conolly, Commandant, Meywar Bhil Corps, and Political Superintendent, Hilly Tracts, Meywar, returned from the ninety days' privilege leave granted him in this Office Notification No. 2721G., dated the 4th of September 1884, and resumed charge of his duties from Lieutenant G. A. Collins, Officiating 2nd-in-Command, Meywar Bhil Corps, and Officiating 2nd Assistant to the Resident in Meywar, on the afternoon of the 6th of November 1884.

By Order,

W. H. C. WYLLIE,

1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF COORG.

NOTIFICATION.

Camp Mysore, the 25th November 1884.

No. 24.—Mr. Kongandra Ganapathy, Acting 2nd Assistant Commissioner of Coorg, is invested with the powers of a Magistrate of the 1st Class under Section 12 of the Code of Criminal Procedure.

By Order,

H. WYLIE, *Major,*

Secretary to the Chief Commr. of Coorg.

Statement of Transactions of District Savings Banks and State Railway Provident Institutions for the quarter ending 30th June 1884.

PROVINCE.	Number of Banks open.	DEPOSITS.				WITHDRAWALS.							BALANCE.		
		No.	Amount.			No.	Amount of Principal.			Amount, Interest.					
			R	a.	p.		R	a.	p.	R	a.	p.	R	a.	p.
India	10	1,196	66,807	15	2	299	48,784	13	11	11	3	5	5,77,185	1	0
Central Provinces	18	468	72,324	15	5	297	68,194	13	1	13	6	11	5,84,533	13	4
British Burmah	14	521	43,283	4	8	200	45,516	2	9	17	2	0	2,44,733	10	1
Assam	11	469	45,667	5	6	201	21,072	3	8	12	3	6	3,86,249	7	1
Bengal	48	2,752	3,09,631	12	0	1,544	2,92,886	10	10	184	6	10	26,62,091	13	8
N.-W. Provinces and Oudh	49	3,724	2,12,730	0	8	1,099	1,97,478	4	8	125	10	3	18,22,991	9	0
Punjab	25	818	1,25,060	12	6	494	1,39,278	4	2	75	12	8	10,59,810	1	6
Berar	6	146	14,979	3	10	105	24,026	3	11	25	5	8	2,04,050	7	6
State Railways	11	8,023	46,992	11	0	376	34,288	12	8	23	5	0	10,36,865	4	11
TOTAL	192	18,117	9,37,478	0	9	4,615	8,71,526	5	8	488	8	3	85,78,461	4	1

J. WESTLAND,
Comptroller General.

CALCUTTA,
The 2nd December 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 2nd December 1884.

LIABILITIES.	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,296	4	4
Public Deposits at Head Office	69,80,569	9	1	1,46,04,809	0	11
Public Deposits at Branches	76,24,239	7	10			
Other Deposits at Head Office and Branches				3,17,92,255	3	4
Bank Post Bills, &c.				2,99,567	13	6
Sundries				15,55,362	5	5
RUPEES				7,24,11,290	11	6

ASSETS.	R	a.	p.	R	a.	p.
Government Securities				73,67,738	0	0
Other authorized Investments				38,05,425	0	0
Loans on Government and other authorized Securities				77,91,307	7	10
Accounts of Credit on Government and other authorized Securities				79,50,636	10	0
Bills discounted and purchased				1,47,11,171	3	1
Balances with other Banks				7,65,540	9	1
Bullion				28,160	14	11
Dead Stock				11,91,998	8	9
Stamps				8,751	10	0
Sundries				6,28,645	8	6
				4,42,49,375	8	2
Cash and Currency Notes at Head Office	1,56,85,064	2	11	2,81,61,915	3	4
Cash and Currency Notes at Branches	1,24,76,851	0	5			
RUPEES				7,24,11,290	11	6

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

J. GORDON,
Chief Acctt. & Depy. Secretary.
Rate for Demand Loans 3 per cent.
Percentage 58·3.

BANK OF BENGAL,
Calcutta, 4th December 1884.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Presidency and Oudh Command.

Lucknow, the 28th November 1884.

No. 6.—With reference to this Office Notification No. 5, dated the 21st November 1884, Major G. D'A. Jackson, G.L.C., Executive Engineer, 3rd Grade, took over charge of the Barrackpore Division, Military Works, from Captain N. Arnott, R.E., Executive Engineer, 1st Grade, sub. *pro tem.*, on the afternoon of the 24th November 1884.

W. L. GREENSTREET, *Major, R.E.,*
Supdg. Engr., Presdy. & Oudh Command,
Military Works.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE	SILVER TENDERED, ESTIMATED VALUE	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department	Under Assay	Assayed	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Nov. 24	. . .	1,55,776	. . .	7,423	1,64,85,204	1,38,80,820
" 25	1,918	1,37,626	2,447	7,008	1,63,87,704	1,37,42,585
" 26	. . .	1,83,059	1,313	2,109	1,61,89,065	1,35,56,820
" 27	. . .	1,90,564	. . .	2,109	1,59,89,085	1,33,62,378
" 28	. . .	2,08,849	. . .	2,109	1,58,89,085	1,31,49,265
" 29	. . .	. . .	. . .	2,109	1,58,89,085	1,31,49,265

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT,
The 2nd December 1884.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 5th December 1884.

No. 78.—Mr. W. Drew, Assistant Engineer, 2nd Grade, passed, on 15th November 1884, the Professional Examination prescribed in Public Works Department Code, Chapter II, Section I, paras. 16 to 18.

No. 79.—Mr. P. H. Cresswell, Assistant Engineer, 1st Grade, is, on return from furlough, posted to the Jhansi-Manickpore State Railway.

F. S. STANTON, *Colonel, R.E.*,
Director General of Railways.

SOUTHERN MAHRATTA RAILWAY.

NOTICE.

Poona, the 15th November 1884.

Tenders are invited for the supply at Bellary of the following bridge-timbers of thoroughly seasoned sound teak, sawn and square, to be straight, free from cracks, knots, and flaws. The timber will be inspected and passed in Bombay or Bellary.

Prices to include cost of carriage to Bellary.

836 pieces 13′ 6″ × 8″ × 6″
836 „ 13′ 6″ × 8″ × 5½″
836 „ 13′ 6″ × 8″ × 5″

Tenders to be addressed to the Chief Engineer, Southern Mahratta Railway, Poona, on or before 27th November.

One-third of the timber of each size to be delivered at Bellary by 1st January 1885, and the remainder before 31st January 1885.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned:—

Bombay Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
1884.		R	
W42	M 75 - 57743	100	Mansukh Ganeshji, Kaira.
W43	M 75 - 73565	100	Bapuji Bhikaji, Bombay.
	„ —53460	100	
	„ —02098	100	
W44	M 75—34732	100	Anandrao Shrikrishna, Bombay.
	„ —21842	100	

BOMBAY,
The 2nd December 1884

R. A. STERNDALE
Asst. Acctt. Genl., Paper Currency Dept.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
202	R 10—76905	100	Inspector W. Connors, Fenwick Bazar Thanah, Calcutta.
	„ —76906	100	
	„ —76907	100	
	„ —76908	100	
203	P 45—46972	500	Sunker Das Mousha Ram Johuri, 10, Khougraputty, Calcutta.
204	R 10—79691	100	Mr. R. M. Beale, Engineer, Government Dockyard, Kidderpore.
205	P 76—33092	100	Babu Raj Kissen Pramanik, Santipore.
206	R 9—28641	100	Babu Anandachandra Chatterjee, 83, Cornwallis Street, Calcutta.
	R 10 78173	100	
	„ —02335	100	

CALCUTTA,
The 5th December 1884.

J. TAYLOR,
Assistant Comptroller General,
in charge, Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 4th December 1884

Cameron, George.
DeCruze, Edwin H.
Foster, Miss E.
Gallwey, C. H.
Goldinberg, Adelfe.
Hendrick, Miss Maggie C.
Hume, Allan.
Locken, H. W.
Ludovice, F. W.
May, Miss.
McLintack, John.
Mitchell, Robert.
Naurse, H.
Owen, C. M.
Ricksby, Thomas.
Stark, Morris & Co.
Turner, R A.
Young, T. G.

Letters marked "Care of Post Office."

Addo, Henry.
Alexander, D. D.
Amoss, Thomas.
Archdeacon of Colombo.
Boileau, Captain H.
Bott, Fred
Brigg, E. A.
Caurey, Captain.
C. G.
Chalmeley, N. G.
Chancellor, Miss.
Chapman, Frank
Clift, Mrs. H. W.
DeLa Grange, Baron Louis.
Faeistermann, Ignatz.
French, F. E.
Galt, E. A.
Guerault, Ch,
Gilhooly, P. C.
Gill, F. N. G
Gloster, Mrs.
Golding, Herbert.
H. E M.
H M. W.
Harcourt, W. H.
Harmon, J. M.
Huddleston, John E. Leslie.
Hull, W.
Hurst, W. H.
Jones, Evan.
King, W.
Lampard, Henry.
Laughlin, R. C.
Lawless, Hiram.
Lewis, H.
Lewis, Roberts & Davies.
Lee, Miss C.
Lopez, E.
Lubbach, J. B
Macdonald, Mrs. J.
Madigan, Mrs Louisa
Maxwell, Willwood.
Meij, H.
Morris, Pierce M.
Murgatroyd, C. A.
Nowopolski, O.
Owen, L. C.
Q. R.
Psylias, Michel G.
Ramioh, C. V.
Rathbone, Herbert P.
"Rex."
Roberts, John Herbert.
Robertson, W.
Sestan, S.
"Stanhope."
Stern, Edward.
Thompson, James.
T. P. H C.
Thrussell, A.
Tiebe, James.
Wilson, Theos.
Williamson, W. F.
Young, W.
Zieasson, Georges.

Registered Letters.

Burgess, R.
Cherkes, Laya.
Decheppe, E.
Eisenberg, Mendal.
Ferefourd, Duglass.
Maurier, Emanuel.
Shields, H.
Thibaud, Thomy.
Whitehello, R.
Woods, R. J.

E HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 1st December 1884.

Bray, Subadar Dainu.
Brind, M. T.
Cose, Mr.
Davidson, Capt. M.
Donovan, J.
Ghosh, B. C.
Gilbert, E. L.
Grey, H. D.
Landale, J.
Mozumdar, J. C.
Pue, J O.
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PUBLISHED BY AUTHORITY.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

The Power-of-Attorney granted by me in favor of Mr. Nowrojee Hormusjee Cooper has been revoked from the 6th September last.

HORMUSJEE NUSSERWANJEE COOPER.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 131064 of the 4 per cent. of 1865, for R500, and Note No. 000589 of the 3½ per cent. of 1853-54, for R500. Fallen on road between Kasauli and Sabathu from the pocket of Moolraj, Contractor, the owner, on 31st March 1882. Last endorsed to Moolraj, Contractor.

MOOLRAJ,
Comst. Contractor, Sabathu.

Lost

The Government Promissory Note No. 037264, of the reduced 4 per cent. of 1879, for R1,000, originally standing in the name of S. D. Gonvia, and last endorsed to Sorabjee Cowasjee Oomreegur and Framjee Manackjee Master, the proprietors, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietors.

SORABJEE COWASJEE OOMREEGUR,
41, Meadows Street.

FRAMJEE MANACKJEE MASTER.



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PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th December, 1884:—

No. 17 OF 1884.

A Bill to amend the law in force in the Pánch Maháls.

WHEREAS it is expedient that the law in force in the territory comprised in the Pánch Maháls should, on and from the first day of March, 1885, be the same as the law in force in the district of Kaira, in the Bombay Presidency, and that the said territory should, on and from that day, cease to be a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Pánch Maháls Laws Act, 1884.

Laws of Kaira to apply.

2. (*1*) Save and except the enactments specified in the schedule hereto annexed, all enactments which, on the first day of March, 1885, are in force in the district of Kaira and not in the Pánch Maháls shall be deemed to come into force in the Pánch Maháls on that day.

Other laws repealed.

(*2*) All enactments which on that day are in force in the Pánch Maháls and not in the district of Kaira shall be deemed to be repealed on and from that day in the Pánch Maháls.

Pending proceedings.

3. All proceedings commenced before any authority in the Pánch Maháls before the first day of March, 1885, and still pending on that day, shall be disposed of by such authority as the Local Government may direct, and, save as aforesaid, shall be carried on as if this Act had not been passed.

Territory to cease to be a scheduled district.

4. On and from the first day of March, 1885, the Pánch Maháls shall cease to be a scheduled district; and in Part II of the First Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874, the words "The Pánch Maháls" shall be repealed.

Partial repeal of Acts XIV and XV of 1874.

THE SCHEDULE.

ENACTMENTS EXCEPTED FROM THE OPERATION OF SECTION 2.

Acts of the Governor General in Council.

Number and year.	Title.	Extent of exception.
VIII of 1870 ...	For the prevention of the murder of female infants.	The whole.
XXI of 1881 ...	To amend the law providing for the relief of Thákurs in the districts of Broach and Kaira.	The whole.

Act of the Governor of Bombay in Council.

Number and year.	Title.	Extent of exception.
V of 1879 ...	To consolidate and amend the law relating to Revenue-officers and the land-revenue in the Presidency of Bombay.	Section 85 and last fifteen words of section 58.

STATEMENT OF OBJECTS AND REASONS.

THE territory called the Pánch Mahâls, lying in the extreme east of Gujarát, in the Bombay Presidency, is a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874, and, though for revenue-purposes part of the Kaira District, it has hitherto, from its backward state and the poverty and ignorance of the people, been treated as a non-regulation district.

The Government of Bombay are, however, of opinion that the Pánch Mahâls ought now to be placed upon a regulation footing, and at their suggestion the present Bill, which has been framed on the model of the Bánkí Laws Act, 1881, has been prepared. It assimilates the law in force in the Pánch Mahâls to that in the Kaira District from the 1st March, 1885, excluding the Female Infanticide Act, 1870, the Broach and Kaira Thákurs' Relief Act, 1881, and the Bombay Land-revenue Code, 1879, section 85 and the last fifteen words of section 58, which the Government of Bombay desire should not be extended to the Pánch Mahâls; it saves pending proceedings; and it declares that, from the above-mentioned date, the Pánch Mahâls shall cease to be a scheduled district, repealing at the same time the reference to those Mahâls which occurs in Part II of the first Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874.

The 23rd October, 1884. C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.



SUPPLEMENT TO

The Gazette of India.

No. 49.} CALCUTTA, SATURDAY, DECEMBER 6, 1884.

OFFICIAL PAPERS.

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GOVERNMENT OF INDIA.

HOME DEPARTMENT.

REPORT OF SPECIAL CHOLERA COMMISSION.

No. 810, dated Calcutta, the 28th November 1884.

From—Dr. J. M. CUNINGHAM, Sanitary Commissioner with the Government of India,

To—The Secretary to the Government of India, Home Department.

I have the honour to submit, for the information of the Government, a short preliminary report by the English Cholera Commission of the results of their inquiries during their visit to India.

2. Their complete report will be passed through the press when they arrive in England, and submitted to the Under Secretary of State for India.

3. It will be observed that Messrs. Klein and Gibbes' conclusions are altogether subversive of the statements advanced by Professor Koch as to the so-called 'comma bacillus' being the cause of cholera.

Dated Calcutta, the 27th November 1884.

From—DRS. E. KLEIN and HENEAGE GIBBES,

To—The Surgeon General and Sanitary Commissioner to the Government of India.

We have the honour to report that the investigations which we have hitherto carried on in Bombay and Calcutta have yielded the following results :—

1. The statement of Koch that 'comma bacilli' are present only in the intestines of persons suffering from, or dead of, cholera, is not in accordance with the facts, since 'comma bacilli' occur also in other diseases of the intestines, *e. g.*, epidemic diarrhœa, dysentery, and in intestinal catarrh associated with phthisis.

2. The 'comma bacilli' in acute typical cases of cholera are by no means present in such numbers and with such frequency as to justify Koch's statement, that 'the ileum contains almost a pure cultivation of comma bacilli.'

3. The 'comma bacilli' are not present in the tissue of the intestine or elsewhere.

4. The 'comma bacilli' in artificial cultivations, carried out by one of us (E. K.), do not behave in any way differently from other putrefactive organisms.

5. Mucus-flakes of the ileum, taken out soon after death from typical acute cholera, contain numerous mucus-corpuscles, many of them filled with peculiar minute straight bacilli. The same bacilli occur also outside the mucus-corpuscles. They are never missed even when the 'comma bacilli' are.

6. These small bacilli have been cultivated by one of us (E. K.), and they do not behave differently from putrefactive organisms.

These small bacilli are not present in the tissues of the intestine or any other tissue.

7. No bacteria of any kind, and no organisms of known form and character,

8. A good many experiments have been carried out by one of us (E. K.) with the following results :—

(*a*) Mice, rats, cats, and monkeys were fed with rice-water stools, with vomit, with mucus-flakes of the ileum, fresh and after having been kept for 24 to 48 hours. The animals remained normal.

(*b*) Inoculations with recent and old cultivations of 'comma bacilli,' and the small straight bacilli, as well as with mucus-flakes, were made into the sub-cutaneous tissue, into the peritoneal cavity, into the jugular vein, and into the cavity of the small and large intestine of rabbits, cats, and monkeys; but the animals remained perfectly well and normal.

9. The material which we have had hitherto at our disposal has been very good and abundant, and, as far as the microscopic work goes, we do not think we shall require any more material.

We therefore propose concluding our enquiry by the beginning of December, and hope soon after to return to England.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF SEPTEMBER 1884.

No. 1.—As to Age and Sex.

	Demerara.				Trinidad.				Surinam.				Mauritius.				Grenada.				St. Lucia.				Total.		
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Grand Total.
Under 2 years	24	23	47	53·42 women to every 100 men.	4	10	14	49·02 women to every 100 men.	18	16	34	44·58 women to every 100 men.	2	3	5	43·97 women to every 100 men.	5	2	7	41·60 women to every 100 men.	5	8	13	57 women to every 100 men.	58	62	120
From 2 to 10 years	74	62	136		29	32	61		22	14	36		16	14	30		7	3	10		28	25	53		176	150	326
" 10 " 20 "	161	63	224		73	20	93		90	29	119		28	17	45		32	9	41		32	20	52		416	158	574
" 20 " 30 "	411	222	633		212	104	316		204	91	295		102	30	132		74	36	110		105	54	159		1,108	537	1,645
" 30 " 40 "	57	19	76		35	9	44		22	9	31		41	17	58		7	2	9		26	6	32		188	62	250
" 40 " 50 "	2	1	3		6	1	7		2	1	3		2	3	5		...	...	...		3	1	4		15	7	22
Above 50 "	1	...	1		...	...	...		1	...	1		..	...	...		...	...	...		1	...	1		3	...	3
Grand Total	730	390	1,120	...	359	176	535	...	359	160	519	...	191	84	275	...	125	52	177	...	200	114	314	...	1,964	976	2,940

No. 2.—As to Places whence Emigrants come to Calcutta for embarkation.

	Demerara.				Trinidad.				Surinam.				Mauritius.				Grenada.				St. Lucia.				Total.		
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Grand Total.
Orissa	5	1	6	...	..	...	...	...	...	...	...	...	2	1	3	...	1	...	1	...	..	...	...	...	8	2	10
Western Bengal	77	61	138	...	15	10	25	...	2	1	3	...	3	...	3	...	...	...	...	...	5	7	12	...	102	79	181
Central ditto	35	31	66	...	1	...	1	...	3	5	8	...	1	1	2	...	4	2	6	...	2	1	3	..	46	40	86
Eastern ditto	2	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	...	2
Behar	245	149	394	...	120	75	195	...	86	51	137	...	79	32	111	...	5	4	9	...	110	94	204	...	645	405	1,050
North-Western Provinces	222	90	312	...	166	69	235	...	172	75	247	...	51	22	73	...	82	36	118	...	57	8	65	..	750	300	1,050
Oudh	101	40	141	...	30	12	42	...	66	16	82	...	8	4	12	...	11	1	12	...	18	3	21	...	234	76	310
Central India	21	15	36	...	9	5	14	...	15	9	24	...	2	1	3	...	5	4	9	...	3	1	4	...	55	35	90
Punjab	9	...	9	...	12	1	13	...	9	3	12	...	4	2	6	...	9	1	10	...	4	..	4	...	47	7	54
Nepal	4	...	4	...	3	2	5	...	3	...	3	..	...	...	...	...	2	...	2	...	...	...	...	...	12	2	14
Mixed, Madras & Bombay, &c.	9	3	12	...	3	2	5	...	3	...	3	...	41	21	62	...	6	4	10	...	1	...	1	...	68	30	98
Grand Total	730	390	1,120	...	359	176	535	...	359	160	519	...	191	84	275	...	125	52	177	...	200	114	314	...	1,964	976	2,940

No. 3.—As to Caste and Religion.

	Demerara.				Trinidad.				Surinam.				Mauritius.				Grenada.				St. Lucia.				Total.		
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Grand Total.
Brahmins, high caste	95	46	141	...	45	12	57	...	47	20	67	...	71	29	100	...	42	24	66	...	19	5	24	...	319	136	455
Hindus. Agriculturists	163	59	222	...	84	25	109	...	73	28	101	...	37	10	47	...	8	2	10	...	36	5	41	...	401	129	530
Hindus. Artisans	123	60	183	...	55	20	75	...	66	14	80	...	31	7	38	...	21	6	27	...	25	8	33	...	321	115	436
Hindus. Low castes	252	170	422	...	109	80	189	...	133	67	200	...	37	30	67	...	29	11	40	...	99	86	185	...	659	444	1,103
Musulmans	97	55	152	...	66	39	105	...	40	31	71	...	15	8	23	...	25	9	34	...	21	10	31	...	264	152	416
Christians	..	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Grand Total	730	390	1,120	...	359	176	535	...	359	160	519	...	191	84	275	...	125	52	177	...	200	114	314	...	1,964	976	2,940

Memo.	M.	F.	Total.
1. Hindus	1,700	824	2,524
2. Musulmans	264	152	416
3. Christians	...	...	...
Total	1,964	976	2,940

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL KHARIF IN THE PUNJAB FOR 1884-85 UP TO 30th SEPTEMBER 1884.

CANAL DIVISION.	Water distributed during September 1884. Depth in Canal at Regulating Gauge. Full supply.	Actual throughout.	Gross Consumption, Cubic Feet per Second. Estimated full supply.	Actual average throughout.	Navigation Return Canal. Principal items of Traffic. Up.	Down.	Land irrigated (approximate). Zila.	Acres.	Rainfall. Average.	During month.	Chief crops (approximate). Name.	Area in acres.	REMARKS.
Bári Doáb Canal: 1st Division	4·9	4·7	3,073·60	1,499	. .	. . .	Gurdáspur	17,702	5·43	1·9	Cotton	20,092	On the Bári Doáb Canal there is a decrease of 32,799 acres as compared with the corresponding period of the preceding year, which is due to seasonable rainfall.
2nd Division, Main Branch, Lower	4·6	3·4		782	. .	. . .	Amritsar	46,997	4·8	5·8	Rice	26,473	
2nd do., Lahore Branch	3·35	3·1		651	. .	. . .	Lahore	54,994	4·2	4·4	Sugarcane	9,995	
Passed through Escapes	. .	. .	. . .	193	. .	. . .	. . .	. .	. .	. .	Others	63,133	
TOTAL BÁRI DOÁB CANAL	. .	. .	3,073·60	3,125	. .	. . .	. . .	119,693	. .	. .	. . .	119,693	
Corresponding period of last year	. .	. .	3,073·60	2,740	. .	. . .	. . .	152,492	. .	. .	. . .	152,492	
Western Jumna Canal: Karnál Division	4·33	1·93	2,546	...	. .	586,888 cubic feet 1st and 2nd class timber, and 46,395 cubic feet fuel.	Umballa	2,131	3·8	9·2	Cotton	53,142	On the Western Jumna Canal there is an increase of 1,773 acres as compared with the corresponding period of the previous year.
Delhi do.	5·70	3·20		195	. .		Karnál	40,839	4·5	6·3	Rice	38,273	
Hánsi do.	9·00	7·38		728	. .		Delhi	39,782	5·5	16·2	Sugarcane	52,732	
Do. Bulla Head	8·80	3·46		154	. .		Rohtak	42,905	3·8	5·3	Others	47,046	
Passed through Escapes	. .	. .	. . .	260	. .		Hissár	36,653	6·4	6·4	. . .	. . .	
							Jínd	27,778	2·6	9·3	. . .	. . .	
							Bíkaner	141	. .	. .	. . .	. . .	
							Kalsia State	964	. .	. .	. . .	. . .	
TOTAL WESTERN JUMNA CANAL	. .	. .	2,546	1,337	. .	586,888	. . .	191,193	. .	. .	. . .	191,193	
Corresponding period of last year	. .	. .	2,546	2,812	. .	649,287	. . .	189,420	. .	. .	. . .	189,420	
Sirhind Canal: Main Line	8·0	3·82	4,500	1,253	. .	. . .	Ludhiána	184	4·93	10·3	Cotton	360	
Abohar Branch	6·8	3·14	1,650	648	. .	. . .	Ferozepore	5,473	3·18	4·6	Rice	3	
Bhattinda do.	5·8	1·60	1,200	96	. .	. . .	Nábha State	75	. .	. .	Sugarcane	1	
Feeders	8·0	2·58	1,650	229	. .	. . .	Faridkot State	1,493	. .	. .	Others	9,050	
British Escapes	. .	. .	. . .	280	. .	. . .	Sirsa	2,189	1·95	2·3	. . .	. . .	
TOTAL SIRHIND CANAL	. .	. .	. . .	1,253	. .	. . .	. . .	9,414	. .	. .	. . .	9,414	
Corresponding period of last year	. .	. .	. . .	. . .	. .	. . .	. . .	. . .	. .	. .	. . .	. . .	
Inundation Canals: Upper Sutlej Division	. .	. .	. . .	. . .	. .	. . .	Lahore	9,680	. .	. .	Detail not obtainable for want of establishment.	. . .	On the Inundation Canals the increase of 87,244 acres is due to there being a better supply in the rivers and canals than in the previous year.
Lower Sutlej and Chenab Division	. .	. .	. . .	. . .	. .	. . .	Montgomery	31,560	3·09	3·35		. . .	
Indus Division	. .	. .	. . .	. . .	. .	. . .	Mooltan	209,430	0·65	1·32		. . .	
Muzaffargarh Canals Division	. .	. .	. . .	. . .	. .	. . .	Dera Ghází Khan	113,677	0·628	3·16		. . .	
							Muzaffargarh	182,400	. .	. .		. . .	
TOTAL INUNDATION CANALS	. .	. .	. . .	. . .	. .	. . .	. . .	546,747	. .	. .	. . .	546,747	
Corresponding period of last year	. .	. .	. . .	. . .	. .	. . .	. . .	459,503	. .	. .	. . .	459,503	
PERENNIAL CANALS, GRAND TOTAL	. .	. .	. . .	. . .	. .	. . .	. . .	320,300	. .	. .	. . .	320,300	On the Perennial Canals there is a decrease of 21,612 acres as compared with the corresponding period of the preceding year.
Do. corresponding period of last year	. .	. .	. . .	. . .	. .	. . .	. . .	341,912	. .	. .	. . .	341,912	

J. E. CATTON,

Under-Secy. to Govt., Punjab, P. W. D., Irrigation Branch.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

[illegible]MENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st HALF OF OCTOBER 1884, PUBLISHED IN PAGES 1560 AND 1561 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 8th NOVEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

[illegible]RICTS.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of last year.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of last year.	Rice. Best sort. Present fortnight.	Rice. Best sort. Past fortnight.	Rice. Best sort. Corresponding fortnight of last year.	Rice. Common. Present fortnight.	Rice. Common. Past fortnight.	Rice. Common. Corresponding fortnight of last year.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of last year.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of last year.	Lesser Millets, Rag &c. (Kavaro, Vera goo, Sawee, Cheena, Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of last year.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of last year.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of last year.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of last year.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of last year.
	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
[illegible]wára (Meywar [illegible]ncy).	27 8	25 0	21 4	...	...	...	8 12	10 0	10 0	16 4	15 0	16 4	...	...	...	...	...	...	...	...	...	35 0	35 0	37 8	...	...	...	3 5 9	...	...	12 8	12 8	10 10

[illegible] OF FINANCE AND COMMERCE,

D. M. BARBOUR,

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

No. XXX of 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	Receipts for week ending 3rd November 1883. Total.	Per mile open.	Total mean length open.	Receipts for week ending 1st November 1884. Total.	Per mile open.	Total receipts from 1st April to 3rd November 1883. Total.	Per mile open per week.	Total receipts from 1st April to 1st November 1884. Total.	Per mile open per week.	Total Increase in 1884-85.	Total Decrease in 1884-85.
	Guaranteed.		R	R		R	R	R	R	R	R	R	R
8th Nov. 1884	Oudh and Rohilkhund	547	1,04,797	192	594	99,294	167	33,55,983	198	29,58,002	173	. . .	3,97,981
1st ditto	Sind, Punjab, and Delhi	735	1,97,441	269	706	2,33,120	330	65,41,523	285	60,77,875	269	. . .	4,63,648
8th ditto	Madras	861	1,10,030	128	861	1,02,792	119	39,73,728	149	41,32,435	155	1,58,707	. . .
8th ditto	South Indian	655	59,938	92	654	72,262	110	24,08,376	119	26,53,852	131	2,45,476	. . .
8th ditto	Great Indian Peninsula	1,458	4,24,901	291	1,451	5,72,168	394	1,86,58,935	413	1,88,48,217	419	1,89,282	. . .
8th ditto	Bombay, Baroda, and Central India	461	1,47,025	319	461	1,92,150	417	64,49,719	451	66,03,322	462	1,53,603	. . .
	Total	4,717	10,44,132	221	4,727	12,71,786	269	4,13,88,264	283	4,12,73,703	282	. . .	1,14,561
	State.												
8th Nov. 1884	East Indian	1,509	8,38,594	556	1,509	7,57,938	502	2,94,33,259	629	2,36,42,984	505	. . .	57,90,275
1st ditto	Eastern Bengal (f)	228	1,04,767	460	233	1,16,265	499	30,70,402	434	30,32,114	424	. . .	38,288
8th ditto	Nalhati	27	1,290	47	27	1,233	45	48,468	58	46,611	56	. . .	1,857
8th ditto	Northern Bengal	239	32,517	136	249	44,390	178	12,26,678	168	12,04,382	157	. . .	22,296
8th ditto	Kaunia-Dharla	32	2,880	90	37	2,925	79	63,051	61	77,095	71	14,044	. . .
8th ditto	Tirhoot	166	14,743	89	226	21,472	95	5,04,704	98	6,98,854	109	1,94,150	. . .
8th ditto	Patna-Gya	57	7,147	125	57	9,643	169	2,69,102	152	3,12,706	177	43,604	. . .
25th Oct. 1884	Cawnpore-Achnera	. . .	. . . .	.	. . .	(a)	.	(b)2,98,460	74	(c)4,86,416	70	1,87,956	. . .
8th Nov. 1884	Dildarnagar-Ghazipur	12	646	54	12	693	58	26,825	72	28,592	77	1,767	. . .
1st ditto	Rajputana-Malwa	1,117	1,99,936	179	1,120	2,24,670	201	69,64,038	201	66,14,705	191	. . .	3,49,333
1st ditto	Rewari-Ferozepur	89	11,024	124	241	19,120	79	2,37,130	86	4,22,290	89	1,85,160	. . .
1st ditto	Wardha Coal	45	3,076	68	45	7,605	169	3,98,452	286	3,11,783	224	. . .	86,669
1st ditto	Nagpur and Chhattisgarh	149	8,818	59	149	17,856	120	6,89,641	149	6,94,687	150	5,046	. . .
1st ditto	Burma	161	27,408	170	233	44,834	192	7,96,300	160	10,92,975	219	2,96,675	. . .
8th Nov. 1884	Sindia	75	7,135	99	75	5,873	78	1,87,847	81	2,01,361	86	13,514	. . .
25th Oct. 1884	Punjab Northern	. . .	. . . .	.	. . .	(a)	.	(d)18,23,742	144	(e)17,31,399	130	. . .	92,343
25th ditto	Indus Valley	. . .	. . . .	.	. . .	(a)	.	(d)41,95,465	212	41,00,151	209	. . .	95,314
1st Nov. 1884	Amritsar-Pathankot	. . .	. . . .	.	66	4,508	68	. . .	.	1,25,040	67	1,25,040	. . .
	Total	2,397i	4,21,717	176	2,770j	5,21,087	188	2,08,00,305	280	2,11,81,161	258	3,80,856	. . .
	Assisted Companies.												
1st Nov. 1884	Bengal Central	35	2,377	68	126	9,740	77	66,195	61	2,77,728	72	2,11,533	. . .
1st ditto	Assam	40	1,593	40	70	6,672	95	(g)32,019	50	1,22,627	61	90,608	. . .
1st ditto	Southern Mahratta	. . .	. . . .	.	214	15,432	72	. . .	. .	1,13,048	31	1,13,048	. . .
25th Oct. 1884	Bengal and North-Western	. . .	. . . .	.	. . .	(a)	.	. . .	. .	(h)44,697	21	44,697	. . .
	Total	75	3,970	53	(k)410	31,844	78	98,214	58	5,58,100	58	4,59,886	. . .
	Native States.												
1st Nov. 1884	Bhavnagar-Gondal	193	10,039	52	193	19,040	99	5,55,111	93	6,84,253	114	1,29,142	. . .
1st ditto	Jodhpur	19	644	34	44	1,650	38	22,563	36	30,969	29	8,406	. . .
1st ditto	Nizam's	121	13,844	114	121	15,013	124	4,78,532	128	5,73,669	153	95,137	. . .
25th Oct. 1884	Mysore	. . .	. . . .	.	. . .	(a)	.	(d)1,73,437	67	(e)2,10,577	68	37,140	. . .
	Total	333m	24,527	74	(l)358	35,703	100	12,29,643	119	14,99,468	139	2,69,825	. . .
	GRAND TOTAL	9,031n	23,82,940	258	o9,774	26,18,358	268	9,29,49,685	331	8,81,55,416	298	. . .	47,94,269
	Gross Estimated Expenses	. .	. . . .	.	. . .	. . . .	.	5,02,32,490	180	4,43,84,494	150	. . .	. . .
	Net Receipts	. .	. . . .	.	. . .	. . . .	.	4,27,17,195	151	4,37,70,922	148	10,53,727	. . .

(a) Return not received.
(b) Total receipts from 1st April to 20th October 1883.
(c) Total receipts from 1st April to 18th October 1884.
(d) Total receipts from 1st April to 27th October 1883.
(e) Total receipts from 1st April to 25th October 1884.
(f) Excludes share of the earnings of the Bengal Central Railway, but includes the earnings of the late Calcutta and South-Eastern State Railway.

(i) Exclusive of the mileages of the Cawnpore-Achnera, Punjab Northern and Indus Valley State Railways (138+421 and 660).
(j) Do. do. do. do. (241+447 and 660).
(k) Exclusive of the mileage of the Bengal and North-Western Railway (69).
(l) Do. do. do. Mysore Railway (129).
(m) Do. do. do. do (84).
(n) Exclusive of the mileages of the Cawnpore-Achnera, Punjab Northern, Indus Valley [illegible]

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 3rd DECEMBER 1884.

GENERAL REMARKS.—During the past week a fair amount of rain has fallen in Madras, especially in the districts of Chingleput, Tanjore, and Travancore, but none elsewhere in the country.

In Madras harvesting is still in progress, and except in one or two places the standing crops are generally in good condition. In Mysore the crops are good and prospects fair, and in Coorg a good rice crop is expected.

In the Central India and Rajputana States general prospects continue good. In the Berars and Hyderabad cotton is being picked, and the prospects of the *kharif* and *rabi* are favourable.

In Bombay the *kharif* harvest is approaching completion and the *rabi* crops are doing well, except in parts of some districts where they are withering for want of moisture.

In the Punjab and North-Western Provinces and Oudh *rabi* sowings have been nearly finished and are germinating well. The *kharif* harvest continues in progress and agricultural prospects are very favourable.

Rabi sowings continue in the Central Provinces and, where completed, plants are coming up well.

In Bengal the *rabi* crops are generally doing very well; paddy is being harvested in many districts, and cotton is being gathered in the Chittagong Hill Tracts and Hill Tipperah.

In British Burmah the prospects of the rice crop are very favourable.

Cholera and fever prevail in many districts in Bengal; and there has been much mortality from the former disease in Chingleput, Tanjore, and Madura in the Madras Presidency; elsewhere in the country the public health is for the most part good.

Prices show a tendency to fall in Bengal, the North-Western Provinces and Oudh, and in the Punjab; elsewhere they are generally stationary.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—(3rd Dec.)		
Bellary	*Nil*	Standing dry crops in need of rain; wet crops under tanks generally withering; harvest wet and dry crops, yield below average; 3 deaths from cholera.
Kurnool	Average ·10	Standing crops generally good; harvest early cereals, yield below average; smallpox in 1 taluk.
Ganjam	*Nil*	Smallpox, cholera, and cattle-disease prevalent.
Kistna	. . . . .	Standing crops generally good; harvest paddy and *ragi*, outturn below average; river 2·45 feet over anicut; smallpox, fever, and cattle-disease prevalent; 16 deaths from cholera.
Chingleput (Madras)	Average 3·15	Standing crops damaged by excessive rain and floods; harvest paddy, yield below half; smallpox in 2 taluks; 43 deaths from cholera.
Coimbatore	„ ·41	Standing crops good; harvest wet and dry crops, outturn wet average, dry below average; fever and smallpox each in 1 taluk; 86 deaths from cholera.
Tanjore	„ 4·02	Standing crops generally good, but greatly damaged by late floods and rain on the coast taluks; harvest paddy and *cholum*, outturn below average; 93 deaths from cholera.
Madura	„ 53	Prospects considerably improved; 90 deaths from cholera.
Malabar	„ ·52	Standing second crop paddy good, except in 2 taluks; smallpox and cattle-disease, also slight fever in 2 taluks; 6 deaths from cholera.
Travancore	2·46	Standing crops paddy good; smallpox and fever prevalent; 7 deaths from cholera.
		General Remarks.—General prospects fair; rain deficient in Bellary and Anantapur.
Bombay—(3rd Dec)		
Kurrachee	*Nil*	River at Kotri on 1st 6 feet 2 inches against 5 feet 2 inches last year; fever in all talukas; cattle-disease in 3 talukas; loss of 95 buffaloes and 59 cows and bullocks; *rabi* preparations progressing; smallpox in 8 villages, 10 fresh cases, 1 death, 24 remaining sick; cholera in 4 talukas, worst in Jati and Shabander, total to date in former 109 cases, 59 deaths, in latter 150 cases, 102 deaths; prices—wheat, red rice, and *bajri* in Kurrachi 26, 28 and 40; in Shewan 36, 32 and 50: in Tatta 26, 34 and 48, and in Shabander 20, 40 and 50 lbs. per rupee, respectively.
Hyderabad	„	*Rabi* prospects good; autumnal fever general; smallpox in 2 and, cattle-disease in 5 taluks; wheat 31, *bajri* 41, *jowari* 42, red rice 26, and white rice 20 lbs. per rupee.
Ahmedabad	„	*Kharif* harvest nearly completed; *rabi* sowing progressing; fever in some talukas; wheat 31 and *bajri* 34 lbs per rupee.
Baroda	„	*Rabi* sowing in progress; opium sowing continues; fever still prevalent; prices,—*bajri* 32 and rice 23 lbs. per rupee.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd.*		
Surat	*Nil*	*Kharif* harvest and *rabi* sowing completed; standing crops healthy; fever in 6 talukas; *jowar* 32 and *nagli* 44 lbs. per rupee.
Násik	"	Reaping of *kharif* crops almost completed; *rabi* crops in good condition; public health generally good; smallpox in one village of Malegaon taluka; wheat 40, *bajri* 24, and rice 21 lbs. per rupee.
Colaba (Bombay)	"	Average temperature abnormal 1° cool; vapour in air defective on 2nd; abnormal wind from east-north-east on 2nd.
Poona	"	Harvesting of *kharif* nearly completed; *rabi* crops good except in Indapur and Sirur where they are withering for want of moisture; prices—*bajri* 33 and *jowari* 35 lbs. per rupee; in Poona *bajri* 30 and *jowari* 33 lbs. per rupee.
Ahmednagar	"	Harvesting of *kharif* continues; *rabi* crops good except in Sheogaon, Rahuri, and Nagar; *jowari* damaged in Shrigonda; fever in Akola, and cattle-disease in Kopargaon; *bajri* maximum 51 lbs. per rupee in Akola, minimum 36 lbs. in Shrigonda; *jowari* maximum 57 lbs. per rupee in Akola, minimum 35 lbs. in Karjat.
Sholapore	"	*Rabi* and cotton crops as in last report; sky somewhat clouded and weather warm, but now clear and cold; *jowari* 35 lbs. 4 tolas and *bajri* 35 lbs. 16 tolas per rupee.
Dharwar	"	Reaping of rice in progress, that of early *jowari* commenced; late crops withering in Navalgund and Ron for want of sufficient moisture; exotic cotton blighted in 3 talukas; rice 24 to 34 and *jowari* 30 to 74 lbs. per rupee.
Kanara	"	Common rice in Karwar 15 seers per rupee; district average 14½ seers; rice harvest completed on coast; preparing ground for second crop in Honavar; smallpox, 1 death each in Kumta and Sirsi talukas and Supapetha; fever in Honavar, Siddapur, Yellapur, and Supa talukas; weather fair and cold.
Rajkot	"	General health good; weather cool; fever generally prevalent; cholera appeared in Kotda Sangani; *bajri* 39 and *jowari* 55 lbs. per rupee.
		General Remarks.—No rain; *rabi* crops withering from want of moisture in parts of Poona, Sholapur, Ahmadnagar, Dharwar, Belgaum, and Kaladgi; *kharif* harvest nearly completed in seven districts; in progress in others; fever general; cholera and small-pox in five and cattle-disease in eight districts.
Bengal—(Dec. 3rd)		
Chittagong	*Nil*	Weather seasonable; prospects of crops fair; reaping of *amun* paddy continues; prices of food-grains stationary; cholera still reported, otherwise general health good.
Dacca	"	Prospects of crops good; *amun* and *roarhia* paddy being reaped; cutting of sugarcane continues; sowing of pulses going on; cholera reported from certain parts of the district.
24-Pergunnahs	"	Prospects of standing crops continue satisfactory; paddy is being cut with an outturn varying from 12 to 16 annas; winter crops doing well; price of common rice varies from 12 to 16 seers per rupee; public health generally good; state of river usual.
Moorshedabad	"	Weather bright and cool; *amun* paddy is being harvested; the general outturn for the whole district will be fully 6 annas, possibly more; all *rabi* crops doing well, except *kalai*, which has been partially damaged by caterpillars; prospects of *rabi* crops generally good; price of common rice slightly fallen, *i.e.*, 14 to 15 seers per rupee; public health unusually good, but sporadic cases of cholera occur here and there.
Rajshahye	"	Weather seasonable; harvesting of *amun* paddy continues and a fair outturn is expected; prospects of *rabi* crops generally good; public health fair, though cholera still reported from Rauinagar.
Burdwan	"	Prospects of *amun* paddy unfavourble, those of *rabi* crops improved; price of rice stationary.
Rungpore	"	Harvesting of *amun* paddy continues; other winter crops doing well; price of food grains stationary; malarious fever prevalent.
Bhagulpore	"	Paddy is being cut in places; all standing crops doing well; prospects of crops favourable; price of rice 13 seers and 14 chittacks per rupee.
Purneah	"	Yield of *aghani* crops in the north of the district generally good; little or no crop in the south; prospects of *rabi* crops good so far; sowing of wheat and barley still going on; common rice 16 seers per rupee; much fever and some cattle disease; rivers falling.
Patna	"	*Rabi* crops are growing well; paddy and *jowar* are ripening; flowering of mustard and *rahur* continues; public health good.
Durbhanga	"	Harvesting of paddy has commenced; *rabi* crops coming on well; prices falling; public health good.
Hazaribagh	"	Weather clear and cold; harvesting of paddy continues; prospects of *rabi* crops good; poppy doing well where sufficient water supply is obtainable; price of common rice ranges from 13 to 18 seers per rupee; general health of the town good; some cases of small-pox are reported from the interior.
Cuttack	"	Weather cool and clear; reaping of early *sarad* in progress, late *sarad* ripening; *rabi* and sugarcane crops growing well; price of rice has slightly fallen; cholera abating, otherwise public health good.

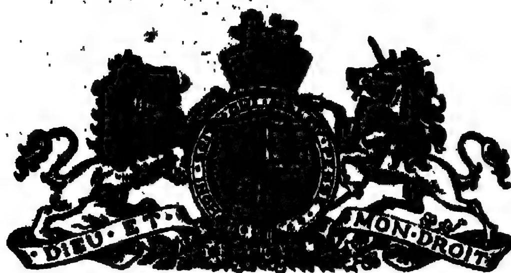
Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—*contd.*		
Gya	. . . . .	Sowings of poppy completed; young plants doing excellently; prospects generally favourable, but a few showers would be of advantage, specially in two kotees.
Shahabad	. . . . .	Prospects of opium crop good.
Mozufferpore	. . . . .	Prospects of poppy crop favourable; plants look healthy and strong everywhere.
Sarun	. . . . .	In Alligunge Sub-Agency about 4 per cent. of poppy lands has had to be re sown; in Chupra Sub-Agency some damage has been done by grass-hoppers, otherwise weather favourable and prospects excellent.
Chumparun	. . . . .	Weather continues favourable for the growth of the opium crop, sowing of which has nearly been completed; young plants look healthy and prospects are very promising.
Monghyr	. . . . .	Sowings of poppy crop are now completed; plants are doing well; prospects good; weather continues favourable.
		General Remarks.—No rain fell during the week in any part of the Province; harvesting of paddy has commenced in many districts; *rabi* crops are generally doing very well; cotton is being gathered in the Chittagong Hill Tracts and Hill Tipperah; price of rice has slightly fallen in several districts; cholera and fever prevail in many districts and small-pox has appeared in one or two.
N.-W. Provinces and Oudh—		
Benares (Dec. 2nd)	No rain	Prospects of sugarcane good; *rabi*, which is now sown nearly everywhere, is doing well; reports of opium favourable; no sickness of men or cattle; prices inclined to fall.
Gorakhpur („ 1st)	No rain	*Rabi* crops and poppy thriving; public health good; prices steady.
Fyzabad („ 2nd)	No rain	*Mash* and *jarhan* being cut; irrigation of *rabi* crops going on; opium has germinated fairly; prospects good; public health and condition of cattle good.
Lucknow („ 1st)	. . . . .	Weather clear and cold; autumn crops nearly gathered; *rabi* prosperous; poppy germinating well; plants healthy; season favourable; condition both of men and cattle good; supplies abundant; prices stationary.
Rai Barelli („ „)	. . . . .	Weather seasonable; *rabi* crops thriving; general health good; supplies plentiful; prices slightly falling.
Partabgarh („ 2nd)	. . . . .	Condition of the crops very promising; *jarhan* being cut in several places; poppy crops reported to be coming on splendidly; prices nearly stationary.
Allahabad („ „)	. . . . .	Weather cold; sky clear; *rabi* crops in splendid condition; public health good; prices show a tendency to fall.
Ballia („ „)	. . . . .	Weather fine; spring crops doing well; health good.
Banda („ 3rd)	. . . . .	Weather clear; *kharif* crops being cut; *rabi* sowings germinating well; prospects good; fever decreasing; no distress.
Farakhabad („ 2nd)	. . . . .	Health of people fair; *rabi* doing well; prices firm.
Sitapur („ „)	. . . . .	Westerly winds have prevailed during the week; cultivators are irrigating the *rabi* crops; prospects continue favourable; no sickness is reported.
Kumaon („ 1st)	. . . . .	Weather clear and normal; fever and smallpox in some villages and cholera to some extent; in Bhabur wheat has sprung up in many places; cattle-disease in some parts; prices stationary.
Agra („ 2nd)	No rain	*Rabi* coming up well, and is being irrigated; poppy germinating well, and is promising; fever abating; prices steady.
Jhansi („ „)	. . . . .	*Kharif* crops still being cut; *rabi* prospects good; sowing of opium in progress; prices stationary; health of people and cattle good.
Meerut („ 1st)	. . . . .	Weather seasonable; condition of people and cattle good; crops where above ground promising; sowings in progress; supplies sufficient; prices steady.
		General Remarks.—Weather clear and seasonable; crops are thriving and prospects continue very favourable; prices show a tendency to fall.
Punjab— (Dec. 3rd)		
Delhi (Dec. 2nd)	. . . . .	Fever abating; *rabi* sowings completed; prices falling.
Hissar	. . . . .	Fever very prevalent in Hissar, but is declining in Rohtak; *rabi* flourishing; *kharif* is being harvested.
Umballa	. . . . .	*Kharif* crop harvested; yield above average; *rabi* crops thriving; fever abating; prices slightly falling.
Jullundur	. . . . .	Rain wanted; health and *rabi* prospects good; prices stationary.
Amritsar	. . . . .	Health and crops good; prices of wheat and *jowar* rising, of others stationary.
Siálkot	. . . . .	*Kharif* outturn above average; *rabi* sown; health good; prices falling.
Ferozepore	. . . . .	Fever prevalent; *kharif* being cut; *rabi* sown; prices steady.
Lahore	. . . . .	Health good; prices steady.
Rawalpindi	. . . . .	*Kharif* outturn above average; *rabi* sowings nearly completed; health good; prices nearly stationary.
Mooltan	. . . . .	Health fair; *rabi* sowings in progress; prices fluctuating.
Dera Ismail Khan	. . . . .	Health and prospects good; expected yield of *rabi* good.
Peshawar	. . . . .	Rain wanted; health good; prices stationary.
		General Remarks.—No rain; fever still prevalent; *rabi* nearly sown; prospects good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Central Provinces—		
Nagpur	. . . . .	Weather unusually cold; *rabi* sowings completed; prospects good; fever and cattle-disease still in places; prices stationary.
Jubbulpore	. . . . .	Weather clear and cold; reaping of rice nearly finished; *rabi* sowings in progress; prospects good; rice 16 and wheat 27 seers per rupee; health good.
Saugor (Dec. 2nd)	. . . . .	Weather cold; *rabi* sowings continue; *jowar* being cut; cotton being picked; health good; prices easy.
Seoni	. . . . .	Weather cold; threshing of *kharif* in progress; prices—wheat falling, rice stationary.
Hoshangabad	. . . . .	Weather cool and pleasant; *rabi* sowings completed; *tilli* and cotton have not improved for want of rain; fever prevalent; 7 cases of cholera, 3 fatal; wheat 24¾ and rice 11 seers per rupee.
Khandwa	. . . . .	Weather clear; *kharif* reaping continues; prospects and health good; rice 14¾, wheat 24¾, and *jowar* 24½ seers per rupee.
Raipur	. . . . .	Weather cold; *kharif* being cut; cotton ripened; prospects of *rabi* good; health good; rice 22 and wheat 34 seers per rupee.
Sambalpur . (Nov. 29th)	. . . . .	Weather cold; rice good; sugarcane very fair; other crops moderate; health good; cattle-disease decreasing; common rice 29¾ seers per rupee.
		General Remarks.—Weather cold; fever in places; cholera reported from Hoshangabad, Narsingpur, and Chanda; prospects unchanged; prices steady.
British Burma— (Dec. 3rd)		
Akyab (Nov. 29th)	*Nil*	Slight cholera still in town and district; some cattle-disease in one township; crops in very good condition and getting ripe in parts.
Bassein („ „)	„	Slight cattle-disease in parts; crops most promising; cold weather set in.
Rangoon („ „)	„	Health good.
Amherst („ „) (Moulmein).	„	Slight cholera in town; reaping progressing.
Tavoy („ „)	„	General appearance of crops good; reaping progressing.
Pegu („ „)	„	Reaping commenced in parts; crop prospects favourable.
Henzada („ „)	„	Reaping progressing; crops promising well, but those on high grounds in parts slightly injured by small rainfall.
Prome („ „)	„	Crops reported to be in good condition.
Toungoo („ „)	„	Health good.
Thayetmayo („ „)	„	Reaping continues; harvest prospects fair.
		General Remarks.—Slight cholera in Moulmein and Akyab; elsewhere health good; slight cattle-disease in Akyab and Bassein; elsewhere health of cattle good; crop prospects good in all districts.
Assam— (Dec. 3rd)		
Gauhati	No rain during the week ending 2nd inst.	Mornings foggy, nights cool; prospects of mustard good; harvest of *sali* crops begun; public health fair.
Sylhet	*Nil*	Prospects of crops good; cholera and smallpox still prevalent.
Cachar	„	Weather cold; reaping of *sali* crops progressing; tea season nearly closed; common rice 13½ seers per rupee; health good.
Dibrugarh	0·46	Weather seasonable; *sali* crop being reaped; cholera and cattle-disease reported from North Lakhimpur.
Mysore and Coorg— (Dec. 4th)		
Bangalore	No rain has fallen in the province.	Crops generally in good condition; prospects fair; prices stationary; public health good.
Mercara	*Nil*	A fine rice crop ripe for the sickle in the Yelsavirshime taluk; the coffee-picking season has also commenced; prices stationary; much fever in the Nanjarajpatna taluk.
Berar & Hyderabad— (Dec. 4th)		
Hyderabad	No rain.	Reaping of *abi* crops continues; *rabi* crops prospering; general health good; prices—wheat 13¾, coarse rice 13, white *juar* 19, yellow *juar* 24, and *tur* 19 seers per current sicca rupee.
Amraoti	. . . . .	Weather cool and clear; crops in good condition; cotton-picking continues; wheat 22 and *jowari* 26 seers per rupee.
Akola	. . . . .	*Kharif* and *rabi* crops in good condition; cutting of *jowari* commenced; cotton-picking continues.
Central India States— (Dec. 3rd)		
Indore	*Nil*	Weather cold and seasonable; health and prospects good.
Morar (Gwalior)	„	Weather seasonable.
Sutna	„	Health good.
Neemuch	„	Sowings of opium and *rabi* nearly completed; weather cold; health good.
Goona	„	Weather cold; health and prospects good.
Agar	„	Rain, health, and prospects good; opium sowings nearly completed.
Sehore	„	Weather clear; prospects of crops and health good.
Nowgong	„	Prospects and health good; prices steady.
Manpur (Bhopawar)	„	Prospects good; *rabi* crops rising fairly; opium sowings commenced; health good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Rajputana—		
Abu . . (Dec. 3rd)	. . . .	Weather seasonable ; cold increasing.
Sirohi . (Nov. 30th)	. . . .	Weather fine ; nights and early mornings cold ; crop prospects and health good ; water supply in some of the tanks scarce.
Marwar . („ 28th)	. . . .	City tanks almost full ; health good ; *rabi* crops promising ; prices stationary.
Harowtee . (Dec. 1st)	. . . .	Weather clear ; prices steady ; health good.
Jhallawar . (Nov. 28th)	. . . .	Weather seasonable ; health and prospects good.
Ajmere . (Dec. 2nd)	. . . .	Health and prospects good.
Jeypore . („ 2nd)	. . . .	Crop prospects favourable ; prices steady ; health good.
Ulwur . („ 2nd)	. . . .	Fever abating ; gram 29, barley 29, *bajri* 29, and *jowar* 33 seers per rupee ; weather seasonable.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

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SUPPLEMENT TO

The Gazette of India.

No 50.] CALCUTTA, SATURDAY, DECEMBER 13, 1884.

OFFICIAL PAPERS.

A Supplement to the Gazette of India will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the Gazette may receive the Supplement separately on a payment of six Rupees per annum if delivered in Calcutta, or nine Rupees if sent by Post.

No Official Orders or Notifications, the publication of which in the Gazette of India is required by Law, or which it has been customary to publish in the Calcutta Gazette, will be included in the Supplement. For such Orders and Notifications the body of the Gazette must be looked to.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House on Friday, the 5th December, 1884.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.G., G.M.S.I. G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of Bengal, C.S.I., C.I.E.
His Excellency the Commander-in-Chief, G.C.B., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble C. P. Ilbert, C.I.E.
The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.
The Hon'ble T. C. Hope, C.S.I., C.I.E.
The Hon'ble Sir A. Colvin, K.C.M.G.
The Hon'ble Mahárájá Luchmessur Singh, Bahádur, of Darbhangá.
The Hon'ble J. W. Quinton.
The Hon'ble R. Miller.
The Hon'ble W. W. Hunter, LL.D, S.C.I., C.I.E.
The Hon'ble H. J. Reynolds.
The Hon'ble Rao Saheb Vishvanath Narayan Mandlik, C.S.I.
The Hon'ble Peári Mohan Mukerji.

PÁNCH MAHÁLS LAWS BILL, 1884.

The Hon'ble MR. ILBERT introduced the Bill to amend the law in force in the Pánch Maháls, and moved that it be sent to the Government of Bombay for opinion.

The Motion was put and agreed to.

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The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Bombay Government Gazette* in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

TARIFF ACT, 1882, AMENDMENT BILL.

The Hon'ble SIR A. COLVIN moved for leave to introduce a Bill to repeal part of section 6 of the Indian Tariff Act, 1882. He said:—

"The Government of Madras recently submitted a draft Bill to consolidate and amend the ábkárí law of the Presidency of Madras for sanction to its introduction in the local Legislative Council, and, on examination of its provisions, it was found that two clauses of one of its sections, imposing a duty on liquor, were, as applied to spirit, *ultra vires* of the local legislature, as the mode of fixing the excise-duty on spirit is determined by section 6 of the Indian Tariff Act, 1882. It was also feared that the penultimate clause of the latter section, by keeping in force under the authority of the Governor General's Legislative Council an unexplored mass of law existing on the 10th March, 1882, might render other provisions of that Bill *ultra vires.*

"This in itself would make it necessary that legislation should be resorted to in the Council of the Governor General, in order to prevent the Madras Bill from being declared invalid; and as, moreover, section 6 of the Tariff Act must seriously hamper any local legislature contemplating legislation like that proposed by the Madras Government, it is proposed to repeal that section, leaving it to the Local Governments to deal with the mode of fixing the duties of excise on spirit, under the other enactments locally in force, subject, so far as any discretion is allowed to them by those enactments, to the general executive control of the Government of India.

"The present Bill has accordingly been prepared. It repeals section 6 of the Tariff Act, except the last clause amending section 1 of Act XVI of 1863, which Act is still in force."

The Motion was put and agreed to.

CARRIAGE OF PASSENGERS BY SEA BILL.

The Hon'ble MR. ILBERT moved for leave to introduce a Bill to amend Act II of 1860, relating to the carriage of passengers by sea. He said:—

"Act II of 1860 contains provisions for the relief and maintenance of distressed and shipwrecked emigrant-passengers, and for forwarding them to their destination when left without their consent at places other than that to which they are bound. The Act was passed under the special authority of an Act of Parliament called 'The Passengers' Act, 1855,' and it required that authority, because it operates in parts of the world beyond the limits of British India. The Passengers' Act, 1855, empowered the Indian legislature to declare that Act or any part of it applicable to the carriage of passenger on any voyage from any ports or places within British India, to be specified in the Act, to any ports or places in any parts of the world whatsoever, to be also specified in the Act. The Council will observe that the terminal ports of the voyage must be specified in the Act, and that no addition can be made to their number without fresh legislation. The Act of 1860 applied the Passengers' Act, 1855, to certain voyages within specified ports, and it naturally named as ports of destination those places to which at that time emigration took place from British India. But since 1860 the number of places to which emigration takes place from British India has largely increased, and the consequence is that there are a number of emigrant-voyages to which the provisions of that Act are not applicable. That is one defect of the Act. Another defect is that the Act speaks of a passenger finding himself, without any neglect or fault of his own, within some colonial or foreign port or place other than that at which he may have contracted to land. But the Indian emigrant does not as a rule contract with the owner or charterer or master of a vessel to be carried to any particular place. In all cases falling

under the present emigration law, what happens is that the contract is made by the recruiter with the emigration agent for the colony importing labour. Therefore, strictly speaking, the Indian emigrant cannot be brought under the provisions of the Act. Both these defects were brought to light in a case which recently occurred, and the object of the Bill is to remove them. The Act which it is proposed to amend is a short one, and it will probably be found the most convenient course to repeal the Act and to re-enact it with the necessary modifications."

The Motion was put and agreed to.

TRANSFER OF PROPERTY ACT, 1882, AMENDMENT BILL.

The Hon'ble MR. ILBERT also moved that the Hon'ble Peári Mohan Mukerji be added to the Select Committee on the Bill to amend the Transfer of Property Act, 1882.

The Motion was put and agreed to.

KHOJÁ SUCCESSION BILL.

The Hon'ble MR. ILBERT also moved that the Hon'ble Rao Saheb Vishvanath Narayan Mandlik be added to the Select Committee on the Bill to amend and define the law of Testamentary and Intestate Succession to Khojás.

The Motion was put and agreed to.

At the conclusion of the business before the Legislative Council His Excellency THE PRESIDENT made the following remarks:—

"Before this Council adjourns to this day fortnight, this being the last meeting of the Council during my tenure of office as Viceroy and Governor General of India, I am anxious to avail myself of the opportunity to express my very sincere thanks to the members of this Legislative Council, both past and present, for the very valuable assistance which they have at all times given to the Government of India in connection with the Bills which have been brought before the Council. I very fully and deeply recognise the value of their services in that respect, and I also beg to tender to them my personal acknowledgments for the aid which I have ever received from them in the consideration and discussion of the questions which have engaged the attention of this Legislative Council.

"I may mention that, in accordance with the usual practice, members of the Legislative Council will be permitted to be present when the new Viceroy takes his seat. Lord Dufferin arrives here on Saturday afternoon, the 13th instant,—the arrangements for his reception will be duly notified in the Gazette,—and the members of this Council who may be present to receive him will follow him into this room, where he will take his seat."

The Council adjourned to Friday, the 19th December, 1884.

FORT WILLIAM;
The 9th December, 1884.

D. FITZPATRICK,
Secretary to the Government of India,
Legislative Department.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

SUMMARY OF THE WEATHER REPORTS FOR THE SIX MONTHS—MAY TO OCTOBER 1884.

No. 155 Met., dated Calcutta, the 5th December 1884.

RESOLUTION—By the Government of India, Revenue and Agricultural Department.

Read the following:—

Summary of the Weather Reports for the six months—May to October 1884.

The chief meteorological feature of the six months under review has been the deficiency of the rainfall in parts of the Peninsula and parts of Northern Bengal.

The temperature conditions which existed during April, and which were noticed in the summary for that month, were prolonged into May. These were,

unusual heat over North-Western India, from Multan and Jacobabad eastward to Allahabad, and about the average or a somewhat deficient temperature elsewhere. Although the average temperature was high, the maxima were in no respect unusual, the highest readings recorded being 119° at Jacobabad, 118° at Allahabad, and 117° at Delhi.

With few exceptions, the rainfall of the month was deficient, and in most parts of Central, North-Western, and Western India the whole amount was insignificant. A cyclone, noticed in the May summary, had little more than a local influence on the weather and occasioned no excessive rain except on the Arakan coast.

In June, the south-west monsoon rains set in, but with less than their usual steadiness. The date of their arrival was considerably delayed, and during the remainder of the month they were sporadic and not general. During the first fifteen days the percentage of atmospheric humidity was much below the normal, and except in Eastern India the amount of rainfall was insignificant. Between the 12th and 16th a slight burst of rain occurred along the west coast, and on the 19th rain became fairly general throughout the country. But it was short-lived, and with the exception of Lower Bengal and the Central Provinces, the amount at the close of the month showed a decided deficiency—most marked in Assam and along the west coast. The temperature changes coincided with the variations in the amount and extent of rainfall. In the earlier portion of the month, the day temperatures were high, but fell with the setting in of the rains, and rose again as the weather again became finer and rain less general. The highest reading of the thermometer, 122° at Jacobabad, was 3° in excess of the maximum in May.

In July, the weather was of about the normal monsoon character, except as to the amount of rain, which was generally somewhat deficient. Two cyclonic storms of the type usually developed during the rains passed over the country. Both originated over the head of the Bay of Bengal, the first about the 8th or 9th, the second on the 15th. The former passed right across the country in a west or west-north-west direction, reaching Hyderabad (Sind) on the 14th; the latter only travelled as far as Seoni, where it broke up on the 18th. Up to the 18th or 20th of July the weather bore a close resemblance to that prevailing in the latter part of June, *i. e.*, the rainfall was intermittent, more particularly in Sind, Gujarat, and the central plateau of the Peninsula; but in the latter half of the month rain was general and abundant, and at some stations exceptionally heavy. At Umballa, 14 inches fell on the 30th. At Raipur 25, and at Jubbulpore 18 inches more than the average was measured during the month.

The weather in August was variable. No travelling storms, affecting simultaneously large tracts of country, appeared during the month, and the changes of weather depended more or less on slight local disturbances, the influence of which was restricted to the stations in their immediate neighbourhood. Roughly speaking, the Punjab, Rajputana, the Konkan coast, the whole of the Peninsula to the east of the Western Ghauts, Behar, Bengal, and Burma had less, and the North-Western Provinces and the Malabar Coast more, than the normal amount of rain; while Sind, Gujarat, and the central parts of the country showed large local irregularities. On the 28th and 29th in Western India, and on the 7th, 10th, and 12th in the North-West Himalaya, the amounts of rain were exceptionally large.

Unlike August, the weather of September during almost the whole of the month and over by far the greater part of Northern and Central India was continuously under the influence of cyclonic conditions, and over the whole of that region the rainfall was much above the average. The first important storm was formed over the head of the Bay on the 5th and disappeared over Cutch on the 9th. The second was formed over the head of the Bay on the 18th and broke up near Agra on the 27th. Besides these principal vortices, however, several smaller disturbances appear to have been formed, the chief being that over Northern Rajputana on the 1st and 2nd and that in Rohilkhand on the 29th and 30th. Assam, North Bengal, and Behar were quite beyond the sphere of their influence, and as a consequence, the rainfall of those provinces was very scanty. In the Peninsula, the west coast had an excess of rain, and the central plateau, the Carnatic and Mysore a deficiency. The temperature varied with the distribution of rainfall, being slightly above the average at several stations in

North Bengal, Behar, and the Peninsula, where the rainfall had been slight and the weather fine, and below it elsewhere.

October opened with very unsettled weather. The Rohilkhand disturbance, noticed above, was causing a heavy downpour of rain on the North-West Himalaya, and the adjoining parts of the Punjab and North-Western Provinces; south-easterly and easterly winds were bringing up rain from the Bay to Bengal, Behar, and the lower part of the North-Western Provinces, and local showers were falling over a large part of the Peninsula. However, about the 9th in the Peninsula and about the 15th in Bengal and the Central Indian plateau, the wind shifted to north-east, and on the whole this direction was maintained through the remainder of the month with exceptional steadiness. Except for a few days between the 24th and 27th this change of wind was accompanied by settled weather in Bengal and Central India, but in the Carnatic the weather became very unsettled, and the rain was constant and heavy. Two cyclonic storms were recorded, the first passing across the south of the Peninsula between the 16th and 18th, the second travelling from the coast of the Northern Circars to Western Bengal between the 24th and 26th. Over the greater part of Northern India with Khandish, Saugor and Nerbudda, and the whole of the Peninsula, the rainfall was in excess, but elsewhere it was generally deficient. The temperature with a few local exceptions was low.

On the average of the whole season, the monsoon rains were fairly good, except in parts of the Provinces of Bengal and Assam, and parts of the Peninsula, and in some regions most abundant. Even in Behar, North Bengal, and the Karnool and Bellary districts, where the seasonal total was much below the average, the scarcity which was at one time threatened has to a great extent been relieved by the rains which have subsequently fallen. As regards the two monsoon currents it will be noticed that while the south-west or summer monsoon was not only delayed at its commencement, but for a considerable period subsequent to its commencement was very feeble in character, the north-east or winter monsoon on the contrary broke very early on the Carnatic coast and brought more than the average amount of rain.

Districts.	Average rainfall, May—October.	Difference from the average, May—October 1884.
	Inches.	Inches.
Punjab, West	17·72	+ 0·25
„ East	28·79	+ 4·61
North-Western Provinces, Trans-Gangetic	44·17	+ 5·27
„ „ „ Cis-Gangetic	30·51	+ 14·61
Behar	40·79	— 6·96
Northern Bengal	81·86	— 19·14
Assam, Cachar	76·75	— 14·87
Lower Bengal, Chutia Nagpur	63·33	— 5·12
Orissa, Northern Circars	44·97	— 3·36
Central Provinces, South	48·35	+ 24·27
Berar, Khandish	25·71	+ 10·93
Rajputana, Central India, Saugor, Nerbudda	35·99	+ 6·52
Sind, Cutch	7·74	+ 3·71
Gujarat	30·45	+ 8·74
Konkan	74·74	— 1·57
Deccan, Hyderabad	28·88	— 3·80
Malabar	113·62	— 15·64
Mysore, Bellary	24·05	— 5·15
Karnatic	20·13	— 0·56
Ceylon	48·31	— 5·83
British Burma	106·12	— 5·57

W. L. DALLAS,

Asstt. Meteorological Reporter to the Govt. of India.

ORDER.—Ordered, that the papers be printed in the Supplement to the *Gazette of India.*

True Extract.

T. W. HOLDERNESS,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTE ON THE FORECAST OF THE MONSOON RAINS, DATED 7th JUNE 1884, AND THE RESULTS.

Extract from the Proceedings of the Government of India in the Revenue and Agricultural Department, No. (Meteorology), dated Calcutta, the December 1884.

RESOLUTION.—Read a Note on the Forecast of the monsoon rains, dated 7th June 1884, and the results, by the Meteorological Reporter to the Government of India.

Note on the forecast of the monsoon rains, dated 7th June 1884, and the results.

In the supplementary report on the Himalayan Snowfall, dated 7th June 1884, I attempted to forecast the prospects of the past rainy season in the following terms: "I look for a somewhat retarded or a weak and interrupted monsoon in the earlier months, in part or parts of North-Western India, extending possibly but by no means necessarily to the northern portion of the Bombay Presidency and Rajputana. This is the area that experience has shown to be most subject to the anomalous prevalence of dry westerly winds in the monsoon, as it is that of their normal prevalence in the spring. But it is not likely that the whole of this area will be simultaneously affected, and it is equally unlikely, that the conditions now existing will operate through the whole of the monsoon. In many respects the present season resembles the first part of 1876."

It now becomes my duty to compare this forecast with the actual facts.

In the summary of the weather reports for June it is stated: "On the 19th (June) rain became pretty general throughout the country, the only exceptions being portions of Bundelkhand and the North-Western Provinces, Sind, and Central India * * *. On the 22nd, however, the rainfall on the west coast was checked and the break spread gradually from the west coast to a very large part of India. Towards the close of the month precipitation was slight in most places, and had entirely ceased in Gujarat, Central India, Rajputana, and on the plains of the Punjab and North-Western Provinces. Rain continued, however, in the Central Provinces and Lower Bengal, and whereas a decided deficiency was shown by most places, the rainfall of these two provinces was slightly in excess of the average."

The interruption (or retardation) of the rains indicated in this paragraph lasted in the Punjab till the 18th July. Its further history is thus noticed in the summary for that month: "The rainfall reports shew that in the earlier portion of the month, the area over which the rains were fully established was somewhat restricted. Over the greater part of the plains of the Punjab, as well as in Rajputana, Sind, and Gujarat, rain of any consequence was almost entirely wanting during the first fortnight; as was also the case in some parts of the Carnatic, in Madura, Mysore, the Ceded districts of the Madras Presidency, and the Deccan. By the 16th, however, a change set in. Rain bearing winds spread suddenly over Gujarat and subsequently extended to Rajputana and the Punjab. From the 20th to the end of the month, the rains were general and abundant, with the exception of the Madras Presidency."

In the summary for August it is stated: "The rainfall returns display considerable variations in the amount of precipitation. In the Punjab, with the exception of Murree, Rawalpindi, Simla, and Delhi, there has been more or less deficiency on the average, while over nearly the whole of the North-Western Provinces, on the contrary, there has been excessive rain. At Allahabad, how-

ever, a region of deficient rainfall commences, and from that station eastwards in Behar, Bengal, and as far as Burma, the present month has been one of general deficiency * * *. Rajputana, like the Punjab, has had a somewhat scanty rainfall, while Sind and Gujarat, though deficient on the mean of all stations, shew irregularities similar in character to those of the more central parts of the country. On the west coast from Ratnagiri southwards, as well as at the inland stations of Belgaum, Mercara, Madura, Salem, and Wellington, the rainfall has been above the average; but both on the coast north of Ratnagiri, and at almost every peninsular station to the east of the ghâts, the amount of rain has been below the average of the month."

In September, the rainfall was abundant in Northern India, except in Behar, Northern Bengal, and Assam, but in the peninsular it was still deficient in the Deccan, Mysore, and the Carnatic.

Hence the predicted retardation or interruption of the rains of the early part of the monsoon in North-Western India was fully justified by the event. After a general burst in the latter part of June the rains of all Western and North-Western India were entirely suspended for three weeks or more, and even up to August they were somewhat defective in the Punjab. But the conditions then existing did not operate through the whole of the monsoon, and the latter months brought abundant rain.

It was observed in the forecast, that the early part of 1884 in many respects resembled the first part of 1876. The circumstances here referred to were that the heavy winter snowfall and the late spring rain and snow were restricted to Kashmir, Chamba, and the Hill States north of the Sutlej, and not as in the previous year to the outer ranges. In 1876, although the rainfall was deficient in the North-Western Provinces, it was in the Deccan, Mysore, the Ceded districts and the Carnatic that the drought was most severe and lasting; and this year also, it is these same parts of the peninsula in which the rainfall has been most deficient up to nearly the end of the monsoon. This is probably more than a mere coincidence; and it is quite possible to suggest reasons why the peninsula should be more affected when there is an unusual amount of snow in Kashmir and the ranges around the Upper Indus, than when it is restricted to the outer Himalaya. But one condition was present in 1876 which was absent in the present year. This is an atmospheric pressure considerably in excess of the average over the whole of the Indian region and a large part of Asia, which has been shown to be due to the condition of the higher strata of the atmosphere. The importance and significance of this feature of the famine years has been pointed out in a paper recently published in the Proceedings of the Royal Society. In its absence, the effect of the Himalayan snows, though marked enough, for a time, would appear to be not lasting.

Nothing was said in the forecast respecting the deficiency of the Bengal rainfall, nor, at present, are the conditions that brought about that deficiency at all well understood.

METEOROLOGICAL OFFICE, INDIA; HENRY F. BLANFORD,

Calcutta, 1st December 1884. *Meteorological Reporter, Govt. of India.*

ORDER.—Ordered, that the Note be printed in the Supplement to the *Gazette of India.*

True Extract.

T. W. HOLDERNESS,

Offg. Secy. to the Govt. of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF NOVEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. C
Madras.	Ganjam	11 13	11 13	8 13	...	...	...	14 2	14 2	17 0	15 2	15 2	17 14	...	...	...	...	...	...
	Vizagapatam	16 0	15 0	15 0	...	...	...	10 2	10 2	9 8	12 5	12 5	12 6	...	...	25 14	29 11	29 11	24 1
	Godavery	15 5	15 5	9 14	...	...	...	10 14	10 14	11 14	15 0	15 0	14 0	23 0	23 0	23 0	...	...	...
	Kistna	15 8	14 11	9 13	...	...	...	13 0	13 0	14 0	13 10	13 10	15 13	21 13	21 13	21 5	...	...	...
	Nellore	16 3	15 11	10 5	...	...	...	12 14	12 14	13 6	16 0	14 0	14 0	22 2	22 2	21 10	24 6	...	...
	Cuddapah	14 0	14 0	14 11	...	...	...	12 6	12 6	12 6	14 2	14 2	13 5	20 8	20 8	32 6	23 14	23 14	38
	Anantapur	11 8	13 6	13 6	...	...	...	11 13	11 13	11 13	13 0	13 0	13 0	22 11	23 11	35 0	22 10	22 10	30
	Bellary	15 6	15 6	17 5	...	...	...	11 13	11 13	11 13	13 0	13 0	13 0	24 11	25 11	41 8	19 11	18 13	28
	Kurnool	13 5	13 5	11 2	...	...	...	11 11	11 6	11 0	12 2	12 2	11 13	28 13	26 0	37 0	25 0	22 8	35
	Madras	10 10	10 5	10 10	...	...	...	12 0	12 11	13 8	13 3	14 0	15 2	23 0	23 6	23 0	26 6	20 8	29
	Chingleput	...	...	...	...	...	...	12 0	12 0	14 3	13 10	13 10	15 2	...	...	...	23 2	18 8	22
	North Arcot	9 5	9 11	9 11	...	...	...	13 2	13 2	14 0	16 0	16 0	16 5	...	...	32 13	...	...	29 1
	South Arcot	7 13	9 6	10 2	...	...	...	11 5	12 10	14 13	12 8	13 2	15 5	...	...	...	23 14	25 6	30 1
	Tanjore	9 3	8 13	11 0	...	...	...	10 0	10 6	16 10	14 10	14 10	20 0	26 3	25 6	38 3	31 14	25 6	40 1
	Trichinopoly	9 8	9 8	9 8	...	...	...	10 13	10 6	14 6	11 10	11 3	15 14	21 0	21 0	32 8	25 6	24 2	30
	Madura	8 10	9 0	11 11	...	...	...	10 14	10 14	13 14	11 6	11 13	15 3	22 11	22 11	35 10	23 8	23 8	35
	Tinnevelly	9 14	9 14	9 8	...	...	...	10 11	10 11	14 5	11 10	11 10	16 0	18 6	18 6	...	19 2	19 2	...
	Coimbatore	10 11	10 11	13 2	...	...	...	13 8	13 8	14 6	14 8	14 8	15 6	20 14	23 8	27 13	...	25 6	28 1
	Nilgiris	8 8	7 2	10 10	...	...	...	9 10	9 10	9 8	10 6	11 3	10 6	18 8	18 8	20 0	16 13	18 14	23
	Salem	10 8	10 8	12 11	...	...	...	12 2	12 2	15 0	12 3	13 3	16 0	23 11	23 11	36 6	23 0	23 0	29
	South Canara	10 5	10 5	9 8	..	...	...	8 11	9 3	9 11	13 11	14 3	13 8	...	...	...	...	...	...
	Malabar	9 6	9 6	8 10	...	...	...	13 6	13 13	12 8	14 3	14 10	13 0	...	...	...	...	...	...
Bombay.	Bombay	11 10	10 9	10 4	20 3	18 0	17 0	7 15	7 8	7 8	11 2	11 7	12 1	17 14	17 14	18 1	18 4	17 10	15 1
	Ahmedabad	16 8	16 8	11 8	24 0	24 0	16 0	6 8	6 8	7 0	10 8	10 8	11 0	24 0	24 0	17 0	20 0	20 0	15
	Kaira	13 14	13 14	11 7	26 10	26 8	16 0	10 0	10 0	10 5	13 5	13 14	13 5	22 14	23 0	...	19 0	19 0	18
	Surat	14 10	13 10	11 2	12 8	12 8	12 4	7 5	7 5	7 6	8 3	8 3	8 4	14 3	14 3	19 4	13 10	13 10	14
	Broach	12 0	12 0	12 2	...	...	...	9 12	9 12	9 12	12 12	12 12	12 10	16 0	16 0	16 0	14 12	13 14	13 1
	Tanna (Salsette)	11 7	11 7	10 5	...	...	12 14	8 0	8 0	8 0	9 4	9 4	10 0	12 14	12 14	13 10	12 13	12 13	14
	Colába (Alibág)	8 0	8 0	8 8	...	...	...	6 0	6 0	7 8	10 8	10 8	12 8	...	...	...	...	...	...
	Khandesh (Dhulia)	21 12	21 12	16 10	...	...	...	7 4	7 4	7 9	11 0	11 0	12 11	23 8	21 0	18 9	20 12	19 0	14 1
	Násik	17 0	17 0	14 4	...	...	...	6 0	6 0	7 7	10 6	10 6	12 0	...	...	20 6	14 8	14 8	16
	Ahmednagar	18 1	16 11	14 5	...	...	...	8 5	8 1	8 11	10 8	10 4	10 10	20 6	19 2	27 5	17 12	17 12	17
	Poona	13 13	12 10	12 10	9 4	9 4	9 4	8 9	8 9	9 13	9 13	9 8	11 0	16 11	15 4	21 12	14 15	13 13	17
	Sholápur	14 15	14 4	13 9	...	...	...	10 7	8 13	10 7	11 5	10 6	11 5	16 6	15 8	25 0	18 6	17 7	24 1
	Kaládgi (Bagalkot)	19 8	16 0	19 0	11 0	11 8	16 8	7 8	7 8	6 8	10 14	10 12	11 8	21 0	20 0	33 0	20 14	21 0	31
	Satara	12 11	11 6	13 11	...	...	...	8 3	8 3	8 14	10 0	10 0	11 7	13 5	13 5	18 15	12 15	12 15	18
	Belgaum	15 0	14 8	16 8	10 15	12 0	12 0	12 8	12 8	12 8	13 8	13 8	13 0	17 0	15 12	20 2	17 0	16 13	16
	Dharwar (Hubli)	19 0	18 0	21 0	...	...	...	12 0	12 0	13 0	13 0	13 0	16 0	21 0	19 0	28 0	19 0	18 0	24
	Ratnágiri	9 14	9 4	9 14	...	...	...	9 4	8 9	8 9	9 14	9 14	14 2	16 14	14 5	...	9 13	9 13	13
	Kanara (Karwar)	9 0	9 0	9 0	...	...	...	7 0	7 0	8 0	11 0	11 0	11 12	16 0	16 0	15 1	13 0	13 0	...
	Pánch Mahals (Godhra)	13 5	13 5	10 8	...	...	...	10 0	10 0	11 6	11 6	11 6	13 5	20 10	19 2	20 0	16 13	17 2	14
	Aden	7 0	7 0	7 0	...	...	...	5 10	5 10	6 3	6 3	6 8	7 0	9 0	9 5	12 7	7 8	7 8	11
	Asirgarh	19 0	19 0	13 12	...	...	...	11 0	11 0	11 12	14 0	13 1	14 3	24 0	24 0	18 8	28 0	26 11	17 1
	Baroda	13 6	12 13	10 8	17 8	17 8	12 13	7 9	7 9	8 3	10 8	10 8	10 13	17 8	17 8	15 12	16 5	16 5	18
	Disa	18 12	17 12	12 14	...	...	...	6 10	6 10	6 14	8 2	8 2	9 0	22 8	22 8	10 0	23 2	22 8	16
	Nimach	24 0	22 0	19 0	42 0	37 0	33 0	9 0	9 0	9 0	10 0	10 0	10 8	35 0	35 0	30 0	20 0	18 0	20
	Nasirabad	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Rajkot	20 0	19 8	15 8	...	...	...	6 6	6 6	6 8	8 0	8 0	9 0	26 8	26 8	17 4	19 0	19 0	15
	Upper Sindh Frontier	14 8	14 12	13 12	20 0	20 0	22 12	10 0	10 0	10 0	11 4	11 4	13 4	24 8	24 8	32 0	24 8	24 8	28
	Karachi	14 10	14 10	13 6	20 0	19 0	20 0	8 0	8 0	9 6	14 0	14 0	13 0	19 0	18 0	22 0	16 0	20 0	18
	Haidarabad (Nakur)	16 0	16 0	14 0	26 0	26 0	24 0	12 0	12 0	11 0	15 0	15 0	15 0	26 0	26 0	24 0	25 0	25 0	20
	Shikarpur	15 0	15 0	13 0	22 0	21 6	28 0	12 0	11 12	12 0	13 12	13 8	15 8	22 0	22 4	29 0	...	25 12	25
	Sukkur	15 0	15 0	15 8	31 0	24 0	29 8	11 0	11 0	10 8	15 0	13 0	15 8	25 0	25 0	31 8	27 0	23 0	23
	Thar & Parkar (Umarkot)	16 0	16 0	12 0	...	...	...	...	...	...	13 4	13 4	12 8	...	...	...	19 0	19 4	17
Bengal.	*Western Districts.*																		
	Burdwan	15 8	16 0	16 2	28 0	21 0	24 12	11 8	11 4	12 12	16 0	14 4	16 8	...	...	...	...	...	...
	Bancoorah	15 8	15 4	18 12	17 0	17 0	16 0	14 8	14 0	13 0	16 0	18 8	17 8	...	...	...	...	...	...
	Beerbhoom	16 8	16 8	15 0	...	...	...	12 8	12 0	13 8	14 0	14 0	15 0	...	...	...	...	...	...
	Midnapore	12 0	12 0	12 0	20 0	20 0	15 0	13 0	14 0	14 0	16 0	17 0	16 0	...	...	...	...	...	...
	Hooghly	16 0	16 0	13 0	...	...	...	8 0	8 0	8 0	13 0	13 0	13 0	...	...	...	...	...	...
	Howrah	15 0	15 0	13 8	...	...	...	11 0	11 0	12 8	13 4	13 0	14 8	...	...	...	...	...	...

a In the sub-divisions the retail prices of salt per rupee were :—Culna 14 seers, Cutwa 13-4 seers, and Raneegunge 13-12 seers.
b In the interior the retail price of salt ranged from 12 to 13 seers per rupee.
c In the interior the retail price of salt ranged from 11-8 to 13-8 seers per rupee.

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murrwa, Nuglee), *Panicum Miliaceum*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.	Districts.
S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
29 5	29 5	35 8	26 10	26 10	26 10	215 13	215 13	215 13	...	...	...	13 13	13 13	13 13	Ganjam
26 5	26 5	23 3	35 2	32 13	42 2	93 5	93 5	93 5	13 14	14 0	14 10	11 11	12 14	14 5	Vizagapatam
32 13	32 13	29 2	29 6	29 6	33 10	194 6	194 6	194 6	14 10	14 10	14 10	14 10	14 10	14 10	Godavery
28 6	28 6	27 3	29 2	29 2	30 13	145 13	145 13	145 13	15 11	15 11	15 11	14 10	14 10	15 3	Kistna
25 8	25 0	21 13	22 0	21 0	23 2	93 5	93 5	93 5	13 13	15 6	15 6	13 13	14 13	14 13	Nellore
30 0	30 0	33 0	22 14	24 2	36 2	194 6	194 6	194 6	17 2	17 2	17 2	17 2	16 10	16 10	Cuddapah
27 3	23 5	38 13	28 0	24 10	41 13	...	...	...	14 14	14 5	14 5	14 5	14 5	14 5	Anantapur
26 3	24 3	38 13	22 6	20 3	35 13	91 13	91 13	91 13	15 3	15 3	15 13	14 14	14 14	15 8	Bellary
...	...	...	28 8	24 0	32 3	138 13	133 3	135 2	14 13	14 13	14 13	14 6	14 6	14 6	Kurnool
28 6	28 6	28 6	24 10	25 0	26 2	77 13	83 13	85 0	15 13	17 5	16 14	15 0	16 3	16 8	Madras
27 6	27 6	27 6	22 10	21 13	25 11	92 5	92 5	92 5	17 6	17 6	17 5	17 0	17 0	17 0	Chingleput
34 3	34 3	34 3	23 10	23 10	28 10	140 0	140 0	140 0	15 6	15 6	15 6	14 5	14 5	14 13	North Arcot
25 6	28 10	31 13	22 14	27 6	25 10	213 13	213 13	201 11	15 5	18 14	19 5	14 6	18 0	18 6	South Arcot
28 11	26 6	39 5	21 14	21 14	28 0	170 2	170 2	194 6	15 10	16 2	15 8	15 3	15 10	14 11	Tanjore
26 3	26 3	34 2	23 5	23 2	30 13	97 3	97 3	97 3	17 0	16 10	17 0	16 3	16 3	16 3	Trichinopoly
24 13	26 5	40 5	24 8	24 8	31 2	111 13	111 13	72 14	15 6	16 6	16 6	15 0	15 14	15 14	Madura
21 2	21 2	...	26 0	26 0	29 11	70 0	70 0	70 0	17 13	17 13	18 5	17 6	17 6	17 13	Tinnevelly
24 10	26 3	31 3	30 6	29 6	36 2	97 3	97 3	131 3	15 2	15 2	15 2	14 10	14 10	14 11	Coimbatore
18 0	17 5	21 10	19 2	19 2	23 3	161 13	161 13	161 13	13 0	13 0	13 0	12 0	12 0	12 0	Nilgiris
29 14	28 3	34 3	32 8	29 8	34 8	151 10	151 10	151 10	18 0	18 0	17 8	16 14	16 14	16 14	Salem
22 14	22 14	20 3	20 3	20 3	23 3	126 6	126 6	109 5	15 5	15 5	18 6	14 5	14 5	17 3	South Canara
20 13	20 13	21 14	25 3	26 0	26 14	121 8	121 8	121 8	15 5	15 5	14 6	14 6	14 6	13 8	Malabar
12 0	8 15	11 2	17 13	18 2	16 7	58 0	67 3	62 6	14 5	12 9	14 6	14 5	12 9	14 6	Bombay
...	...	...	16 0	16 0	17 8	80 0	80 0	80 0	16 8	15 8	16 8	16 0	16 0	16 0	Ahmedabad
...	...	20 0	13 5	15 0	16 0	80 0	80 0	80 0	...	...	...	16 0	16 0	16 0	Kaira
...	...	...	14 14	14 14	14 0	80 0	80 0	80 0	13 10	13 10	13 9	13 10	13 10	13 9	Surat
...	...	...	12 8	12 8	12 10	106 0	106 0	106 0	14 8¼	14 8¾	14 8½	14 8¾	14 8¾	14 8½	Broach
13 5	13 5	25 11	15 10	15 10	13 14	70 0	70 0	78 0	15 3	15 3	15 12	13 5	13 5	15 10	Tanna (Salsette)
...	...	...	14 0	14 0	12 0	120 0	120 0	120 0	11 8	11 8	13 0	11 0	11 0	12 8	Colába (Alibág)
...	...	...	21 8	20 0	14 4	140 0	140 0	140 0	12 4	12 4	13 8	12 0	12 0	13 6	Khandesh (Dhulia)
20 11	20 11	18 6	21 0	11 0	15 4	128 0	128 0	128 0	15 10	15 10	15 8	15 8	15 8	15 5	Násik
...	...	...	24 7	23 14	17 5	84 2	86 13	75 3	14 8	14 7	12 9½	14 4	14 3	12 6	Ahmednagar
15 6	15 6	15 6	19 9	19 9	16 2	68 0	68 0	68 0	14 6	14 3	13 10	14 2	13 15	13 6	Poona
...	...	...	21 14	21 14	19 2	80 0	80 0	71 1	13 8	13 8	13 8	13 4	13 4	13 4	Sholápur
...	...	...	20 8	18 8	18 12	100 0	100 0	100 0	13 0	12 6	10 9	12 8	12 0	10 0	Kaládgi (Bagalkot)
...	...	...	18 3	18 9	16 14	116 8	116 8	145 10	13 13	13 13	13 13	13 2	13 2	13 2	Satara
21 0	21 8	23 10	18 8	15 8	16 6	60 0	60 0	65 0	12 0	11 8	11 8	11 8	11 0	11 0	Belgaum
24 0	24 0	31 0	17 0	17 0	16 0	80 0	89 0	80 0	8 12	8 12	8 6	8 0	8 0	8 0	Dharwar (Hubli)
14 2	14 2	21 2	17 8	18 3	14 11	90 0	75 0	120 0	12 5	12 5	13 12	11 10	11 10	13 9	Ratnágiri
20 0	20 0	16 0	14 0	14 0	12 8	213 5	213 5	213 5	13 8	12 2½	13 8	12 8	11 7½	12 8	Kanara (Karwar)
20 0	20 0	20 0	22 13	22 13	20 0	160 0	160 0	200 0	16 0	16 0	16 0	15 4	15 4	15 4	Pánch Mahals (Godhra)
...	...	...	9 5	9 5	9 5	65 5	65 5	65 5	...	...	...	32 0	32 0	32 0	Aden
...	...	...	23 0	23 5	17 8	150 0	150 0	160 0	12 0	12 0	12 4	12 0	12 0	12 4	Asirgarh
19 13	19 13	18 11	14 0	14 0	14 0	80 0	80 0	80 0	14 1	14 1	14 15	14 0	14 0	14 9	Baroda
...	...	...	15 4	15 5	14 8	137 8	137 8	137 8	13 8	13 8	12 8	13 0	13 0	12 0	Disa
...	...	...	27 0	24 0	23 0	160 0	160 0	150 0	...	...	...	14 0	14 0	13 8	Nimach
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Nasirabad
...	...	...	20 0	19 8	14 2	60 0	60 0	60 0	48 0	48 0	45 0	32 0	32 0	35 0	Rajkot
60 0	60 0	50 0	20 4	20 4	22 12	200 0	200 0	200 0	*12 11	*12 11	*13 12½	13 10*	12 10*	13 12*	Upper Sindh Frontier
11 0	11 0	10 0	19 0	20 0	17 0	85 0	80 0	100 0	17 11	17 11	17 11	17 0	17 0	17 0	Karachi
25 0	25 0	24 0	18 0	18 0	20 0	320 0	320 0	320 0	14 8	14 8	14 8	14 0	14 0	13 0	Haidarabad (Nakur)
...	...	...	22 0	21 0	24 0	190 0	210 0	240 0	14 0	14 0	13 1	13 8	13 8	13 0	Shikarpur
...	...	...	22 0	22 0	19 8	120 0	120 0	120 0	14 0	14 0	13 8	13 0	13 0	13 0	Sukkur
...	...	...	...	...	...	160 0	160 0	120 0	14 12	14 12	14 12	14 12	14 12	14 12	Thar and Parkar (Umarkot)
									Prices per md. of 40 seers.						*Western Districts.*
									R a. p.	R a. p.	R a. p.				
...	...	...	20 0	17 12	19 8	120 0	120 0	120 0	2 14 8	2 14 8	3 1 4	13 0a	13 0	12 12	Burdwan
...	...	...	17 12	17 12	17 0	240 0	240 0	320 0	3 2 6	3 2 0	3 3 6	12 12b	12 12	12 0	Bancoorah
...	...	...	16 0	17 4	18 0	160 0	160 0	160 0	3 2 6	3 2 6	3 1 3	12 0c	12 0	12 0	Beerbhoom
...	...	...	16 0	16 0	16 0	155 0	155 0	153 0	3 0 0	2 15 0	2 14 0	12 12d	13 0	12 8	Midnapore
...	...	...	16 0	17 0	17 0	120 0	120 0	120 0	2 14 0	2 14 0	2 14 0	13 9e	13 9	13 9	Hooghly
...	...	...	17 8	17 8	15 0	80 0	80 0	80 0	3 0 0	2 15 0	3 0 0	13 0	13 0	13 0	Howrah

d In the sub-divisions the retail prices of salt per rupee were :—Ghattal 14 seers, Contai 12-8 seers.
e In the sub-divisions the retail prices of salt per rupee were :—Serampore 13-4 seers and Jehanabad 13-8 seers.

* In common use.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF NOVEMBER 1884—*continued.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

PROVINCES: BENGAL—*continued.*

Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar). *Holcus Sorghum.* Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Bulrush Millet (Cumboo, Bajra) *Penicillaria Spicata.* Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1883.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S.
Central Districts.																		
Calcutta	17 10	17 10	14 0	20 0	20 0	20 0	8 6	8 6	8 14	10 8	10 8	14 9	11 7	11 7	20 10	11 8	11 8	22
24-Pergunnahs	14 8	14 4	13 0	17 8	18 0	17 8	8 8	8 0	8 0	16 0	14 8	13 5	...	...	...	...	...	
Nuddea	17 4	16 0	14 8	21 5¼	20 0	24 10	10 10½	10 4	12 5	11 6	11 0	13 5½	...	...	...	...	...	
Khoolna	...	...	...	...	...	...	13 0	12 0	13 0	14 0	14 0	16 0	...	...	...	...	...	
Jessore	14 0	14 0	12 0	...	...	...	11 0	11 0	12 4	14 0	13 4	16 0	...	...	...	...	...	
Moorshedabad	18 0	18 0	16 0	...	...	...	10 0	11 0	12 0	14 0	14 8	16 0	...	...	...	...	...	
Dinagepore	15 8	15 0	14 8	16 0	16 0	14 0	10 12	10 13	12 0	13 0	12 6	15 8	...	...	...	...	...	
Rajshahye	16 8 to 17 8	16 8	13 8	21 0	21 0	22 8	10 8	9 6	12 0	12 12	12 0	13 8 to 14 0	...	...	...	...	...	
Rungpore	13 0	13 0	11 14	...	...	...	7 0	7 0	10 0	11 0	11 0	13 5	...	...	...	...	...	
Bogra	15 0	15 0	15 12	...	...	...	9 0	9 12	9 12	12 0	12 12	15 0	...	...	...	...	...	
Pubna	18 12	18 0	18 0	...	...	...	8 4	8 4	8 0	15 0	13 8	13 8	...	...	...	...	...	
Darjeeling	10 0	10 0	7 0	...	9 0	7 0	5 0	5 0	5 0	10 0	10 0	10 0	...	...	...	...	...	
Jalpáiguri	10 0	10 0	10 0	20 0	20 0	20 0	10 0	10 0	13 4	12 0	12 0	14 0	...	...	...	...	...	
Eastern Districts.																		
Dacca	18 0	15 0	16 0	16 0	17 0	16 0	11 0	11 0	14 0	13 0	13 8	16 0	...	...	...	...	...	
Furreedpore	20 0	20 0	22 0	34 0	34 0	30 0	11 0	11 0	12 0	12 0	12 0	14 0	...	...	...	...	...	
Backergunge	...	...	...	...	...	...	11 8	11 8	13 0	13 0	13 0	15 0	...	...	...	...	...	
Mymensing	13 4	13 8	12 8	...	...	...	10 0	10 8	11 0	12 4	13 0	14 8	...	...	...	...	...	
Chittagong	15 0	15 0	11 0	...	...	...	13 0	12 0	14 0	16 0	16 0	22 0	...	...	...	...	...	
Noakholly	...	...	...	...	...	...	13 0	13 0	17 0	14 0	14 0	19 0	...	...	...	...	...	
Tipperah	14 8	14 9	13 0	...	...	...	12 8	13 5	17 0	13 10	15 4	18 12	...	...	...	...	...	
Chittagong Hill Tracts	...	...	...	...	...	...	10 10	11 6	12 4	11 13	16 0	13 14	...	...	...	...	...	
Hill Tipperah	12 0	12 0	10 0	...	...	...	12 0	12 0	15 0	14 0	14 0	18 0	...	...	...	...	...	
Behar.																		
Patna	20 8	21 0	20 0	20 15	25 0	29 0	9 12	11 4	13 0	16 3	12 0	14 0	...	...	...	...	...	
Gya	17 12	18 0	17 0	18 0	16 0	23 0	8 8	8 4	10 8	13 0	11 8	13 0	...	...	...	...	...	
Shahabad	18 0 to 19 0	18 8	16 0 to 17 0	21 0	21 0	28 8	8 0	8 0	10 0 to 11 0	12 0	12 0	13 8 to 14 0	...	23 0	24 0	...	...	24
Durbhunga	18 12	18 11	18 0	19 12	22 0	23 0	9 10	9 5	11 0	12 6	13 3	13 0	...	...	...	...	...	
Mozufferpore	17 0	17 0	17 0	26 0	26 0	25 0	11 0	11 0	10 0	16 0	16 0	13 0	...	...	...	...	...	
Sarun	20 0	19 8	15 8	25 0	23 0	24 0	8 0	8 0	9 8	13 0	11 8	13 0	27 0	26 0	22 0	...	...	
Chumparun	16 0	16 0	19 0	...	19 0	31 0	12 0	12 0	14 0	17 0	18 0	19 0	...	...	...	...	...	
Monghyr	19 15	19 7	17 13	18 14	18 9	21 0	10 8	10 8	10 8	12 1	11 9	11 9	...	...	...	...	...	
Bhágalpur	19 0	18 15	15 2	20 3	20 8	22 11	10 11	10 6	11 15	13 14	13 4	18 14	...	...	...	...	...	
Purneah	18 0	16 0	15 0	...	...	...	12 0	12 0	13 0	14 0	13 0	15 0	...	...	...	...	...	
Maldah	19 8	19 0	17 8	...	...	...	10 0	10 0	12 0	12 0	12 0	13 0	...	...	...	...	...	
Sonthal Pergunnahs	15 0	16 0	14 0	...	...	...	11 0	10 0	14 0	15 0	14 8	17 0	...	...	...	...	...	
Orissa.																		
Cuttack	21 0	19 11	13 2	...	...	...	13 2	13 2	13 2	17 1*	17 1	21 0	...	...	...	...	...	
Pooree	14 7	14 7	10 8	...	...	...	11 13	13 2	14 7	15 12	17 1	19 11	...	...	...	...	...	
Balasore	18 0	18 0	14 0	11 0	11 0	...	13 0	16 0	10 0	21 8	28 0	16 0	...	...	...	...	...	
CHOTA NAGPORE.																		
South-Western Frontier Agency.																		
Hazáribágh	15 8	15 0	15 8	15 0	16 0	18 0	11 8	11 0	9 8	17 0	14 0	15 0	...	...	...	...	...	
Lohardugga	15 0	15 0	15 0	...	...	16 0	16 0	13 0	14 0	20 0	18 0	18 0	...	...	...	...	...	
Singbhoom	18 0	18 0	16 0	20 0	20 0	24 0	20 0	20 0	18 0	24 0	21 0	22 0	...	...	...	...	...	
Manbhoom	13 0	14 0	13 0	...	...	...	15 0	13 0	14 8	21 0	18 0	20 0	...	...	...	...	...	

* In the interior the retail price of rice ranges from 23-10 to 26-4 seers per rupee.
f In the sub-divisions the retail prices of salt per rupee were:—Baraset and Bussirhat 13 seers, Barrackpore 12-12 seers, and Dum-Dum 12 seers.
g In the sub-divisions the retail prices of salt per rupee were:—Kooshtea 13 seers, Meherpore and Chooadanga 12 seers, and Ranaghat 12-14 seers.
h In the sub-division the retail price of salt per rupee was—Satkhira and Bagirhat 11 seers.
i In the sub-divisions the retail prices of salt per rupee were:—Jhenidah and Narail 12 seers, Magurah 10-12 seers, and Bongong 13 seers.
j In the subdivisions the retail prices of salt per rupee were:—Lalbagh 11 seers, Jungypore 13 seers, and Kandi 12 seers.
k The retail price of salt at Raigunge was 11-8 seers per rupee.
l In the sub-division the retail price of salt per rupee at Nattore and Nowgong was 12 seers.
m In the sub-divisions the retail prices of salt per rupee were:—Gaibanda and Kurigram 13 seers, and Nilphamari 12 seers.
n The retail price of salt at Serajgunge was 13 seers per rupee.
o The retail price of salt at Fallacotta in Alipur sub-division was 10 seers per rupee.
p In the sub divisions the retail prices of salt per rupee were:—Manickgunge 13 seers, and Naraingunge 14 seers.
q In the sub-divisions the retail prices of salt per rupee were:—Goalundo 13 seers and Madaripore 12 seers.
r In the sub-divisions the retail prices of salt per rupee were:—Patuakhali 10-10 seers, Perozepore 11 seers, and Bhola 10 seers.
s In the sub-divisions the retail prices of salt per rupee were:—Kishoregunge 10-10 seers, Attia 13 seers, Jamalpore 11-4 seers, and Netrakona 12-5 seers.

IN SEERS OF 80 TOLAHS.

Districts.	Lesser Millets, Ragi, &c., (Kavaru, Veragu, Suwee, Cheena, Coralee, Murhwa, Nagles, *Panicum Miliaceum, &c.*) Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale prices per maund of 40 seers. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R a. p.	R a. p.	R a. p.	S. Ch.	S. Ch.	S. Ch.
Central Districts.															
Calcutta	...	...	...	19 11	19 11	14 9	100 0	100 0	90 0	2 12 0	2 12 0	2 12 0	12 13	12 13	13 5
24-Pergunnahs	...	...	...	17 8	17 8	16 0	90 0	100 0	80 0	3 0 0	3 0 0	3 5 0	12 13*f*	12 13	12 4
Nuddea	...	...	...	21 5¼	20 0	18 13	...	...	...	3 0 0	3 0 0	3 0 0	11 10½*g*	12 12	11 10½
Khoolna	...	...	...	16 0	16 0	16 0	200 0	240 0	200 0	3 2 0	3 2 0	3 4 0	12 0*h*	12 0	10 8
Jessore	...	...	...	16 0	16 0	16 0	120 0	120 0	120 0	3 2 0	3 0 0	3 2 0	11 12*i*	12 0	11 8
Moorshedabad	...	...	...	20 0	19 0	19 0	120 0	120 0	120 0	3 1 3	3 1 3	3 0 0	12 0*j*	11 0	14 0
Dinagepore	...	...	...	14 0	13 0	14 0	160 0	160 0	160 0	3 4 0	3 4 0	3 6 0	12 0*k*	12 0	11 8
Rajshahye	...	...	...	20 0	20 0	18 0	240 0	240 0	240 0	3 0 0	3 0 0	3 1 3	12 12*l*	12 12	12 0
Rungpore	...	...	...	9 12	9 12	16 0	93 0	110 0	110 0	4 0 0	4 0 0	...	10 0*m*	10 0	...
Bogra	...	...	...	15 0	16 8	15 0	80 0	80 0	67 8	3 5 4	3 5 4	3 2 8	12 0	12 0	12 0
Pubna	...	...	...	17 4	17 4	18 0	200 0	200 0	200 0	3 1 0	3 1 6	3 2 6	12 6*n*	12 6	12 0
Darjeeling	13 0	11 0	13 0	8 0	8 0	9 0	160 0	102 8	110 0	4 4 0	4 8 0	4 8 0	8 0	8 0	8 0
Jalpáiguri	...	...	...	16 0	16 0	14 0	128 0	128 0	128 0	3 4 0	3 4 0	3 4 0	12 4*o*	12 4	12 4
Eastern Districts.															
Dacca	...	...	...	18 0	17 0	18 0	80 0	80 0	97 0	3 0 0	3 0 0	3 4 0	13 0*p*	13 0	12 0
Furreedpore	...	...	...	16 0	16 0	20 0	120 0	120 0	120 0	3 2 0	3 2 0	3 5 0	12 0*q*	12 0	12 0
Backergunge	...	...	...	16 0	17 0	16 0	120 0	120 0	120 0	3 2 0	3 0 0	2 11 0	13 0*r*	11 0	13 0
Mymensingh	...	...	...	15 4	15 0	18 0	...	...	...	3 3 0	3 3 0	3 4 0	12 8*s*	12 8	12 4
Chittagong	...	...	...	15 0	11 0	16 0	120 0	...	40 0	3 8 0	...	3 0 0	11 0*t*	11 0	13 0
Noakholly	...	...	...	11 0	11 0	12 0	...	...	...	3 6 0	3 6 0	...	10 0*u*	10 0	10 0
Tipperah	...	...	...	15 10	15 10	18 4	...	...	...	3 4 0	3 4 0	3 4 0	12 0*v*	12 0	12 0
Chittagong Hill Tracts	...	...	...	...	...	...	320 0	320 0	320 0	4 8 0	...	...	8 0	...	8 0
Hill Tipperah	...	...	...	14 0	14 0	14 0	...	...	...	3 4 0	3 4 0	3 4 0	11 0	11 0	11 0
Behar.															
Patna	...	...	...	21 0	24 0	25 0	114 0	100 0	130 0	3 0 0	3 2 0	3 0 0	12 0	10 8	11 0
Gya	...	...	...	20 0	20 0	20 0	200 0	220 0	160 0	3 5 0	3 4 0	3 5 0	11 0	11 0	11 0
Shahabad	...	...	...	20 0	22 0	23 0	140 0	140 0	120 0	3 1 0	3 1 0	3 1 0	12 4*w*	12 4	12 8
Durbhunga	28 0	27 6	24 0	21 4	19 13	22 0	198 0	176 0	160 0	3 3 6	3 3 6	3 1 6	13 3*x*	13 3	12 6
Mozufferpore	...	...	...	20 0	20 0	21 0	140 0	140 0	140 0	3 4 0	3 4 0	3 4 0	12 0*y*	12 0	12 0
Sarun	24 0	23 0	26 0	21 0	21 8	20 0	160 0	160 0	160 0	3 2 0	3 2 0	3 5 0	12 0*z*	12 0	11 0
Chumparun	...	...	...	17 0	18 0	23 0	...	...	...	3 4 0	3 4 0	3 6 0	12 0*z1*	12 0	11 0
Monghyr	...	...	...	23 1	22 5	21 8	126 0	126 0	126 0	2 14 6	2 14 6	3 2 5	13 2*z2*	13 5	12 1
Bhágalpur	...	...	...	21 7	21 7	22 11	164 0	164 0	151 8	3 0 0	2 15 0	3 1 0	12 10*z3*	12 10	12 10
Purneah	...	...	...	17 0	17 0	17 0	160 0	160 0	160 0	3 10 0	3 10 0	3 12 0	10 12*z4*	11 0	10 8
Maldah	...	...	...	16 0	16 0	18 0	190 0	180 0	160 0	3 4 0	3 4 0	3 4 0	12 0	11 8	14 0
Sonthal Pergunnahs	...	...	...	16 0	16 0	17 0	200 0	200 0	200 0	3 8 0	3 7 0	3 4 0	11 0*z5*	11 0	11 0
Orissa.															
Cuttack	16 12	16 12	15 12	22 8	22 5	21 0	80 0	80 0	80 0	2 12 0	2 12 0	2 12 0	14 0	14 0	14 0
Pooree	...	...	...	17 2	17 2	17 1	100 0	95 0	100 0	2 7 0	2 7 0	2 12 0	16 0	16 0	13 3
Balasore	...	...	...	16 0	16 0	14 0	120 0	120 0	120 0	3 6 0	3 6 0	4 2 0	11 0	11 0	9 2
CHOTA NAGPORE.															
South-Western Frontier Agency.															
Hazáribágh	27 0	30 0	24 0	17 0	16 0	18 0	240 0	240 0	240 0	3 7 3	3 10 0	3 9 0	10 0*z6*	10 0	10 0
Lohardugga	44 0	...	32 0	15 0	16 0	14 0	120 0	120 0	100 0	3 10 0	3 10 0	4 0 0	10 0	10 0	9 0
Singbhoom	...	...	...	12 0	12 0	20 0	160 0	160 0	180 0	4 0 0	4 0 0	4 7 0	9 0	9 0	8 0
Manbhoom	...	...	...	17 0	17 0	16 0	240 0	240 0	120 0	3 3 0	3 8 0	3 8 0	11 10	11 13	10 12

t The retail price of salt at Hathazari was 10 seers per rupee.
u In the interior the retail price of salt ranged from 9 to 13 seers per rupee.
v In the sub-divisions the retail prices of salt per rupee were:—Brahmanbariah 13 seers, and Chandpore 12-8 seers.
w In the sub-division the retail prices of salt per rupee were:—Buxar and Sasseram 13 seers, and Bhabhuah 11 seers.
x In the sub-division of Tajpore the retail prices of salt was 11-8 seers per rupee.
y In the interior the retail price of salt ranged from 9 to 12-4 seers per rupee.
z In the sub-divisions the retail price of salt per rupee were:—Sewan 11-8 seers and Gopalgunge 12 seers.
z1 In the interior the retail price of salt ranged from 10 to 13 seers per rupee.
z2 In the sub-divisions the retail prices of salt per rupee were:—Beguserai 11 seers and Jamui 11-8 seers.
z3 In the sub-divisions the retail prices of salt per rupee were:—Banka 13 seers, Madhupura 10-3 seers, and Soopole 11-8 seers.
z4 In the sub-divisions the retail prices of salt per rupee were:—Kissengunge 10 seers, and at Raniganje in Arrareah 11 seers.
z5 In the sub-divisions the retail prices of salt per rupee were:—Rajmehal and Godda 11 seers and Deoghur 13 seers.
z6 The retail price of salt at Chatra was 11 seers and at Kharruckdiha 12 seers per rupee.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF NOVEMBER 1884—*continued.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight. S. Ch.	Wheat. Past fortnight. S. Ch.	Wheat. Corresponding fortnight of 1883. S. Ch.	Barley. Present fortnight. S. Ch.	Barley. Past fortnight. S. Ch.	Barley. Corresponding fortnight of 1883. S. Ch.	Rice (best sort). Present fortnight. S. Ch.	Rice (best sort). Past fortnight. S. Ch.	Rice (best sort). Corresponding fortnight of 1883. S. Ch.	Rice (common). Present fortnight. S. Ch.	Rice (common). Past fortnight. S. Ch.	Rice (common). Corresponding fortnight of 1883. S. Ch.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight. S. Ch.	Great Millet. Past fortnight. S. Ch.	Great Millet. Corresponding fortnight of 1883. S. Ch.	Bulrush Millet (Cumboo, Bajra), *Pennicillaria Spicata*. Present fortnight. S. Ch.	Bulrush Millet. Past fortnight. S. Ch.	Bulrush Millet. Corresponding fortnight of 1883. S. Ch.
ASSAM.	Sylhet	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Cachar																		
	Goálpará																		
	Gáro Hills																		
	Kámrúp																		
	Darrang																		
	Nowgong																		
	Sibságar																		
	Lakhimpur																		
	Khásí & Jaintiá Hills																		
	Nága Hills																		
N. W. PROVINCES.	Debra Dún	18 8	19 0	18 0	23 0	26 0	26 0	6 8	6 8	6 8	10 0	10 0	10 8	26 0	26 0	26 0	22 0	21 0	22
	Saháranpur	23 1½	23 1	19 5¼	25 13	32 4	23 8½	8 9½	8 9½	7 8½	11 13	11 13	11 13	26 14	31 3	26 14	26 11	26 15	23 10
	Muzaffarnagar	23 2	23 2	17 14	33 0	33 0	33 0	6 9	6 9	6 9	14 5	13 4	13 4	26 6	26 6	26 6	26 6	26 6	24
	Meerut	22 0	21 12	17 8	26 8	26 0	29 0	6 8	6 8	6 8	12 0	12 0	13 0	26 0	26 0	27 0	24 0	24 0	21
	Bulandshahr	24 8	23 12	18 8	32 0	29 4	28 0	7 0	6 0	6 0	9 11	9 10	10 0	32 0	29 0	27 8	28 0	28 0	22
	Aligarh	20 8	21 8	17 12	29 0	28 0	26 0	7 0	5 8	6 4	11 0	10 0	10 4	27 0	22 0	24 8	39 0	31 0	22
	Kumaun	11 8	12 0	15 0	13 0	14 0	18 0	8 0	8 0	10 0	9 8	8 8	13 0	...	...	...	...	...	...
	Garhwál	12 0	12 0	21 0	17 8	17 8	22 0	7 0	7 0	9 0	11 8	10 0	15 0	...	...	...	22 0	22 0	30
	Bijnor	20 0	18 9	18 14	23 14	21 15	29 8	10 2	9 0	11 4	14 10	12 6	12 15	...	...	...	25 5	22 8	21
	Moradabad	19 11	20 5	20 0	25 8	25 8	28 2	10 8	9 8	10 4	14 0	12 10	11 0	28 0	28 0	27 0	25 4	24 0	24
	Budaun	19 8	19 3	21 0	26 6	25 3	31 3	9 9½	9 9½	8 6	16 12½	15 9½	15 0	30 0	...	27 9½	27 9½	27 0	26
	Bareilly	19 1	18 12	19 6	26 4	25 0	25 10	7 8	7 8	7 8	13 2	12 4	13 12	26 14	25 10	28 12	26 14	25 6	25
	Sháhjahánpur	23 0	23 0	21 8	31 8	31 0	34 8	8 0	8 0	9 4	16 8	15 0	19 0	...	...	...	...	...	...
	Taráí Pergunnahs	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Muttra	20 0	19 8	17 8	28 0	26 8	24 0	7 0	7 0	7 0	12 0	11 0	12 0	26 0	24 0	23 0	26 0	26 0	20
	Agra	19 8	19 4	17 0	28 0	27 0	23 0	5 0	5 0	5 0	10 0	10 0	11 0	28 0	22 8	23 0	26 0	27 0	20
	Farukhabad	22 0	19 0	19 8	31 5	31 2	29 8	5 8	6 0	7 4	15 3	14 4	13 13	21 4	24 8	25 7	27 0	27 4	25
	Mainpuri	21 0	20 8	19 0	26 0	26 8	25 0	5 0	4 0	4 0	9 0	8 0	7 0	...	...	...	25 0	24 0	22
	Etáwah	22 8	22 8	19 0	24 0	26 0	23 0	6 0	6 0	6 0	12 8	14 0	13 0	30 0	28 0	24 0	28 8	27 0	26
	Etah	24 0	21 8	19 13	27 8	28 4	26 6	7 0	7 4	7 12	13 0	11 8	13 0	...	...	22 13	33 0	29 0	22
	Jalaun	23 0	23 0	20 0	24 0	24 0	20 0	9 0	9 0	10 0	10 0	10 0	11 0	26 0	26 0	28 0	25 0	25 0	26
	Jhánsi	25 0	23 14	20 2½	29 11½	26 5	34 14½	8 0	8 0	8 0	15 0	16 0	13 0	28 10	26 6	32 0	22 0	19 12	46
	Lalitpur	26 8	26 14	23 8	36 0	36 0	40 0	9 0	9 0	8 0	12 0	11 0	12 0	37 0	38 0	37 0	26 0	26 0	28
	Cawnpore	24 0	24 0	19 12	33 0	32 0	30 8	9 0	9 0	9 0	13 8	13 0	14 0	30 0	30 0	29 0	31 0	30 0	27
	Fatehpur	20 8	20 4	17 2	27 0	26 8	26 0	9 0	9 8	11 4	16 0	16 0	15 8	...	...	...	...	...	27
	Bánda	23 0	22 8	24 0	25 0	27 0	30 0	8 0	7 8	8 0	12 0	12 0	16 0	32 0	29 0	45 0	30 0	29 0	35
	Allahabad	19 4	18 12	17 4	25 0	25 0	28 8	8 0	8 12	10 0	15 8	17 0	15 8	27 0	25 8	31 0	24 0	26 0	30
	Hamírpur	23 1	21 0	21 2	22 8	...	23 10	9 0	10 0	10 0	15 0	12 11	13 12	28 2	28 2	25 14	30 6	27 6	32
	Jaunpur	21 0	21 0	19 0	27 0	25 0	26 0	7 0	7 0	7 1	11 4	15 8	14 2	...	...	28 4	...	...	22
	Gorakhpur	20 11	19 5	18 0	25 3	21 9½	24 4½	13 8	12 9½	10 13	17 1½	16 10	14 5¼	27 0	27 0	24 4½	23 6½	23 6½	...
	Basti	20 3	21 0	18 0	23 0	23 0	25 0	9 10	10 0	10 0	12 10	13 0	15 0	...	...	25 0	...	...	...
	Azamgarh	19 3	18 1	16 4	24 6	23 10	22 2	10 5	10 5	10 5	12 8	12 8	12 9	29 8	29 8	26 9	20 10	20 10	20 1
	Mirzapur	18 0	18 8	16 0	23 0	22 0	26 0	8 0	7 8	9 0	13 0	13 0	12 0	26 0	24 0	27 0	24 0	22 0	26
	Benares	19 0	18 2	17 5¼	23 14	22 12	23 9	8 15	8 15	10 0	15 11¼	15 11¼	15 3	25 0	23 5	26 0	23 14	21 11	25
	Ghazipur	19 5	18 10½	17 6¼	23 13	23 3	22 8¼	6 7	6 7	7 11	12 4	12 4	12 14	27 8	25 12	23 3	21 14	21 4	21 1
	Balia	19 8	19 8	18 2	23 2	23 2	25 12	10 4	10 4	9 0	11 8	11 8	15 8	27 0	27 0	...	20 12	20 12	...
	Philibhít	18 12	18 0	19 12	25 0	23 12	34 1½	13 12	13 12	14 8	17 0	17 8	19 0	...	...	32 8	26 4	...	25
	Almora	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
OUDH.	Sultánpur	22 0	22 0	20 0	28 0	28 0	32 0	11 0	11 0	11 0	20 0	20 0	18 0	...	...	...	...	...	...
	Partábgarh	22 1	21 3	18 9	34 0	29 13	31 2½	18 5	18 5	16 10½	20 13	20 5	18 2½	35 0	...	...	33 8	...	39 6
	Fyzabad	21 8	20 0	18 0	27 0	26 0	27 0	10 4	8 8	10 0	17 0	16 0	16 0	30 0	31 0	28 0	...	...	24
	Kheri	24 8	24 0	22 4	31 0	31 0	30 4	7 0	7 0	7 0	20 0	20 0	15 0	46 0	36 0	42 0	...	...	...
	Lucknow	23 4	23 0	19 0	30 0	29 8	29 0	6 0	6 0	6 0	15 4	16 0	14 9½	27 0	27 0	29 0	30 0	29 0	27 10
	Bára Banki	22 8	22 0	19 0	29 0	29 0	30 0	6 0	8 0	10 0	13 0	14 0	15 0	35 0	36 0	36 0	32 0	26 0	30
	Bahraich	21 0	20 0	21 8	24 0	25 0	40 0	13 0	12 8	16 0	15 0	14 0	18 0	42 0	42 0	43 0	...	...	22
	Rai Bareli	23 12	23 4	19 4	29 8	28 0	27 12	...	...	...	18 0	18 0	17 4	...	...	32 0	32 0	30 0	30
	Sitapur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Gonda	22 12	22 8	21 2	24 14	23 8	37 8	14 4	14 8	14 0	17 8	16 12	16 6	40 0	44 0	37 8	28 12	27 4	23
	Unáo	21 8	22 8	18 0	28 0	28 0	26 0	8 0	8 0	10 0	16 0	16 0	16 0	32 0	33 0	32 0	28 0	25 0	28
	Hardui	23 12	24 8	16 14	31 8	30 8	27 11	6 0	6 0	5 10	11 5	12 0	11 4	...	...	...	32 8	...	16 1
PUNJAB.	Gujránwála	30 0	29 4	22 4	48 0	45 0	40 0	...	...	...	15 0	14 0	14 0	40 0	40 0	32 0	26 0	26 0	28
	Lahore	27 0	27 0	23 0	43 0	43 0	40 0	...	...	...	10 0	10 0	13 0	39 0	35 0	38 0	26 0	26 0	24
	Ferozepore	25 0	24 0	24 0	40 0	38 8	36 0	...	...	...	12 0	11 0	12 0	34 0	...	37 0	...	...	...
	Sirsa	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Hissar	19 0	19 0	20 0	26 0	30 0	29 0	...	...	...	10 0	10 0	9 0	27 0	32 0	28 0	23 0	27 0	28
	Rohtak	22 0	22 0	19 0	26 0	27 0	27 0	...	...	...	10 0	11 0	8 0	34 0	32 0	24 0	29 0	30 0	20
	Gurgaon	...	21 0	20 0	...	28 0	26 8	...	...	...	...	10 0	10 0	...	28 0	22 0	...	36 0	21
	Delhi	22 0	21 8	18 0	27 8	28 8	26 0	...	...	...	13 0	10 0	12 0	25 0	26 0	24 0	21 0	25 0	21
	Karnál	23 0	22 8	19 0	28 0	28 0	26 0	...	...	...	12 8	13 0	12 8	25 0	24 0	24 0	20 0	20 0	22
	Umballa	24 8	25 0	20 12	28 0	28 0	24 0	...	...	...	14 0	10 0	11 4	40 0	40 0	28 0	20 0	25 0	18
	Ludhiana	28 0	27 8	23 0	34 0	32 0	33 0	...	...	...	11 0	11 0	11 0	36 0	36 0	34 0	25 0	25 0	25
	Simla	15 4	15 0	17 0	21 0	21 0	...	...	...	...	9 0	7 8	9 0	17 8	17 8	...	...	14 4	...

Districts.	Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nugiee), *Panicum Miliaceum*, &c. Present fortnight. S. Ch.	Millets, &c. Past fortnight. S. Ch.	Millets, &c. Corresponding fortnight of 1883. S. Ch.	Gram. Present fortnight. S. Ch.	Gram. Past fortnight. S. Ch.	Gram. Corresponding fortnight of 1883. S. Ch.	Firewood. Present fortnight. S. Ch.	Firewood. Past fortnight. S. Ch.	Firewood. Corresponding fortnight of 1883. S. Ch.	Salt. Wholesale. Present fortnight. R a. p.	Salt. Wholesale. Past fortnight. R a. p.	Salt. Wholesale. Corresponding fortnight of 1883. R a. p.	Salt. Retail. Present fortnight. S. Ch.	Salt. Retail. Past fortnight. S. Ch.	Salt. Retail. Corresponding fortnight of 1883. S. Ch.	Provinces.
Sylhet	...	...	...	...	...	...	...	...	...	...	...	No return received				ASSAM.
Cachar																
Goálpará																
Gáro Hills																
Kámrúp																
Darrang																
Nowgong																
Sibságar																
Lakhimpur																
Khásí & Jaintiá Hills																
Naga Hills																
Debra Dún	...	...	...	21 0	24 0	23 0	160 0	160 0	160 0	11 8	11 8	11 0	11 0	11 0	10 8	N. W. PROVINCES.
Saháranpur	...	...	...	26 14	29 8	24 11½	107 8	107 8	129 0	13 2½	13 7	13 2½	12 14½	12 15	12 14½	
Muzaffarnagar	...	...	...	27 8	27 8	24 6	132 0	132 0	110 0	12 2	12 2	12 6	11 8	11 8	11 8	
Meerut	...	...	...	25 0	25 8	23 8	100 0	100 0	110 0	13 8	13 8	12 8	13 0	13 0	12 0	
Bulandshahr	...	...	...	24 8	22 0	22 8	120 0	120 0	130 0	13 4	13 4	12 8	...	...	...	
Aligarh	...	...	...	24 0	22 0	23 8	100 0	120 0	120 0	14 0	14 0	12 8	12 8	12 4	12 0	
Kumaun	...	...	...	10 0	11 0	11 0	200 0	200 0	200 0	8 0	8 0	9 0	7 0	7 0	8 0	
Garhwál	...	...	...	8 0	8 0	9 0	280 0	280 0	280 0	7 8	6 0	9 0	6 4	5 0	8 8	
Bijnor	...	...	...	23 10	20 4	21 2	115 0	115 0	135 0	...	...	...	12 6	11 8	11 8	
Moradabad	...	...	...	21 12	21 12	22 8	125 0	125 0	125 0	13 4	13 4	12 10	13 0	12 8	12 8	
Budaun	...	...	...	19 12½	19 12½	25 3	192 0	192 0	192 0	12 0	12 0	11 11	11 6	11 10½	11 6	
Bareilly	...	...	...	21 4	21 4	23 12	112 8	100 0	125 0	13 7	13 12	12 3	13 2	13 2	11 14	
Sháhjahánpur	...	...	...	21 8	21 0	25 2	150 0	150 0	160 0	13 8	13 8	12 8	12 0	11 8	10 8	
Taráí Pergunnahs	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Muttra	...	...	...	22 0	22 8	22 8	100 0	100 0	120 0	14 8	14 8	14 0	14 0	14 0	12 8	
Agra	...	...	...	22 0	22 4	23 0	100 0	100 0	100 0	14 8	14 8	13 8	14 0	13 8	13 0	
Farukhabad	...	...	...	24 12	22 8	24 14	95 0	109 0	156 8	14 6	12 4½	12 7	12 15	11 5	11 9	
Mainpuri	...	...	...	19 0	17 0	24 0	120 0	80 0	160 0	13 0	13 0	11 8	12 0	11 8	11 0	
Etáwah	...	...	...	25 0	24 0	26 0	80 0	100 0	100 0	14 0	14 0	12 0	13 8	13 8	11 0	
Etah	...	...	...	21 8	22 4	23 14	160 0	146 0	162 0	13 0	12 12	12 7	12 0	12 8	11 15	
Jalaun	...	...	...	29 0	30 0	32 0	110 0	140 0	140 0	11 0	11 0	11 0	12 0	12 0	12 0	
Jhánsi	...	...	...	24 13	24 0	31 2	200 0	200 0	200 0	11 12	11 12	12 0	10 12	10 12	11 0	
Lalitpur	...	...	...	27 8	29 8	36 0	160 0	160 0	160 0	11 8	11 4	12 0	11 0	11 0	11 8	
Cawnpore	...	...	...	27 0	26 0	29 8	120 0	130 0	150 0	14 0	16 0	13 8	16 0	14 0	13 0	
Fatehpur	...	...	...	24 8	26 4	29 0	160 0	160 0	200 0	11 8	11 8	11 0	11 4	11 4	10 12	
Bánda	...	...	...	32 0	31 0	15 0	160 0	160 0	160 0	13 0	12 0	12 0	12 0	11 0	11 8	
Allahabad	...	...	...	27 0	27 0	29 0	100 0	120 0	135 0	12 0	12 0	12 0	11 0	11 0	11 0	
Hamírpur	...	...	...	32 0	29 4	36 9	140 0	140 0	140 0	10 10	11 4	11 13	10 0	10 0	11 2	
Jaunpur	...	...	...	21 0	22 0	28 4	120 0	120 0	148 12	10 12	10 12	10 12	10 10	10 10	10 10	
Gorakhpur	...	...	...	18 14	18 0	23 6½	160 0	160 0	160 0	11 0	11 0	10 9½	10 13	10 6½	10 6½	
Basti	...	...	...	17 0	18 8	26 0	160 0	160 0	160 0	10 0	9 12	8 8	9 8	9 0	8 0	
Azamgarh	...	...	...	18 8	20 0	24 6	177 8	177 8	147 8	11 13	11 13	10 8	11 2	11 2	9 14	
Mirzapur	...	...	...	24 0	22 0	22 0	100 0	100 0	70 0	11 0	11 0	10 0	8 0	8 0	9 0	
Benares	...	...	...	23 5	23 5	24 6	90 0	90 0	100 0	10 11	10 11	10 11	9 13½	9 13½	9 13½	
Ghazipur	...	...	...	23 3	22 8½	24 7	128 12	128 12	128 12	11 9	11 9	11 0	10 5	10 5	10 5	
Balia	...	...	...	28 2	23 2	23 2	120 0	100 0	100 0	11 12	11 12	11 8	11 8	11 8	11 8	
Philibhít	...	...	...	19 0	17 8	25 0	150 0	150 0	150 0	13 0	13 0	13 0	12 8	12 8	12 8	
Almora	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Sultánpur	...	...	...	23 0	23 0	30 0	160 0	160 0	160 0	12 12	12 12	12 4	12 8	12 8	12 0	OUDH.
Partabgarh	...	...	...	21 8	22 0	27 10½	180 0	160 0	186 10	12 0	12 0	11 0	10 13	10 11	10 10½	
Fyzabad	...	...	...	23 0	22 8	26 0	120 0	120 0	120 0	11 12	11 8	11 8	11 4	11 0	11 0	
Kheri	...	...	...	25 0	25 0	29 0	140 0	140 0	120 0	11 0	10 8	11 8	10 0	10 0	11 0	
Lucknow	...	...	...	23 12	24 0	24 8	110 0	110 0	115 0	11 8	11 8	11 2½	11 0	11 0	10 12	
Bára Banki	...	...	...	24 0	24 0	27 0	120 0	160 0	140 0	12 0	12 0	12 0	11 0	11 0	11 0	
Bahraich	...	...	...	23 0	23 0	34 8	170 0	160 0	180 0	...	...	...	11 0	11 0	11 0	
Rai Bareli	...	...	...	26 0	26 0	27 0	200 0	190 0	160 0	...	...	...	11 8	10 8	10 8	
Sitapur	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Gonda	...	...	...	21 4	20 4	32 10	200 0	200 0	200 0	12 4	12 4	11 8	12 0	12 0	11 4	
Unáo	...	...	...	25 8	25 0	26 0	160 0	160 0	160 0	...	...	...	11 0	11 0	11 0	
Hardui	...	...	...	24 8	24 0	20 14	160 0	160 0	200 0	10 0	10 8	9 6	7 8	7 8	7 8	
Gujránwála	...	...	...	38 4	38 4	34 0	90 0	90 0	95 0	15 4	15 4	15 4	15 0	15 0	15 0	PUNJAB.
Lahore	...	...	...	39 0	39 0	38 0	90 0	80 0	80 0	15 0	15 0	15 0	14 0	14 0	14 0	
Ferozepore	...	...	...	39 0	36 8	35 0	90 0	90 0	100 0	14 0	14 0	13 0	13 8	13 8	13 0	
Sirsa	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Hissar	...	...	...	29 0	30 0	28 0	120 0	120 0	120 0	11 8	13 8	13 0	11 0	13 0	12 8	
Rohtak	...	...	...	26 8	27 0	26 0	100 0	100 0	100 0	12 8	12 8	12 0	11 0	11 0	11 8	
Gurgaon	...	...	...	...	24 0	21 8	...	140 0	140 0	...	12 0	12 0	...	12 0	12 0	
Delhi	...	...	...	26 0	24 0	23 0	60 0	70 0	80 0	13 0	13 0	12 8	12 0	12 0	11 8	
Karnál	...	...	...	26 0	25 0	25 0	160 0	160 0	140 0	11 0	12 4	12 4	10 8	12 0	12 0	
Umballa	...	...	...	31 0	31 0	30 0	140 0	160 0	150 0	13 12	14 0	13 15	13 0	13 0	13 12	
Ludhiana	...	...	...	34 0	33 0	32 0	100 0	100 0	100 0	15 0	15 0	14 0	14 8	14 8	14 0	
Simla	...	...	...	18 8	14 12	22 0	80 0	80 0	80 0	9 12	9 12	11 4	9 0	9 0	10 8	

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF NOVEMBER 1884—*continued.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Province	Districts	Wheat: Present fortnight (S. Ch.)	Wheat: Past fortnight (S. Ch.)	Wheat: Corresponding fortnight of 1883 (S. Ch.)	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar), *Holcus Sorghum*: Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bajrush Millet (Cumboo, Bajra), *Penicillaria Spicata*: Present fortnight	Bajra: Past fortnight	Bajra: Corresponding fortnight of 1883
PUNJAB—*continued.*	Kángra	20 0	20 0	20 0	29 0	29 0	32 0	...	...	...	15 0	14 0	14 0	...	...	...	...	...	...
	Jullundur	29 0	29 0	21 8	36 0	40 0	32 0	...	...	...	8 0	8 0	6 0	42 0	42 0	42 0	32 0	32 0	24 0
	Hoshiárpur	30 0	30 0	21 0	36 0	36 0	28 0	..	...	...	12 0	12 0	12 0	37 0	40 0	28 0	24 0	24 0	20 0
	Gurdáspur	32 0	32 0	24 8	40 0	40 0	28 0	...	...	...	16 0	16 0	14 0	32 0	32 0	30 0	14 0	14 0	14 0
	Amritsar	28 4	28 4	23 8	40 0	40 0	38 0	...	...	...	13 8	12 8	13 8	42 0	43 0	37 0	27 8	27 8	31 0
	Siálkot	31 0	30 0	23 8	52 0	53 0	40 0	...	...	...	14 0	13 8	13 0	44 0	44 0	35 0	39 0	32 0	36 0
	Gujrát	32 8	32 8	26 0	50 8	47 8	40 0	...	...	...	12 0	12 2	12 0	49 8	47 0	40 8	46 0	44 8	40 8
	Jhelum	29 0	30 0	25 0	48 0	46 0	33 0	...	...	...	12 0	12 0	12 0	37 0	32 0	34 0	40 0	33 0	38 0
	Ráwalpindi	31 0	32 8	27 12	54 0	54 0	45 0	...	...	...	12 4	12 12	14 4	60 0	60 0	45 0	56 0	60 0	45 0
	Shahpúr	29 0	29 0	27 0	37 0	37 0	41 0	...	...	...	12 0	12 0	15 0	40 0	38 0	38 0	40 0	38 0	36 0
	Jhang	21 8	21 0	20 0	36 0	35 8	32 0	...	...	...	11 0	10 0	10 0	32 0	28 0	32 0	28 0	30 0	32 0
	Montgomery	22 0	22 0	18 0	32 0	32 0	28 0	...	...	...	9 0	9 0	5 8	...	...	...	...	...	...
	Mooltan	18 8	18 8	16 0	28 0	28 0	28 0	...	...	...	10 0	10 0	10 0	28 0	28 0	25 0	24 0	28 0	25 0
	Muzaffargarh	21 0	21 0	17 8	26 0	26 0	27 0	...	...	...	6 0	6 0	5 0	23 0	23 0	23 0	23 0	23 0	22 0
	Dera Ghází Khán	19 11	19 6	18 15	27 15	27 8	28 12	...	...	...	11 4	11 4	11 4	31 11	31 14	32 12	31 4	31 4	29 1
	Dera Ismail Khán	26 10	23 8	20 10	36 12	35 6	31 4	...	...	...	8 12	8 12	7 10	36 0	37 8	32 8	32 12	30 0	28 12
	Bannu	38 2	38 2	28 2	56 4	53 12	37 8	...	...	...	8 12	8 12	8 12	50 0	40 0	45 0	45 0	42 8	32 8
	Kohát	31 4	31 4	19 12	64 14	63 12	33 2	...	...	...	14 0	14 0	11 8	...	...	...	54 13	49 12	31 14
	Peshawár	31 8	31 0	21 12	58 8	58 8	31 8	...	...	...	13 8	12 8	11 10	50 0	50 0	40 0	40 4	39 8	32 13
	Hazára	33 0	34 0	[illegible] 0	46 0	46 0	43 0	..	...	...	12 0	12 0	13 0	36 0	...	...	32 0	32 0	36 0
CENTRAL PROVINCES.	Saugor	26 0	27 0	25 0	...	...	...	12 0	11 0	10 0	13 0	12 0	12 0	...	...	...	...	...	...
	Damoh	32 0	32 0	29 0	...	...	...	16 0	13 8	13 8	17 0	17 8	14 8	...	...	...	...	...	...
	Jubbulpore	25 8	25 0	22 0	21 0	22 0	23 0	12 0	11 0	10 0	15 0	14 0	15 0	21 0	23 0	29 0	18 0	17 0	17 0
	Mandla	35 0	35 0	26 8	...	...	...	16 0	14 0	15 0	18 0	20 0	21 0	...	...	...	...	...	...
	Seoni	27 8	28 [illegible]	21 8	...	...	...	13 8	12 8	12 0	19 8	18 0	19 0	...	...	...	...	...	...
	Narsinghpur	22 0	22 [illegible]	19 0	...	...	...	9 8	9 8	9 8	13 8	12 8	12 8	...	...	...	...	...	...
	Hoshangabad	20 4	21 6	16 9	...	...	...	5 1	5 10	4 0	11 4	11 4	10 14	...	...	...	...	...	...
	Nimár	24 12	24 12	17 8	...	...	...	11 9	10 7	12 9	14 14	14 14	15 15	30 0	30 0	18 12	32 0	32 0	20 0
	Betúl	28 0	26 0	18 0	...	...	...	13 0	11 0	12 0	14 0	12 0	13 0	30 0	21 0	19 8	...	...	...
	Chhindwára	25 0	24 0	25 8	...	...	...	7 8	7 8	8 8	13 4	12 13	15 0	23 8	27 11	31 0	...	...	...
	Wardha	27 0	27 0	20 0	...	...	...	9 0	9 0	10 0	12 0	12 0	16 0	27 0	27 0	25 0	...	...	...
	Nágpur	26 0	27 4	20 8	...	...	...	9 12	9 12	9 12	14 12	14 12	16 0	29 12	29 12	31 4	...	...	...
	Chánda	27 0	27 0	20 0	...	...	...	...	...	...	17 8	17 8	16 0	26 8	23 8	37 0	...	...	...
	Bhandára	26 12	26 8	20 4	...	...	...	10 8	10 0	10 8	17 8	17 0	20 0	24 4	23 8	35 0	...	...	...
	Bálaghát	24 0	24 0	20 0	...	...	...	15 0	15 0	18 0	24 0	23 0	27 0	...	...	...	...	...	...
	Raipur	36 0	32 0	24 4	...	...	...	15 0	15 0	15 8	24 0	23 0	30 8	...	...	...	...	...	...
	Bilaspur	48 13	48 13	28 8	...	...	...	26 4	26 2	28 8	45 10	54 10	39 0	...	...	...	...	...	...
	Sambalpur	28 0	26 4	14 8	...	...	...	24 8	26 4	24 8	28 0	29 12	29 12	...	..	...	...	...	...
BRITISH BURMA.	*Arakan Division*																		
	Akyab	...	...	...	...	...	...	10 0	9 8	8 0	14 0	13 8	11 0	...	...	...	...	...	...
	Northern Arakan	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kyoukpyoo	No return received			...	...	...												
	Sandoway	...	...	...	...	...	...	19 2	19 2	19 2	22 14	22 14	22 14	...	...	...	...	...	...
	Pegu Division.																		
	Rangoon Town	15 5	16 4	12 3	...	...	...	12 3	10 0	10 8	13 2	11 2	11 12	...	...	...	...	...	...
	Pegu	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Tharrawaddy	...	...	...	...	...	...	7 2	7 2	7 2	7 14	7 14	7 14	...	...	...	...	...	...
	Prome	14 9	18 3	10 6	...	...	...	12 12	12 3	10 5	14 7	14 7	13 1	...	...	...	...	...	...
	Irrawaddy Division.																		
	Bassein	...	...	...	...	..	...	14 0	14 12	10 15	17 0	17 12	10 12	...	...	...	...	...	...
	Henzada	...	...	...	...	...	...	13 1	11 15	7 15	15 10	15 10	10 6	...	...	...	...	...	...
	Thonegwa	...	...	...	...	...	...	8 6	8 6	9 6	9 6	9 6	10 7	...	...	...	...	...	...
	Thayetmyo	12 1	15 1	9 4	...	...	...	9 6	9 6	10 0	12 7	10 6	11 13	...	...	...	...	...	...
	Tenasserim Division.																		
	Moulmein Town & Amherst	9 0	9 0	9 0	...	...	...	9 11	9 11	9 0	12 2	12 2	11 1	...	...	...	...	...	...
	Tavoy	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Mergui	...	...	...	...	...	...	13 13	13 13	14 9	14 11	14 14	16 10	...	...	...	...	...	...
	Toungoo	...	...	...	...	...	...	10 10	10 10	10 10	12 13	12 13	12 13	...	...	...	...	...	...
	Shwaygyin	...	...	...	...	...	...	10 10	9 13	8 8	11 5	10 6	9 9	...	...	...	...	...	...
	Salween	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
HYDERABAD ASSIGNED DISTRICTS.	Secunderabad	15 2	12 5	15 8	...	...	...	8 4	8 4	8 4	11 8	11 11	11 4	17 12	17 12	23 0	...	...	28 4
	Bolarum	16 2	13 13	17 0	...	...	...	9 0	9 0	8 6	11 0	10 15	10 7	18 15	18 15	27 0	...	...	...
	Chudderghat	12 0	13 8	14 0	...	...	...	7 8	7 8	7 8	9 8	9 8	10 0	18 0	17 0	26 0	20 0	24 0	34 0
	Amráoti	24 6	22 8	16 0	...	...	10 8	7 0	7 8	8 0	10 9	10 8	10 0	27 12	26 0	28 0	17 0	17 0	16 0
	Akola	25 0	25 0	17 0	...	...	...	8 0	8 0	7 0	11 0	11 0	13 0	28 0	38 0	26 0	23 0	16 0	21 0
	Ellichpur	22 0	20 0	17 8	6 4	6 4	9 0	8 2	8 2	7 0	11 0	11 0	10 0	25 0	24 12	26 8	16 0	15 12	18 4
	Buldána	28 0	26 0	18 0	...	...	...	...	...	...	12 0	12 0	11 0	26 0	26 0	24 0	24 0	24 0	22 0
	Wún	23 0	23 0	18 0	...	...	...	7 0	7 0	8 0	11 8	11 8	11 8	30 0	25 0	29 4	...	...	...
	Básim	32 0	27 0	22 0	...	...	...	6 0	6 0	6 0	13 0	11 0	13 0	40 0	29 0	32 0	...	...	...

Districts	Lesser Millets, Ragi, &c. (Kavaru, Veragu, Bawse, Cheena, Coraloo, Murhwa, Mugiee), *Panicum Miliaceum*, &c.: Present fortnight (S. Ch.)	Lesser Millets: Past fortnight	Lesser Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883	Province
Kángra	...	...	...	24 0	24 0	21 0	120 0	120 0	140 0	11 8	11 8	11 8	11 0	11 0	11 0	PUNJAB—*continued.*
Jullundur	...	...	...	35 0	33 0	31 0	100 0	110 0	110 0	15 0	15 0	14 8	14 8	14 8	14 0	
Hoshiárpur	...	...	...	31 0	30 8	28 8	110 0	110 0	110 0	14 0	14 0	14 0	13 12	13 12	13 12	
Gurdáspur	...	...	...	32 0	32 0	31 0	120 0	120 0	120 0	14 0	14 0	13 4	13 0	13 0	12 8	
Amritsar	...	...	...	40 0	38 0	35 0	90 0	90 0	90 0	15 10	15 10	15 6	15 0	15 0	15 0	
Siálkot	...	...	...	34 0	35 0	34 0	110 0	120 0	120 0	16 0	16 0	15 8	15 8	15 8	15 0	
Gujrát	...	..	...	33 8	34 12	30 8	100 0	100 0	100 0	*	*	*	16 0	16 0	15 8	
Jhelum	...	...	...	34 0	32 0	31 0	120 0	120 0	120 0	16 8	16 8	16 0	16 0	16 0	15 0	
Ráwalpindi	...	...	...	42 0	40 8	36 0	83 0	100 0	95 0	15 10	15 8	15 4	15 6	15 6	15 0	
Shahpúr	...	...	...	36 0	36 0	41 0	240 0	240 0	320 0	17 0	17 0	17 0	16 0	16 0	16 0	
Jhang	...	...	...	31 0	30 0	28 8	200 0	200 0	200 0	14 8	14 8	14 12	14 0	14 0	14 8	
Montgomery	...	...	...	35 0	36 0	31 0	200 0	200 0	200 0	13 0	13 0	12 0	12 0	12 0	11 0	
Mooltan	...	...	...	27 0	28 0	27 0	100 0	100 0	90 0	15 0	14 8	14 8	14 0	14 0	14 0	
Muzaffargarh	...	...	...	25 0	24 8	22 0	120 0	120 0	90 0	*	*	*	13 0	13 0	13 8	
Dera Ghází Khán	...	...	...	25 15	25 0	21 14	125 0	125 0	100 0	28 12	28 12	28 12	27 8	27 8	27 8	
Dera Ismail Khán	...	...	...	35 5	32 14	27 0	125 0	125 0	125 0	47 8	47 8	42 8	45 0	45 0	40 0	
Bannu	...	...	...	50 0	52 8	31 4	80 0	80 0	80 0	80 0	80 0	80 0	60 0	60 0	60 0	
Kohát	...	...	...	23 2	35 11	25 8	102 0	102 0	102 0	61 3	61 3	68 14	58 11	58 11	63 12	
Peshawár	...	...	...	37 4	37 4	28 8	109 0	104 0	110 0	45 8	42 4	43 9	44 0	41 0	42 0	
Házára	...	...	...	28 0	29 0	25 8	110 0	110 0	80 0	...	...	...	12 0	12 12	12 0	
Saugor	...	...	...	23 8	25 8	30 8	140 0	140 0	140 0	9 8	9 4	9 12	9 4	9 0	9 8	CENTRAL PROVINCES.
Damoh	...	...	...	27 0	27 0	39 0	200 0	200 0	200 0	10 8	10 0	11 0	10 0	9 8	10 12	
Jubbulpore	...	...	...	29 0	31 0	27 0	120 0	120 0	110 0	11 12	11 12	11 8	11 4	11 4	11 0	
Mandla	30 0	30 0	25 0	42 0	45 0	40 0	256 0	256 0	256 0	...	...	...	10 0	10 0	10 0	
Seoni	...	...	...	34 0	32 0	23 0	220 0	220 0	220 0	11 8	11 0	11 0	11 0	10 12	10 12	
Narsinghpur	...	...	...	33 0	32 0	24 8	140 0	140 0	140 0	11 0	11 0	11 0	10 8	10 8	10 8	
Hoshangabad	...	...	...	29 4	29 4	21 10	140 0	140 0	160 0	11 14	11 14	11 12	11 0	11 0	11 0	
Nimár	...	...	...	27 10	27 10	20 4	160 0	160 0	160 0	13 13	13 13	13 13	13 0	13 0	13 0	
Betúl	19 8	18 8	15 8	26 0	26 0	18 0	320 0	320 0	320 0	11 0	10 8	10 8	10 8	10 0	10 0	
Chhindwára	17 0	17 1	21 0	27 12	27 6	28 0	200 0	200 0	200 0	9 6	9 12	9 0	8 13	9 0	8 0	
Wardha	...	...	...	22 0	23 0	17 0	155 0	160 0	120 0	12 8	12 0	12 8	12 0	11 8	12 0	
Nágpur	...	...	...	22 12	21 12	21 12	120 0	120 0	120 0	12 0	12 0	12 0	11 12	11 12	11 12	
Chánda	...	...	...	27 8	27 8	19 8	360 0	360 0	360 0	...	...	...	11 0	11 0	9 8	
Bhandára	...	...	...	22 8	20 0	21 8	180 0	180 0	112 0	11 4	11 4	11 8	10 12	10 8	11 0	
Bálaghát	...	...	...	25 0	25 0	26 0	275 0	275 0	275 0	11 0	11 0	10 0	10 8	10 8	9 0	
Raipur	...	...	...	21 0	20 0	26 8	64 0	64 0	64 0	10 8	10 8	11 4	10 0	10 0	11 0	
Bilaspur	100 0	100 0	123 4	36 0	36 8	34 0	120 0	120 0	120 0	...	...	...	9 0	9 0	10 0	
Sambalpur	...	...	...	19 8	19 8	14 8	125 0	125 0	120 0	11 0	11 0	11 0	10 0	10 0	10 0	
Arakan Division.																BRITISH BURMA.
Akyab	...	...	...	11 0	10 0	10 0	240 0	264 0	200 0	40 0	40 0	35 0	35 0	35 0	30 0	
Northern Arakan	...	...	...	...	..	...	...	...	...	...	...	...	No return received			
Kyoukpyoo													No return received			
Sandoway	...	...	...	...	...	...	469 11	469 11	469 11	22 13	22 13	39 0	50 11	50 11	50 11	
Pegu Division.																
Rangoon Town	...	...	...	19 5	19 2	12 0	320 0	320 0	320 0	50 11	50 11	50 11	22 10	22 10	22 10	
Pegu	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Tharrawaddy	...	...	...	8 14	8 14	16 5	535 11	535 11	535 11	...	...	...	22 5	22 5	22 5	
Prome	...	..	...	15 9	15 9	10 6	167 9	167 9	139 11	29 9	29 9	25 5	18 10	18 10	16 9	
Irrawaddy Division.																
Bassein	...	...	...	13 7	12 4	7 10	407 7	282 10	281 10	26 15	26 15	24 5	23 13	25 13	22 2	
Henzada	...	...	...	...	...	...	183 8	183 8	183 8	29 9	29 9	29 9	29 9	29 9	29 9	
Thonegwa	...	...	...	18 3	18 3	18 3	147 10	147 10	184 8	39 0	39 0	32 4	35 0	35 0	25 5	
Thayetmyo	...	...	...	13 13	13 13	13 13	245 0	245 0	245 0	29 9	29 9	25 5	18 15	18 15	18 15	
Tenasserim Division.																
Moulmein Town & Amherst	...	...	...	12 2	12 2	11 1	220 0	220 0	220 0	30 15	30 8	35 8	30 8	20 15	25 5	
Tavoy	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Mergui	...	...	...	...	...	...	428 0	428 0	428 0	36 8	36 8	24 5	29 3	29 3	16 4	
Toungoo	...	...	...	8 1	8 1	12 9	24 0	24 0	24 0	27 2	25 0	23 8	18 12	18 12	18 12	
Shwaygyin	...	...	...	...	...	...	150 0	150 0	250 0	32 3	35 6	25 4	18 14	18 14	18 14	
Salween	...	...	...	..	...	...	...	...	...	...	...	...	No return received			
Secunderabad	...	...	29 9	17 12	17 4	14 13	135 0	125 0	125 0	10 14	10 14	10 11	10 6	10 3	10 3	HYDERABAD ASSIGNED DISTRICTS.
Bolarum	...	...	...	18 15	18 10	14 15	116 14	116 14	116 14	...	...	...	10 12	10 12	10 12	
Chudderghat	...	...	...	18 0	18 0	15 0	80 0	80 0	80 0	...	...	...	9 12	9 12	9 8	
Amráoti	...	...	...	21 12	20 4	16 0	...	...	64 0	12 8	12 8	12 8	12 0	11 8	12 0	
Akola	...	...	...	22 0	21 0	16 0	64 0	64 0	64 0	11 0	11 0	10 0	11 0	11 0	10 0	
Ellichpur	...	...	...	17 12	17 12	11 12	128 0	128 0	64 0	...	...	...	11 0	11 0	11 0	
Buldána	...	...	...	24 0	24 0	14 0	...	...	...	...	...	...	10 0	10 0	10 0	
Wún	...	...	...	20 0	22 0	14 0	200 0	200 0	200 0	...	...	...	11 8	11 0	10 0	
Básim	...	...	...	25 0	24 0	17 0	64 0	64 0	64 0	10 8	9 8	10 8	10 0	9 0	10 0	

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 1st HALF OF NOVEMBER 1884—*concluded.*

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), *Holcus Sorgum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1883.
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Mysore	Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Coorg	Coorg	9 14	9 6	8 6	10 1	9 15	9 15	11 7	11 6	15 5	15 15	17 0	21 0	...	...	...	...	...	...
Rajpootana	Jeypore	18 0	18 0	16 0	27 0	26 0	25 0	6 0	6 0	6 0	7 4	8 0	8 8	22 0	22 0	24 0	22 0	22 0	21
	Kishengurh	19 0	19 0	17 8	26 12	26 12	24 0	9 0	9 0	8 0	10 0	10 0	9 0	22 4	22 4	23 8	23 4	23 4	19
	Kerrowlee	20 0	20 3	18 12	27 8	27 11	25 10	13 12	10 13	10 0	15 10	10 15	10 10	27 8	26 7	25 10	25 0	25 8	22
	Ulwur	19 3	19 5	18 0	27 7	26 11	23 3	6 12	6 12	8 10	11 8	10 3	10 8	27 12	27 0	21 4	28 9	26 2	18
	Bhurtpore (City)	19 8	18 11	17 10	30 0	25 3	22 15	7 6	7 6	7 12	7 10	9 9	9 6	32 8	22 8	22 15	29 4	29 4	20
	Ajmere	18 0	18 0	16 0	27 0	25 0	24 0	8 0	8 0	5 0	8 0	8 0	8 0	25 0	25 0	19 0	19 0	20 0	18
	Deoli Cantonment	26 8	26 5	21 12	40 0	37 6	31 9	...	...	...	9 4	9 4	9 4	36 8	35 0	25 3	32 4	32 0	25
	Erinpura	21 1	21 1	16 4	28 12	28 12	25 2	...	...	...	7 10	7 10	7 8	21 0	21 0	20 0	20 5	20 5	20
	Sirohee	17 8	18 0	13 8	25 0	25 0	25 0	6 8	6 8	6 8	7 8	7 8	8 0	18 0	18 8	14 0	19 8	19 8	18
	Abu	16 0	16 8	12 12	20 8	20 8	20 0	6 0	6 0	6 8	7 8	7 4	8 0	...	...	...	16 4	16 0	14
	Anadra	18 0	18 0	14 0	23 8	23 8	23 0	6 4	6 6	7 0	8 0	8 0	8 4	...	...	...	18 8	18 0	16
	Bálmere	16 0	15 8	15 4	...	...	...	5 8	5 4	6 0	9 8	9 0	8 8	...	...	...	35 8	35 0	28
	Jeysalmere	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Hilly Tracts of Meywar	20 0	18 0	18 0	22 0	22 0	21 0	...	...	...	14 0	12 0	12 0	...	...	...	...	...	...
	Meywar (Oodeypore)	24 9½	23 7	15 10	36 7½	34 6	22 10½	8 3½	8 9½	7 13	...	...	...	...	...	...	...	...	...
	Bánswára (Meywar Agency)	28 12	27 8	18 12	...	...	...	10 0	7 8	10 0	18 12	17 8	17 8	...	...	...	...	...	...
	Partábgarh („)	25 2	23 7	16 11	...	...	...	10 0	10 0	10 0	12 15	13 12	13 2	...	...	...	...	...	...
	Marwar (Jodhpore)	18 0	19 12	16 4	25 0	22 8	21 4	5 0	5 9	6 4	7 12	8 2	7 8	20 0	20 0	19 6	20 0	20 0	18
	Bikaneer	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Boondee	30 12	30 0	24 8	60 0	53 0	40 0	7 0	7 8	9 8	7 8	8 0	10 0	55 0	55 0	38 4	...	...	...
	Kotah	31 0	30 0	24 0	40 0	40 0	25 0	7 0	7 0	8 0	7 8	7 8	11 0	47 8	47 8	32 0	18 0	18 0	16
	Tonk	23 6	23 8	20 12	36 8	35 8	30 0	7 0	6 8	6 8	8 0	7 8	8 8	39 4	38 8	30 0	30 0	34 8	24
	Jhallawar	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Shahpoora	24 0	23 4	20 2	37 8	35 8	28 12	7 12	7 12	11 0	9 12	9 12	14 4	28 12	35 0	24 0	20 0	20 0	19
	Dholpur	18 2	18 2	16 7	28 4	25 5	28 6	9 0	9 0	10 2	10 2	10 2	11 4	36 1	24 14	23 6	35 0	37 10	20
Central India	Indore	21 8	21 0	15 12	...	...	...	9 3	9 3	9 3	10 0	10 0	10 14	28 3	28 3	21 14	22 0	22 0	19
	Gwalior	18 10	18 6	17 7	19 10	20 1	28 5	7 5	7 3	7 13	8 13	8 15	9 2	23 13	23 5	24 10	22 15	24 10	19
	Goona	30 0	30 0	26 0	21 0	21 0	20 0	8 0	8 0	9 0	9 0	9 0	10 0	45 0	48 0	40 0	20 0	20 0	20
	Baghelkhand (Sutna)	25 0	25 12	26 9	40 0	40 0	47 5	8 0	8 0	7 0	20 0	19 0	18 12	...*	...*	36 5	18 0	18 0	29

* Not sold.

Districts.	Lesser Millets, Bari, &c. (Kavaru, Verargu, Sawee, Cheena, Coraloo, Murhwa, Nuclee), *Panicum Miliaceum*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.	Provinces.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	
Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	...	...	...	...	...	...	...	...	...	...	...	No	return	receiv	ed.	Mysore
Coorg	26 7	26 10	28 12	21 4	21 0	29 8	110 0	110 0	110 0	11 2	10 13	9 12	9 15	10 0	9 10	Coorg
Jeypore	...	...	...	24 0	23 0	23 0	...	...	...	16 4	16 4	15 0	16 0	16 0	14 12	Rajpootana
Kishengurh	...	...	...	25 8	25 8	24 0	...	...	...	...	...	...	16 0	16 0	16 0	
Kerrowlee	...	...	...	25 0	23 15	27 8	...	...	...	14 4	14 4	13 15	14 4	13 14	13 12	
Ulwur	...	...	...	25 6	25 13	22 11	...	...	...	16 4	16 4	15 7	15 8	15 8	14 12	
Bhurtpore (City)	...	...	...	23 8	22 7	23 3	...	...	...	12 4	12 4	12 4	12 0	12 0	12 0	
Ajmere	...	...	...	24 0	24 0	25 0	80 0	80 0	80 0	17 0	17 8	17 0	15 0	15 8	15 0	
Deoli Cantonment	...	...	...	31 11	30 12	30 6	220 0	220 0	220 0	...	...	...	13 11	12 14	13 10	
										R a. p.	R a. p. per md.	R a. p				
Erinpura	...	...	...	22 0	22 0	21 4	190 0	190 0	160 0	3 0 4	3 0 4	3 0 6	13 0	13 0	12 6	
Sirohee	...	...	...	21 0	21 0	16 0	210 0	210 0	160 0	2 12 0	2 12 0	3 0 0	13 5	13 5	12 5	
Abu	...	...	...	17 12	17 8	16 0	160 0	160 0	160 0	3 1 6	3 1 6	3 6 0	13 0	13 0	12 0	
Anadra	...	...	...	20 0	20 0	18 0	...	...	...	2 15 0	2 15 0	3 4 0	13 8	13 8	12 4	
Bálmere	...	...	...	13 0	13 0	15 0	280 0	280 0	300 0	2 3 3	2 3 3	2 5 0	18 4	18 4	17 0	
Jeysalmere	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Hilly Tracts of Meywar	...	...	...	20 0	20 0	23 0	†	‡	§	4 0 0	4 2 0	3 10 0	10 0	9 8	11 2	
										S. Ch.	S. Ch.	S. Ch.				
Meywar (Oodeypore)	...	...	...	24 3½	22 4½	19 8½	200 0	200 0	200 0	12 1½	12 1½	12 8	11 11½	11 11½	12 1½	
										R a. p.	R a. p. per md.	R a. p.				
Bánswára (Meywar Agency)	...	...	...	40 0	35 0	33 12	...	...	...	3 5 9	...	...	12 8	12 8	11 4	
Partábgarh („)	...	...	...	31 4	31 1	19 11	...	...	...	2 4 3	...	...	17 10	16 8	16 4	
Marwar (Jodhpore)	...	...	...	23 12	22 8	20 0	90 0	90 0	...	2 5 6	2 10 9	...	16 12	15 0	15 10	
										S. Ch.	S. Ch.	S. Ch.				
Bikaneer	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Boondee	...	...	...	42 8	32 0	37 0	160 0	160 0	120 0	11 8	11 8	12 8	11 0	11 0	12 4	
Kotah	...	...	...	37 0	37 0	32 0	240 0	240 0	240 0	12 0	12 0	13 8	11 8	11 8	13 0	
Tonk	...	...	...	29 12	29 8	30 0	80 0	80 0	100 0	13 8	12 12	13 8	13 4	12 8	13 4	
Jhallawar	...	...	...	...	...	...	...	...	...	...	...	...	No return received			
Shahpoora	...	...	...	26 12	35 8	23 0	160 0	160 0	160 0	14 6	13 5	14 0	14 4	13 4	13 10	
Dholpur	...	...	...	19 8	19 12	24 8	...	...	...	13 12	13 12	13 8	12 14	12 14	12 10	
Indore	...	...	...	25 4	24 0	18 0	100 0	100 0	100 0	11 8	11 8	12 0	11 4	11 4	11 6	Central India
Gwalior	...	...	...	18 4	17 6	21 15	127 12	146 0	109 8	12 6	12 6	...	11 14	11 14	12 0	
Goona	...	...	...	31 0	30 0	35 0	200 0	200 0	200 0	12 13	12 12	12 8	12 0	12 8	12 0	
Baghelkhand (Sutna)	...	...	...	30 0	32 0	35 8	160 0	160 0	160 0	11 15	11 14	12 0	11 12	11 14	11 4	

† Eleven pies per bundle. ‡ Ten pies per bundle. § Eight pies per bundle.

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st HALF OF AUGUST AND 2nd HALF OF OCTOBER 1884, PUBLISHED IN PAGES 1330, 1331, 1630 AND 1631 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 13th SEPTEMBER AND 29th NOVEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat.			Barley.			Rice. Best sort			Rice. Common			Great Millet (Cholum, Jowar), *Holcus Sorghum*.			Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*.			Lesser Millets, Ragi, &c. (Kavaru, Veragoo, Sawee, Cheena Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c.			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
	1st half of August 1884.																																	
N.-W. Provinces.	Dehra Dun	18 8	18 8	17 8	25 0	26 0	29 0	6 8	6 8	6 8	10 0	10 0	11 0	22 0	21 0	24 0	20 0	20 0	24 0	...	...	...	20 0	20 0	21 8	160 0	160 0	160 0	11 8	11 8	11 8	11 0	11 0	10 8
	Sahára npur	21 8	20 13¼	18 4½	25 13	25 13	27 15	7 8¼	7 8¼	7 8¼	9 11	9 11	11 13	23 10¼	22 9	29 0¼	21 8	21 8	21 8	...	...	...	25 4	24 11¼	24 11¼	129 0	129 0	129 0	13 2½	13 2½	12 14½	12 14½	12 14½	13 5
	Muzaffarnagar	21 0	20 4	17 10	28 11	28 11	30 12	6 9	6 9	6 9	11 0	11 0	12 2	25 5	23 2	30 12	22 0	22 0	26 6	...	...	...	25 5	24 14	23 2	132 0	132 0	110 0	12 10	12 10	12 6	12 2	12 2	11 8
	Meerut	20 0	19 12	17 0	25 0	25 0	27 0	6 0	6 0	6 8	12 0	12 0	14 0	21 0	21 0	27 0	21 0	21 0	20 0	...	...	...	24 8	24 0	23 0	110 0	110 0	110 0	12 8	12 8	12 8	12 0	12 0	12 0
	Bulandshahr	21 4	20 8	17 8	26 0	25 0	26 0	6 0	6 0	6 0	9 0	9 10	10 0	26 0	22 0	28 8	20 0	20 0	16 0	...	...	...	22 0	22 0	23 0	120 0	120 0	140 0	12 8	12 0	12 0	...	...	...
	Aligarh	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Kumaun	11 8	13 0	15 0	15 0	15 0	18 0	8 0	8 0	10 0	8 8	8 8	12 0	...	...	...	...	...	...	...	...	...	11 0	12 0	12 0	200 0	200 0	200 0	7 8	9 0	8 0	7 0	8 0	7 0
	Garhwál	15 0	15 0	20 0	17 8	17 8	22 0	8 0	8 0	9 0	13 0	13 0	15 0	...	...	...	22 0	22 0	30 0	...	...	...	8 0	8 0	10 0	280 0	280 0	280 0	8 8	8 8	8 8	7 8	7 8	7 13
	Bijnor	18 0	18 4	16 14	24 3	24 12	26 7	8 7	8 7	9 9	9 9	9 0	10 11	20 4	20 4	20 4	21 6	21 6	20 4	...	...	...	19 2	20 4	19 11	135 0	135 0	135 0	...	...	...	11 4	11 8	11 4
	Moradabad	20 0	19 0	18 7	26 8	25 0	29 6	9 0	9 0	8 12	11 8	11 11	12 12	26 0	24 0	26 14	25 8	25 0	15 4	...	...	...	21 8	21 4	21 14	125 0	125 0	125 0	13 2	13 10	12 10	13 0	13 8	13 8
	Budaun	20 6	19 12¼	17 1	27 9¼	25 12¼	25 3	9 9¼	9 9¼	6 0	12 0	12 0	12 0	19 3	19 3	...	24 0	22 12½	...	...	...	...	20 6	20 14	21 9¼	192 0	192 0	192 0	12 4½	12 0	11 6	11 11	11 6	10 12¼
	Bareilly	19 6	18 12	17 8	25 0	24 11	24 6	5 0	5 0	7 8	11 9	11 12	12 13	22 8	22 8	23 12	23 12	23 12	18 12	...	...	...	20 10	20 0	21 14	137 8	137 8	125 0	12 8	12 8	12 3	12 3	12 3	11 14
	Sháhjahánpur	22 12	21 8	19 0	32 12	30 4	32 0	8 4	8 4	9 12	13 8	13 0	15 8	...	...	...	...	...	...	...	...	...	22 8	22 0	23 8	160 0	160 5	160 0	13 6	13 4	13 0	11 8	11 4	11 0
	Tarái Pergunnahs	21 4	20 10	21 6	31 4	31 4	35 0	7 14	7 14	8 12	11 8	11 8	13 12	27 8	27 8	20 0	25 0	25 0	10 0	...	...	...	18 12	19 6	20 0	120 0	120 0	120 0	11 8	11 14	11 4	11 4	11 8	10 11
	Muttra	19 0	19 0	15 0	24 0	24 0	22 0	7 0	7 0	7 0	10 8	10 8	11 8	24 0	14 0	22 0	23 0	18 0	19 0	...	...	...	21 0	21 0	22 0	120 0	120 0	120 0	14 0	13 8	13 0	13 8	13 0	12 8
	Agra	18 4	18 4	15 4	24 0	23 8	21 8	5 0	5 0	5 8	10 0	10 0	11 8	21 0	20 8	21 0	22 0	21 8	20 0	...	...	...	22 0	21 8	21 0	100 0	100 0	100 0	14 0	14 0	13 8	13 8	13 8	13 0
	Furukhabad	20 12	20 11	17 10¼	29 5¼	28 10	23 13¼	6 14¼	7 8	7 4	11 4	12 8	12 10	24 8	24 7	23 10	27 4	26 11	21 8	...	...	...	22 15	23 6	22 13	114 8	125 0	145 0	12 10	12 10	13 4	11 12	11 10	11 9
	Mainpuri	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Etáwah	20 0	20 0	15 0	25 0	24 8	20 0	6 0	6 0	6 0	11 0	11 8	12 0	24 0	24 0	20 0	24 0	24 0	18 0	...	...	...	23 0	24 0	21 0	100 0	100 0	100 0	13 0	13 0	12 0	12 0	12 0	11 0
	Etah	21 3	21 2	17 1	26 5	26 13	23 0	7 11	7 11	12 5	11 5	11 5	17 0	20 0	...	16 0	20 0	...	17 0	...	...	...	22 0	21 11	21 0	140 0	153 0	167 0	12 13	11 13	12 0	12 2	12 8	11 8
	Jalaun	22 8	22 8	18 0	24 0	24 0	20 0	9 0	9 0	10 0	10 0	10 0	11 0	26 0	26 0	25 0	25 0	25 0	22 0	...	...	...	28 8	28 8	28 0	140 0	140 0	140 0	12 0	12 0	11 0	11 0	11 0	10 0
	Jhánsi	22 8	21 8	20 3	25 12	25 0	29 14	7 0	7 0	8 6	12 0	12 0	14 8	25 12	24 0	29 8	17 8	17 8	...	...	...	...	24 14	23 12	27 3	200 0	200 0	200 0	11 12	11 12	11 0	10 12	10 12	10 0
	Lalitpur	27 2	26 14	19 0	36 0	37 0	33 0	8 0	9 0	9 0	11 0	11 0	11 0	36 8	34 0	29 0	28 0	28 0	24 0	...	...	...	35 8	33 8	28 0	160 0	160 0	180 0	11 8	11 4	11 0	10 12	11 6	10 0
	Cawnpore	21 0	21 0	18 0	29 0	28 0	26 8	9 0	9 0	10 0	12 0	12 0	13 8	26 8	26 0	26 8	27 8	27 0	23 0	...	...	...	26 0	25 8	26 0	140 0	140 0	145 0	14 0	13 8	13 4	13 8	13 0	13 0
	Fatehpur	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Bánda	24 0	24 8	23 0	32 0	31 0	31 0	8 0	8 0	8 0	12 0	12 0	13 8	32 0	36 0	37 0	30 0	32 0	31 0	...	...	...	33 0	33 0	36 0	160 0	160 0	160 0	11 8	11 6	11 0	11 0	10 8	10 8
	Allahabad	18 8	18 12	16 14	25 12	25 12	27 10	8 8	8 0	11 0	15 0	14 0	15 0	24 8	24 8	30 8	24 12	24 8	29 12	...	...	...	27 0	27 0	29 4	120 0	120 0	120 0	12 0	12 0	12 0	11 0	11 0	11 0
	Hamírpur	22 7	20 15	16 0	...	...	...	8 8	8 8	8 0	11 4	11 4	...	29 4	27 9	22 6	28 2	27 0	20 0	...	...	...	31 8	30 2	25 0	140 0	140 0	140 0	11 4	11 0	11 4	10 8	10 6	10 0
	Jaunpur	19 8	20 6	19 13	23 12	26 1	31 12	7 1	7 1	7 12	11 4	11 4	14 2	...	...	...	19 8	19 11	...	...	...	...	22 6	21 14	31 1	130 0	130 0	148 12	10 12	10 12	10 12	10 10	10 10	10 10
	Gorakhpur	19 13	19 13	18 14	23 6¼	23 6¼	28 13	11 4	11 4	12 9¼	14 5	13 15	16 3	21 9½	21 9½	...	12 9½	12 9½	...	...	...	...	22 1	22 8	29 11	160 0	160 0	160 0	11 0	10 9½	10 9½	10 13	10 6¼	10 6¼
	Basti	18 12	19 8	18 0	23 0	24 0	30 0	10 0	11 12	13 0	12 8	12 8	16 0	...	...	...	...	...	...	...	...	...	20 8	21 4	30 0	120 0	120 0	150 0	10 2	10 2	8 0	9 12	9 12	8 0
	Azamgarh	18 1	17 11	17 11	22 8	22 8	25 13	11 1	11 1	10 5	13 0	13 0	14 12	...	...	...	20 10	20 10	20 10	...	...	...	21 0	21 0	25 13	177 8	177 8	147 8	11 2	11 2	10 8	10 8	10 8	9 14
	Mirzapur	17 0	17 0	16 0	22 0	22 0	25 0	8 0	8 0	10 0	12 0	13 0	12 0	22 0	22 0	26 0	20 0	21 0	24 0	...	...	...	21 0	21 0	24 0	100 0	100 8	60 0	10 0	10 0	11 0	8 0	8 0	9 0
	Benares	18 4	18 2	17 1	22 12	21 11	26 0	8 15	8 15	10 13¼	12 7½	12 7½	16 0	25 0	25 8	26 0	21 6	21 6	27 10	...	...	...	21 6	21 6	25 14½	100 0	100 0	90 0	10 11	10 11	10 6½	9 13½	9 13½	10 8
	Gházipur	18 0	16 10¼	19 5	21 4	23 13¼	27 11	6 7	6 7	9 0	12 4	11 9	15 7	...	...	25 12	20 9½	20 9½	25 12	...	...	...	22 8½	23 8	20 11¼	128 12	128 12	128 12	11 9	11 8	10 15½	10 5	10 5	10 5
	Balia	18 0	18 0	18 12	22 10	22 10	27 8	11 0	11 0	10 0	14 2	14 2	18 12	...	...	...	...	...	...	...	...	...	23 2	23 2	26 4	100 0	100 0	90 0	12 0	12 0	11 4	11 12	11 12	11 4
	Philibhít	18 8	18 2	19 4	27 8	29 0	34 8	10 0	10 0	13 8	12 8	12 8	15 0	18 12	...	16 0	20 0	...	...	...	...	...	18 12	18 2	24 3	150 0	150 0	150 0	13 0	13 0	13 0	12 8	12 8	12 12
Oudh.	Sultánpur	21 0	21 0	20 0	25 4	28 0	32 0	11 0	11 0	11 0	15 0	15 0	16 0	...	...	...	...	...	...	...	...	...	24 0	26 0	31 0	160 0	160 0	160 0	12 12	12 8	12 0	12 8	11 12	11 12
	Partábgarh	21 4	21 0	20 11	28 5	29 2	31 1	13 13	13 14	15 4	15 9	15 10	16 13	...	...	...	...	...	...	...	...	...	23 13	22 14	27 8	180 0	180 0	200 0	12 0	12 0	11 0	10 12	10 14	10 14
	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	8 0	8 0	10 8	12 0	12 0	15 0	...	...	...	...	...	19 0	...	...	...	22 0	22 0	23 0	120 0	120 0	120 0	10 8	10 8	11 0	10 0	10 0	10 0
	Kheri	22 0	22 8	23 4	31 0	32 8	36 0	7 0	7 0	7 0	11 0	11 4	15 0	29 0	36 0	45 0	27 0	...	...	...	...	...	23 0	25 0	29 0	140 0	140 0	120 0	11 0	11 0	10 8	10 8	10 8	10 0
	Lucknow	21 0	20 10	17 10	28 4	27 2	27 14	6 0	6 0	6 0	12 0	12 0	12 15	27 0	26 4	29 0	27 0	27 0	28 1	...	...	...	23 4	23 2½	23 7	120 0	120 0	115 0	11 8	11 8	11 0	11 0	11 0	10 8
	Bára Banki	22 0	20 8	18 0	29 0	27 0	30 0	6 0	6 0	10 0	11 0	11 0	14 0	27 0	27 0	30 0	28 0	28 0	22 0	...	...	...	26 0	25 0	25 0	120 0	120 0	130 0	12 0	12 0	12 0	11 0	11 0	11 0
	Bahraich	21 0	21 0	17 0	29 0	29 0	36 0	12 8	12 8	10 0	14 0	14 0	16 0	28 0	28 0	33 0	...	...	22 0	...	...	...	28 0	28 0	32 0	160 0	160 0	160 0	...	...	...	11 0	11 0	9 8
	Rai Bareli	21 4	21 4	19 4	27 8	27 0	26 8	...	...	...	14 8	14 0	15 12	...	...	...	...	...	22 0	...	...	...	26 0	25 4	24 8	200 0	200 0	160 0	...	...	...	10 0	10 0	10 0
	Sitapur	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Gonda	21 2	21 8	21 1	25 8	27 6	43 0	12 4	12 4	14 8	14 4	14 4	15 10	23 12	25 8	37 8	23 4	22 4	21 8	...	...	...	24 0	24 4	33 14	200 0	200 0	200 0	11 8	11 8	11 4	11 4	11 4	11 0
	Unáo	21 8	21 0	17 8	28 0	27 0	28 0	8 0	8 0	10 0	13 0	13 0	13 0	28 0	28 0	28 0	23 0	23 0	23 0	...	...	...	26 8	26 0	24 4	160 0	160 0	160 0	...	...	...	11 8	11 8	11 8
	Hardui	20 8	20 8	16 14	30 13	30 0	27 11	6 0	6 0	5 10	10 11	12 0	11 4	...	...	...	...	...	14 14	...	...	...	23 8	23 8	20 14	160 0	160 0	200 0	10 8	10 8	9 6	7 8	7 8	7 8
	2nd half of October 1884.																																	
N.-W. Provinces.	Dehra Dún	19 0	19 0	18 0	26 0	26 0	26 0	6 8	6 8	6 8	10 0	10 0	10 8	26 0	26 0	26 0	21 0	21 0	20 0	...	...	...	24 0	24 0	22 8	160 0	160 0	160 0	11 8	11 8	11 0	11 0	11 0	10 8
	Saháranpur	23 1	23 1½	19 5½	32 4	32 4	25 13	8 9½	8 9½	7 8½	11 13	11 13	12 14	31 3	31 3	26 14	26 15	26 14	25 13	...	...	...	29 0½	29 0½	24 11	107 8	107 8	129 0	13 7	13 7	13 2½	12 15	12 14	12 12½
	Muzaffarnagar	23 2	23 2	18 2	33 0	30 12	31 14	6 9	6 9	6 9	13 4	12 10	13 4	26 6	26 6	26 6	26 6	22 0	23 2	...	...	...	27 8	27 8	24 14	132 0	132 0	110 0	12 2	12 10	12 6	11 8	12 2	11 8
	Meerut	21 12	22 0	17 8	26 0	27 0	29 0	6 8	6 8	6 8	12 0	12 0	13 0	26 0	26 0	27 0	24 0	24 0	21 0	...	...	...	26 8	27 0	23 8	100 0	100 0	110 0	13 8	13 0	12 8	13 0	12 8	12 0
	Bulandshahr	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Aligarh	21 8	21 0	18 0	28 0	28 0	24 8	5 8	5 8	6 8	10 0	10 0	10 8	22 0	22 0	28 0	31 0	26 0	23 0	...	...	...	22 0	23 0	22 8	120 0	120 0	120 0	14 0	14 0	12 8	12 4	12 8	12 0
	Kumaun	12 0	12 0	15 0	14 0	14 0	18 0	8 0	8 0	10 0	8 8	8 8	13 0	...	...	...	...	...	...	...	...	...	11 0	11 0	14 0	200 0	200 0	200 0	8 0	8 0	9 0	7 0	7 0	8 0
	Garhwál	12 0	14 0	21 0	17 8	17 8	22 0	7 0	8 0	9 0	10 0	12 8	15 4	...	...	...	22 0	22 0	30 0	...	...	...	8 0	8 0	9 0	280 0	280 0	280 0	6 0	6 0	9 0	5 0	5 0	8 8
	Bijnor	18 9	18 2	18 14	21 15	23 1	29 4	9 0	8 7	11 13	12 6	9 9	13 8	...	...	...	22 8	...	21 6	...	...	...	20 4	18 14	21 6	115 0	135 0	135 0	...	...	...	11 8	11 4	11 8
	Moradabad	20 5	20 5	20 0	25 8	26 0	28 12	9 8	9 8	9 4	12 10	12 10	14 0	28 0	28 0	28 0	28 0	28 0	16 4	...	...	...	21 12	21 12	21 14	125 0	125 0	125 0	13 4	13 4	12 10	12 8	13 0	12 8
	Budaun	19 3	19 3	21 9¼	25 3	28 12¼	31 3	9 9½	6 0	6 0	15 9¼	14 6	15 9¼	...	...	...	27 0	24 0	27 9½	...	...	...	19 12½	19 12¼	24 9½	192 0	192 0	192 0	12 0	12 0	12 0	11 10¼	11 11¼	11 6
	Bareilly	18 12	19 1	19 6½	25 0	20 10	31 4	7 8	6 4	7 8	12 4	11 9	15 0	25 10	25 0	27 8	25 5	25 0	25 0	...	...	...	21 4	20 10	23 12	100 0	100 0	125 0	13 12	12 15	13 3	13 2	12 8	11 14
	Sháhjahánpur	23 0	24 0	22 8	31 0	31 8	35 4	8 0	8 8	9 12	15 0	13 8	18 4	...	...	...	...	...	...	...	...	...	21 0	20 10	26 0	150 0	140 0	160 0	13 8	13 6	13 0	11 8	11 8	11 0
	Tarái Pergunnahs	22 8	22 8	22 8	25 0	27 8	35 0	8 2	8 2	8 12	14 6	14 6	15 0	40 0	43 12	31 4	25 0	25 0	25 0	...	...	...	16 4	15 0	20 0	160 0	120 0	120 0	11 4	11 4	11 8	11 0	11 0	11 0
	Muttra	19 8	19 8	17 8	26 8	26 8	23 8	7 0	7 0	7 0	11 0	11 0	12 0	24 0	24 0	23 0	26 0	26 0	20 0	...	...	...	22 8	22 8	23 0	100 0	110 0	120 0	14 8	14 8	14 0	14 0	14 0	12 8
	Agra	19 4	19 0	17 0	27 0	26 8	23 0	5 0	5 0	5 0	10 0	10 0	11 8	22 8	22 8	23 0	27 0	25 0	20 8	...	...	...	22 4	22 4	23 0	100 0	100 0	100 0	14 0	14 0	13 8	13 8	13 8	13 0
	Farukhabad	19 0	20 7	18 14½	31 2	31 4	27 15	6 0	6 8	7 4	14 4	12 4	13 6	24 8	24 8	21 14½	27 4	27 8	23 5	...	...	...	22 8	23 14	24 12	109 0	109 4	156 8	12 4½	13 4½	12 4	11 5	12 5	11 9
	Mainpuri	20 8	19 8	18 4	26 8	27 8	24 0	4 0	4 0	4 0	8 0	8 0	7 0	...	...	...	21 0	...	21 0	...	...	...	17 0	20 8	23 12	80 0	80 0	160 0	13 0	13 0	11 8	11 8	11 8	11 0
	Etáwah	22 8	21 8	18 8	26 0	26 0	22 0	6 0	6 0	6 0	12 0	12 0	12 0	28 0	26 0	24 0	27 0	26 0	25 0	...	...	...	24 0	24 0	25 0	100 0	100 0	100 0	14 0	14 0	12 0	13 8	13 8	11 0
	Etah	21 8	21 5	19 14	28 4	28 13	26 12	7 4	7 5	7 8	11 8	11 5	13 0	...	...	...	29 0	...	22 10	...	...	...	24 4	23 0	23 2	140 0	146 0	150 0	12 12	13 0	12 4	12 8	12 5	11 4
	Jalaun	23 0	23 0	18 0	24 0	24 0	20 0	9 0	9 0	10 0	10 0	10 0	11 0	26 0	26 0	25 0	25 0	25 0	22 0	...	...	...	30 0	30 0	28 0	...	140 0	140 0	11 0	11 0	10 0	12 0	12 0	11 0
	Jhánsi	23 14	23 8	21 4½	26 5	25 0	33 0	8 0	8 0	8 0	16 0	16 0	13 0	26 6	26 0	30 0	19 12	19 0	23 14	...	...	...	24 0	23 8	29 13½	200 0	200 0	200 0	11 12	11 12	12 0	10 12	10 12	11 0
	Lalitpur	26 14	27 4	23 1	36 0	36 0	37 8	9 0	8 0	10 0	11 0	11 0	13 0	38 0	38 0	35 8	26 0	28 0	26 0	...	...	...	29 8	31 0	33 0	160 0	160 0	160 0	11 4	9 12	12 0	11 0	9 8	11 8
	Cawnpore	24 0	21 12	19 0	32 0	28 0	29 8	9 0	9 0	10 0	13 0	12 0	14 0	30 0	30 0	30 0	30 0	29 0	26 8	...	...	...	26 0	25 0	29 0	130 0	130 0	140 0	16 0	16 0	13 8	14 0	14 0	13 0
	Fatehpur	20 4	20 4	16 14	26 8	26 8	25 12	9 8	9 8	11 4	16 0	16 0	15 8	...	...	...	...	...	...	...	...	...	26 4	25 4	28 8	160 0	160 0	200 0	11 8	11 8	11 0	11 4	11 4	10 12
	Bánda	22 8	24 0	23 0	27 0	27 0	30 0	7 8	7 8	8 0	12 0	10 0	12 0	29 0	30 0	40 0	29 0	30 0	33 0	...	...	...	31 0	32 0	40 0	160 0	160 0	160 0	12 0	12 0	12 0	11 0	11 0	11 0
	Allahabad	18 12	18 8	17 6	25 0	24 0	28 2	8 12	9 8	11 0	17 0	17 8	15 12	25 8	27 8	32 8	26 0	24 0	31 0	...	...	...	27 0	26 12	29 4	120 0	120 0	150 0	12 0	12 0	12 0	11 0	11 0	11 0
	Hamírpur	21 0	20 13	20 4	...	...	22 8	10 0	9 0	10 0	12 11	11 12	12 0	28 2	28 2	28 2	27 6	27 8	29 4	...	...	...	29 4	29 4	38 4	140 0	140 0	140 0	11 4	11 4	11 13	10 0	10 0	11 0
	Jaunpur	21 0	21 3	19 0	25 0	25 0	26 14	7 0	7 1	7 12	15 8	12 12	12 12	...	...	31 1	...	...	22 9	...	...	...	24 0	24 0	26 14	120 0	120 0	148 12	10 12	10 12	10 12	10 10	10 10	10 10
	Gorakhpur	19 5	18 14	18 0	21 9½	21 9½	27 0	12 9½	12 9½	11 11	16 10	16 3	16 3	27 0	27 14	32 6¼	23 6¼	...	...	...	...	...	18 0	18 0	29 11	160 0	160 0	160 0	11 0	10 0	10 9½	10 6¼	10 13	10 6¼
	Bastí	21 0	19 8	18 0	23 0	21 0	25 12	10 0	10 0	10 0	13 0	12 8	15 0	...	...	...	...	...	...	...	...	...	18 8	18 12	27 0	160 0	160 0	150 0	9 12	10 8	8 8	9 0	9 12	8 0
	Azamgarh	18 1	18 1	16 4	23 10	22 2	22 2	10 5	11 2	10 5	12 8	14 12	14 12	29 8	29 8	25 1	20 10	20 10	20 10	...	...	...	21 0	20 0	24 6	177 8	177 8	147 8	11 1	11 2	10 8	11 2	10 8	9 14
	Mirzapur	18 8	18 0	17 0	22 0	22 0	26 0	7 8	8 0	10 0	13 0	12 0	13 0	24 0	23 0	26 0	22 0	22 0	24 0	...	...	...	22 0	22 0	25 0	100 0	100 0	70 0	11 0	11 0	10 0	8 0	8 0	9 0
	Benares	18 2	18 7	16 13	22 12	23 5	23 11	8 15	8 15	10 5	15 11¼	15 11¼	16 4	23 5	25 0	26 0	21 11	24 6	26 0	...	...	...	23 5	23 1	24 2	90 0	90 0	90 0	10 11	10 11	10 11	9 13½	9 13½	9 13½
	Gházipur	18 10¼	18 10¼	18 0	23 3	23 3	24 7	6 7	6 7	9 0	12 4	12 4	14 2¼	25 12	25 12	24 7	21 4	21 4	25 1½	...	...	...	22 8½	22 8½	25 1¼	128 12	128 12	128 12	11 9	11 9	10 15½	10 5	10 5	10 5
	Balia	19 8	19 8	19 5	23 2	23 2	27 0	10 4	11 0	9 0	11 8	12 14	15 8	27 0	27 0	...	20 12	20 12	...	...	...	...	23 2	23 2	25 12	100 0	100 0	100 0	11 12	11 12	11 8	11 8	11 8	11 8
	Philibhít	18 0	19 0	20 8	23 12	25 8	36 0	13 12	13 8	15 0	17 8	17 8	20 0	...	...	35 0	...	...	...	...	...	...	17 8	18 0	25 0	150 0	150 0	150 0	13 0	13 0	13 0	12 8	12 8	12 8
	Almora	No return received	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Oudh.	Sultánpur	22 0	22 0	20 0	28 0	28 0	32 0	11 0	11 0	11 0	20 0	20 0	18 0	...	...	...	...	...	...	...	...	...	23 0	23 0	30 0	160 0	160 0	160 0	12 12	12 12	12 4	12 8	12 8	12 0
	Partábgarh	21 3	21 12	18 6	29 13	28 1	29 13	18 5	18 0	16 14	20 5	20 4	18 12	...	...	...	...	...	31 6	...	...	...	22 0	21 13	26 5	160 0	160 0	200 0	12 0	12 6	11 0	10 11	10 13	10 13
	Fyzabad	20 0	20 0	17 0	26 0	26 0	26 8	8 8	9 8	10 0	16 0	7 8	16 0	31 0	32 0	30 0	...	...	...	...	...	...	22 8	21 0	26 0	120 0	120 0	120 0	11 8	11 8	11 8	11 0	11 0	11 0
	Kheri	24 0	23 0	22 0	31 0	29 0	23 0	7 0	7 0	7 0	20 0	19 0	14 0	36 0	36 0	40 0	...	...	...	...	...	...	[illegible]	24 0	27 0	140 0	140 0	120 0	10 8	10 8	11 0	10 0	10 0	10 8
	Lucknow	23 0	23 0	18 5½	29 8	28 8	28 12	6 0	6 0	6 0	16 0	14 8	14 4	27 0	27 0	27 9	29 0	29 0	25 4	...	...	...	24 0	23 4	24 7	110 0	110 0	115 0	11 8	11 8	11 2½	11 0	11 0	10 12
	Bára Banki	22 0	21 8	19 0	29 0	28 0	28 0	8 0	9 0	10 0	14 0	15 0	15 0	36 0	39 0	36 0	26 0	26 0	26 0	...	...	...	24 0	25 0	27 0	100 0	120 0	140 0	12 0	12 0	12 0	11 0	11 0	11 0
	Bahraich	20 0	20 0	21 8	25 0	26 0	40 0	12 8	12 8	16 0	14 0	14 0	18 0	42 0	42 0	43 0	...	...	22 0	...	...	...	23 0	23 0	34 8	160 0	160 0	160 0	...	...	...	11 0	11 0	11 0
	Rai Bareli	23 4	22 12	19 4	28 0	28 8	27 8	...	...	...	18 0	17 0	17 4	...	30 0	...	30 0	31 0	29 0	...	...	...	26 0	24 8	26 8	190 0	200 0	160 0	...	...	...	10 8	10 0	10 8
	Sitapur	25 8	24 11	21 15	33 4	35 11	36 11	8 0	8 0	8 0	19 0	18 0	17 5	33 0	30 0	28 6	26 12	33 0	25 0	...	...	...	27 0	26 5	30 6	160 0	160 0	160 0	12 2	12 8	12 0	11 4	12 0	11 8
	Gonda	22 8	22 10	21 4	23 8	22 8	38 4	14 8	14 0	15 8	16 12	15 2	16 14	44 0	41 6	42 0	27 4	27 8	22 0	...	...	...	20 4	21 0	33 0	200 0	200 0	200 0	12 4	11 8	11 8	12 0	11 4	11 4
	Unáo	22 0	21 8	18 0	28 0	27 0	26 0	8 0	8 0	10 0	16 0	13 0	16 0	32 0	40 0	32 0	25 0	23 0	21 0	...	...	...	25 0	24 0	26 0	160 0	160 0	160 0	...	...	...	11 0	11 0	11 0
	Hardui	24 8	23 8	16 14	30 8	30 8	27 11	6 0	6 0	5 10	12 0	12 0	11 4	24 0	24 8	20 14	...	...	16 14	...	...	...	24 0	24 8	20 14	160 0	160 0	200 0	10 8	11 0	9 6	7 8	7 8	7 8

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 10th DECEMBER 1884.

GENERAL REMARKS.—No rain has fallen in the country during the week under report except in a few districts of the Madras Presidency.

In the Madras Presidency the condition of the standing crops is generally good except in Bellary, where more rain is wanted. Harvesting continues in several districts, but the outturn is generally below the average. In Mysore and Coorg agricultural prospects are fairly good. Coffee picking has commenced in Coorg, but the berries are ripening slowly.

In the Central India and Rajputana States, the *rabi* crops are in good condition, and agricultural prospects are on the whole very promising. In the Berars and Hyderabad the *rabi* is thriving. The *kharif* is being reaped and cotton picking continues in the Berars.

In the Bombay Presidency the *kharif* harvest is nearly over; the *rabi* sowings are still in progress in many districts; the condition of the standing crops is generally good, but in parts they are suffering from drought.

Rabi sowings have been completed in the Punjab and in the North-Western Provinces and Oudh, and prospects are very favourable. In the districts of Jullundur and Peshawar more rain is wanted for the crops. In the Central Provinces the *rabi* sowings are approaching completion, and the *kharif* is being harvested. Prospects are favourable.

In Bengal *rabi* prospects are good everywhere except in Backergunge, and in parts of the Moorshedabad district where some damage is being caused by insects. The *amun* harvest is in progress, and in some districts a fair outturn is expected.

In Assam the reaping of the *sali* crop has begun and prospects are generally good. In British Burmah the rice crop is being reaped in some districts and prospects are very good.

The public health is generally good; the mortality from cholera in Coimbatore, Tanjore and Madura continues high.

Prices are on the whole stationary except in Bengal and the North-Western Provinces and Oudh, where they show a tendency to fall.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—(10th Dec.)		
Bellary	*Nil*	Standing crops, dry and wet, suffering from want of rain; harvest paddy and dry grains, yield below average; 8 deaths from cholera.
Kurnool	"	Standing crops good, except in one division and in parts of 2 taluks where they are fading owing to absence of dew; harvest early cereals, yield below average; 1 death from cholera.
Ganjam	"	Small-pox, cholera, and cattle-disease prevalent.
Kistna	"	Standing crops generally good; harvest paddy and *korra*, outturn below average; river 2·8 feet over anicut; smallpox, fever, and cattle-disease exist; 4 deaths from cholera.
Chingleput (Madras)	Average ·12	Standing crops somewhat damaged by the late heavy rains and floods; harvest paddy, yield about half the average; smallpox in 4 taluks, 48 deaths from cholera.
Coimbatore	" ·08	Standing crops generally good; harvest wet and dry crops, outturn about average; fever in 1 taluk; 164 deaths from cholera.
Tanjore	" ·71	Standing crops generally good but damaged by late floods in the coast taluks; harvest paddy and *cholum*, outturn below average; 171 deaths from cholera.
Madura	" ·01	Prospects considerably improved; 128 deaths from cholera.
Malabar	" ·10	Standing crops good; smallpox slight, fever severe in 1 taluk; 5 deaths from cholera.
Travancore	*Nil*	Standing crops paddy thriving; smallpox, fever, and cholera exist. *General Remarks.*—General prospects—fair rain, but deficient in Bellary and Anantapur.
Bombay—(10th Dec.)		
Karachi	. . . . .	River at Kotri on 5th 6 feet 1 inch against 5 feet 5 inches last year; preparations for *rabi* progressing; fever generally prevalent; cattle-disease in 4 talukas; loss of 300 sheep and goats, 141 buffaloes and 64 cows and bullocks; cholera in the taluks of Karachi, Jati, Ghorabari and Shahbander, worst in Jati; smallpox in 8 villages in the districts, 14 fresh cases, 1 death, 13 remaining sick; prices—wheat, red rice, and *bajri* in Karachi 26, 28 and 40, in Manjhand 32, 32 and 41, in Pakro 18, 32 and 44, and in Sajawal 28, 40 and 42 lbs. per rupee respectively.
Hyderabad	. . . . .	*Rabi* prospects good; autumnal fever general; smallpox in 2 and cattle-disease in 4 talukas; wheat 29, *jowari* 40, *bajri* 40, red rice 26, and white rice 20 lbs. per rupee.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd.*		
Ahmedabad	. . . . .	*Rabi* sowing nearly over; fever in some talukas; wheat 31 and *bajri* 33 lbs. per rupee.
Baroda	. . . . .	*Rabi* sowing in progress; cotton crops in good condition; opium sowing continues in Kadi division; fever still prevalent; prices—*bajri* 31 and rice 24 lbs. per British rupee.
Surat	. . . . .	Standing crops healthy; fever in some talukas; *jowari* 32 and *nagli* 44 lbs. per rupee.
Násik	. . . . .	Reaping of *kharif* crops completed; *rabi* crops in good condition; public health generally good; wheat 40, *bajri* 34, and rice 21 lbs. per rupee.
Colaba (Bombay)	. . . . .	Abnormal temperature fell from 3° cool on 3rd to 4° cool on 5th, and then rose 1° cool on 9th; vapour in air defective; abnormal wind generally from north-east.
Poona	. . . . .	Harvesting of *kharif* completed; *rabi* crops doing well, except in Tiru and Indapur; slight small-pox in Purandhar; prices—*bajri* 33 and *jowari* 38 lbs. per rupee; in Poona *bajri* 32 and *jowari* 35 lbs. per rupee.
Ahmednagar	. . . . .	Harvesting of *kharif* continues; *rabi* crops good except in Nagar, Nevasa, Sheogaon, and Rahuri; *jowari* damaged in Srigonda; *bajri* maximum 48 lbs. per rupee in Akola, minimum 36 lbs. in Nagar; *jowari* maximum 60 lbs. per rupee in Sangamner; minimum 33 lbs. in Karjat.
Sholapore	. . . . .	*Rabi* crops withering in all talukas except Barsi; fodder generally scarce and insufficiency of well water in Madhu and Samgola talukas; *jowari* 33 lbs. 28 tolas and *bajri* 33 lbs. 35 tolas per rupee.
Dharwar	. . . . .	Reaping of rice over, that of early *jowari* in progress; late crops withering in Navalgund, Mundargi, and Ron for want of sufficient moisture; exotic cotton blighted in 3 talukas; scarcity of fodder in Navalgund and Ron, that of drinking water in Nargund Petha; rice 22 to 32 and *jowari* 30 to 74 lbs. per rupee.
Kanara	. . . . .	Common rice in Karwar 13 seers per rupee; district average 14⅞ seers; preparing ground for second crop on coast talukas; small-pox, 1 death in Kumta taluka; fever in Honavar, Siddapur, Sirsi, Supa, and Yellapur talukas; *ragi* produce is good; weather settled and fair.
Rajkot	. . . . .	General health good; weather cool; fever generally prevalent; cholera in Katda Sangani; *bajri* 39 and *jowari* 56 lbs. per rupee. *General Remarks.*—*Kharif* harvest completed in most districts; *rabi* sowing continues in several districts; standing crops generally good, but suffering from drought in parts of Poona, Ahmednagar, Sholapur, Dharwar, Kaladgi and Belgaum; scarcity of fodder and drinking water being felt in parts of Sholapur, Dharwar, and Belgaum; fever general; smallpox in parts of 9 and cholera and cattle-disease in parts of 6 districts.
Bengal—(Dec. 9th)		
Chittagong	*Nil*	Weather bright and cool; prospects of crops fair; reaping of *amun* paddy continues; prices of food-grains stationary; public health good, though cholera still continues.
Dacca	"	Prospects of crops good; cutting of paddy and sugarcane continues; pulses and *boro* paddy are being sown; cholera reported from parts of the district.
24-Pergunnahs	"	Harvesting of *amun* paddy is going on with an outturn decidedly above average; winter crops are doing well; price of common rice varies from 11½ to 17 seers per rupee; public health generally good; cases of fever are reported from the Bussirhat sub-division; state of river is usual.
Moorshedabad	"	Weather seasonable; cutting of *amun* paddy continues; *rabi* crops are promising, but in some places they are being damaged by insects; new rice is coming into the market; prices easier; there is a little cholera about; but on the whole public health good.
Rajshahye	"	Weather seasonable; cutting of *amun* paddy general; outturn fairly satisfactory; winter crops generally good; price of rice improving; public health fair.
Burdwan	"	*Amun* paddy is being harvested, the expected outturn is generally poor; prospects of *rabi* crops good; price of common rice varies from 15¼ to 17 seers per rupee; public health good.
Rungpore	"	*Amun* paddy is being cut; prospects of other winter crops continue good; prices of food-grains stationary; fever prevalent.
Bhagulpore	"	Harvesting of *aghani* paddy has begun and prospects are fair; prospects of *rabi* crops good; new rice is selling at 15 seers 12 chattacks per rupee.
Purneah	"	Winter crops good in the north of the district; little or no late paddy in the south; other winter crops promise well; wheat and barley are being sown; price of common rice is 16 seers per rupee; a great deal of fever prevails; rivers still falling.
Patna	"	*Rabi* crops are promising well; reaping of paddy still in progress; poppy crop is in a healthy and promising state; public health good.
Durbhanga	"	Harvesting of paddy is going on; *rabi* crops continue well; prices of food grains stationary; public health good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—*contd.*		
Hazaribagh . .	*Nil*	Weather clear and cold; harvesting of paddy continues; prospects of *rabi* crops generally good; prices of food grains stationary; poppy doing well till now, but water-supply for irrigating the fields scanty; general health good.
Cuttack . . .	"	Weather cool; reaping of early *sarad* still in progress; late *sarad* ripening and in some places it is being cut; prospects of paddy good; price of rice falling; public health generally good; only a few cases of cholera are reported.
Gya	. . . . .	Prospects of opium crop excellent; young plants, especially those of earlier sowing, most thriving; heavy dews very beneficial, but in two *kotees* want of water is felt; *kacha* wells are being dug.
Shahabad . . .	. . . . .	Prospects of poppy crop continue excellent.
Mozufferpore . .	. . . . .	Prospects of poppy crop continue favourable.
Sarun	. . . . .	Weather favourable for poppy crop, prospects of which a e excellent.
Monghyr . . .	. . . . .	Prospects of poppy crop continue good; plants are very healthy and promising.
		General Remarks.—There was no rain during the week in any part of the province; *rabi* crops are doing well everywhere, except in Backergunge; in parts of the Moorshedabad district they are being injured by insects; in a few districts these crops are still being sown; harvesting of *amun* paddy is in progress, and in some districts a fair outturn is expected; prices of food-grains are generally falling; cholera prevails in many districts and fever in some.
N.-W. Provinces and Oudh— (Dec. 11th)		
Benares (Dec. 9th)	No rain . .	Sugarcane being cut; peas, mustard and gram flowering; *rabi* all sown; prospects good; Assistant Opium Agent reports that opium prospects continue favourable; no sickness of man or cattle; prices rising slightly; bazars well stocked.
Gorakhpur (" 8th)	No rain . .	*Rabi* and poppy everywhere sown and promising well; prices steady; public health good.
Fyzabad (" 9th)	No rain . .	Weather clear and cold; prospects of sugarcane good; poppy germinating well; general health good; prices slightly falling.
Lucknow (" 8th)	. . . . .	Weather clear; cold increasing; cultivators busily engaged in irrigating *rabi* and poppy crops; prospects good; condition of both men and cattle good; markets well supplied; prices stationary.
Rai Barelli (" ")	*Nil*	Weathar cold and clear; *rabi* crops in good condition; general health good; supplies ample; prices steady.
Partabgarh (" 9th)	. . . . .	Prospects of the *rabi* still very good; no sickness reported.
Allahabad (" ")	. . . . .	Weather very cold; *rabi* crops thriving; prospects excellent; health good; prices falling slightly.
Cawnpur (" ")	No rain . . .	Weather cold and clear; *rabi* prospects good; poppy sowings completed, except in villages situated near canals; in these the sowings will be finished by about the 10th current; owing to want of water, from 25 to 50 per cent. of the land engaged in these villages cannot be brought under cultivation this season; fever and ague decreasing; a little mouth disease in one pargana; prices steady.
Ballia (" 9th)	*Nil.*	Weather clear and seasonable; crops thriving; health of men and condition of cattle good.
Banda (" 10th)	"	Weather clear; *kharif* crops being threshed; *rabi* prospects good; no distress.
Farakhabad (" 9th)	"	Condition of the people generally good; but fever still prevalent in Aligarh and Chibramau tahsils; *rabi* sowings doing well; poppy backward; canal water reported deficient.
Sitapur . (" ")	"	Wind remains westerly; the agriculturists are engaged in irrigating and the crops are doing well.
Bareilly . (" 8th)	. . . . .	Weather clear and cold; *rabi* crops promising; prices slightly lower; markets well stocked; fever nearly disappeared; cattle healthy.
Kumaon . (" ")	*Nil*	Weather normal; cholera in Bhabar abating; fever and smallpox in a few villages; general health otherwise good; a large number of cattle have been destroyed by disease in Bholi; cattle-disease prevalent also in other parts; prices stationary.
Agra . (" 9th)	No rain . .	*Rabi* crops and poppy thriving; general health good; prices steady.
Jhansi . (" ")	. . . . .	Crops prospering; *kharif* being harvested; supplies plentiful; prices falling; health good.
Meerut . (" 8th)	. . . . .	Weather seasonable; condition of cattle, people and crops good; supplies sufficient; prices steady.
		General Remarks.—Weather seasonable; the prospects of the *rabi* are good, and poppy thriving; markets are well supplied, and prices tend to fall; the condition of cattle is normal; the health of the people generally good.
Punjab— (Dec. 10th)		
Delhi (Dec. 9th)	. . . . .	Health fair; *rabi* sowings completed; prices falling.
Hissar . (")	. . . . .	Fever prevalent in Hissar, but is abating in Rohtak; *kharif* being harvested and winnowed; *rabi* flourishing.
Umballa . (")	. . . . .	Fever abating; *rabi* thriving and prospects good; prices falling.
Jullundur . (")	. . . . .	Health and crop prospects good; rain wanted; prices steady.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Punjab—*contd.*		
Amritsar . (Dec. 9th)	. . . .	Health and crops good; prices slightly falling.
Siálkot . („)	. . . .	Health good; crop prospects favourable; prices stationary.
Ferozepore . („)	. . . .	Fever prevalent in Moga tahsil; *kharif* crop being cut and *rabi* sown; prices nearly stationary.
Lahore . („)	. . . .	Health and crop prospects good; slight rise in price of wheat; prices of other food grains stationary.
Rawalpindi . („)	. . . .	Health and *rabi* crops good; prices falling.
Mooltan . („)	. . . .	Health fair; *rabi* sowings in progress; prices steady.
Dera Ismail Khan („)	. . . .	Health and prospects good.
Peshawar . („)	. . . .	Health good; Rain wanted; prices stationary.
		General Remarks.—No rain; fever abating; *rabi* nearly sown; prospects good; prices on the whole stationary.
Central Provinces—(Dec. 10th)		
Nagpur . . .	. . . .	Weather often cloudy; prospects good; *rabi* would be improved by a few showers; fever and cattle-disease in some places; prices stationary.
Jubbulpore . . .	. . . .	Weather clear and cold; reaping of *kharif* continues; *rabi* sowings in progress; prospects and health good; rice 16 and wheat 28 seers per rupee.
Saugor (Dec. 9th)	. . . .	Weather cold; *rabi* sowings nearly finished; young crops where germinated thriving; *jowar* being cut; cotton-picking general; health good; prices steady.
Seoni	. . . .	Weather very cold; threshing of rice progressing; cattle-disease still reported; prices falling.
Hoshangabad . .	. . . .	Weather clear and cold; *rabi* crops doing well; *jowar* being cut; cotton-picking commenced; health good; wheat 21 and rice 12 seers per rupee.
Khandwa . . .	. . . .	Weather clear and cold; *kharif* reaping continues; prospects and health good; prices falling.
Raipur . . .	. . . .	Weather cold with light clouds; reaping of rice nearly finished, yield good except in low lands where crops suffer from too much moisture; yield of *kodo*, *rahar*, and cotton bad owing to heavy rainfall; health good; prices stationary.
Sambalpur . (Dec. 6th)	. . . .	Weather clear and cold; rice being reaped; prospects unchanged; health good; prices stationary.
		General Remarks.—Weather very cold; *kharif* crops being harvested; *rabi* sowings nearly finished; prospects favourable; health good; prices steady.
British Burma—(Dec. 10th)		
Akyab (Dec. 6th)	*Nil*	Slight cholera still in town and district; reaping commenced in some places; crop prospects very good.
Bassein („ „)	„	Slight cholera and some cattle-disease in 1 township.
Rangoon („ „)	„	Health good.
Amherst („ „) (Moulmein).	„	Reaping progressing.
Tavoy („ „)	„	Reaping of early crops completed, outturn very favourable.
Pegu („ „)	„	Slight cholera in 1 township; harvest commenced briskly; crop prospects very favourable.
Henzada („ „)	„	Reaping progressing; crops promise well.
Prome („ „)	„	Some cholera; crops reported in good condition.
Toungoo („ „)	„	Slight smallpox on frontier; prospects of crops good, in some parts slight damage to crops caused by rats.
Thayetmayo („ „)	„	Reaping continues; harvest prospects fair.
		General Remarks.—Slight cholera in Akyab, Bassein, Pegu, and Prome; also slight smallpox in Toungoo; elsewhere public health good; slight cattle-disease in Bassein; elsewhere health of cattle good; no rainfall during week; crop prospects good in all districts.
Assam—(Dec. 10th)		
Gauhati . . .	No rain during the week ending 9th inst.	Mornings and nights cool; harvesting of *sali* crop begun; sowing of mustard almost over; prospect of sugar cane good; public health fair.
Sylhet . . .	*Nil*	State and prospects of all crops good; cholera very prevalent; smallpox appears to be decreasing slightly.
Cachar . . .	„	Weather cold; reaping of *sali* crops continues; common rice 16 seers per rupee; tea season closed; health good.
Dibrugarh . . .	„	Weather cold; *sali* dhan being reaped, outturn moderate.
Mysore and Coorg—(Dec. 10th)		
Bangalore / Mysore } . .	. . . .	Crops in good condition; prospects fair; prices unchanged; public health good; the same remarks also apply generally throughout the province.
Mercara . . .	. . . .	Harvesting of rice crop in the Yelsavirshime taluk; coffee-picking has commenced generally; but berries are ripening slowly; labour plentiful; colds and fever prevalent owing to high east winds; prices stationary.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Berar & Hyderabad— (Dec. 10th)		
Amraoti	. . . . .	Weather cool and clear; cotton-picking continues; crops in good condition; wheat 22 and *jowari* 16 seers per rupee.
Akola	. . . . .	*Rabi* crops thriving; reaping of *kharif* crops and picking of cotton continue.
Hyderabad	No rain during this week.	Reaping of *abi* rice continues; lands being ploughed for *tabi* sowings; *rabi* crops prospering; no sickness; prices—wheat 14, coarse rice 13½, white *juar* 19, yellow *juar* 23¾ and *tur* 18 seers per halli sicca rupee.
Central India States—		
Indore	*Nil*	Weather cold and clear; health good; agricultural prospects favourable.
Morar (Gwalior) . .	"	Prospects good; weather seasonable.
Sutna	"	Health good.
Neemuch	"	Weather cold; *jowar* has been reaped; sowings of *rabi* and opium completed; health good.
Goona	"	Weather seasonable; health and prospects good.
Agar	"	Health and prospects good.
Sehore	"	Weather clear; prospects of crops and health good.
Nowgong	"	*Kharif* harvest is being reaped; health good; prices steady; weather clear.
Rajputana—		
Abu . . (Dec. 10th)	. . . . .	Weather cold and windy.
Marwar . (" 5th)	. . . . .	Cold increasing; health good; prices stationary.
Harowtee . (" 8th)	. . . . .	Weather cold; health good.
Jhallawar . (" 5th)	. . . . .	Weather seasonable; health and prospects good.
Ajmere . (" 9th)	. . . . .	Slight fever prevalent; prospects good; cold increasing.
Jeypore . (" ")	. . . . .	Weather slightly cloudy; *rabi* crops thriving; prices steady; health good.
Ulwur . (" ")	. . . . .	Health much improved; sowing of *rabi* continues.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

Printed & published for the GOVT. OF INDIA *at the* OFFICE *of* SUPDT. GOVT. PRINTING, *166, Dhurrumtollah Street, Calcutta.*

Quarterly Bengal Army List.

It has been decided to raise the price of the *Quarterly Bengal Army List* from the 1st January 1885. The rate of subscription will therefore be :—

Single copy, town	2-0
„ „ by post . . .	2-6
Annual subscription, town . .	8-0
„ „ by post . .	9-8

All payments must be made in advance to the Superintendent of Government Printing, India, 166, Dhurrumtollah Street, Calcutta.

E. J. DEAN,
Publisher.

6th December 1884.



The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 50.} CALCUTTA, SATURDAY, DECEMBER 13, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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SUPPLEMENT No. 50.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 9th December 1884.

With reference to Home Department Notification in the *Gazette of India* of November 22nd on the arrival of the Earl of Dufferin in Calcutta, the route taken will be by Strand Road, Fairlie Place, Dalhousie Square North, and so down Old Court House Street into Government House through North-East Entrance.

All Gentlemen entitled to the Private Entrée at Government House will enter by South-East Gate, alight on the South Entrance and will proceed through Government House to the top of the Grand Staircase.

The carriages of Gentlemen (except such as have the Private Entrée) will enter the North-East Gate and alight at the Grand Staircase, and pass out by the North-West Gate.

The Gates of Government House compound will be closed at 4-15 P.M., Calcutta time, after which no carriages will be allowed to enter the compound till after the arrival of the Earl of Dufferin.

By Command,

WILLIAM BERESFORD, *Captain*,
Military Secretary to the Viceroy.

LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Fort William, the 8th December, 1884.

No. 23.—The following Statute is published for general information :—

ARMY (ANNUAL) ACT, 1884.

Arrangement of Sections.

SECTION.
1. Short title.
2. Army Act (44 & 45 Vict. c. 58) to be in force for specified times.
3. Prices in respect of billeting.

Amendments of Army Act, 1881.

4. Amendment of s. 32 of 44 & 45 Vict. c. 58.
5. Unauthorised punishments.
6. Amendment of s. 154 of 44 & 45 Vict. c. 58 as to apprehension of deserters.
7. Amendment of s. 179 (12) of 44 & 45 Vict. c. 58 as to the Royal Marines.
8. Printing of amendments.

SCHEDULE.

47 VICT. CHAPTER 8.

An Act to provide, during twelve months, for the Discipline and Regulation of the Army. [28th April, 1884.]

WHEREAS the raising or keeping a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law :

And whereas it is adjudged necessary by Her Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of Her Majesty's Crown, and that the whole number of such forces should consist of one hundred and forty thousand three hundred and fourteen men, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within Her Majesty's Indian possessions :

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid :

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea :

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm ; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert Her Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow :

And whereas the Army Act, 1881, will expire— (44 & 45 Vict. c. 58.)

(*a*) In the United Kingdom, the Channel Islands and the Isle of Man, on the thirtieth day of April one thousand eight hundred and eighty-four; and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July one thousand eight hundred and eighty-four ; and

(*c*) Elsewhere, whether within or without Her Majesty's dominions, on the thirty-first day of December one thousand eight hundred and eighty-four :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Army (Annual) Act, 1884.

Army Act (44 & 45 Vict. c. 58) to be in force for specified times.

2.—(1.) The Army Act, 1881, shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament ; that is to say,

(*a*) Within the United Kingdom, the Channel Islands and the Isle of Man, from the thirtieth day of April one thousand eight hundred and eighty-four to the thirtieth day of April one thousand eight hundred and eighty-five, both inclusive ; and

(*b*) Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the 31st day of July one thousand eight hundred and eighty-four to the thirty-first day of July one thousand eight hundred and eighty-five, both inclusive ; and

(*c*) Elsewhere, whether within or without Her Majesty's dominions, from the thirty-first day of December one thousand eight hundred and eighty-four to the thirty-first day of December one thousand eight hundred and eighty-five, both inclusive ;

and the day from which the Army Act, 1881, is continued in any place by this Act is in relation to that place referred to in this Act as the commencement of this Act.

(2.) The Army Act, 1881, while in force shall apply to persons subject to military law, whether within or without Her Majesty's dominions. (44 & 45 c. 58.)

(3.) A person subject to military law shall not be exempted from the provisions of the Army Act, 1881, by reason only that the number of the forces for the time being in the service of Her Majesty,

exclusive of the marine forces, is either greater or less than the number herein before mentioned.

Prices in respect of billeting.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act, 1881, the prices specified in the Schedule to this Act.

Amendments of Army Act, 1881.

Amendment of s. 32 of 44 & 45 Vict. c. 58.

4. In section thirty-two, sub-section one, of the Army Act, 1881, the words "penal servitude" shall be omitted, and the word "imprisonment" shall be substituted.

Unauthorised punishments.

5. Whereas questions have arisen as to the punishments which may be inflicted on persons subject to military law under the Army Act, 1881, under or by virtue of powers derived from foreign potentates or rulers, and whereas it is expedient to determine such questions: Be it therefore enacted as follows:

There shall be added to section forty-four of the Army Act, 1881, at the end of the section, the following enactment:

No officer or non-commissioned officer shall, under or by virtue of any power or authority derived from any foreign potentate or ruler, inflict, or cause to be inflicted, on any person subject to military law under this Act, for or in respect of any offence against such law, any punishment not authorised by this Act.

The above enactment shall be numbered as sub-section (13).

Amendment of s. 154 of 44 & 45 Vict. c. 58 as to apprehension of deserters

6. Whereas by section one hundred and fifty-four of the Army Act, 1881, any constable is authorised to apprehend a person upon reasonable suspicion that he is a deserter, and it is expedient to authorise a justice to grant a warrant for such apprehension: Be it therefore enacted as follows:

There shall be added to section one hundred and fifty-four of the Army Act, 1881, after the first sub-section, the following enactment:

(2.) A justice of the peace, magistrate or other person having authority to issue a warrant for the apprehension of a person charged with crime, may, if satisfied by evidence on oath that a deserter is or is reasonably suspected to be within his jurisdiction, issue a warrant authorising such deserter to be apprehended and brought forthwith before a court of summary jurisdiction.

The above enactment shall be numbered as sub-section (2), and the numbers of the subsequent sub-sections in the said section one hundred and fifty-four shall be altered accordingly.

Amendment of s. 179 (12) of 44 & 45 Vict. c. 58 as to the Royal Marines.

7. Whereas the twelfth sub-section of section one hundred and seventy-nine of the Army Act, 1881, is as follows:

"Nothing in the provisions of this Act relating to the term of enlistment, to the conditions of service, to appointment or transfer, to transfer to the reserve, to the re-engagement or prolongation of service, or to forfeiture of service of a soldier of the regular forces, or to the rules for reckoning service for discharge or transfer to the reserve, shall apply to the Royal Marines:"

And whereas it is expedient to provide for the transfer of a man of the Royal Marines with his consent to another portion of Her Majesty's regular forces: Be it therefore enacted as follows:

There shall be added to section one hundred and seventy-nine of the Army Act, 1881, at the end of the twelfth sub-section, the following enactment:

Save that if regulations made by a Secretary of State and the Admiralty provide for the transfer of men of the Royal Marines to any other part of Her Majesty's regular forces, a man of the Royal Marines may, with his consent, be so transferred in accordance with the said regulations, and, subject to those regulations, shall become a soldier of the said part of Her Majesty's regular forces in like manner, so nearly as circumstances admit, as if he had been enlisted in pursuance of this Act.

Printing of amendments.

8. In all copies of the Army Act, 1881, which may be printed after the commencement of this Act, the words by this Act directed to be added shall be added thereto and printed therein.

SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Twopence halfpenny per night.
Hot meal as specified in Part I of the Second Schedule to the Army Act, 1881.	One shilling and one penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer .	Two shillings per night.

NOTE.--An officer shall pay for his food.

D. FITZPATRICK,

Secretary to the Government of India.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Calcutta, the 9th December 1884.

No. 1969.—With reference to the *Gazette of India Extraordinary* of the 18th November 1884, announcing the arrangements to be made for the reception of the Right Honourable the Earl of Dufferin, upon the occasion of his arrival to assume the office of Viceroy and Governor General of India, it is hereby notified for general information that Lord Dufferin is expected to arrive at the Howrah terminus of the East Indian Railway at 4 P.M. (Calcutta time) on Saturday, the 13th instant.

The 10th December 1884.

No. 1974.—Under the provisions of section 27 (*b*) of the Indian Arms Act, 1878, the Governor General in Council is pleased to cancel clause (*d*) of Part III of Home Department Notification No. 518, dated the 6th March 1879, whereby the Arakan Hill Tracts of British Burma are exempted from the prohibitions and directions contained in sections 13 and 14 of the Arms Act, and to subject the said Hill Tracts to the operation of the said prohibitions and directions.

ESTABLISHMENTS.

The 10th December 1884.

No. 274.—The services of Mr. E. G. Colvin, C.S., are temporarily placed at the disposal of the Foreign Department, with effect from the date on which they are made available by the Chief Commissioner of Assam.

No. 278.—The services of Colonel T. G. Clarke, Commissioner of Coorg, are placed at the disposal of the Foreign Department.

PORT BLAIR.

The 8th December 1884.

No. 694.—With reference to this Department Notification No. 687, dated the 2nd instant, placing the services of Lieutenant-Colonel M. Protheroe, C.S.I., at the disposal of the Government of Madras, with effect from the 1st idem, the unexpired portion of the privilege leave for three months which was granted to Lieutenant-Colonel Protheroe in the Notification marginally noted, and of which he availed himself on the afternoon of the first ultimo, is hereby cancelled.

*Home Department Notification No. 518, dated 14th August 1884.

EDUCATION.

The 12th December 1884.

No. 351.—Under section 12 of Act II of 1857, the Governor General in Council is pleased to authorize the affiliation of the Benares College to the University of Calcutta up to the B.L. Standard, with effect from the 1st of August 1884.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—METEOROLOGY.

Calcutta, the 12th December 1884.

No. 159 *Met.*—Mr. H. F. Blanford, Meteorological Reporter to the Government of India, is granted privilege leave of absence for three months with effect from the 10th December 1884.

Mr. S. A. Hill, Meteorological Reporter to the Government of the North-Western Provinces and Oudh, is appointed to officiate for Mr. Blanford as Meteorological Reporter to the Government of India in addition to his other duties.

T. W. HOLDERNESS,
Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 6th December, 1884.

No. 2351 *G.*—The following reversions and postings will take place consequent on the return from furlough of Sir L. H. Griffin, K.C.S.I.,C.S., Resident of the 1st Class, and Agent to the Governor-General in Central India:—

Colonel P. W. Bannerman, Officiating Resident of the 1st Class, and Officiating Agent to the Governor-General in Central India, reverts to his substantive appointment of Resident of the 2nd Class, and Resident at Gwalior.

Colonel J. C. Berkeley, Officiating Resident of the 2nd Class, and Officiating Resident at Gwalior, reverts to his substantive grade of Political Agent of the 1st Class. Colonel Berkeley is posted as Political Agent in Bundelcund, with effect from the date of assuming charge.

Captain T. Hope, Officiating Political Agent of the 3rd Class, and Political Agent in Bundelcund, is posted as Political Agent, Kelat, with effect from the date of assuming charge.

The 9th December, 1884.

No. 2368 *G.*—Lieutenant-Colonel H. M. B. Burlton, Cantonment Magistrate, Mhow, is transferred in the same capacity to Morar, *vice* Lieutenant-Colonel A. L. Playfair.

Lieutenant-Colonel A. L. Playfair, Cantonment Magistrate, Morar, is transferred in the same capacity to Mhow, *vice* Lieutenant-Colonel H. M. B. Burlton.

No. 2370 *G.*—With the sanction of Her Majesty's Government, the Governor-General in Council is pleased to recognize the appointment of Mr. Harold Curjel as Consul for Denmark at Bombay.

INTERNAL.

The 6th December, 1884.

No. 4334 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Ganga Bisto Rai, the title of "Rai Bahadur," as a personal distinction.

No. 4335 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Khettar Chandra Banerji the title of "Rai Bahadur," as a personal distinction.

The 11th December, 1884.

No. 4380 *I.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Babu Deno Nath Ghose, late Superintendent of the Pension, &c., Branch of the Office of the Secretary to the Government of India in the Department of Finance and Commerce, the title of "Rai Bahadur," as a personal distinction.

EXTERNAL.

No. 3054 *E.*—In continuation of the Notification of the Foreign Department, No. 1255*E.*, of the 21st May, 1884, extending to the Cantonment of Quetta the provisions of the rules and regulations framed under Act XXII of 1864, the Governor-General in Council is pleased to declare that

the words "Local Government," when they occur in the said rules and regulations, shall be deemed to mean "the Governor-General's Agent in Biluchistan," in each case in which they occur, with the exception of the rules hereafter mentioned, *viz.*—

Chapter II.—Rule 1.
Chapter II.—Rule 9.
Rule 12.
Rule 25.
Rule 27.
Rule 29.
Rule 31.
Rule 36.
Chapter IV.—Rule 35.

In respect to the rules enumerated above, the term "Local Government" means the Governor-General in Council.

The 12th December, 1884.

No. 3062*E.*—His Excellency the Viceroy and Governor-General is pleased to confer upon Kishen Singh, Milwal of Milam, the title of "Rai Bahadur," as a personal distinction.

H. M. DURAND,

Officiating Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.—LEAVE AND APPOINTMENTS.

Calcutta, the 11th December 1884.

No. 2011.—Mr. F. de H. Larpent, Assistant Accountant General, Punjab, having been granted privilege leave for three months, availed himself of the leave, before noon, on the 15th November 1884.

No. 2096.—*Erratum.*—In line 2 of the notification by the Government of India in the Department of Finance and Commerce, No. 1845, dated the 3rd December 1884, published at page 454, Part I of the *Gazette of India* of the 6th idem, for "*Accountant General*" read "*Assistant Accountant General.*"

No. 2102.—Captain G. W. Martin, Assay Master, Bombay Mint, having returned from leave on urgent private affairs, resumed charge of his duties from Surgeon-Major J. Scully, before noon, on the 2nd December 1884.

The 12th December 1884.

No. 2116.—Mr. T. H. S. Biddulph, having been appointed Comptroller, Hyderabad, made over charge of the duties of Assistant Accountant General, North-Western Provinces and Oudh, after noon, on the 2nd December 1884.

No. 2139.—Surgeon-Major J. Scully, having been relieved of the duties of Assay Master, Bombay Mint, resumed charge of his officiating appointment of Assay Master, Calcutta Mint, from Mr. F. W. Peterson, before noon, on the 11th December 1884.

No. 2140.—Mr. F. W. Peterson, Deputy Assay Master, Calcutta Mint, having been relieved of the duties of Officiating Assay Master, Calcutta Mint, resumed charge of his duties from Surgeon H. P. Yeld, before noon, on the 11th December 1884.

No. 2141.—Mr. W. H. Dobbie, having been appointed Assistant Accountant General and Examiner of Local Accounts, Bengal, received charge of the said appointment from Mr. E. M. Palmer, before noon, on the 10th December 1884.

No. 2142.—Mr. E. M. Palmer, having been appointed as Assistant Comptroller General attached to the Office of the Comptroller of India Treasuries, received charge of his duties from Babu Preonath Dutt, after noon, on the 2nd December 1884.

Babu Preonath Dutt having been relieved of his duties in the Office of the Comptroller of India Treasuries, resumed charge of his appointment as Chief Superintendent in the Office of the Comptroller and Auditor General, after noon, on the 2nd December 1884.

The following Corrigenda to the Codes of the Financial Department are published for general information :—

No. 2039.

CIVIL PENSION CODE.

Page 31.

Section 65.

Strike out the following words in lines 4 and 5 of this section :—

"or in the Bengal Presidency as a Supernumerary Assistant Surgeon."

CIVIL LEAVE CODE.

Page 194.

Section 127.

Rule 6.

In this rule strike out the words from "or" to "Surgeon" in the 2nd and 3rd lines, and from "but" in the third line to the end of the rule.

PAPER CURRENCY.

The 11th December 1884.

No. 2118.—*Abstract of Accounts of the Department of Issue of Paper Currency on the 30th November 1884, published as required by Section 27 of the Indian Paper Currency Act XX of 1882.*

CIRCLES OF ISSUE.	Whole amount of Notes in circulation.	RESERVE IN SILVER COIN AND BULLION.		
		Coin.	Bullion.	TOTAL.
	R	R	R	R
Calcutta	7,23,87,675	1,68,12,677	1,50,28,608	3,18,41,316
Allahabad	72,45,000	72,12,340	...	72,12,340
Lahore	83,55,816	87,90,040	...	87,90,040
Bombay	4,80,60,745	2,37,32,670	51,68,555	2,89,01,125
Kurrachee	27,73,440	38,48,635	28,800	38,77,435
Madras	1,34,33,895	49,32,480	6,30,000	55,62,480
Calicut	12,90,605	7,72,355	9,500	7,81,855
Rangoon	21,82,245	1,06,60,800	...	1,06,60,800
TOTAL	15,76,27,420	7,67,61,897	2,08,65,523	9,76,27,420
Price paid for Government Securities of the nominal value of R6,25,21,700 held under Section 19 of the Act				6,00,00,000
GRAND TOTAL				15,76,27,420

SEPARATE REVENUE.
Commerce and Trade.
Merchant Shipping.

The 12th December 1884.

No. 2081.

RESOLUTION—By the Government of India, Department of Finance and Commerce.

Read—

Notifications by the Government of India, No. 359, dated 20th January 1882, No. 1376, dated 26th May 1882, and No. 854, dated 9th May 1884.

Resolution by the Government of India, No. 855, dated 9th May 1884.

Letter from Messrs. Mackinnon, Mackenzie, & Co., Calcutta, No. 296, dated 7th June 1884.

Letter from the Chief Commissioner, British Burma, No. 222-7M.S., dated 9th June 1884, and enclosure.

Letter from the Chief Commissioner, British Burma, No. 604-7M.S., dated 21st July 1884, and enclosures.

Letter to the Chief Commissioner, British Burma, No. 3607, dated 22nd September 1884.

RESOLUTION.—By the Notification of 20th January 1882 read in the preamble, voyages made by steamers between ports on the Coromandel coast and those on the east coast of the Bay of Bengal were declared "short" voyages under the Native Passenger Ships Act, 1876. The order was issued on representations received from the parties interested that steamers never occupied more than 120 hours in the voyage across the Bay. The Notification of 26th May 1882, issued under the same Act, declared the period from 1st May to 31st August to be the season of "foul weather" on the coast of British Burma. During the foul seasons of 1882 and 1883 a considerable proportion of the steamers plying from ports in British Burma to those on the Coromandel coast failed to make the voyage across the Bay within 120 hours. In each case the delay was attributed to tempestuous weather, and as this is the normal weather of that time of the year, the concession of plying on short voyage certificates during the foul season was withdrawn from these steamers, and a Notification issued on the 9th May 1884 declaring voyages during that season from Moulmein or Rangoon, or ports north of Rangoon to Negapatam, or ports north of Negapatam on the Coromandel Coast, to be "long" voyages under the Act.

2. The Agents of the British India Steam Navigation Company have now represented that this ruling operates with undue severity upon those of their steamers sailing between the Burman and Coromandel coasts, which have vacant space between decks available for the reception of deck-passengers in bad weather, and they state that unless the steamers employed in the native passenger traffic from the Burman to the Madras coast are allowed to carry the number of passengers permissible under a "short voyage" certificate, they must either withdraw from this traffic or the rates of passage money must be raised to a level which native deck-passengers could never afford to pay. This representation has received some support from the local authorities in British Burma, the Chief Commissioner deprecating a change which might have the effect of materially raising the fares charged for the passage of coolies returning from Burma to Madras at the end of the rice season.

3. The Governor General in Council is not satisfied that there is any substantial prospect that the fares will in fact be raised by the owners of these steamers to a level which would be felt to be oppressive, and on the other hand there is abundant evidence of the hardship, discomfort, and danger to life and property which were involved in the carriage of deck-passengers in the large numbers permitted by a "short voyage" certificate across the Bay of Bengal during the monsoon months.

4. The hardship and danger may, however, be so materially reduced as practically to disappear if a steamer is permitted to carry a larger number of passengers than is permissible under the law when the steamer has a "long voyage" certificate, provided it is understood that no cargo is carried between decks, and that that portion of the vessel is kept entirely free and unencumbered and available for the shelter of passengers in bad weather.

5. With this condition it will be possible to modify the present orders in such a way as to give relief to the owners of the steamers carrying coolies without at the same time reverting to the state of things which followed on the working of the orders of 20th January 1882.

6. Accordingly, the Governor General in Council is pleased to notify, under the powers vested in him by Section 49 of the Native Passenger Ships Act, 1876, that in the case of steamers making the voyages specified in the Notification of this Department, No. 854, dated the 9th May 1884, the space prescribed by the second clause of Section 22 of the Act shall be reduced from nine to five superficial feet for every passenger, the cubic space being proportionately reduced. Provided that such steamers shall at the same time have their upper decks provided with bulwarks, awnings, and other protection against the weather as prescribed in the last clause of Section 19 of the Act, and that the upper deck and between decks shall be wholly available for the reception of passengers.

7. This order may be acted upon from the date of its publication in the *Gazette of India*. Its operation should be carefully watched by the authorities at the Ports of Burma and of Madras, and the Governor General in Council desires that a report of the results may, if possible, be furnished by the end of October 1885.

ORDERED, that a copy of the foregoing Resolution be forwarded to the Government of Madras and to the Chief Commissioner of British Burma for information and guidance.

Also, that the Resolution be published in the *Gazette of India*.

No. 2124.—The following Order in Council, exempting from re-measurement in Her Majesty's dominions, Belgian vessels the tonnage of which is denoted in the certificates of Belgian nationality or registry issued after the 1st January 1884, is published for general information:—

AT THE COURT OF BALMORAL.

The 17th day of October 1884.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by "The Merchant Shipping Act Amendment Act, 1862," it is enacted that, whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of Merchant Ships for the time being in force under the principal Act have been adopted by the Government of any Foreign Country, and are in force in that Country, it shall be lawful for Her Majesty, by Order in Council, to direct that the ships of such Foreign Country shall be deemed to be of the tonnage denoted in their certificates of registry, or other national papers; and thereupon it shall no longer be necessary for such ships to be re-measured in any port or place in Her Majesty's Dominions, but such ships shall be deemed to be of the tonnage denoted in their Certificates of Registry, or other papers, in the same manner, to the same extent, and for the same purpose, in, to and for which the tonnage denoted in the Certificates of Registry of British ships is to be deemed the tonnage of such ships:

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of Merchant Ships now in force under "The Merchant Shipping Act, 1854," have been adopted by the Government of His Majesty the King of the Belgians, with the exception of a slight difference in the mode of estimating the allowance for engine-room, and such rules are now in force in that Country, having come into operation on the 1st day of January 1884:

HER MAJESTY is hereby pleased, by and with the advice of Her Privy Council, to direct as follows:—

1. As regards sailing ships, that merchant sailing ships belonging to Belgium, the measurement whereof on or after the said 1st day of January 1884, shall have been ascertained and denoted in the Certificates of Registry, or other national papers of such sailing ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such Certificates of Registry, or other national papers, in the same manner, and to the same extent, and for the same purpose, in to and for which the tonnage denoted in the Certificates of Registry of British sailing ships is deemed to be the tonnage of such ships.
2. As regards steam ships, that merchant ships belonging to Belgium which are propelled by steam or any other power requiring engine-room, the measurement whereof on or after the said 1st day of January, 1884, shall have been ascertained and denoted in the Certificates of Registry, or other national papers of such steam ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such Certificates of Registry, or other national papers, in the same manner, and to the same extent, and for the same purpose, in to and for which the tonnage denoted in the Certificates of Registry of British ships is deemed to be the tonnage of such ship, provided, nevertheless, that, if the owner or master of any such steam-ship desires the deduction for engine-room in such ship to be estimated under the rules for engine-room measurement and deduction applicable to British ships, instead of under the Belgian rules, the engine-room shall be measured, and the deductions calculated, according to the British Rules.

C. L. PEEL.

D. BARBOUR,
Secretary to the Government of India.

MILITARY DEPARTMENT.

Fort William, the 12th December, 1884.

APPOINTMENTS.

No. 662.—ADJUTANT GENERAL'S DEPARTMENT—

Captain C. D. Cave, Suffolk Regiment, to be a Deputy Assistant Adjutant General for Musketry, *vice* Major P. Walker, deceased. Dated 1st December, 1884.

No. 663.—DIVISIONAL STAFF—

Major-General M. Dillon, C.B., C.S.I., Her Majesty's Service, to the Divisional Staff of the Army, *vice* Lieutenant-General R. Hume, C.B., whose term of service on the staff has expired. Dated 29th November, 1884.

FURLOUGH AND LEAVE.

No. 664.—The undermentioned officer is granted furlough out of India, with the necessary subsidiary leave:—

Lieutenant T. H. Bairnsfather, Bengal S.C., Wing Officer, 29th Bengal Infantry, (p. a.) for one year, under rule 1 of the regulations of 1875.

No. 665.—Surgeon-Major J. Duke, Medical Officer, Malwa Bheel Corps, is granted leave in India (p. a.) for 121 days under rule X of the regulations of 1875.

No. 666.—Sub-Conductor C. Lewis, Supervisor, 1st grade, Punjab, Military Works Department, is granted leave in India (m. c.) for 42 days, under rule X of the regulations of 1875, with effect from the 10th October, 1884.

No. 667.—Colonel F. C. Anderson, Bengal S.C., is permitted to reside in Europe.

No. 668.—The undermentioned officers have been granted extensions of furlough by the Secretary of State for India:—

Major T. O. Wingate, Bengal S.C., (m. c.) for two months.

Major F. H. Maitland, Bengal S.C., (u. p. a.) for 91 days, under rule XI of the regulations of 1868.

Lieutenant J. G. Day, R.E., (u. p. a.) for 54 days, under rule XI of the regulations of 1868.

Surgeon-Major J. Kelly, M.D., (m. c.) for 6 months.

Surgeon-Major C. H. Joubert, M.B., (p. a.) for 9 days.

PROMOTIONS.

No. 669.—The following promotions are made, subject to Her Majesty's approval:—

BENGAL STAFF CORPS.

To be Lieutenant-Colonels.

Major Walter Ernest Forbes,—10th December, 1884.

Major and Brevet Lieutenant-Colonel Francis William Collis,—10th December, 1884.

Major William Barron,—11th December, 1884.

Major William James Wemyss Muir,—11th December, 1884.

Major Clayton Turner Lane,—11th December, 1884.

Major William Saurin Brooke,—11th December, 1884.

Major Charles McNeile,—11th December, 1884.

Major and Brevet Lieutenant-Colonel John Munro Sym,—11th December, 1884.

Major and Brevet Lieutenant-Colonel Arthur Gore Handcock,—11th December, 1884.

Major Robert Smyth-Thompson,—11th December, 1884.

To be Colonels.

Lieutenant-Colonel Richmond Houghton, Madras S.C.,—9th December, 1884.

Lieutenant-Colonel Alexander McGoun, Madras S.C.,—9th December, 1884.

Lieutenant-Colonel Thomas Lowndes, Madras S.C.,—10th December, 1884.

Lieutenant-Colonel Bryan William Broughton, Madras S.C.,—10th December, 1884.

Lieutenant-Colonel Robert Elphinstone Boyle, Bengal S.C.,—10th December, 1884.

RETIREMENTS.

No. 670.—Colonel Henry Tyndall, C.B., Bengal S.C., has been permitted to retire from the service, with effect from the 8th November, 1884, subject to Her Majesty's approval.

MARINE DEPARTMENT.

APPOINTMENTS.

No. 57.—With reference to G.G.O. No. 33 of 1884, the following alterations are made in the dates of appointment of the officers named below:—

Engineer J. Morton,—5th April, 1884.

Assistant Engineer D. Jones,—29th April, 1884.

G. CHESNEY,

Secretary to the Government of India.

MILITARY DEPARTMENT.

NOTIFICATION.

Calcutta, the 12th December, 1884.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that a report of the death of the undermentioned Commissioned Officer, on the date specified, was received in the Military Department between the 6th and the 12th December, 1884:—

Corps.	Rank and Names.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Royal Engineers	Lieutenant H. K. Stothert	2nd Dec., 1884	Kurrachi.		

Statement of Deposits on account of Estates between the 5th and the 12th December, 1884.

On whose account.	Rank.	Corps.	Date of decease.	Testate or Intestate.	Total unclaimed amount deposited.	Amount paid in India.	Date to which claims will be received.
					R a. p.		
British Military Service.							
Charles Carnegie Thackeray (*a*).	Lieutenant .	Cheshire Regiment.	23rd June, 1884.	Intestate .	266 0 0	. .	2nd Jan., 1885.

(*a*) *Vide* Notification of 3rd November, 1884.

G. CHESNEY,
Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 9th December 1884.

No. 290.—Mr. R. Tyndall, Superintending Engineer, 1st Class, Punjab, is permitted at his own request to retire from the service of Government, with effect from the 15th December 1884.

No. 291.—Major J. W. Ottley, R.E., Executive Engineer, 1st Grade, Punjab, is promoted permanently to Superintending Engineer, 3rd Class, with effect from 15th December 1884.

No. 292.—Mr. W. B. Harington, Executive Engineer, 1st Grade, Punjab, is appointed to officiate as Superintending Engineer, with the temporary rank of 3rd Class, with effect from 15th December 1884.

The 10th December 1884.

No. 293.—Mr. R. A. Way, Executive Engineer, 3rd Grade, Railway Branch, having returned to duty from service under the Bengal and North-Western Railway Company, Limited, is placed under the orders of the Government of Bengal for employment on State Railways.

The 11th December 1884.

No. 294.—The services of Mr. S. C. G. Wood, Class IV, Superior Revenue Establishment of State Railways, Traffic Department, are, on his return from furlough, placed at the disposal of the Director General of Railways.

No. 295.—Mr. A. S. Wyman, Class IV, Superior Revenue Establishment, Traffic Department, is transferred from the Establishment under the Director General of Railways to that under the Chief Commissioner, British Burmah.

No. 296.—Lieutenant-Colonel J. Grierson B.S.C., Officiating Examiner, Public Works Accounts, Bombay, is appointed Examiner, Public Works Accounts, North-Western Provinces and Oudh, and will join at the public expense.

Mr. W. H. Brand, Examiner of Imperial State Railway Accounts, North-Western Provinces and Central India, is appointed to officiate as Examiner, Public Works Accounts, North-Western Provinces and Oudh, in addition to his own duties until the arrival of Lieutenant-Colonel J. Grierson.

The 12th December 1884.

No. 297.—The following is published for general information :—

No. 1432G., dated 12th December 1884.

RESOLUTION—By the Government of India, Public Works Department.

Read again—

Public Works Despatch to the Secretary of State, No. 43, dated 29th August 1884.

Read also—

Public Works Despatch from the Secretary of State, No. 61, dated 23rd October 1884.

RESOLUTION.—The Secretary of State has approved of a proposal, put forward by the Government of India, for improving the emoluments of Sub-Engineers, 1st grade, and Accountants, 1st grade, of long and meritorious service; and the Governor General in Council is pleased to issue the following rules :—

I.—An increment of Rs. 50 a month may be given by Local Governments and Administrations to—

(*a*) Sub-Engineers, 1st grade, who have been five years continuously in receipt of the pay of their grade.

(*b*) Accountants, 1st grade, who have been five years in receipt of the maximum pay of their grade.

II.—A second increment of Rs. 50 a month may be given to an officer of either of the above classes after 10 years' such service.

III.—These increments are not to be given merely on account of long service, but only on special recommendations to the Local Government or Administration, in each case, on account of exceptionally good service.

IV.—The increments may be given to those who are decided to be entitled to one or both, with effect from 13th November 1884.

The Secretary of State has requested the Government of India to draw special attention to the third of these rules.

The Governments of Madras, Bombay, Bengal, North-Western Provinces and Oudh and the Punjab, in the Public Works Department.
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Biluchistan.
The Accountant General, Public Works Department.
The Inspector General of Military Works.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore and Lucknow.
The Superintendent of Works, Simla Imperial Circle.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments and Administrations named in the margin, and that it be published in the *Gazette of India* and in all local official Gazettes.

No. 298.—Mr. A. B. Gatherer, Executive Engineer, 1st Grade, British Burma, is transferred at the public expense to Hyderabad.

No. 299.—The services of Mr. A. J. Hughes, Executive Engineer, 1st Grade, Bengal, are placed at the disposal of the Foreign Department.

W. S. TREVOR, *Colonel, R.E.,*
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA. SATURDAY, DECEMBER 13, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

	R	a.	p.
Subscription for *Gazette* and Supplement per annum	15	0	0
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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

E. J. DEAN,
Publisher, Gazette of India.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 5th December 1884.

Mr. C. T. Davis, Chief Clerk of the High Court, has obtained medical leave for ninety-nine days from the 17th of November last, under Section 128, Chapter X, of the Civil Leave Code.

By Order,
R. BELCHAMBERS,
Registrar.

CALCUTTA UNIVERSITY.

NOTICE.

The Tagore Professor of Law will lecture on the Law relating to Hindu Joint Families at 9 A.M. on Saturday, the 10th January 1885, and on succeeding Saturdays, at the Presidency College.

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 5th December 1884.

SURVEY OF INDIA—REVENUE BRANCH.

NOTIFICATION.

Calcutta, the 9th December 1884.

No. 6 R.—Mr. T. W. Babonau (junior), Assistant Surveyor, 3rd Grade, has passed an examination in Hindustani by the first or Lower Standard, as laid down in G. O., Military Department, No. 734, dated 9th September 1864.

H. R. THUILLIER, *Lieut.-Col., R.E.*,
Deputy Surveyor General,
in charge Revenue Branch, Survey of India.

INDIAN MUSEUM.

NOTIFICATION.

Calcutta, the 8th December 1884.

Dr. J. Anderson, Superintendent, Indian Museum, returned from the furlough granted to him in Revenue and Agricultural Department Notification No. 177, dated 21st February 1884, and took over charge of the Office of the Superintendent on the forenoon of the 8th instant.

H. B. MEDLICOTT,
Hony. Secretary to the Trustees, Indian Museum.

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN, P. W. D.

NOTIFICATIONS.

Quetta, the 1st December 1884.

No. 13.—With reference to Military Works Department Notification No. 55 of the 7th November 1884, Captain J. F. Garwood, R.E., is posted to the Quetta Division.

Captain Garwood took over charge of the Division on the forenoon of the 4th October 1884.

The 2nd December 1884.

No. 14.—With reference to Public Works Department Notification No. 208, dated the 2nd September 1884, Major W. P. Tomkins, R.E., made over charge of the duties of Superintending Engineer in Biluchistan and Secretary to the Agent to the Governor General in the Public Works Department to Colonel J. Browne, C.B., C.S.I., R.E., on the afternoon of 20th September 1884, and re-assumed charge of the Office on the forenoon of 1st December 1884.

By Order,

W. P. TOMKINS, *Major, R.E.,*
Secy. to Agent to the Govr. Genl. for Biluchistan. P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATION.

Indore Residency, the 8th December 1884.

No. 3756.—With reference to Foreign Department Notification No. 2265 G., dated the 26th November 1884, Captain C. W. Ravenshaw made over and Captain I. MacIvor received charge of the duties of 3rd Assistant to the Governor General's Agent in Central India, on the forenoon of the 24th ultimo.

By Order,

D. ROBERTSON, *Captain,*
1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATION.

Abu, the 2nd December 1884.

No. 3574 G.—Third Class Hospital Assistant Mohomed Moosa, attached to the Shahabad Dispensary, is granted two months' privilege leave from the 6th November 1884, and 3rd Class Hospital Assistant Syeed ood-din, of the Reserve List of Hospital Assistants for Native States, is appointed to officiate during his absence.

Second Class Hospital Assistant Mohomed Hossein is granted an extension of two months' leave in continuation of the privilege leave sanctioned in this Office Notification No. 2514 G., dated 11th August 1884, and the whole period of his leave from 1st July 1884 is converted into sick leave, in accordance with Section 141 of the Civil Leave Code.

By Order,

W. H. C. WYLLIE,
1st Asst. Agent to the Govr. Genl.

CHIEF COMMISSIONER OF AJMERE-MERWARA.

NOTIFICATIONS.

Mount Abu, the 5th December 1884.

No. 971.—Under Section 32 (last clause) of Act X of 1882 (Criminal Procedure Code), the Chief Commissioner of Ajmere-Merwara is pleased to specially empower Munshi Jagat Narain, Tehsildar of Todgarh, exercising powers of a Magistrate of the 2nd Class, to pass sentence of whipping.

No. 974.—Assistant Surgeon Banka Vihari Mitra, M.B., in medical charge of the Civil Station of Beawar, is granted furlough on private affairs for one year, with effect from the afternoon of the 31st October 1884.

No. 975.—With reference to the Notification of the Surgeon-General with the Government of India, No. 29, dated the 23rd October 1884, Assistant Surgeon Gopal Chundra Mukerjea received charge of the medical duties of the Civil Station of Beawar from Assistant Surgeon Banka Vihari Mitra, on the afternoon of the 31st October 1884.

The 9th December 1884.

No. 987.—With reference to this Office Notification No. 278, dated the 12th of April 1884, Surgeon J. Crofts, M.D., and Surgeon-Major J. H. Newman, M.D., respectively, made over and received charge of the Office of Civil Surgeon and Superintendent of the Jail, Ajmere, and medical charge of the Merwara Battalion, on the forenoon of the 22nd of November 1884.

By Order,

W. H. C. WYLLIE,
1st Asst. to the Chief Commr.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 30th November 1884.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1853-54.	4 PER CENT. LOANS — Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	TOTAL.	4½ PER CENT. LOANS — Of 1870.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TOTAL.	TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PORTION.	5 PER CENT. LOAN OF 1856-57.	GRAND TOTAL.
Balance of 15th November 1884	54,100	13,36,853	27,72,400	2,33,82,300	99,74,800	2,96,56,637	2,44,37,400	9,15,60,190	45,73,700	95,33,300	10,20,37,000	11,61,44,000	1,24,000	32,700	20,79,14,990
Add—															
Amount enfaced at Madras between 16th and 30th November 1884	...	3,413	14,700	52,900	1,700	1,15,000	...	1,87,713	....	1,000	....	1,000	....	....	1,88,713
Amount enfaced at Bombay between 16th and 30th November 1884	...	....	....	29,000	5,000	1,86,000	5,000	2,25,000	1,500	6,000	19,500	27,000	....	....	2,52,000
Amount enfaced at Calcutta between 16th and 30th November 1884	...	....	5,000	55,000	5,000	3,56,600	10,000	4,31,600	....	15,000	1,20,600	1,35,600	....	....	5,67,200
	54,100	13,40,266	27,92,100	2,35,19,200	99,86,300	3,03,14,237	2,44,52,400	9,24,04,503	45,75,200	95,55,300	10,21,77,100	11,63,07,600	1,24,000	32,700	20,89,22,903
Deduct—															
Amount written off in the London Registers	...	....	2,000	2,13,900	1,01,100	6,37,100	3,15,300	12,69,400	....	65,000	45,700	1,10,700	....	....	13,80,100
Balance on 30th November 1884	54,100	13,40,266	27,90,100	2,33,05,300	98,85,200	2,96,77,137	2,41,37,100	9,11,35,103	45,75,200	94,90,300	10,21,31,400	11,61,96,900	1,24,000	32,700	20,75,42,803

NOTE.—From 9th June 1867 to 30th Sept. 1884, enfaced from India 5,044 lakhs; re-transferred from London 4,322 lakhs.
" 1st Oct. 1884 to 15th Oct. " " " 10 " " " 6 "
" 16th " " to 31st " " " " 4 " " " 3 "
" 1st Nov. " to 15th Nov. " " " 5 " " " 10 "
16th " " to 30th " " " " 9 " " " 13 "

5,072 lakhs. — 4,354 lakhs.
4,354 "
Balance against India . 718 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 3rd December 1884.

R. HARDIE,
Secretary and Treasurer.

ACCOUNTANT GENERAL'S OFFICE.
Public Works Department.

NOTIFICATION.

Statement of the Monthly Accounts of the several Branches of the Public Works Department received in the Office of the Accountant General, Public Works Department, up to the 4th December 1884.

Public Works (Buildings and Roads and Military Works Branch) and Telegraph.

Order of receipt.	Accounting offices.	Last month for which received.	Date of receipt.
1	Port Blair	Sept. 1884	Nov. 13, 1884
2	Rajputana	Do. ,,	Do. 17, ,,
3	Punjab	Do. ,,	Do. 20, ,,
4	Military Works Branch, Central Provinces, Bombay	Do. ,,	Do. 24, ,,
7	Central India	Do. ,,	Do. 25, ,,
8	Hyderabad Imperial, Ditto Assigned Districts	Do. ,,	Do. 26, ,,
10	Assam	Do. ,,	Do. 27, ,,
11	British Burma	Do. ,,	Do. 28, ,,
12	Madras, Coorg, Bengal	Do. ,,	Dec. 1, ,,
15	North-Western Provinces and Oudh.	Aug. ,,	Oct. 29, ,,

Irrigation.

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Rajputana	Sept. 1884	Nov. 17, 1884
2	Punjab	Do. ,,	Do. 21, ,,
3	Bombay	Do. ,,	Do. 24, ,,
4	British Burma	Do. ,,	Do. 28, ,,
5	Bengal, Madras, North-Western Provinces and Oudh.	Do. ,,	Dec. 1, ,,
	Telegraph.		
1	Indo-European	Sept. 1884	Dec. 1, 1884
2	Indian	Aug. ,,	Nov. 11, ,,
3	General	Do. ,,	Do. 18, ,,
	Guaranteed Railways.		
1	State Ry., Stores Branch	Sept. 1884	Nov. 18, 1884
2	Central Provinces, Punjab	Do. ,,	Do. 20, ,,
4	Bombay, North-Western Provinces and Oudh.	Do. ,,	Do. 24, ,,
6	Bengal, Madras	Do. ,,	Dec. 1, ,,

State Railways (Capital).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Amritsar Pathankot	Sept. 1884	Nov. 13, 1884
2	Assam Railway Surveys	Do. ,,	Do. 14, ,,
3	N.-W. P. & Oudh Subsidized Railways.	Do. ,,	Do. 15, ,,
4	Bhopal, N.-W. P. & Oudh Provl. Railway Surveys.	Do. ,,	Do. 17, ,,
6	State Ry. Stores Branch	Do. ,,	Do. 18, ,,
7	Bengal Central	Do. ,,	Do. 20, ,,
8	Assam Subsidized Railways, Patna & Gya	Do. ,,	Do. 21, ,,
10	Ranaghat-Bhagwangola, Punjab Northern, Jhansi-Manickpur, Bombay Railway Surveys, Bengal Administrative Charges.	Do. ,,	Do. 22, ,,
15	Wardah Coal	Do. ,,	Do. 24, ,,
16	Northern Bengal, Naihati, Kaunia-Dhurla	Do. ,,	Do. 25, ,,
19	Sind-Pishin (N. Sec.), Do. (S. Sec.), Dacca-Mymensing	Do. ,,	Do. 26, ,,
22	Sindia, Rewari-Ferozepore, Nagpur-Chattisgarh, Bengal & North-Western	Do. ,,	Do. 27, ,,
26	Eastern Bengal, Bassein-Henzada Ry. Survey, Tirhoot, Indus Valley, British Burma	Do. ,,	Do. 28, ,,
31	Holkar, Madras Railway Surveys, N.-W. P. & Oudh Provl. Railways, Rajputana-Malwa	Do. ,,	Dec. 1, ,,
35	Cuddapah-Nellore	Do. ,,	Do. 3, ,,
36	Southern Mahratta	Do. ,,	Do. 4, ,,
37	Cawnpore-Achneyra, Bellary-Kistna	Aug. ,,	Nov. 3, ,,
39	Kokilamukh.	Do. ,,	Do. 4, ,,
40	Bengal Provl. Ry. Surveys.	Do. ,,	Do. 6, ,,
41	East Indian	Do. ,,	Do. 24, ,,

State Railways (Revenue).

Order of receipt.	Accounting Offices.	Last month for which received.	Date of receipt.
1	Bhopal	Sept. 1884	Nov. 18, 1884
2	Punjab Northern, Ghazipur-Dildarnagar	Do. ,,	Do. 23, ,,
4	Kaunia-Dhurla	Do. ,,	Do. 26, ,,
5	Wardah Coal, Nagpur Chattisgarh	Do. ,,	Do. 27, ,,
7	Eastern Bengal, Indus Valley, British Burma	Do. ,,	Do. 28, ,,
10	Tirhoot, Rewari-Ferozepore, Rajputana-Malwa, Patna & Gya, Northern Bengal, Naihati, Cawnpore-Achneyra	Do. ,,	Dec. 1, ,,
17	Southern Mahratta	Do. ,,	Nov 3, ,,
18	East Indian	Aug. ,,	Do 24, ,,
	FOREIGN STATES.		
	Capital.		
1	Bhavnagar-Gondal	Sept. 1884	Nov. 30, 1884
2	Nizam's	Do. ,,	Dec. 1, ,,
	Revenue.		
1	Bhavnagar-Gondal	Sept. 1884	Nov. 28, 1884
2	Nizam's	Do. ,,	Dec. 1, ,,

Fort William, the 9th December 1884.

A. FILGATE, *Lieut.-Colonel, R.E.,*
Accountant General, P. W. Dept.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATIONS.

Calcutta, the 28th November 1884.

No. 31.—Third Grade Assistant Surgeon Debendra Nath Goopta, of the Bengal Provincial Establishment, is permitted to resign the service, with effect from the 24th June 1884.

The 4th December 1884.

No. 32.—The services of 2nd Grade Senior Apothecary T. Lyons are replaced temporarily at the disposal of the Government of Bengal.

J. M. CUNINGHAM, M.D.,
Surgeon-General with the Govt. of India.

MILITARY WORKS DEPARTMENT.

NOTIFICATION.

Presidency and Oudh Command.

Lucknow, the 10th December 1884.

No. 7.—Captain N. Arnott, R.E., Executive Engineer, 1st Grade, sub. *pro. tem.*, having been transferred from the Barrackpore Division, Military Works, to the Fort William Division, Military Works, which he joined on the afternoon of the 25th November, took over charge of the latter Division, from Major S. J. Lambert, R.E., Executive Engineer, 2nd Grade, on the afternoon of the 1st December 1884.

W. L. GREENSTREET, *Major, R.E.,*
Supdg. Engr., Presdy. & Oudh Command,
Military Works.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 10th December 1884.

No. 80.—Mr. E. N. Homan, Store-keeper in Class III of State Railway Revenue Establishment, is granted furlough on medical certificate for fifteen months, with effect from the 15th November 1884.

No. 81.—Mr. R. W. L. Toozs, Assistant Engineer, 1st Grade, is, on return from furlough, posted to the Jhansi-Manikpur State Railway.

F. S. STANTON, *Colonel, R.E.,*
Director General of Railways.

RAJPUTANA-MALWA RAILWAY.
(Includes the R. S. Ry., the H. S. Ry., and the S. N. S. Ry.)

NOTIFICATION.

Ajmere, the 6th December 1884.

No. 16.—Mr. W. H. Cole, Assistant Engineer, 1st Grade, is granted twelve months' furlough to Europe, together with the usual subsidiary leave, with effect from 4th December 1884, or such subsequent date as he may be permitted to avail himself of the same.

H. DANGERFIELD,
Offg. Manager.

TREASURE TROVE.

It is hereby notified under Section 5 of the Indian Treasure Trove Act (VI of 1878) that, on 16th October 1884, treasure consisting of an idol made of black stone, valued at about R100, was found underground by Pamarathi Kondanna, Department Public Works Contractor, near the site of the Head Assistant Collector's Office at Penukonda Taluk, Anantapur District, Madras Presidency.

All persons claiming the said treasure or any part thereof are required to appear personally or by agent before the Collector of Anantapur, on Monday, the 4th May 1885, for the matter being enquired into and determined in accordance with the Act.

——————,
for *Collector.*

ANANTAPUR COLLECTOR'S OFFICE,
The 25th November 1884.

GOVERNMENT ENGINEERING COLLEGE, HOWRAH.

An Examination for admission to the Mechanical Apprentice Class will be held at the College, on Monday and Tuesday, the 19th and 20th January 1885.

Candidates must apply in writing to the Principal of the College not later than the 10th January 1885 for permission to appear at the Examination, enclosing a certificate of good conduct and a certificate of age.

For admission to this class, candidates must be between the ages of 15 and 17 years.

The subjects of examination are:—

Arithmetic (the whole.)

Algebra (to Simple Equations.)

Euclid (Books I and II.)

English (Grammar and Composition.)

Every applicant, before admission to the College, will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eyesight. If this officer's report is unsatisfactory, the applicant will not be admitted.

Further particulars will be supplied on application to the Principal of the College.

A. W. CROFT,
Director of Public Instruction.

CALCUTTA,
The 9th December 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 9th December 1884.

LIABILITIES.	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,296	4	4
Public Deposits at Head Office .	65,47,260	15	0	1,51,85,381	4	7
Public Deposits at Branches .	86,38,120	5	7			
Other Deposits at Head Office and Branches				3,10,94,248	6	9
Bank Post Bills, &c.				2,60,538	8	5
Sundries				15,59,309	3	11
RUPEES .				7,22,58,773	12	0

ASSETS.	R	a.	p.	R	a.	p.
Government Securities				73,52,338	0	0
Other authorized Investments . .				38,10,935	0	0
Loans on Government and other authorized Securities				84,05,690	12	10
Accounts of Credit on Government and other authorized Securities .				81,81,851	7	0
Bills discounted and purchased . .				1,52,62,370	2	9
Balances with other Banks . .				6,92,437	13	9
Bullion				27,963	4	5
Dead Stock				11,89,918	11	10
Stamps				8,808	1	0
Sundries				6,28,486	0	6
				4,55,60,789	6	1
Cash and Currency Notes at Head Office .	1,28,06,253	1	11	2,66,97,984	5	11
Cash and Currency Notes at Branches .	1,38,91,731	4	0			
RUPEES .				7,22,58,773	12	6

By order of the Directors,

BANK OF BENGAL,
Calcutta, 11th December 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

R. HARDIE,
Secy. & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 55·4.

Statement of Transactions of District Savings Banks and State Railway Provident Institutions for the quarter ending 30th September 1884.

PROVINCE.	Number of Banks open.	DEPOSITS. No.	DEPOSITS. Amount. R	a.	p.	WITHDRAWALS. No.	Amount of Principal. R	a.	p.	Amount, Interest. R	a.	p.	BALANCE. R	a.	p.
India	10	1,371	60,616	6	5	257	39.101	5	5	87	12	4	5,98.650	2	0
Central Provinces . . .	18	555	58.449	1	9	260	58,010	15	5	81	4	8	5,84,971	15	8
British Burmah . . .	14	485	37.308	6	4	217	33,134	2	4	63	12	8	2,48,907	14	1
Assam	11	462	35,299	11	8	221	27,476	9	4	108	10	6	3.94,072	9	5
Bengal	48	2,915	2,82,859	13	5	1,604	2,08,408	15	3	597	4	4	26,76,542	11	10
N.-W. Provinces and Oudh .	49	3,772	1,95,211	0	0	1,128	1,61,119	3	7	380	1	1	18,57,083	5	5
Punjab	25	812	1,01,144	3	5	391	78.532	1	3	239	1	3	10,82,422	3	8
Berar	6	123	14,218	8	0	76	21,885	7	4	26	7	9	1,96,383	8	2
State Railways . . .	11	21,723	1,19,822	11	10	934	77,491	13	10	186	2	9	10,79,196	2	11
TOTAL .	192	32,218	9,04,929	14	10	5,088	7,65,160	9	9	1,770	9	4	87,18,230	9	2

J. WESTLAND,
Comptroller General.

CALCUTTA,
The 11th December 1884.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE	SILVER TENDERED, ESTIMATED VALUE	CERTIFICATES ISSUED ON General Treasury.	CERTIFICATES ISSUED ON Currency Department	BALANCE OF BULLION Under Assay	BALANCE OF BULLION Assayed	BALANCE OF BULLION Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Dec. 1	. . .	1,52,908	2,009	201	1,56,93,656	1,39,95,289
,, 2	. . .	1,79,354	171	39	1,55,93,831	1,28,12,450
,, 3	. . .	1,84,826	. . .	39	1,53,9 .,831	1,26,33,672
,, 4	. . .	1,24,000	. . .	39	1,52,93,831	1,24,97,341
,, 5	. . .	1,35,697	. . .	39	1,50,93,831	1,23,58,670
,, 6	. . .	1,47,967	31	. . .	1,49,93,963	1,22,07,715

R. V RIDDELL, *Major. R E.*,
Mint Master.

CALCUTTA MINT.
The 8th December 1884.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Allahabad Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value. R	Name of Claimant.
14	. D 20—13275 .	100	H. C. Irwin, Esq., Bahraich.
15	. D 17—81292 .	50	Miss E. S. Mispelaar, Cawnpore.

ALLAHABAD,
The 10th December 1884.

A. H. ANTHONY,
Assistant Accountant General, in charge, Paper Currency Office.

Calcutta Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
207	R 9—85402	100	The District Superintendent of Police, Rajshahye.
208	R 10—81512	100	Babu Lal Mohun Sarkar, 144, Russa Road, Bhawanipore.
211	P 77—04907	100	The Inspector of Post Offices, Nuddea.
	P 40—43381	50	
213	O 51—72648	10	Janokiprasad Tacoor, 385 Banstola Lane, Mooktaram Baboo's Street, Calcutta.

CALCUTTA,

The 12th December 1884.

J. TAYLOR.

Assistant Comptroller General,
in charge, Paper Currency

Lahore Circle.

NOTE WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Note.	Value.	Name of Claimant.
		R	
27	*E 19—72353	50	Rahman Kashmiri, Noor Mohalla, Bhatee Gate, Lahore.

* Belonging to Agency No. 5, Ferozepore.

LAHORE,

The 6th December 1884.

W. H. EGERTON,

for Depy. Commr. of Paper Currency.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 5th December 1884.

No. 10034.—Mr. A. G. Faichnie, Deputy Post Master General, Central Provinces, resumed charge of his Office on return from furlough on the 26th November 1884, before noon.

The 6th December 1884.

No. 10065.—Appointments in the Post Office Department made by the Director General of the Post Office of India :—

POSTAL CIRCLE, BOMBAY.

Mr. C. L. Hanson is promoted to the 1st Grade of Superintendents.

Mr. Cursetji Sorabji is promoted to the 2nd Grade of Superintendents.

Mr. Dinshaw Jijibhai is promoted to the 3rd Grade of Superintendents.

Mr. Vinayak Karnanand is appointed to be 4th Grade Superintendent sub. *pro tem.*, on probation.

POSTAL CIRCLE, PUNJAB.

Lala Mulraj is appointed to be sub. *pro tem.* 4th Grade Superintendent.

Mr. J. W. Buckner is appointed to be Postmaster, Delhi.

POSTAL CIRCLE, MADRAS.

Mr. J. Jasudasen Pillay is appointed to officiate as a 4th Grade Superintendent.

Mr. J. DeCaster is appointed to officiate as a 1st Grade Superintendent.

Mr. E. M. Dawes is appointed to officiate as a 2nd Grade Superintendent.

Mr. T. D. Dinwiddie is appointed to officiate as a 3rd Grade Superintendent.

Mr. T. C. D'Rozario is appointed to officiate as a 4th Grade Superintendent.

P. SHERIDAN,

for *Dir. Genl. of the Post Office of India.*

Unclaimed Letters held in the Calcutta General Post Office on 10th December 1884.

Cooke, H. J.
Coxhead, T. E.
DeCruze, Edwin H.
Gallwey, C. H.
Goldinberg, Adolfe.
Harris, John.
Haydock, W.
Heselton, Miss A.
Hodding, G. H.
Hume, Allan.
Lasayo, Antonio.
Leebenschutz, Herr.
Lucas, W. H.
May, Miss.
Meares, Wm. Charles.
Mitchell, Robert.
Owen, C. M.
Smith, Mrs. Lionel.
Thayer, Charles W.
Warden, C. J. H.
Webb, C. R. H.
Wegenen, F.
Young, T. G.

Letters marked "Care of Post Office."

Adda, Henry.
Amoss, Thomas.
Archdeacon of Colombo.
Betts, D.
Boileau, Captain H.
Bott, Fred.
Brigg, E. A.
Caurey, Captain.
Carlisle, J. T.
C. G.
Chapman, Frank.
Clayton, L.
Clift, Mrs. H. W.
DeLa Grange, Baron Louis.
Faerstermann, Ignatz.
French, F. E.
Galt, E. A.
Guerault, Ch.
Gilhooly, P. C.
Gill, F. N. G.
Gloster, Mrs.
Golding, Herbert.
Grieves, H. R.
H. M. W.
Harcourt, W. H.
Hordern, Mrs. Peter.
Huddleston, John E. Leslie.
Hull, W.
Hurst, W. H.
Ingram, Miss E.
Jones, Evan.
King, W.
Lampard, Henry.
Laughlin, R. C.
Lawless, Hiram.
Lee, Miss C.
Lewis, H.
Lewis, Roberts & Davies.
Lieusson, Georges.
Lopez, E.
Lubbach, J. R.
Macdonald, Mrs. J.
Madigan, Mrs. Louisa.
Malcolm, Lee Messurier.
Maxwell, Willwood.
Meij, H.
Morris, Pierce M.
Murgatroyd, C. A.
"Naini."
Owen, L. C.
Q. R.
Psyllas, Michel G.
Ramioh, C. V.
Rathbone, Herbert P.
"Rex."
Roberts, John Herbert.
Robertson, W.
Rostan, S.
Settle, J. W.
Sowers, Miss Rosa.
Spitzy, Mrs. Bertha.
Stagg, J. E.
"Stanhope."
Stern, Edward.
Thompson, James.
T. P. H. C.
Thrussell, A.
Tigbe, James.
Watt, Dr. George.
Wilson, Theos.
Williamson, W. F.
Young, W.

Registered Letters.

Burgess, R.
Cherkes, Laya.
Decheppe, E.
Duncan, B. F.
Eisenberg, Mendal.
Ferofourd, Duglass.
Maurier, Emanuel.
Thibaud, Thony.
Woods, R. J.

E HUTTON,

Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 8th December 1884.

Bray, Subadar Dainu.
Brind, M. T.
Cose, Mr.
Cuppage, W.
Cuppage, W. A.
Davidson, Capt. M.
DeRozario, Revd. F. T.
Ghosh, B. C.
Gray, H. D.
Pue, J. P.
Rymer, Mrs.

A. P. GHOSAL,

Postmaster, Barrackpore.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1884.	
Madras and Ceylon	13th Dec.	P. & O. Str. *Khedive.*
Foreign Mails *viâ* Bombay	16th „	From Bombay.*
Do. Book Post and Pattern Packets	15th „	From Bombay.
Rangoon and Moulmein	17th „	Str. *Kilwa.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	17th „	Str. *Calcutta.*
Straits and Hong-Kong	17th „	Strs. *A. Apcar* and *Taisang.*
Port Blair and Camorta	18th „	Str. *Maharani.*

* Also for Cape Colonies through United Kingdom, also *via* Aden for Mauritius, Mahe (Seychelles), Mayotte, Nossi Be and Reunion can be forwarded.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,

Presidency Post Master.

METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices specified below:—

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts . .	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts . .	8	0	0
Report on the Meteorology of India in 1877, 4to, 193 pages text, 375 pages tables, 3 charts . .	8	0	0
Report on the Meteorology of India in 1882, 4to, 152 pages text, 298 pages tables, 8 charts . .	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 13, 1884.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 131064 of the 4 per cent. of 1865, for R500, and Note No. 000589 of the 3½ per cent. of 1853-54, for R500. Fallen on road between Kasauli and Sabathu from the pocket of Moolraj, Contractor, the owner, on 31st March 1882. Last endorsed to Moolraj, Contractor.

MOOLRAJ,
Comst. Contractor, Sabathu.

Lost

The Government Promissory Note No. 037264, of the reduced 4 per cent. of 1879, for R1,000, originally standing in the name of S. D. Gonvia, and last endorsed to Sorabjee Cowasjee Oomreegur and Framjee Manackjee Master, the proprietors, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietors.

SORABJEE COWASJEE OOMREEGUR,
41, Meadows Street.
FRAMJEE MANACKJEE MASTER.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 13, 1884.

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PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th December, 1884:—

No. 17 of 1884.

A Bill to amend the law in force in the Pánch Maháls.

WHEREAS it is expedient that the law in force in the territory comprised in the Pánch Maháls should, on and from the first day of March, 1885, be the same as the law in force in the district of Kaira, in the Bombay Presidency, and that the said territory should, on and from that day, cease to be a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874; It is hereby enacted as follows:—

XIV of 1874.
XV of 1874.

Short title.

1. This Act may be called the Pánch Maháls Laws Act, 1884.

Laws of Kaira to apply.

2. (*1*) Save and except the enactments specified in the schedule hereto annexed, all enactments which, on the first day of March, 1885, are in force in the district of Kaira and not in the Pánch Maháls shall be deemed to come into force in the Pánch Maháls on that day.

Other laws repealed.

(*2*) All enactments which on that day are in force in the Pánch Maháls and not in the district of Kaira shall be deemed to be repealed on and from that day in the Pánch Maháls.

Pending proceedings.

3. All proceedings commenced before any authority in the Pánch Maháls before the first day of March, 1885, and still pending on that day, shall be disposed of by such authority as the Local Government may direct, and, save as aforesaid, shall be carried on as if this Act had not been passed.

Territory to cease to be a scheduled district.

Partial repeal of Acts XIV and XV of 1874.

4. On and from the first day of March, 1885, the Pánch Maháls shall cease to be a scheduled district; and in Part II of the First Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874, the words "The Pánch Maháls" shall be repealed.

XIV of 1874.
XV of 1874.

THE SCHEDULE.

ENACTMENTS EXCEPTED FROM THE OPERATION OF SECTION 2.

Acts of the Governor General in Council.

Number and year.	Title.	Extent of exception.
VIII of 1870 ...	For the prevention of the murder of female infants.	The whole.
XXI of 1881 ...	To amend the law providing for the relief of Thákurs in the districts of Broach and Kaira.	The whole.

Act of the Governor of Bombay in Council.

Number and year.	Title.	Extent of exception.
V of 1879 ...	To consolidate and amend the law relating to Revenue-officers and the land-revenue in the Presidency of Bombay.	Section 85 and last fifteen words of section 58.

STATEMENT OF OBJECTS AND REASONS.

THE territory called the Pánch Mahâls, lying in the extreme east of Gujarát, in the Bombay Presidency, is a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874, and, though for revenue-purposes part of the Kaira District, it has hitherto, from its backward state and the poverty and ignorance of the people, been treated as a non-regulation district.

The Government of Bombay are, however, of opinion that the Pánch Mahâls ought now to be placed upon a regulation footing, and at their suggestion the present Bill, which has been framed on the model of the Bánkí Laws Act, 1881, has been prepared. It assimilates the law in force in the Pánch Mahâls to that in the Kaira District from the 1st March, 1885, excluding the Female Infanticide Act, 1870, the Broach and Kaira Thákurs' Relief Act, 1881, and the Bombay Land-revenue Code, 1879, section 85 and the last fifteen words of section 58, which the Government of Bombay desire should not be extended to the Pánch Mahâls; it saves pending proceedings; and it declares that, from the above-mentioned date, the Pánch Mahâls shall cease to be a scheduled district, repealing at the same time the reference to those Mahâls which occurs in Part II of the first Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874.

The 23rd October, 1884. C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.



The Gazette of India

EXTRAORDINARY.

Published by Authority.

CALCUTTA, SATURDAY, DECEMBER 13, 1884.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 13th December 1884.

No. 1990.

THE Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, Vice-Admiral of Ulster, and a Baronet, appointed by the Queen-Empress to be Her Imperial Majesty's Viceroy and Governor General of India, arrived by the East Indian Railway at Howrah at 4 P.M. this day, attended by his personal staff, an Aide-de-Camp of the Viceroy, and by a deputation from the Government of Bengal. Lord Dufferin was received at the Howrah Railway Station by the Secretaries to the Government of India, the Military Secretary and Aides-de-Camp to the Viceroy, by the Commissioner of Burdwan, one of the Secretaries of the Government of Bengal, the Brigadier-General Commanding the Presidency District with the District Staff, the Commissioner of Police and Chairman of the Justices of the Peace for the Town of Calcutta, the Sheriff of Calcutta, and the Magistrate of Howrah. Lord Dufferin then proceeded to Government House, and at 4-45 P.M. took his seat as Viceroy and Governor General in His Excellency's Council.

2. The following Proclamation is published by order of the Right Honourable the Governor General in Council:—

PROCLAMATION.

WHEREAS the Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye, in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, Vice-Admiral of Ulster, and a Baronet, has been appointed by Her Majesty to be Her Viceroy and Governor General of India, and has assumed the said office, the said appointment is hereby notified, and it is proclaimed that the said Right Honourable Lord Dufferin, Viceroy and Governor General of India, has this day taken his seat in His Excellency's Council.

By Order of His Excellency the Viceroy and Governor General of India in Council,

A. MACKENZIE,

Secretary to the Government of India.



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CALCUTTA, SATURDAY, DECEMBER 13, 1884.

HOME DEPARTMENT.

NOTIFICATION.

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Calcutta, the 13th December 1884.

No. 1990.

THE Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, and a Baronet, appointed by the Queen-Empress to be Her Imperial Majesty's Viceroy and Governor General of India, arrived by the East Indian Railway at Howrah at 4 P. M. this day, attended by his personal staff, an Aide-de-Camp of the Viceroy, and by a deputation from the Government of Bengal. Lord Dufferin was received at the Howrah Railway Station by the Secretaries to the Government of India, the Military Secretary and Aides-de-Camp to the Viceroy, by the Commissioner of Burdwan, one of the Secretaries of the Government of Bengal, the Brigadier-General Commanding the Presidency District with the District Staff, the Commissioner of Police and Chairman of the Justices of the Peace for the Town of Calcutta, the Sheriff of Calcutta, and the Magistrate of Howrah. Lord Dufferin then proceeded to Government House, and at 5-30 P. M. took his seat as Viceroy and Governor General in His Excellency's Council.

2. The following Proclamation is published by order of the Right Honourable the Governor General in Council:—

PROCLAMATION.

WHEREAS the Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye, in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, and a Baronet, has been appointed by Her Majesty to be Her Viceroy and Governor General of India, and has assumed the said office, the said appointment is hereby notified, and it is proclaimed that the said Right Honourable Lord Dufferin, Viceroy and Governor General of India, has this day taken his seat in His Excellency's Council.

By Order of His Excellency the Viceroy and Governor General of India in Council,

A. MACKENZIE,
Secretary to the Government of India.

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The Gazette of India

EXTRAORDINARY.

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CALCUTTA, SATURDAY, DECEMBER 13, 1884.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 13th December 1884.

No. 2020.

His Excellency the Governor General in Council directs that all honours and distinctions, which were paid to His Excellency the Most Honourable the Marquis of Ripon when holding the office of Governor General of India, shall be continued to His Excellency during his stay in India.

NOTIFICATION.

No. 2021.

The Most Honourable the Marquis of Ripon will leave Howrah for Bombay *en route* for England at 9 A.M. (Railway time) on the 15th December.

His Excellency the Viceroy and Governor General desires that the same honours which were accorded to himself upon his recent arrival in Calcutta shall be paid to Lord Ripon upon the occasion of His Lordship's leaving Calcutta after resigning the office of Viceroy and Governor General of India.

A Guard of Honour of British Infantry and a Guard of Honour of the Calcutta Volunteers will be drawn up opposite the grand entrance of Government House. A Guard of Honour of Native Infantry will be drawn up outside the Howrah Railway Station; and a Guard of Honour of the East Indian Railway Volunteers will be drawn up on the platform of the station.

The line of route from the entrance of Government House to the Howrah Railway Station will be lined throughout by troops under the orders of the Brigadier-General Commanding the Presidency District.

A Royal Salute will be fired from the ramparts of Fort William as Lord Ripon leaves Government House, and another Royal Salute will be fired as the train leaves the Howrah Platform.

All officers of Government (excepting those mentioned below) will be in attendance upon the grand staircase of Government House. Consular officers and other representatives of foreign Governments at Calcutta and non-official gentlemen are invited to be present on the grand staircase.

The Lieutenant-Governor of Bengal, attended by his personal staff, will be present at the Howrah Railway Platform.

Members of the Governor General's Council will also be present at the Howrah Railway Platform.

The following officers will be in attendance at the Howrah Railway Platform :—

Secretaries to the Government of India.
The Commissioner of the Burdwan Division.
One of the Secretaries of the Government of Bengal.
The Brigadier-General Commanding the Presidency District, with the district staff.
The Commissioner of Police and Chairman of the Justices of the Peace for the Town of Calcutta.
The Sheriff of Calcutta.
The Magistrate of Howrah.

The Viceroy, attended by his personal staff and escorted by the Body Guard, will accompany Lord Ripon from Government House to the Howrah Railway Station.

The troops will not be withdrawn until the receipt of orders to that effect. They will pay the usual honours to the Viceroy as he returns to Government House.

Full dress will be worn by the troops and by all officers, civil and military, on this occasion, and morning dress by all gentlemen not entitled to wear uniform.

NOTIFICATION.

No. 2022.

The Most Honourable the Marquis of Ripon will leave Howrah by special train at 9 A.M. (Railway time) on Monday, the 15th December.

At the Railway Stations at which halts are made for rest and refreshment the principal Civil and the principal Military Officers will be in attendance. There will also be a Guard of Honour upon the platform.

At stations between Howrah and Bombay, other than those mentioned in the preceding paragraph, the attendance of Officers is dispensed with.

Proper police precautions will be taken at all stations along the line at which the train stops.

His Excellency the Governor of Bombay will make arrangements, in communication with the Naval authorities, for the embarkation of the Marquis of Ripon at Bombay with all the honours and distinctions which are due to the Viceroy of India.

The Resident at Aden will receive the Marquis of Ripon with all the honours and distinctions which are due to the Viceroy of India.

By Order of His Excellency the Viceroy and Governor General of India in Council,

A. MACKENZIE,
Secretary to the Government of India.

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EXTRAORDINARY.

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CALCUTTA, SATURDAY, DECEMBER 13, 1884.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 13th December 1884.

His Excellency the Viceroy and Governor General will hold a Levée at Government House, Calcutta, on Saturday, the 20th December 1884, at 9-30 P.M.

All Civil and Military Officers are invited to attend.

Gentlemen purposing to attend the Levée are requested to send their cards to the Aide-de-Camp in waiting, not later than Tuesday, the 16th December 1884, after which no cards will be received, and to bring with them to the Levée two cards with their names legibly written on them. One to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Gentlemen who have not already been presented at the Court of St. James or at Government House will be good enough to add the names of Gentlemen who will present them.

The Levée will be closed by the Native Officers of the Garrison being presented by their Commanding Officers.

Gentlemen wearing uniform will appear in full dress.

Gentlemen not wearing uniform will appear in evening dress.

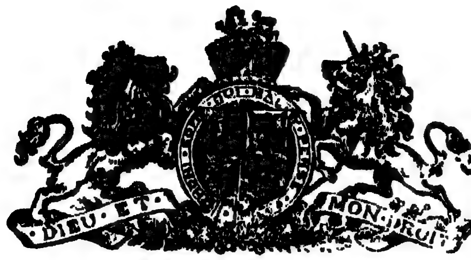
The carriages of Gentlemen (except such as have the private entrée) attending the Levée will enter by the North-East Gate, set down under the Grand Staircase, and pass out by the North-West Gate.

By Command,

WILLIAM BERESFORD, *Captain,*

Militry Secretry to the Viceroy.

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CALCUTTA, SATURDAY, DECEMBER 13, 1884.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 13th December 1884.

Their Excellencies the Viceroy and the Countess of Dufferin will hold a Drawing-Room at Government House, Calcutta, on Tuesday, the 23rd December 1884, at 9-30 P.M.

Ladies purposing to attend the Drawing Room are requested to send their Cards and Addresses to the Aide-de-Camp in waiting, not later than Friday, the 19th December 1884, after which "*No Cards*" will be received, and to bring with them to the Drawing-Room two cards with their names legibly written on them, one to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Ladies who have not already been presented at the Court of St. James or at Government House are requested to send their cards with their addresses and the name of the Lady by whom they are to be presented to the Aide-de-Camp in waiting as soon as possible.

Ladies who present others should themselves attend the Drawing-Room.

The Carriages of those who have the private entrée will enter by the South-East Gate and set down at the South Entrance of Government House.

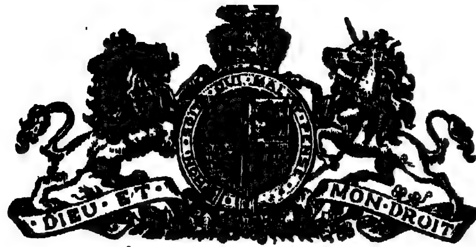
All other Carriages will enter by the North-East Gate, set down under the Grand Stairs, and pass out by the North-West Gate.

By Command,

WILLIAM BERESFORD, *Captain,*

Military Secretary to the Viceroy.

Printed & published for the GOVT. OF INDIA *at the Office of* SUPDT. GOVT. PRINTING, *166, Dhurrumtollah Street, Calcutta.*



The Gazette of India

EXTRAORDINARY.

Published by Authority.

CALCUTTA, TUESDAY, DECEMBER 9, 1884.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Calcutta, the 9th December 1884.

No. 1969.

With reference to the *Gazette of India Extraordinary* of the 18th November 1884, announcing the arrangements to be made for the reception of the Right Honourable the Earl of Dufferin, upon the occasion of his arrival to assume the office of Viceroy and Governor General of India, it is hereby notified for general information that Lord Dufferin is expected to arrive at the Howrah terminus of the East Indian Railway at 4 P.M. (Calcutta time) on Saturday, the 13th instant.

A. MACKENZIE,
Secretary to the Government of India.

MILITARY SECRETARY'S OFFICE.

NOTIFICATION.

Calcutta, the 9th December 1884.

With reference to Home Department Notification in the *Gazette of India* of November 22nd on the arrival of the Earl of Dufferin in Calcutta, the route taken will be by Strand Road, Fairlie Place, Dalhousie Square North, and so down Old Court House Street into Government House through North-East Entrance.

All Gentlemen entitled to the Private Entrée at Government House will enter by South-East Gate, alight on the South Entrance and will proceed through Government House to the top of the Grand Staircase.

The carriages of Gentlemen (except such as have the Private Entrée) will enter the North-East Gate and alight at the Grand Staircase, and pass out by the North-West Gate.

The Gates of Government House compound will be closed at 4-15 P.M., Calcutta time, after which no carriages will be allowed to enter the compound till after the arrival of the Earl of Dufferin.

By Command,
WILLIAM BERESFORD, *Captain*,
Military Secretary to the Viceroy.



The Gazette of India.

PUBLISHED BY AUTHORITY.

No 51.} CALCUTTA, SATURDAY, DECEMBER 20, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART II.—Notifications by High Court, Comptroller General, Administrator General, Paper Currency Dept., Presidency Pay Master, Money Order Department, Mint Master, Secretary and Treasurer, Bank of Bengal, Superintendent of Government Printing, and other Government Officers; Postal, Telegraph, and Commissariat Notices.

PART III.—Advertisements and Notices by private individuals and Corporations.

PART IV.—Acts of the Governor General's Council assented to by the Governor General:—
An Act to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

PART V.—Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22:—
The Panch Mahals Laws Bill, 1884.
A Bill to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend the Excise Act, 1881, and the Bengal Excise Act, 1878.
The Indian Sea Passengers Bill, 1884.

SUPPLEMENT No. 51.

PART I.

Government of India Notifications, Appointments, Promotions, &c.

MILITARY SECRETARY'S OFFICE.

NOTIFICATIONS.

Calcutta, the 13th December 1884.

His Excellency the Viceroy and Governor General will hold a Levée at Government House, Calcutta, on Saturday, the 20th December 1884, at 9-30 P.M.

All Civil and Military Officers are invited to attend.

Gentlemen purposing to attend the Levée are requested to send their cards to the Aide-de-Camp in waiting, not later than Tuesday, the 16th December 1884, after which no cards will be received, and to bring with them to the Levée two cards with their names legibly written on them. One to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Gentlemen who have not already been presented at the Court of St. James or at Government House will be good enough to add the names of Gentlemen who will present them.

The Levée will be closed by the Native Officers of the Garrison being presented by their Commanding Officers.

Gentlemen wearing uniform will appear in full dress.

Gentlemen not wearing uniform will appear in evening dress.

The carriages of Gentlemen (except such as have the private entrée) attending the Levée will enter by the North-East Gate, set down under the Grand Staircase, and pass out by the North-West Gate.

Their Excellencies the Viceroy and the Countess of Dufferin will hold a Drawing-Room at Government House, Calcutta, on Tuesday, the 23rd December 1884, at 9-30 P.M.

Ladies purposing to attend the Drawing-Room are requested to send their Cards and Addresses to the Aide-de-Camp in waiting, not later than Friday, the 19th December 1884, after which "*No Cards*" will be received, and to bring with them to the Drawing-Room two cards with their names legibly written on them, one to be given on entering Government House, and the other to the Aide-de-Camp in waiting at the time of presentation.

Ladies who have not already been presented at the Court of St. James or at Government House are requested to send their cards with their addresses and the name of the Lady by whom they are to be presented to the Aide-de-Camp in waiting as soon as possible.

Ladies who present others should themselves attend the Drawing-Room.

The Carriages of those who have the private entrée will enter by the South-East Gate and set down at the South Entrance of Government House.

All other Carriages will enter by the North-East Gate, set down under the Grand Stairs, and pass out by the North-West Gate.

By Command,

WILLIAM BERESFORD, *Captain,*

Military Secretary to the Viceroy.

HOME DEPARTMENT.

NOTIFICATIONS.—PUBLIC.

Calcutta, the 13th December 1884.

No. 1999.—The Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, Vice-Admiral of Ulster, and a Baronet, appointed by the Queen-Empress to be Her Imperial Majesty's Viceroy and Governor General of India, arrived by the

East Indian Railway at Howrah at 4 P.M. this day, attended by his personal staff, an Aide-de-Camp of the Viceroy, and by a deputation from the Government of Bengal. Lord Dufferin was received at the Howrah Railway Station by the Secretaries to the Government of India, the Military Secretary and Aides-de-Camp to the Viceroy, by the Commissioner of Burdwan, one of the Secretaries of the Government of Bengal, the Brigadier-General Commanding the Presidency District with the District Staff, the Commissioner of Police and Chairman of the Justices of the Peace for the Town of Calcutta, the Sheriff of Calcutta, and the Magistrate of Howrah. Lord Dufferin then proceeded to Government House, and at 4-45 P.M. took his seat as Viceroy and Governor General in His Excellency's Council.

2. The following Proclamation is published by order of the Right Honourable the Governor General in Council:—

PROCLAMATION.

WHEREAS the Right Honourable Sir Frederick-Temple Hamilton-Temple, Earl of Dufferin, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., Viscount and Baron Clandeboye of Clandeboye, in the County of Down, in the Peerage of the United Kingdom, Baron Dufferin and Clandeboye of Ballyleidy and Killyleagh, County Down, in the Peerage of Ireland, Vice-Admiral of Ulster, and a Baronet, has been appointed by Her Majesty to be Her Viceroy and Governor General of India, and has assumed the said office, the said appointment is hereby notified, and it is proclaimed that the said Right Honourable Lord Dufferin, Viceroy and Governor General of India, has this day taken his seat in His Excellency's Council.

The 17th December 1884.

No. 2040.—The Governor General in Council has been pleased to appoint Kazi Muhammad Aslam, a Probationer in the Punjab, to be a Member of the Bengal Civil Service, in accordance with the rules issued under Section 6 of the Statute 33 Vic., Cap. 3, with effect from the 27th ultimo.

The 19th December 1884.

No. 2042.—The following extract paragraph 1 from a Despatch received from Her Majesty's Secretary of State for India, No 92 (Public), dated 23rd October 1884, is published for general information :—

The undermentioned gentlemen have been appointed Members of the Bengal Civil Service in the following order, and to the Provinces placed against their names :—

Mr. Edgar Francis Latimer Winter, North-West Provinces, Punjab, and Oudh.
" Earnest Herbert Cooper Walsh, Bengal (Lower Provinces).
" Harrington Verney Lovett, North-West Provinces, Punjab, and Oudh.
" Michael Francis Dwyer, North-West Provinces, Punjab, and Oudh.
" Hewling Luson, Bengal (Lower Provinces).
" Henry Frederick House, North-West Provinces, Punjab, and Oudh.
" Edward Thomas Ashworth, North-West Provinces, Punjab, and Oudh.
" Reginald Henry Craddock, North-West Provinces, Punjab, and Oudh.
" Edward Albert Gait, Bengal (Lower Provinces).
" Herbert Watson Pike, North-West Provinces, Punjab, and Oudh.
" George Bower, North-West Provinces, Punjab, and Oudh.
" Albert Williams, North-West Provinces, Punjab, and Oudh.
Mr. Daniel Harold Ryan Twomey, Burma.
" Clive Cuthbertson, Bengal (Lower Provinces).
" Henry Ashbrooke Crump, North-West Provinces, Punjab, and Oudh.
" Anthony William Trethewy, North-West Provinces, Punjab, and Oudh.
" Edward Owen Every-Leggatt, North-West Provinces, Punjab, and Oudh.
" Frederick William Duke, Bengal (Lower Provinces).
" Henry Reynel Holled Coxe, Bengal (Lower Provinces).
" Francis Capel Harrison, Bengal (Lower Provinces).
" James Henry Bernard, ditto ditto.
" George Gordon, ditto ditto.
" Francis Ward Montagu, North-West Provinces, Punjab, and Oudh.
" Charles Brownlow Brind, North-West Provinces, Punjab, and Oudh.
" Charles William Erskine Pittar, Bengal (Lower Provinces).

ESTABLISHMENTS.

The 17th December 1884.

No. 281.—His Excellency the Viceroy and Governor General has been pleased to appoint Mr. Donald Mackenzie Wallace to be Private Secretary to His Excellency, with effect from the 13th instant.

JUDICIAL.

The 13th December 1884.

No. 1501.—APPOINTMENT.—Colonel T. G. Clarke, Officiating Resident in Mysore and Chief Commissioner of Coorg, to act also as Judicial Commissioner of Coorg during the absence on privilege leave of Mr. J. B. Lyall, C.S.

A. MACKENZIE,
Secy. to the Govt. of India.

REVENUE AND AGRICULTURAL DEPARTMENT.

NOTIFICATION.—SURVEYS.

Calcutta, the 18th December 1884.

No. 689—72-16 *S.*—The services of Mr. T. W. H. Hughes, Assistant Superintendent of the 1st Grade, Geological Survey of India, are placed at the disposal of the Public Works Department for one year, with effect from this date.

T. W. HOLDERNESS,

Offg. Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.—GENERAL.

Fort William, the 12th December, 1884.

No. 2400 *G.*—Mr. J. R. FitzGerald, Officiating Political Agent of the 2nd Class, and 1st Assistant to the Governor-General's Agent in Biluchistan, is granted privilege leave for three months, with effect from the 2nd January, 1885, or any subsequent date on which he may avail himself of the same.

No. 2402 *G.*—Captain I. MacIvor, Political Assistant of the 3rd Class, sub. *pro tem.*, on return from furlough, is appointed to officiate as a Political Assistant of the 1st Class, with effect from the 24th November, 1884, consequent on the deputation of Lieutenant M. J. Meade as Boundary Settlement Officer in Bhopal.

Captain I. MacIvor, Officiating Political Assistant of the 1st Class, and 3rd Assistant to the Governor-General's Agent in Central India, is posted as 1st Assistant to the Governor-General's Agent in Biluchistan, with effect from the date of assuming charge.

The 15th December, 1884.

No. 2412 *G.*—Mr. E. G. Colvin, C.S., is appointed to officiate as a Political Assistant of the 3rd Class, and is posted as an Assistant to the Governor-General's Agent in Rajputana, with effect from the date of assuming charge.

The 16th December, 1884.

No. 2427 *G.*—Surgeon C. Adams, M.B., Indian Medical Service (Madras), Civil Surgeon at Bikanir, is granted furlough to Europe for one year from date of embarkation, on medical certificate, under Chapter V, Section 50, of the Civil Leave Code.

No. 2429 *G.*—With reference to Foreign Department Notification, No. 2317 G., of the 2nd December, 1884, the recognition of the appointment by the Government of India of Mr. Clement C. Ellis as Consular Agent for the United States of America at Chittagong, has been confirmed by Her Majesty's Government.

No. 2433 *G.*—The services of Colonel G. L. Warden, Assistant to the Governor-General's Agent, and Boundary Commissioner, Baroda, are replaced at the disposal of the Government of Bombay, with effect from the 29th July, 1884.

The 18th December, 1884.

No. 2450 *G.*—Lieutenant H. W. Seymour, Bombay Staff Corps, Wing Officer and Quartermaster and Officiating Wing Commander, 16th Regiment of Bombay Native Infantry, officiated as 2nd Assistant to the Governor-General's Agent at Baroda, in addition to his own duties, from the 23rd October to the 3rd November, 1884, both days inclusive.

INTERNAL.

The 15th December, 1884.

No. 4433 *I.*—Colonel T. G. Clarke, Commissioner and District and Sessions Judge of Coorg, is appointed to be Civil and Sessions Judge of the Civil and Military Station of Bangalore as a temporary measure, with effect from the 14th November, 1884.

The 18th December, 1884.

No. 4476 *I.*—In modification of the Notification of the Government of India, in the Foreign Department, No. 115*J.*, dated the 19th July 1878, it is hereby declared that in Section 13 of Act XV of 1877 (the Indian Limitation Act), for the words "British India" the words "the Hyderabad Assigned Districts and British India" shall be read.

The 19th December, 1884.

No. 4478 *I.*—The Governor-General in Council is pleased to amend the "Bangalore Hackney Carriage Regulation, 1882," issued under Foreign Department Notification No. 1088I., dated the 27th October, 1882, as follows:—

After Section 8 of the said Regulation, the following section shall be added, namely:—

"9. If any person using a hackney carriage under this Regulation wilfully or negligently injures the same, he shall be punished with a fine which may extend to twenty rupees, and shall also pay to the owner of the hackney carriage compensation for the injury, the amount of the compensation to be fixed by the convicting Magistrate and to be recovered as a fine."

H. M. DURAND,

Officiating Secretary to the Government of India.

DEPARTMENT OF FINANCE AND COMMERCE.

NOTIFICATIONS.—ACCOUNTS, &c.

Calcutta, the 19th December 1884.

No. 2280.—*Monthly Preliminary Statement of Receipts and Payments at Civil Treasuries in India.*

(Lakhs of Rupees.)

November 1884.

[For the explanation of these heads, *see Gazette of India*, dated 22nd December 1883, Part 1, page 497.]	IN NOVEMBER. 1884-85.	IN NOVEMBER. 1883-84.	TO END OF NOVEMBER. 1884-85.	TO END OF NOVEMBER. 1883-84.	WHOLE YEAR. Budget, 1884-85.	WHOLE YEAR. Actuals. (Preliminary) 1883-84.
Civil Revenue.						
Land Revenue (including Land Revenue due to Irrigation)	1,12	1,26	9,94	10,24	22,40	22,74
Opium	72	84	5,78	6,27	8,59	9,56
Salt	62	62	4,17	4,03	6,33	6,14
Stamps	29	26	2,34	2,29	3,53	3,50
Excise	31	30	2,61	2,50	3,80	3,83
Provincial Rates	22	21	1,39	1,46	2,74	2,81
Customs	6	8	57	69	1,29	1,19
Assessed Taxes	1	2	46	47	52	52
Forest (Madras and Bombay only)	2	2	16	15	38	34
Registration	2	1	19	18	26	26
Tributes from Native States	2	3	25	27	70	72
Other Civil Revenue	16	19	1,78	1,77	3,00	3,05
TOTAL CIVIL REVENUE DIRECTLY BROUGHT TO ACCOUNT: GROSS	3,57	3,84	29,64	30,32	53,54	54,66
Civil Expenditure.						
Interest on Ordinary Debt and that on Productive Public Works	− 44	− 38	− 2,70	− 2,66	− 3,80	− 3,74
Opium	− 2	− 1	− 2,67	− 1,59	− 2,35	− 1,86
Exchange on transactions with London	− 26	− 23	− 1,71	− 2,28	− 3,72	− 3,93
Other Civil Expenditure	− 1,54	− 1,53	− 12,78	− 12,48	− 21,08	− 19,73
TOTAL CIVIL EXPENDITURE DIRECTLY BROUGHT TO ACCOUNT: GROSS	− 2,26	− 2,15	− 19,86	− 19,01	− 30,95	− 29,26
Extraordinary Receipts	...	...	...	...	...	...
Receipts into Civil Treasuries from, and issues from those Treasuries to, the following Non-Civil Departments.						
[The figures comprising Revenue, Expenditure, and Debt and Remittance transactions.]						
Post Office (Net: + Receipts more,—Receipts less, than issues)	+ 5	+ 4	+ 44	+ 32	+ 47	+ 44
Forest, Telegraph, Marine (Net as above)	− 2	− 2	− 14	− 9	− 10	− 8
Guaranteed and subsidized Railways (Net as above)	+ 39	+ 41	+ 2,91	+ 3,03	+ 4,65	+ 4,75
Do. Repayment of surplus profits, &c.	− 38	− 47	− 41	− 57	− 45	− 59
Military Receipts	+ 3	+ 5	+ 39	+ 53	+ 88	+ 83
Military issues	− 97	− 1,03	− 7,82	− 7,74	− 11,88	− 11,66
Public Works Department—						
State Railways Receipts	+ 27	+ 20	+ 2,10	+ 1,49	} − 2,09	+ 2,42
" " Issues	− 32	− 31	− 3,54	− 2,64		− 4,53
East Indian Railway Receipts	+ 31	+ 38	+ 2,48	+ 3,01	} + 2,45	+ 4,54
" " Issues	− 21	− 10	− 1,01	− 1,01		− 1,62
Ordinary Branches Receipts	+ 9	+ 10	+ 1,08	+ 1,08	} − 4,96	+ 1,90
" " Issues	− 47	− 51	− 4,28	− 4,50		− 7,31
TOTAL NON-CIVIL DEPARTMENTS	− 1,23	− 1,26	− 7,80	− 7,09	− 11,03	− 10,91
Civil Debt and Remittance Transactions.						
Permanent Debt (Net: + Receipts more,—Receipts less, than payments)	...	...	− 2	+ 2,51	+ 2,50	+ 2,50
Mint Certificates and Bullion Advances (Net as above)	+ 18	+ 1	+ 35	+ 34	+ 3	+ 33
Council Bills paid (including Telegraphic) at R10 per £	− 75	− 1,1	− 7,14	− 11,21	− 16,50	− 18,84
Other Debt heads (Net as above)	+ 11	+ 7	+ 70	+ 11	+ 98	− 10
TOTAL DEBT AND REMITTANCE TRANSACTIONS	− 46	− 1,06	− 6,11	− 8,25	− 12,99	− 16,11
GRAND TOTAL RECEIPTS AND ISSUES	− 38	− 63	− 4,13	− 4,03	− 1,43	− 1,62
Opening Cash Balance in Treasuries and Presidency Banks	9,45	11,42	13,20	14,82	12,44	14,82
Closing Cash Balance in Treasuries and Presidency Banks	9,07	10,79	9,07	10,79	11,01	13,20

LEAVE AND APPOINTMENTS.

The 19th December 1884.

No. 2292.

The following grade reversions and promotion of officers of the Financial Department are notified:—

With effect from the 28th September 1884, in consequence of the return from privilege leave of Mr. A. C. Tupp.

Mr. H. C. Clogstoun, to revert to his substantive appointment of Accountant General, Class III.

Mr. J. E. Cooke, to revert to his substantive appointment of Enrolled Officer, Class II.

Mr. W. Donald, to revert to his substantive appointment of Enrolled Officer, Class III.

Mr. J. Taylor, to revert to his substantive appointment of Enrolled Officer, Class IV.

Mr. C. E. Crawley, to revert to his substantive appointment of Enrolled Officer, Class V.

Mr. C. G. Vansittart, to revert to his substantive appointment of Enrolled Officer, Class VI.

With effect from 7th October 1884, in consequence of the departure on furlough of Mr. C. E. Crawley.

Mr. C. G. Vansittart, to officiate as Enrolled Officer, Class V.

With effect from the 30th October 1884, in consequence of the return from furlough of Mr. C. J. Rivett-Carnac.

Mr. F. J. Atkinson, to revert to his substantive appointment of Enrolled Officer, Class V.

Mr. C. G. Vansittart, to revert to his substantive appointment of Enrolled Officer, Class VI.

With effect from 15th November 1884, in consequence of the return from furlough of Mr. E. M Palmer and his assumption of the duties of Assistant Accountant General and Examiner of Local Accounts, Bengal.

Mr. E. M. Palmer, to be Enrolled Officer, Class III.

Mr. Larpent, to revert from Enrolled Officer, Class III, and to be Enrolled Officer, Class IV.

Mr. H. S. Groves, to revert to his substantive appointment of Enrolled Officer, Class V.

Mr. A. H. Anthony, to revert to his substantive appointment of Enrolled Officer, Class VI.

With effect from the 19th November 1884, in consequence of the departure on privilege leave of Mr. F. deH. Larpent.

Mr. H. S. Groves, to officiate as Enrolled Officer, Class IV.

Mr. C. G. Vansittart, to officiate as Enrolled Officer, Class V.

With effect from the 15th November 1884, in consequence of the departure on furlough of Mr. H. J. Brereton.

Mr. A. H. Anthony, to officiate as Enrolled Officer, Class V.

With effect from the 20th November 1884, in consequence of the departure on privilege leave of Mr. J. E. O'Conor.

Mr. W. Donald, to officiate as Enrolled Officer, Class II.

Mr. J. Taylor, to officiate as Enrolled Officer, Class III.

Mr. F. J. Atkinson, to officiate as Enrolled Officer, Class IV.

Mr. R. C. Chapman, to officiate as Enrolled Officer, Class V.

With effect from the 10th December 1884, in consequence of the assumption of charge of the duties of Assistant Accountant General and Examiner of Local Accounts, Bengal, by Mr. W. H. Dobbie from Mr. E. M. Palmer.

Mr. E. M. Palmer to revert from the appointment of Enrolled Officer, Class III, and to be Enrolled Officer, Class IV.

Mr. W. H. Dobbie, to be Enrolled Officer, Class III.

The 18th December 1884.

The following addenda and corrigenda to the Codes of the Financial Department are published for general information:—

No. 2201.

CIVIL PENSION CODE.

Page 44.

Section 94.

Rule 1.

Insert the following in the proper place in the list under this rule:—

"Indo-European Telegraph Department.—The European Splicer, and the three Tindals drawing R35, 30, and 25 a month, respectively, in the Cable Branch of the Subordinate Establishment of the—."

No. 2203.

PAY AND ACTING ALLOWANCE CODE.

Page 269.

Section 5 (ii).

Add the following to note (2) under this Section:—

"But Section 5 does not affect the right to any Local Allowance."

Page 287.

Section 41.

Rule 2.

For the words "an allowance" *in lines 6 and 7 of this rule substitute* "a Local Allowance."

No. 2208.

CIVIL LEAVE CODE.

Page 168.

Section 71.

Add the following exception to this Section:—

"Exception.—Officers stationed in the Andamans and Nicobars are allowed, on each occasion when they may wish to take privilege leave, the option between the following two courses, namely—

(a) To accumulate privilege leave up to three months and fifteen days.

(b) To overstay any privilege leave due by fifteen days without forfeiting pay or appointment, provided that, in the case of such overstay, the officer shall not begin to count service towards future privilege leave until he shall have served a period of time proportionate to the amount of overstay, that is eleven times the period of overstay."

Page 216.

Section 165.

Add the following note to this Section:—

["NOTE.—But see the Exception under Section 71."]

No. 2242.

CIVIL PENSION CODE.

Page 31.

Section 66.

After the word "Coopers Hill" *in line 4 of the note under this Section add* "or a Forest Officer."

The 19th December 1884.

No. 2206.

CIVIL PENSION CODE.

Page 100.

Section 181.

Add the following to note (2) under this section:—

"But the failure of such authority to do this will not be admitted as a ground for allowing the refund at a later date."

No. 2290.

CIVIL LEAVE CODE.

Page 163.

Section 55.

Rule 4.

Strike out this rule and its foot-note.

SEPARATE REVENUE.

COMMERCE AND TRADE.

MERCHANT SHIPPING.

The 18th December 1884.

No. 2181.—The following Order in Council providing for the recognition in the United Kingdom of the certificates of survey to be issued by the Government of Bengal to passenger steamers at Calcutta, is published for general information:—

AT THE COURT AT BALMORAL,

The 17th day of October 1884.

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by the Merchant Shipping Act, 1876, it is enacted that, when the Legislature of any British Possession provides for the survey of and grant of Certificates for passenger steamers, and the Board of Trade report to Her Majesty that they are satisfied that the Certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the Certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, it shall be lawful for Her Majesty by Order in Council;

1. To declare that the said Certificates shall be of the same force as if they had been granted under the said Acts; and

2. To declare that all or any of the provisions of the said Acts which relate to Certificates

granted for passenger steamers under those Acts shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the Certificates referred to in the order; and

3. To impose such conditions and to make such regulations with respect to the said Certificates, and to the use, delivery, and cancellation thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

And whereas the Legislature of the British Possession of Bengal has provided for the survey of and grant of Certificates for passenger steamers.

And whereas the Board of Trade have reported to Her Majesty that they were satisfied that such Certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the Certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping.

Now, therefore, Her Majesty, in virtue of the powers vested in Her by the said recited Act, by and with the advice of Her Privy Council, is pleased to direct—

1. That the Certificates granted under the said provision by the Legislature of the British Possession of Bengal for passenger steamers shall be of the same force as if they had been granted for the same purpose in the United Kingdom under the said Acts relating to Merchant Shipping.
2. That all the provisions of the said Acts which relate to certificates granted for passenger steamers under those Acts shall, without modification, except as herein-after mentioned, apply to the Certificates referred to in this Order.
3. That it shall not be lawful for a passenger steamer to which this Order relates to proceed to sea with passengers on board from any port or place in the United Kingdom on any voyage to any port in Canada or the United States of America.
4. That if any such passenger steamer goes to sea from any place in the United Kingdom with any passengers on board upon any voyage to any port in Canada or the United States of America, the owner thereof shall for every such offence incur a penalty not exceeding fifty pounds, and such penalty is hereby imposed accordingly.

C. L. PEEL.

D. BARBOUR,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 19th December, 1884.

APPOINTMENTS.

No. 671.—STAFF CORPS—

The undermentioned officer is admitted to the Bengal Staff Corps, with effect from the date specified, subject to the confirmation of the Secretary of State for India:—

Lieutenant Wallace Christopher Ramsay Stratton, R.A., Officiating Wing Officer, Meywar Bheel Corps,—7th August, 1883.

No. 672.—PERSONAL STAFF—

The Viceroy and Governor General has been pleased to make the following appointments on His Excellency's personal staff, with effect from the 13th December, 1884.

To be Military Secretary.

Captain Lord W. L. De la P. Beresford, V.C., 9th Lancers.

To be Aides-de-Camp.

Major H. Cooper, Loyal North Lancashire Regiment.

Lieutenant the Hon'ble C. Harbord, Scots Guards.

Lieutenant Lord Herbrand A. Russell, Grenadier Guards.

Lieutenant A. G. Balfour, Highland Light Infantry.

Subadar Major Nutha Sing, Sirdar Bahadoor, 23rd Bengal Infantry, Pioneers.

Subadar Major Bulbhudder Naigee, Bahadur, 5th Goorkha Regiment.

To be Honorary Aides-de-Camp.

Lieutenant-Colonel A. J. Hadfield, Madras Invalid Establishment.

Colonel B. Walton, C.I.E., Bengal S. C.

Colonel T. E. Gordon, C.B., C.S.I., Bengal S. C.

Colonel G. F. Graham, Bengal S. C. (Commandant Presidency Volunteers) *ex officio.*

Lieutenant-Colonel D. W. Campbell, C.I.E., E. I. R. Volunteer Rifle Corps.

Colonel A. R. D. Mackenzie, Bengal Cavalry.

Colonel R. C. Stewart, Madras Cavalry.

Colonel T. R. Nimmo, Bombay S. C.

To be Honorary Surgeons.

Surgeon-General W. R. Cornish, C.I.E., Indian Medical Service, Madras Establishment.

Deputy Surgeon-General A. J. Payne, M.D., Indian Medical Service, Bengal Establishment.

Deputy Surgeon-General W. J. Moore, C.I.E., Indian Medical Service, Bombay Establishment.

Brigade Surgeon G. Farrell, Indian Medical Service, Bengal Establishment.

Surgeon-Major G. C. Chesnaye, Indian Medical Service, Bengal Establishment.

Brigade Surgeon E. H. Roberts, Army Medical Department.

Surgeon-Major R. Harvey, M.B., Indian Medical Service, Bengal Establishment.

Surgeon-Major J. Hector, M.B., Army Medical Department.

Surgeon-Major S. E. Maunsell, Army Medical Department.

No. 673.—The following appointment has been made on the personal staff of Major-General M. A. Dillon, C.B., C.S.I., Commanding the Oudh Division:—

Major C. H. B. Norcott, Rifle Brigade, to be Aide-de-Camp. Dated 29th November, 1884.

No. 674.—ORDNANCE DEPARTMENT—

Lieutenant A. L. M. Turner, R.A., to be Commissary of Ordnance, 4th class, with effect from the 14th November, 1884.

No. 675.—MILITARY ACCOUNTS DEPARTMENT—

Surgeon-Major W. S. Fox, Madras Medical Service, to be Examiner of Medical and Fund Accounts, Madras, *vice* Surgeon-Major W. Macrae, M.B., whose services have been replaced at the disposal of the Government of Madras.

No. 676.—PUNJAB FRONTIER FORCE—

3rd Sikh Infantry.

Lieutenant W. Cook, Wing Officer and Quartermaster, to be Adjutant, *vice* Captain E. J. N. Fasken, who vacates on promotion;

Lieutenant W. D. Gordon, Wing Officer, to be Quartermaster, *vice* Lieutenant Cook.

6th Punjab Infantry.

Lieutenant E. W. Cunliffe, Wing Officer and Quartermaster, to be Adjutant, *vice* Captain H. B. Urmston, who vacates on promotion;

Lieutenant G. R. MacMullen, Wing Officer, to be Quartermaster, *vice* Lieutenant Cunliffe.

No. 677.—HYDERABAD CONTINGENT—

1st Cavalry.

Lieutenant F. Oswald, Squadron Officer and Officiating Adjutant, to be Squadron Officer and Adjutant, *vice* Captain G. Adye, who vacates on promotion.

No. 678.—VOLUNTEER CORPS—

Nagpore Volunteer Rifle Corps.

Lieutenant Sir R. A. W. Colleton, Bart., Royal Welsh Fusiliers, to be Adjutant.

FURLOUGH AND LEAVE.

No. 679.—The undermentioned officers are granted furlough out of India, with the necessary subsidiary leave:—

Major R. F. Lewis, R.A., Inspector General of Ordnance, Bengal Circle, (p. a.) for one year and 13 days, under rule IX of the regulations of 1868.

Sub-Conductor J. Shaw, Sub-Engineer, 3rd grade, Military Works Department, (m. c.) for one year, under rule VI of the regulations of 1875.

Sub-Conductor W. Anderson, Office of the Adjutant General in India, (m. c.) for one year, under rule VI of the regulations of 1875.

No. 680.—In G. G. O. No. 618 of 1884, for "12th October, 1883," read 12th October, *1884.*

No. 681.—Major-General J. L. Nation, C.B., Bengal S. C., is permitted to reside in Europe.

PROMOTIONS.

No. 682.—NATIVE ARMY—

29th Bengal Infantry.

Subadar Bhugwan Sing to be Subadar Major, *vice* Subadar Major Gujja Sing, Bahadur, invalided,—1st October, 1884.

REWARDS.

No. 683.—ORDER OF BRITISH INDIA—

The Governor General in Council is pleased to admit the undermentioned Native Officers to the 1st and 2nd classes of the Order of British India from the 9th September, 1884:—

BOMBAY.

To the 1st Class, with the title of Sirdar Bahadur.

Subadar Major Ittoo Bagweh, Bahadur, 4th Native Infantry, *vice* pensioned Ressaldar Ahmed Ali Khan, Sirdar Bahadur, deceased.

To the 2nd Class, with the title of Bahadur.

Subadar Major Govind Gaicowar, Sappers and Miners, *vice* Subadar Major Ittoo Bagweh, Bahadur, promoted.

VOLUNTEER CORPS.

No. 684.— It is notified that the Lakhimpore Volunteer Rifle Corps and the Sibsagar Mounted Rifles will, for administrative purposes, form together the "Assam Valley Administrative Battalion."

APPOINTMENT.

Assam Valley Administrative Battalion.

No. 685.—Captain F. C. N. Goldney, Bengal S. C., Wing Officer, 43rd Bengal Infantry, to be Adjutant, with effect from the 1st January, 1885.

MILITARY WORKS DEPARTMENT.

PROMOTIONS.

No. 686.—*To be Assistant Engineers, 1st grade*:

Deputy Assistant Commissary and Honorary Lieutenant J. H. Quilter, Sub-Engineer, 1st grade,—14th June, 1883.

Deputy Assistant Commissary and Honorary Lieutenant R. Chalmers, Sub-Engineer, 1st grade,—17th May, 1884.

G. CHESNEY,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Fort William, the 17th December 1884.

No. 300.—The Governor General in Council is pleased to order the following promotions to and in the classes of Superintending Engineers, with effect from the dates specified :—

NAMES.	From	To	Date.	Nature of promotion.
Wickes, T. H. .	Supdg. Engr., Class III, special.	Supdg. Engr., Class II .	10th Oct. 1884 .	Temporary.
Vertannes, J. C.	Supdg. Engr., Class II .	Supdg. Engr., Class I . .	16th ditto .	Ditto.
Cumming, Major W. G., R.E.	Supdg. Engr., Class III, special.	Supdg. Engr, Class II .	16th ditto .	Ditto.
Dibblee, F. L. .	Exe. Engr., Grade I .	Supdg. Engr., Class III .	16th ditto .	Ditto.
White, H. F. .	Exe. Engr., Grade I .	Supdg. Engr., Class III .	1st Dec. 1884 .	Ditto.

No. 301.—Mr. W. B. Carter, Executive Engineer, 1st Grade, State Railways, has been granted by Her Majesty's Secretary of State for India leave for six months on medical certificate, in further extension of the leave granted in Public Works Department Notification No. 142 of 20th June 1884.

The 18th December 1884.

No. 302.—The following is published for general information :—

No. 1442 G., dated 13th December 1884.

RESOLUTION—By the Government of India, Public Works Department.

Reorganisation of the Engineer Establishment of the Public Works Department.

Read again—

Despatch to the Secretary of State, No. 15, dated 21st April 1884.

Read also—

Despatch from the Secretary of State, No. 71, dated 13th November 1884.

RESOLUTION.—In accordance with the decision of the Secretary of State, the Governor General in Council directs the publication of the following orders regarding the Engineer Establishment of the Public Works Department :—

I. (*a*) The number of Executive and Assistant Engineers on any list, taken together, will be divided equally between the two classes, an addition of one to the number of Executive Engineers being made for a fraction.

(*b*) The number of Executive Engineers in the 1st, 2nd, 3rd, and 4th grades will be in the proportion of 8, 9, 10, and 12 respectively.

(*c*) Half the number of Assistant Engineers will be in the 1st grade, an addition of one being made for a fraction.

(*d*) The numbers in the three higher grades of Executive Engineers, and in the 1st grade of Assistant Engineers, as determined by (*b*) and (*c*), will be increased so as to allow of the permanent promotion of a number of officers from the junior grades of those classes, corresponding to the normal number of officers on furlough, as ordered in Public Works Department Resolution No. 1174G., dated 4th June 1880.

II. (*a*) The pay of the following grades will in future be—

Executive Engineer, 3rd grade, R700 a month.
" " 4th " " 600 "
Assistant Engineer, 1st " " 500 "

(*b*) Assistant Engineers, 2nd grade, will receive R400 a month instead of R350, after 3 years' service in the grade.

(*c*) In the cases of officers of Royal Engineers, who draw staff salary in addition to military pay and allowances, the increases under (*a*) and (*b*) will take the form of an addition of R50 a month to staff salary, and to the maximum pay of their grade.

(*d*) The increase of R50 a month to the salaries of Assistant Engineers, 2nd grade, after 3 years' service in their grade, will be given on specific recommendations on account of satisfactory service, and cannot be claimed as a right. The increase may be sanctioned by Local Governments and Administrations.

III. Certain Civil Engineers with English training, appointed in India, will be allowed the same privileges under the pension rules, in all respects, as officers included in Schedule B, I, II and III (1) of the Civil Pension Code. A nominal roll of these officers will be added to the Civil Pension Code hereafter.

IV. In regard to Civil Engineers, appointed in India from the Civil Engineering Colleges or otherwise, and not included under III, who may rise to the rank of Superintending Engineer, the Government of India will be prepared to consider favorably their admission to the pension rules applicable to those included in Schedule B, I, II and

III (1). This rule is subject to any general restriction that may hereafter be prescribed as to the amount of pension payable to public servants who are natives of India.

V. Civil Engineers who were appointed to the Department as Assistant Engineers, 1st grade after they had left other employment in India, will be allowed, on account of previous experience, to add to their pensionable service a period not exceeding 3 years, provided such previous experience was not acquired before the age of 25.

VI. These rules will come into force on 1st January 1885.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh and the Punjab, in the Public Works Department.
The Chief Commissioners, Central Provinces, British Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Biluchistan.
The Accountant General, Public Works Department.
The Inspector General of Military Works.
The Director General of Railways.
The Consulting Engineers to the Government of India for Guaranteed Railways, Calcutta, Lahore, and Lucknow.
The Superintendent of Works, Simla Imperial Circle.

ORDER.—Ordered, that this Resolution be communicated to the Local Governments, Administrations, and Officers noted in the margin, and that it be published in the *Gazette of India*, and in all local official Gazettes.

The 19th December 1884.

No. 303.—Major J. W. Ottley, R.E., Executive Engineer, 1st Grade, Punjab, on return from furlough, resumes the rank of Superintending Engineer, 3rd Class, temporary, with effect from 26th November 1884.

No. 304.—Major J. W. Ottley, R.E., Superintending Engineer, 3rd Class, temporary, Punjab, is promoted to Superintending Engineer, 3rd Class, special, with effect from 15th December 1884.

This cancels Public Works Department Notification No. 291, dated 9th December 1884.

No. 305.—Mr. Walter Giles, Assistant Engineer, 2nd Grade, appointed by the Secretary of State for India in Council from the Royal Indian Engineering College, having gone through his practical training in England, is posted to State Railways, and his services placed at the disposal of the Director General of Railways.

No. 306.—Mr. S. P. H. Dyson, Assistant Engineer, 2nd Grade, North-Western Provinces and Oudh, is transferred to State Railways, and his services placed at the disposal of the Director General of Railways.

No. 307.—Mr. C. Fouracres, candidate, Superior Revenue Establishment of State Railways, Locomotive Department, is transferred temporarily, from the 24th August to 31st December 1884, from the establishment under the Government of Bengal to that under the Director General of Railways.

No. 309.—Mr. J. H. Handley, Assistant Engineer, 1st Grade, Hyderabad, is transferred temporarily to State Railways, and his services placed at the disposal of the Director General of Railways.

No. 310.—Mr. C. F. McLeod, Assistant Engineer, 3rd Grade, British Burma, is promoted to Assistant Engineer, 2nd Grade, with effect from 16th July 1884.

No. 311.—The following is published for general information :—

No. 1413G., dated 13th December 1884.

RESOLUTION—By the Government of India, Public Works Department.

Engineer Appointments guaranteed to Indian Civil Engineering Colleges.

Read again—

Despatch from the Secretary of State, No. 32, dated 4th August 1881.
" to " " " 38, " 8th July 1882.
" from " " " 52, " 28th September 1882.
Public Works Department Resolution, Nos. 1516—28G., dated 11th November 1882.
" " " 241—51G., " 14th February 1883.
Despatch to the Secretary of State, No. 36, dated 28th July 1883.
" from " " " 74, " 20th December 1883.
" to " " " 14, " 21st April 1884.
" from " " " 38, " 24th July 1884.
" to " " " 45, " 29th August 1884.

Read also—

Despatch from the Secretary of State, No. 67, dated 30th October 1884.

RESOLUTION.—The rules regulating the admission of students to the Indian Engineering Colleges, and the manner in which appointments in the Engineering Branch of the Public Works Department may be obtained by students of these Colleges, are contained in the Resolutions of the Government of India in the Public Works Department of 11th November 1882 and 14th February 1883. These Resolutions modified the previously existing rules in several respects, and notably in giving to students of pure Indian descent a preference over all other students for guaranteed appointments in the Public Works Department. As long ago as 1876 it had been remarked by the Secretary of State that very few persons of pure Indian origin succeeded in obtaining appointments in the public service through the Engineering Class of the Thomason College, and between that time and the year 1882 he had repeatedly urged on the Government of India the advisability of giving to pure natives a preferential claim to such appointments. The Government of India, while recognising the desirableness of attracting natives of India to the Engineer Department, hesitated to give an exclusive preference to one

class of natives of India as defined by Statute, and the discussions on this point ranged over a considerable period. Ultimately the Governor General in Council acquiesced in the proposals of the Secretary of State, being influenced mainly by the consideration that, owing to reductions in the Public Works Department, the number of appointments available for pupils of the Indian Colleges had become so small that in no other way could the object in view be attained. The number of appointments guaranteed to the four Indian Colleges was no more than six for the year 1885 and seven for 1886, and under these circumstances almost the only way of facilitating the candidature of pure natives seemed to be to give them a preference over other students. Shortly after the issue of the Resolutions in question, memorials were received from various Associations of domiciled Europeans and Eurasians in India, remonstrating against the disadvantage at which persons of their class were placed by the new rules. These memorials were forwarded to the Secretary of State with the Despatch from the Government of India of 28th July 1883, in which the Governor General in Council remarked that although, looking to the small number of appointments involved, the memorialists appeared to exaggerate somewhat the practical effect of the rules upon their interests, he could not but think that "they had a certain solid foundation for their dissatisfaction, and that their representations deserved attention." The Governor General in Council accordingly recommended that arrangements should be made in regard to the recruiting of the Public Works Department which would have the effect of increasing the number of appointments available for the Indian Colleges to eleven, and that with this extension of the field of employment the area of competition might again be widened so as to include all persons coming under the statutory definition of natives of India. Considerable correspondence has since taken place upon various points of detail in this scheme, and the Secretary of State has now decided that the annual recruitment from the Indian Colleges shall be fixed at nine. Although somewhat smaller than what they had recommended, the Government of India believe that this increase in the number of appointments, taken in connection with the changes made in other respects in the rules of admission to the College, renders it unnecessary to maintain a preference in favour of students of pure Indian descent, and that the object with which that preference was given may now be sufficiently attained without it. In future, therefore, all students coming under the statutory definition of natives of India will be eligible to compete for the guaranteed appointments in the Public Works Department.

The appointments will, for the present, be alloted as follows:—

To Thomason College, Rurki	4 and 5 alternately.
Seebpore ,,	2 and 1 ,,
Madras Civil Engineering College	1
Poona College of Science	2

ORDER.—Ordered, that this Resolution be communicated to the Local Governments and Administrations noted in the margin; also that it be published in the *Gazette of India* and in all local official Gazettes.

The Governments of Madras, Bombay, Bengal, the North-Western Provinces and Oudh, and the Punjab, in the Public Works Department.
The Chief Commissioners of the Central Provinces, British Burma, Assam, and Coorg.
The Resident at Hyderabad.
The Agents to the Governor General for Central India, Rajputana, and Beluchistan.
The Director General of Railways.

No. 312.—The Secretary of State having sanctioned the construction of a line of railway between Sitarampore Station, East Indian Railway, and Nandgan Station, Nagpur-Chhattisgarh Railway, His Excellency the Governor General in Council is pleased to place the work under the Director General of Railways, and to nominate Mr. A. C. Cregeen, Superintending Engineer, 1st grade, sub. *pro. tem*, as the Engineer-in-Chief of the project.

The project will be called the Nagpur-Bengal State Railway. The location of the permanent head-quarters of the line will be notified hereafter.

No. 313.—The undermentioned officers of the Railway Branch are transferred from the Establishment under the Government of Madras to that under the Director General of Railways:—

Mr. A. C. Cregeen, Superintending Engineer, 1st Grade, sub. *pro tem.*

Mr. W. B. Taylor, Executive Engineer, 2nd Grade.

Mr. E. H. Stone, Executive Engineer, 3rd Grade.

Mr. E. Baker, Assistant Engineer, 1st Grade.

Mr. E. F. Gordon, ditto ditto.

Mr. A. T. Chiodetti, ditto 3rd Grade.

TELEGRAPH.

The 19th December 1884.

No. 308.—The Governor General in Council is pleased to make the following officiating promotions in the Indian Telegraph Department, from the dates and for the periods specified:—

NAMES.	From	To	
W. N. Toulmin	Supdt., 3rd Grade	Supdt., 2nd Grade	22nd Sept. to 18th Nov. 1884, inclusive.
F. G. Maclean	Do. 4th do.	Do. 3rd do.	22nd Sept. to 26th Nov. 1884, inclusive.
C. P. Landon	Do. 4th do.	Do. 3rd do.	1st Oct. to 18th Nov. 1884, inclusive.
W. B. Melville	Asst. Supdt., 1st Grade	Do. 4th do.	22nd Sept. to 8th Nov. 1884, inclusive.

W. S. TREVOR, *Colonel, R.E.*,
Secy. to the Govt. of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 20, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

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By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

E. J. DEAN,
Publisher, Gazette of India.

HIGH COURT—Original Side.

NOTIFICATION.

Calcutta, the 13th December 1884.

The Honorable the Chief Justice has, with the approval of His Excellency the Governor General of India in Council, appointed Mr. W. R. Fink, Assistant Registrar, Original Side, to officiate as Chief Clerk, Mr. S. Tremearne, Private Secretary and Clerk to the Chief Justice, to officiate as Assistant Registrar, and Babu Grees Chunder Bonerjee, Assistant Clerk, Original Side, to officiate as Private Secretary and Clerk to the Chief Justice. Such appointments to have effect from the 17th of November last, and to continue during the absence on leave of Mr. C. T. Davis, the Chief Clerk, or until further order.

By Order,

R. BELCHAMBERS,
Registrar.

BANK OF BENGAL.

Calcutta, the 17th December 1884.

Notice is hereby given that the Transfer Books of the Bank will be closed from Friday, the 2nd, to Friday, the 16th proximo, both days inclusive.

By order of the Directors,

R. HARDIE,
Secretary & Treasurer.

No. 1828.—*Account of Revenue and Expenditure of the Government of India for the first five*

N.B.—Amounts are converted into

	Revenue.	Estimates, 1884-85.	April 1883 to August 1883.	April 1884 to August 1884.	Comparison of two years.	
					Increase.	Decrease.
		£	£	£	£	£
I	Land Revenue*	22,396,600	7,785,810	7,681,224	...	104,586
II	Opium	8,594,200	3,794,507	3,551,041	...	243,466
III	Salt	6,328,900	2,535,187	2,572,668	37,481	...
IV	Stamps	3,533,000	1,547,855	1,600,263	52,408	...
V	Excise	3,796,900	1,572,160	1,646,742	74,582	...
VI	Provincial Rates	2,740,300	1,038,587	983,431	...	55,156
VII	Customs	1,289,500	484,684	395,522	...	89,162
VIII	Assessed Taxes	518,100	409,864	413,632	3,768	...
IX	Forest	1,052,000	303,650	271,080	...	32,570
X	Registration	265,600	135,019	130,480	...	4,539
XI	Tributes from Native States	695,900	193,372	184,160	...	9,212
XII	Post Office	1,059,000	419,254	440,429	21,175	...
XIII	Telegraph	547,700	186,124	188,860	2,736	...
XIV	Mint	102,200	20,819	49,024	28,205	...
XV	Law and Justice	617,900	213,036	199,126	...	13,910
XVI	Police	308,800	124,336	126,044	1,708	...
XVII	Marine	205,900	57,273	48,279	...	8,994
XVIII	Education	198,700	83,294	75,876	...	7,418
XIX	Medical	46,100	19,540	16,632	...	2,908
XX	Scientific and other Minor Departments.	75,700	25,008	27,613	2,605	...
XXI	Interest	643,100	355,147	348,922	...	6,225
XXII	Receipts in aid of Superannuation, &c.	194,200	58,070	56,294	...	1,776
XXIII	Stationery and Printing	53,000	17,626	16,086	...	1,540
XXIV	Miscellaneous	218,300	81,718	104,547	22,829	...
		55,511,600	21,461,940	21,127,975	...	333,965
	Productive Public Works.					
XXV	State Railways (Gross Earnings)	3,716,900	1,291,957	1,390,612	98,655	...
	East Indian Railway (Gross Earnings).	4,850,000	2,231,123	1,764,489	...	466,634
XXVI	Guaranteed Railways (Net Traffic Receipts).	3,613,000	2,333,408	2,178,716	...	154,692
XXVII	Irrigation and Navigation (direct Receipts).	942,600	430,345	492,075	61,730	...
	Unproductive Public Works.					
XXIX	State Railways	196,100	39,701	86,099	46,398	...
XXX	Southern Mahratta Railway	...	...	5,799	5,799	...
XXXI	Irrigation and Navigation	140,700	52,296	48,183	...	4,113
XXXII	Military Works	37,700	14,540	12,794	...	1,746
XXXIII	Civil Buildings, Roads, and Services	520,600	172,598	200,250	27,652	...
XXXIV	Army	810,000	303,862	279,377	...	24,485
XXXV	Military Operations in Egypt	...	888	...	...	888
		70,339,200	28,332,658	27,586,369	...	746,289
	England, including Army, Public Works, &c.	221,200	128,389	124,577	...	3,812
	GRAND TOTAL	70,560,400	28,461,047	27,710,946	...	750,101

* Includes Land Revenue due to Irrigation, which cannot be separated in the Monthly Accounts.

THE TREASURY,
Calcutta, the 18th December 1884.

months of the year 1884-85, as compared with the corresponding period of 1883-84.

sterling at R10 to the pound sterling.

	EXPENDITURE.	Estimates, 1884-85.	April 1883 to August 1883.	April 1884 to August 1884.	COMPARISON OF TWO YEARS.	
					Increase.	Decrease.
		£	£	£	£	£
1	Interest on Ordinary Debt †	3,798,300	1,638,634	1,655,404	16,770	...
2	Do. on other Obligations	470,300	58,906	80,322	21,416	...
3	Refunds and Drawbacks	220,400	108,008	80,062	...	27,946
4	Assignments and Compensations	1,240,100	368,293	368,825	532	...
5	Land Revenue	3,340,100	1,246,357	1,336,873	90,516	...
6	Opium (including cost of production)	2,352,000	1,222,424	2,291,681	1,069,257	...
7	Salt (do. do.)	521,700	211,498	198,875	...	12,623
8	Stamps	85,600	35,532	38,832	3,300	...
9	Excise	98,600	38,683	39,694	1,011	...
10	Provincial Rates	53,000	26,394	22,482	...	3,912
11	Customs	142,000	57,342	58,447	1,105	...
12	Assessed Taxes	13,800	6,400	5,772	...	628
13	Forests	724,000	217,367	238,267	20,900	...
14	Registration	176,500	81,499	74,602	...	6,897
15	Post Office	1,146,500	465,403	446,802	...	18,601
16	Telegraph	628,700	192,207	203,491	11,284	...
17	Mint	73,400	32,111	31,664	...	447
18	General Administration	1,343,200	528,754	538,991	10,237	...
19	Law and Justice	3,376,700	1,325,704	1,355,872	30,168	...
20	Police	2,793,900	1,107,551	1,124,328	16,777	...
21	Marine (including River Navigation)	381,000	137,498	128,484	...	9,014
22	Education	1,237,100	453,700	459,402	5,702	...
23	Ecclesiastical	167,100	63,260	67,294	4,034	...
24	Medical	722,900	287,960	292,575	4,615	...
25	Political	548,200	171,496	196,630	25,134	...
26	Scientific and other Minor Departments	428,600	209,361	211,988	2,627	...
27	Territorial and Political Pensions	675,300	293,842	264,263	...	29,579
28	Civil Furlough and Absentee Allowances	900	296	8,231	7,935	...
29	Superannuation Allowances and Pensions	783,900	342,205	367,780	25,575	...
30	Stationery and Printing	383,300	145,502	144,988	...	514
31	Miscellaneous	268,600	125,648	114,117	...	11,531
32	Famine Relief	...	4,749	176	...	4,573
33	Protective Works—Railways	1,138,600	110,389	424,196	313,807	...
34	Do. do. Irrigation	310,100	91,441	81,624	...	9,817
35	Reduction of Debt	301,300	...	...	...	...
49	Exchange on transactions with London	3,538,100	1,647,253	1,238,336	...	408,917
		33,483,800	13,053,667	14,191,370	1,137,703	...
	Productive Public Works.					
36	State Railways (Working Expenses)	2,027,700	716,066	817,921	101,855	...
	East Indian Railway (Working Expenses)	2,052,500	860,836	863,283	2,447	...
37	Guaranteed Railways (Surplus Profits, Land and Supervision).	530,000	122,437	63,968	...	58,469
38	Irrigation and Navigation (Working Expenses).	562,100	206,849	233,972	27,123	...
39	Charges in respect of Capital— (c) Guaranteed Railways Interest	5,300	3,972	6,966	2,994	...
	Unproductive Public Works.					
40	State Railways (Capital Account)	166,700	108,896	55,937	...	52,959
41	Do. (Working and Maintenance)	176,700	46,890	64,790	17,900	...
42	Subsidized Railways	66,200	12,020	15,407	3,387	...
	Southern Mahratta Railway	89,500	42,893	50,508	7,615	...
43	Frontier Railways	−73,900	56,609	18,412	...	38,197
44	Irrigation and Navigation	752,200	300,960	269,913	...	31,047
45	Military Works	919,200	325,053	320,261	..	4,792
46	Civil Buildings, Roads, and Services	3,882,200	1,389,436	1,259,607	...	129,829
47	Army	12,121,300	4,820,280	4,895,623	75,343	...
48	Military Operations in Egypt	...	34,299	...	...	34,299
		56,762,400	22,101,163	23,127,938	1,026,775	...
	England, including Army, Public Works, Guaranteed Interest, &c.	13,993,200	6,467,961	6,725,314	257,353	...
		70,755,600	28,569,124	29,853,252	1,284,128	...
	Productive Public Works—Capital Expenditure.					
	In India—					
50	State Railways	1,239,900	490,299	643,129	152,830	...
	East Indian Railway	540,000	107,312	54,292	...	53,020
51	Irrigation and Navigation	948,300	247,756	228,000	...	19,756
52	Miscellaneous Public Improvements	...	12,009	...	...	12,009
	In England—					
	State Railways	2,035,700	330,061	1,307,680	977,619	...
	East Indian Railway	...	212,506	167,670	...	44,836
	Irrigation and Navigation	500	7,901	260	...	7,641
		4,764,400	1,407,844	2,401,031	993,187	...
	GRAND TOTAL	75,520,000	29,976,968	32,254,283	2,277,315	...

† Includes Interest on Debt incurred for Productive Public Works, which cannot be separated in the Monthly Accounts.

E. W. KELLNER,
Deputy Comptroller General.

J. WESTLAND,
Comptroller General.

TELEGRAPH DEPARTMENT.

NOTIFICATION.

Calcutta, the 16th December 1884.

No. 10.—Mr. F. G. Maclean, a Superintendent of the 4th Grade, is allowed furlough for one year, under Section 50 of the Civil Leave Code, with effect from the forenoon of the 12th December 1884.

A. J. LEPPOC CAPPEL.

Director General of Telegraphs in India.

CALCUTTA UNIVERSITY.

NOTICES.

The Tagore Professor of Law will lecture on the Law relating to Hindu Joint Families at 9 A. M. on Saturday, the 10th January 1885, and on succeeding Saturdays, at the Presidency College.

CHARLES H. TAWNEY,

Registrar.

SENATE HOUSE,
The 5th December 1884.

The University Examinations in Arts, Law and Medicine of 1885 will be held on the undermentioned dates :—

Entrance Examination and First Examination in Arts and B. A. Examination on Monday, the 13th April, and following days.

B. L. and the Medical Examinations on Monday, the 2nd March, and following days.

Applications from candidates for admission to the Entrance, First Arts and B. A. Examinations must be lodged with the Registrar on or before the 2nd March.

Applications from candidates for admission to the B. L. and Medical Examinations must be lodged with the Registrar before the 2nd and 16th February, respectively.

All candidates from the same Institution must appear at one and the same place of examination.

By Order of the Vice-Chancellor,

CHARLES H. TAWNEY,

Registrar.

SENATE HOUSE,
The 13th December 1884.

SURVEY OF INDIA.

NOTIFICATIONS.

Calcutta, the 17th December 1884.

No. 483.—Mr. F. E. Warde is re-appointed an Assistant Surveyor, 3rd Grade, Survey of India, with effect from 13th November 1884, to fill an existing vacancy.

The 19th December 1884.

No. 484.—Mr. A. D'Souza, who has been appointed an Assistant Superintendent, 2nd Grade, under Notification No. 650-S.—52-14, dated 11th November 1884, of the Government of India in the Revenue and Agricultural Department, is appointed to officiate in the 1st grade of Assistant Superintendents, with effect from the forenoon of the 1st October 1884.

No. 485.—The following promotions are made from the forenoon of 1st October 1884, *vice* Mr. A. D'Souza, promoted as Assistant Superintendent, 2rd Grade, and Mr. E. S. P. Atkinson, Surveyor, 3rd Grade, seconded :—

Mr. W. J. O'Sullivan, Surveyor, 4th Grade, to be Surveyor, 3rd Grade.

Mr. J. Bond, Officiating Surveyor, 4th Grade, is confirmed in that grade.

Mr. J. Newland, Assistant Surveyor, 1st Grade, to officiate as Surveyor, 4th Grade.

Mr. P. White, Assistant Surveyor, 2nd Grade, to be Assistant Surveyor, 1st Grade.

Mr. R. W. Senior, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

No. 486.—Mr. A. G. Wyatt, Surveyor, 3rd Grade, having returned to duty on the forenoon of 7th November 1884 from the furlough granted him in Notification No. 380, dated 4th September 1883, the following reversion is made with effect from the same date :—

Mr. J. Newland, Officiating Surveyor, 4th Grade, to revert to his substantive appointment of Assistant Surveyor, 1st Grade.

No. 487.—The following promotion is made with effect from the forenoon of the 28th November 1884, *vice* Mr. G. R. Copping, Assistant Surveyor, 2nd Grade, deceased :—

Mr. W. H. D. Ewing, Assistant Surveyor, 3rd Grade, to be Assistant Surveyor, 2nd Grade.

G. C. DEPRÉE, *Colonel, S.C.,*

Surveyor General of India.

SURGEON-GENERAL WITH THE GOVERNMENT OF INDIA.

NOTIFICATION.

Calcutta, the 8th December 1884.

No. 33.—Second Grade Assistant Surgeon Kali Krishna Ghose, of the Imperial establishment, is promoted to be an Assistant Surgeon of the 1st grade, with effect from the 1st November 1884.

J. M. CUNINGHAM, M.D.,

Surgeon-Genl. with the Govt. of India.

AGENT TO THE GOVERNOR GENERAL FOR BILUCHISTAN, P. W. D.

NOTIFICATIONS.

Quetta, the 6th December 1884.

No. 15.—With reference to Military Works Department Notification No. 58, dated the 13th November 1884, Deputy Commissary and Honorary Lieutenant C. Atkinson, Assistant Engineer, is posted to the Quetta Division. He joined the Division on the afternoon of the 8th November 1884.

No. 16.—With reference to Notification No. 11, dated the 15th September 1884, Lieutenant E. H. Hemming, R.E., Assistant Engineer, 2nd Grade, reported his arrival in the Sibi Division on the forenoon of the 22nd November.

By Order,

W. P. TOMKINS, *Major, R.E.,*
Secy. to the Agent to the Govr. Genl. for Biluchistan, P. W. D.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 11th December 1884.

No. 3791.—The services of 2nd Class Hospital Assistant Balikram, lately in charge of Ramnuggur Dispensary in the Baghelkhand Political Agency, are dispensed with from the 23rd August 1884.

The 15th December 1884.

No. 3819.—With reference to Foreign Department Notification No. 1596 G., dated 18th August 1884, Lieutenant-Colonel M. G. Gerard, C.B., Officiating 2nd-in-Command, 2nd Regiment, Central India Horse, resumed charge of his duties as Political Assistant, Goona, from Captain A. Masters, on the forenoon of the 1st December 1884.

By Order,

D. ROBERTSON, *Captain,*
1st Asst. Agent to the Govr. Genl. for Central India.

RESIDENT IN MYSORE.

NOTIFICATION.

Bangalore, the 11th December 1884.

No. 28.—M. Abdul Rahman, Chief Clerk in the Court of the Civil and Sessions Judge of the Civil and Military Station of Bangalore, is appointed Sub-Registrar of the Civil and Military Station, in addition to his own duties, *vice* Mr. A. B. Bride, deceased.

By Order,

H. WYLIE, *Major,*
Assistant to the Resident.

NORTHERN INDIA SALT REVENUE DEPARTMENT.

NOTIFICATION.

Agra, the 12th December 1884.

No. 283.—Mr. W. Siddons, Inspector and Personal Assistant to Commissioner, Northern India Salt Revenue, is appointed Assistant Commissioner and Personal Assistant to Commissioner, with effect from the 21st November 1884.

A. D. CAREY,
Commr., Northern India Salt Revenue.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that about the month of December 1882, the treasure described below and valued at R63-12 was found under ground while digging the foundation of a hut in Uppinakudru village, Coondapoor Taluq, South Canara District:—

Description of Property.	*Value.* R	a.	p.
Eight pagodas (of which three appear to have been converted into a pair of bangles by the person to whom the same were sold by the finder)	34	0	0
Fourteen half pagodas	29	12	0
TOTAL	63	12	0

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of South Canara, at his Office, on the 23rd April 1885, in order to the matter being enquired into and determined according to the provisions of the said Act.

————————,
Collector.

SOUTH CANARA COLLECTOR'S OFFICE,
MANGALORE,
The 6th December 1884.

NOTICE

Is hereby given that the head-quarters of the Executive Engineer, Saugor Division, Military Works, will be removed from Saugor to Jubbulpore between 20th December 1884 and 1st January 1885; all letters intended to reach his office after 19th December 1884 should be addressed to Jubbulpore.

CHAS. C. ELLIS, *Captain, R.E.,*
Executive Engineer, Saugor Division, Military Works.

SAUGOR,
The 10th December 1884.

NOTICE.

Tenders are invited for the lease, for three years, of the Manihari Lime Hill belonging to Government, near the banks of the Ganges, opposite to East Indian Railway Station Sahebgunge. The tenders will be received up to the 28th of February 1885. The Collector of Purneah will not be bound to accept the highest or any bid.

A. WEEKES,
Collector.

COLLECTOR'S OFFICE,
PURNEAH,
The 15th December 1884.

Statement of the Affairs of the Bank of Bengal for the week ending 16th December 1884.

LIABILITIES.				R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,296	4	4
	R	a.	p.			
Public Deposits at Head Office	94,34,556	3	8	1,72,83,078	5	7
Public Deposits at Branches	78,48,522	1	11			
Other Deposits at Head Office and Branches				2,98,43,443	14	9
Bank Post Bills, &c.				2,52,674	6	11
Sundries				15,96,017	9	11
RUPEES				7,31,34,510	9	6

ASSETS.				R	a.	p.
Government Securities				67,97,798	0	0
Other authorized Investments				37,29,305	0	0
Loans on Government and other authorized Securities				91,43,202	12	10
Accounts of Credit on Government and other authorized Securities				84,79,919	5	11
Bills discounted and purchased				1,60,37,041	15	5
Balances with other Banks				5,70,882	7	11
Bullion				28,105	4	5
Dead Stock				11,89,267	1	8
Stamps				8,320	5	0
Sundries				6,63,991	12	9
				4,66,47,834	1	11
	R	a.	p.			
Cash and Currency Notes at Head Office	1,15,99,777	7	5	2,64,86,676	7	7
Cash and Currency Notes at Branches	1,48,86,899	0	2			
RUPEES				7,31,34,510	9	6

BANK OF BENGAL,
Calcutta, 18th December 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

Rate for Demand Loans 4 per cent.
Percentage 54.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department.	Under Assay.	Assayed.	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Dec. 8	1,35,233	1,43,427	. . .	1,35,233	1,47,93,863	1,20,61,761
" 9	. . .	1,13,137	. . .	1,35,233	1,46,93,863	1,19,15,302
" 10	. . .	84,300	. . .	1,36,233	1,44,93,863	1,18,20,221
" 11	1,232	1,38,113	. . .	1,36,465	1,43,93,863	1,16,88,289
" 12	4,90,448	1,64,014	1,277	6,25,703	1,41,95,167	1,15,22,232
" 13	. . .	. . .	. . .	6,25,703	1,41,95,167	1,15,22,232

R. V. RIDDELL, *Major, R.E.*,
Mint Master.

CALCUTTA MINT
The 16th December 1884.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Calcutta Circle

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
216	R 10—55108	100	Babu Kedar Nath Ghose, 14, College Square, Calcutta.
217	P 16—74819	10	Dr. P. G. Paul, Mergui.
218	R 10—54425	100	Babu Janoki Ballabha Sur, 82, Cornwallis Street, Calcutta.
	" —54426	100	

CALCUTTA,
The 19th December 1884.

J. TAYLOR,
Assistant Comptroller General, in charge, Paper Currency.

Lahore Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
28	*E 20—91102	100	Sirdar Mul Singh, Tehsildar, Kharor, Umballa District.
29	F 20—37918	100	Lakhmi Chand, Supervisor, 1st Division, Lopokie, *viâ* Taran Taran, Zilla Amritsar.

* Belonging to Agency No. 3, Umballa.

LAHORE,
The 13th December 1884.

W. H. EGERTON,
for Depy. Commr. of Paper Currency.

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
34	B 84—61821	100	Abdul Quadir Sahib, Madras.
35	B 84—83582	100	A. Ramaswamy Iyer, Salem.

FORT ST. GEORGE,
The 8th December 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl., In charge of Paper Currency Dept.

POST OFFICE.

NOTIFICATIONS.

Unclaimed Letters held in the Calcutta General Post Office on 16th December 1884.

Cooke, H J.
Coxhead, T. E.
DeCruze, Edwin H.
Deury, G M.
Goldinberg, Adolfe.
Harris, John.
Haydock, W.
Hein & Co.
Heselton, Miss A.
Hewett, G. B.
Hodding, G. H.
Jennings, H. B.
Kelly, John B
Lasayo, Antonio.
Le Maistre, E. C.
Linde, F.
Lucas, W. H.
May, Miss.
Mitchell, Robert.
Owen, C. M.
Thayer, Charles W.
Warden, C. J. H.
Webb, C. R. H.
Williams, Gwalkins.
Young, T. G.

Letters marked "Care of Post Office."

Adda, Henry.
Allen, Alex.
Amoss, Thomas.
Archdeacon of Colombo.
Badmer, G. R.
Betts, D.
Boileau, Captain H.
Bott, Fred
Brigg, E. A.
Capel, Lieut.-Col. A. W.
Caurev, Captain.
Carlisle, J. T.
C. G.
Chancellor, Miss.
Chapman, Frank
Clayton, L.
Clift, Mrs H. W.
Cooling, Mr.
DeLa Grange, Baron Louis.
Faerstermann, Ignatz.
Fergus, J. S.
Gill, F. N. G.
Golding, Herbert.
Grimes, H. R.
Grün, Otto.
H M. W.
Harcourt, W. H.
Hordern, Mrs Peter.
Huddleston, John E. Leslie.
Hull, W.
Hurst, W. H.
Jackson, Major.
Jones, Evan.
King, W.
Lampard, Henry.
Lawless, Hiram.
Lee, Miss C.
Lewis, H.
Lopez, E.
Lubbach, J. B.
Macdonald, Mrs. J.
Maxwell, Willwood.
Meij, H.
Morris, Pierce M.
Murgatroyd, C. A.
"Nami."
Newton, Mrs. C. R.
Norman, Miss L.
Owen, L. C.
Q. R.
Psyllas, Michel G.
Ramioh, C. V.
"Rex."
Robertson, W.
Reoks, Mrs. A. H.
Ryder, Harry.
Sarkies, Surgn. C. J.
Settle, J. W.
Sowers, Miss Rosa.
Spitzy, Mrs Berthe.
Stagg, J. E.
"Stanhope."
Stern, Edward.
Thompson, James.
Thrussell, A.
Tizbe, James.
Trafford, H. R.
Vincent, C. E. Howard.
Watt, Dr. George.
Wilson, Theos.
Wood, J.
Young, W.

Registered Letters.

Baker, Joseph.
Decheppe, F.
Duncan, B. F.
Fennbery, N.
Ferefourd, Duglass.
Schapera, D.
Tinbaud, Thomy.

E. HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 15th December 1884.

Bray, Subadar Dainu.
Caso, Fenmore.
Cuppage, W. A., Lieut.
Dalrymple, W. M.
Deone, Dr. W.
Ghose, Kally Dass.
Ibrahim & Co., H. M.
Landale, J.
Rotleg, Mrs.
Russell, Sergt. J.

A. P. GHOSAL,
Postmaster, Barrackpore.

Calcutta, the 20th December 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer.
	1884.	
Adelaide, Melbourne, and Sydney . .	21st Dec.	Private Str. *Bucephalus.*
Madras and Ceylon	27th „	P. & O. Str. *Nepaul.*
Colombo, Penang, Singapore, Hong-Kong, Shanghai, Yokohama, and Australian Colonies	23rd „	From Bombay.
Foreign Mails *vid* Bombay . . .	23rd „	From Bombay.*
Do. Book Post and Pattern Packets	22nd „	From Bombay.
Rangoon and Moulmein	24th „	Str. *Africa.*†
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	24th „	Str. *Mahratta.*

* Also for Cape Colonies through United Kingdom, can be forwarded.
† Also for Port Blair can be sent by this opportunity.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,
Presidency Post Master

METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices specified below:—

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts . .	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts . .	8	0	0
Report on the Meteorology of India in 1877, 4to, 193 pages text, 375 pages tables, 3 charts . .	8	0	0
Report on the Meteorology of India in 1882, 4to, 152 pages text, 298 pages tables, 8 charts . .	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages . .	1	8	0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates	1	8	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates	1	8	0
Indian Meteorological Memoirs, Vol. II, Part III, 4to, 68 pages, 3 plates	1	8	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates .	2	0	0
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates . .	2	8	0
Rainfall Chart of India showing the average annual distribution of rainfall (in colors) . . .	0	8	0
Rainfall Map of India (in two sheets, scale 64 miles to the inch), showing the annual distribution of rainfall (in colors)	3	0	0
Register of Original Observations of six stations in India for 1879, corrected and reduced . .	2	8	0
Register of Original Observations of six stations in India for 1880, corrected and reduced . . .	2	8	0
Register of Original Observations of six stations in India for 1881, corrected and reduced . . .	2	8	0
Register of Original Observations of six stations in India for 1882, corrected and reduced . . .	2	8	0
Register of Original Observations of six stations in India for 1883, corrected and reduced . . .	2	8	0
The Indian Meteorologist's Vade Mecum, Part I [Instructions to Observers]	3	0	0
The Indian Meteorologist's Vade Mecum, Part II [The Meteorology of India]	5	0	0
Tables for the Reduction of Meteorological Observations in India .	2	0	0

HENRY F. BLANFORD,
Meteorological Reporter to the Government of India.

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The Indian Law Reports, published under the authority of the Governor General in Council, appear in monthly parts, published as soon as possible after the first of each month, at Calcutta, Madras, Bombay, and Allahabad, and comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court are reported in the series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court are reported in the Calcutta Series.

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The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 20, 1884.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

IN THE GOODS OF KANNYLOLL SEAL, LATE OF No. 60, COLOOTOLLAH STREET, IN THE TOWN OF CALCUTTA, ZEMINDAR, DECEASED.

Probate of the last Will and Testament of the abovenamed deceased was on the 11th day of December 1884 granted by the High Court of Judicature at Fort William in Bengal, in its Testamentary and Intestate Jurisdiction, to Lollmohun Mullick, Sreemutty Kadumbiney Dossee, Bonomally Mullick, Nundololl Mullick, James Meik, and Neelmadhub Moitry, all of Calcutta, the Executors therein named and appointed.

All parties having claims against the Estate of the said deceased are requested to send in particulars thereof to Mr. James Meik, at No. 60, Colootollah Street, aforesaid, to whom all parties who are indebted to the said Estate are requested to make payments of their debts without delay.

A. ST. JOHN CARRUTHERS,
Solicitor.

10, GOVERNMENT PLACE EAST,
The 18th December 1884.

PROMISSORY NOTES.

Lost

The Government Promissory Note No. 131064 of the 4 per cent. of 1865, for R500, and Note No. 000589 of the 3½ per cent. of 1853-54, for R500. Fallen on road between Kasauli and Sabathu from the pocket of Moolraj, Contractor, the owner, on 31st March 1882. Last endorsed to Moolraj, Contractor.

MOOLRAJ,
Comst. Contractor, Sabathu.

Lost

The Government Promissory Note No. 037264, of the reduced 4 per cent. of 1879, for R1,000, originally standing in the name of S. D. Gouvia and last endorsed to Sorabjee Cowasjee Oomreegur and Framjee Manackjee Master, the proprietors, by whom it was never endorsed to any other person. Payment of the above note and the interest thereupon have been stopped at the Public Debt Office, Bank of Bengal, and application is about to be made for the issue of a duplicate in favour of the proprietors.

SORABJEE COWASJEE OOMREEGUR,
41, Meadows Street.

FRAMJEE MANACKJEE MASTER.

Lost

The lower half of the Government Promissory Note No. 185916 of the 4 per cent. loan of 1865, for R1,000, originally standing in the name of the Comptroller General, and last endorsed to Jugulkishore Lall and Rashbihari Lall, the proprietors, by whom it was never endorsed to any other person, and application is about to be made for the issue of a duplicate in favor of the proprietor.

JUGULKISHORE LAL,
Gya.



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CALCUTTA, SATURDAY, DECEMBER 20, 1884.

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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th December, 1884, and is hereby promulgated for general information:—

Act No. XXI of 1884.

An Act to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

Whereas it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

V of 1877.
XXI of 1883.

1. The Straits Settlements Emigration Act, 1877, is repealed.

V of 1877.

New section substituted for section 102 of Act XXI of 1883.

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted:—

XXI of 1883.

Power for Governor General in Council to exempt emigration to Native States adjoining the Straits Settlements from Act.

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

D. FITZPATRICK,

Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 20, 1884.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Third Publication.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th December, 1884:—

No. 17 OF 1884.

*A Bill to amend the law in force in the Pánch Mahál*s.

WHEREAS it is expedient that the law in force in the territory comprised in the Pánch Mahàls should, on and from the first day of March, 1885, be the same as the law in force in the district of Kaira, in the Bombay Presidency, and that the said territory should, on and from that day, cease to be a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874; It is hereby enacted as follows:— [XIV of 1874. XV of 1874.]

Short title.

1. This Act may be called the Pánch Mahàls Laws Act, 1884.

Laws of Kaira to apply.

2. (1) Save and except the enactments specified in the schedule hereto annexed, all enactments which, on the first day of March, 1885, are in force in the district of Kaira and not in the Pánch Mahàls shall be deemed to come into force in the Pánch Mahàls on that day.

Other laws repealed.

(2) All enactments which on that day are in force in the Pánch Mahàls and not in the district of Kaira shall be deemed to be repealed on and from that day in the Pánch Mahàls.

Pending proceedings.

3. All proceedings commenced before any authority in the Pánch Mahàls before the first day of March, 1885, and still pending on that day, shall be disposed of by such authority as the Local Government may direct, and, save as aforesaid, shall be carried on as if this Act had not been passed.

Territory to cease to be a scheduled district.

Partial repeal of Acts XIV and XV of 1874.

4. On and from the first day of March, 1885, the Pánch Mahàls shall cease to be a scheduled district; and in Part II of the First Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874, the words "The Pánch Mahàls" shall be repealed. [XIV of 1874. XV of 1874.]

THE SCHEDULE.

ENACTMENTS EXCEPTED FROM THE OPERATION OF SECTION 2.

Acts of the Governor General in Council.

Number and year.	Title.	Extent of exception.
VIII of 1870 ...	For the prevention of the murder of female infants.	The whole.
XXI of 1881 ...	To amend the law providing for the relief of Thákurs in the districts of Broach and Kaira.	The whole.

Act of the Governor of Bombay in Council.

Number and year.	Title.	Extent of exception.
V of 1879 ...	To consolidate and amend the law relating to Revenue-officers and the land-revenue in the Presidency of Bombay.	Section 85 and last fifteen words of section 58.

STATEMENT OF OBJECTS AND REASONS.

THE territory called the Pánch Maháls, lying in the extreme east of Gujarát, in the Bombay Presidency, is a scheduled district under the Scheduled Districts Act, 1874, and the Laws Local Extent Act, 1874, and, though for revenue-purposes part of the Kaira District, it has hitherto, from its backward state and the poverty and ignorance of the people, been treated as a non-regulation district.

The Government of Bombay are, however, of opinion that the Pánch Maháls ought now to be placed upon a regulation footing, and at their suggestion the present Bill, which has been framed on the model of the Bánkí Laws Act, 1881, has been prepared. It assimilates the law in force in the Pánch Maháls to that in the Kaira District from the 1st March, 1885, excluding the Female Infanticide Act, 1870, the Broach and Kaira Thákurs' Relief Act, 1881, and the Bombay Land-revenue Code, 1879, section 85 and the last fifteen words of section 58, which the Government of Bombay desire should not be extended to the Pánch Maháls; it saves pending proceedings; and it declares that, from the above-mentioned date, the Pánch Maháls shall cease to be a scheduled district, repealing at the same time the reference to those Maháls which occurs in Part II of the first Schedule to the Scheduled Districts Act, 1874, and in the same Part of the Sixth Schedule to the Laws Local Extent Act, 1874.

The 23rd October, 1884. C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th December, 1884, and was referred to a Select Committee :—

No. 18 OF 1884.

A Bill to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend the Excise Act, 1881, and the Bengal Excise Act, 1878.

WHEREAS it is expedient to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend section 7 of the Excise Act, 1881, and section 18 of the Bengal Excise Act, 1878; It is hereby enacted as follows :—

Repeal of part of section 6 of Act XI of 1882.

1. The part of section 6 of the Indian Tariff Act, 1882, beginning with the words "And whereas," down to and including the words "been paid," is repealed.

Amendment of section 7 of Act XXII of 1881.

2. For clause (*a*) of section 7 of the Excise Act, 1881, the following clause shall be substituted :— XXII of 1881.

"(*a*) such duty as the Local Government may from time to time fix in respect of such spirit has been paid."

Amendment of section 18 of Bengal Act VII of 1878.

3. In section 18 of the Bengal Excise Act, 1878, for the words "at the rate leviable under any Tariff Act for the time being in force" the words "at such rate as the Local Government may from time to time fix in respect of such spirituous liquor" shall be substituted; but nothing in this section shall affect any Act passed after this Act comes into force by the Lieutenant-Governor of Bengal in Council. Beng. Act VII of 1878.

Saving of duties already fixed under section 6 of Act XI of 1882.

4. The duty now fixed by the Local Government under section 6 of the Indian Tariff Act, 1882, as leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, shall, in places in which the Excise Act, 1881, or the Bengal Excise Act, 1878, is in force, be deemed to be the duty fixed by the Local Government under sections 7 and 18 of those Acts, as amended by this Act, respectively. XI of 1882. XXII of 1881. Beng. Act VII of 1878.

STATEMENT OF OBJECTS AND REASONS.

THE Government of Madras recently submitted a draft Bill to consolidate and amend the Abkari law of the Presidency of Madras, for sanction to its introduction in the local Legislative Council, and, on examination of its provisions, it was found that two clauses of one of its sections, imposing a duty on liquor, were, as applied to spirit, *ultra vires* of the local legislature, as the mode of fixing the excise duty on spirit is determined by section 6 of the Indian Tariff Act, 1882. It was also feared that the penultimate clause of the latter section, by keeping in force, under the authority of the Governor General's Legislative Council, an unexplored mass of law existing on the 10th March, 1882, might render other provisions of that Bill *ultra vires*.

This in itself would make it necessary that legislation should be resorted to in the Council of the Governor General in order to prevent the Madras Bill from being declared invalid; and as, moreover, section 6 of the Tariff Act must seriously hamper any local legislature contemplating legislation like that proposed by the Madras Government, it is proposed to repeal that section, leaving it to the Local Governments to deal with the mode of fixing the duties of excise on spirit, under the other enactments locally in force, subject, so far as any discretion is allowed to them by those enactments, to the general executive control of the Government of India.

The present Bill has accordingly been prepared. It first repeals section 6 of the Tariff Act except the last clause amending section 1 of Act XVI of 1863, which Act is still in force. It then amends section 7 of the Excise Act, 1881, and section 18 of the Bengal Excise Act, 1878, which at present contain references to the provisions of section 6 of the Tariff Act, by omitting these references and conferring on the Local Governments concerned power to fix the duty payable in respect of country spirit. Lastly, in order to prevent any question being raised as to the effect of the repeal of section 6 of the Tariff Act, the Bill declares that duties already fixed by the Local Government under section 6 of the Tariff Act shall be deemed to be duties fixed by the Local Government under sections 7 and 18 of the Excise Act, 1881, and the Bengal Excise Act, 1878, as amended by this Act, respectively.

The 13th December 1884.

A. COLVIN.

D. FITZPATRICK,

Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[First Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th December, 1884, and was referred to a Select Committee:—

No. 19 OF 1884.

A Bill to amend the law relating to the carriage of passengers by sea.

WHEREAS by section 99 of an Act of the Imperial Parliament called "the Passengers Act, 1855," it is enacted that "it shall be lawful for the Governor General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act or any part thereof shall apply to the carriage of passengers upon any voyage, from any ports or places within the territories of British India, to be specified in such Act or Acts, to any other places whatsoever, to be also specified in such Act or Acts;" and it is thereby also enacted that "on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified. The provisions of such Indian Act shall be enforced in all Her Majesty's possessions in like manner as the provisions of this Act may be enforced;"

And whereas certain parts of the said Act of Parliament were by Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) made applicable to the carriage of passengers upon certain specified voyages;

And whereas by an Act of the Imperial Parliament called "the Passengers Act Amendment Act, 1863," certain parts of the Passengers Act, 1855, which were so made applicable have been amended, and it is provided that the said Acts of the Imperial Parliament shall be construed together as one Act;

And whereas it is expedient that the amendments so made in the Passengers Act, 1855, should also be made in the parts of that Act so made applicable, and it is also expedient to apply those parts so amended to the carriage of passengers upon certain voyages not specified in Act II of 1860;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Sea Passengers Act, 1885: and [New.]

(*2*) It shall come into force on the first day of March, 1885. [New.]

Repeal of Act II of 1860.

2. On and from the day on which this Act comes into force, Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) shall be repealed. [New.]

Certain provisions of the Statutes made applicable to specified voyages from India.

3. The provisions contained in sections 4, 5 and 6 of this Act, and the schedule hereto annexed (being parts of the Passengers Act, 1855, as amended by the Passengers Act Amendment Act, 1863), are declared applicable to the carriage of passengers upon the following voyages, namely:— [Act II of 1860, s. 1, Act VII of 1871, ss. 23 and 24.] [New.] 18 & 19 Vic., c. 119. 26 & 27 Vic., c. 51.

(*a*) Voyages from the ports of Calcutta, Madras and Bombay to the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, Nevis and Fiji; [New.]

(*b*) Voyages from the ports of Calcutta, Madras and Bombay to the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana; [New.]

(*c*) Voyages from the ports of Calcutta, Madras and Bombay to the Netherlands colony of Dutch Guiana; [New.]

(*d*) Voyages from the ports of Calcutta, Madras and Bombay to the Danish colony of St. Croix; [New.]

(*e*) Voyages under the Native Passenger Ships Act, 1876, from Calcutta Madras, Bombay, Karáchí, Rangoon and other ports in British India to the Straits Settlements, to the protected Native States adjoining the Straits Settlements, to Australia, and to ports in the Red Sea or Persian Gulf. VIII of 1876.

[Act II of 1860, s. 2.]

Governors or Consuls may pay expenses of passengers taken off passenger-ship.

4. If the passengers upon any such voyage as is specified in the last preceding section are taken off from the ship carrying such passengers, or are picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they shall be conveyed is in any of Her Majesty's colonial possessions, for the Governor of such colony, or for any person authorized by him for the purpose, or, if in any foreign country, for Her Majesty's Consular officer, at such port or place therein, to defray all or any part of the expenses thereby incurred.

[Act II of 1860, s. 3, 26 & 27 Vic., c. 51, [New.]

Governors or Consuls may send on passengers, if the master of the ship fail to do so.

5. If any passenger of any such passenger-ship as aforesaid, without any neglect or default of his own, finds himself within any colonial or foreign port, or place other than that for which the ship was originally bound, or at which he, or the Emigration Agent, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful for the Governor of the colony, or for any person authorized by him for the purpose or for Her Majesty's Consular officer at the foreign port or place, as the case may be, to forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of such passenger, gives to the Governor or Consular officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter the passenger to his original destination, and unless the master accordingly forwards or carries him on within that period.

Act II of 1860, s. 4, 26 & 27 Vic., c. 51, s. 16.]

Expenses incurred under sections 4 and 5 to be a Crown debt.

6. (1) All expenses incurred under the last two preceding sections, or either of them, by or by the authority of a Governor or Consular officer, or other person as therein respectively mentioned, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions and stores, shall become a debt to Her Majesty and Her successors from the owner, charterer and master of the ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts.

[New.]

(2) A certificate in the form given in the Schedule hereto annexed, or as near thereto as the circumstances of the case will admit, purporting to be under the hand of any such Governor or Consular officer (as the case may be), stating the total amount of the expenses, shall, in any suit or other proceeding for the recovery of the debt, be received in evidence without proof of the handwriting or of the official character of the Governor or Consular officer, and shall be deemed sufficient evidence of the amount of the expenses, and that the same were duly incurred;

[New.]

nor shall it be necessary to adduce on behalf of Her Majesty any other evidence in support of the claim, but judgment shall pass for the Crown, with costs of suit, unless the defendant specially pleads and duly proves that the certificate is false or fraudulent, or specially pleads and duly proves any facts showing that the expenses were not duly incurred:

Provided, nevertheless, that in no case shall any larger sum be recovered on account of the expenses than a sum equal to twice the total amount of passage-money received or due to and recoverable by or on account of the owner, charterer or master of the passenger-ship or any of them from or on account of the whole number of passengers who may have embarked in the ship; which total amount of passage-money shall be proved by the defendant if he will have the advantage of this limitation of the debt: but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage-money, or to any compensation for loss of passage.

THE SCHEDULE.

[26 & 27 Vic., cap. 51, Sched.] [New.]

Form of Governor's or Consul's Certificate of expenditure in the case of Passengers shipwrecked &c.

(*See section 6.*)

(*a*). *N. B.*—1. If more passengers were rescued than forwarded, or if bedding, &c., was not supplied, alter the certificate to suit the facts of the case.

(*b*). *N. B.*—2. State generally the nature of the disaster and where it occurred. But if the passengers were only left behind without any default of their own, state the fact accordingly.

I hereby certify that acting under, and in conformity with, the provisions of the Indian Sea Passengers Act, 1885, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions and stores (*a*), and in forwarding to their destination passengers who were proceeding from to in the passenger-ship which was wrecked at sea, &c. (*b*).

And I further certify, for the purposes of the sixth section of the said Indian Sea Passengers Act, 1885, that the total amount of such expenses is , and that such expenses were duly incurred by me under the said Act.

Given under my hand this day of , 18 .

Governor of &c., (or, as the case may be), *Her Britannic Majesty's Consul at* .

STATEMENT OF OBJECTS AND REASONS.

ACT II of 1860 declares certain parts (namely, sections 52, 53 and 54) of the English Passengers Act, 1855 (18 & 19 Vic., cap. 119) to be applicable to the carriage of passengers upon voyages from the ports of Calcutta, Madras and Bombay to the colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia and Grenada, and from ports in British India to ports in the Red Sea or Persian Gulf. The colonies mentioned were the places to which emigration was then lawful. Since 1860, emigration to the colonies of Fiji, Natal, Réunion, St. Croix, Guadeloupe, Martinique, Dutch Guiana, St. Vincent, Nevis and St. Kitts has been sanctioned. With respect, however, to voyages to places not specified in Act II of 1860, that

Act gives no power to any authority to recover expenses incurred in forwarding shipwrecked passengers to their destination and in maintaining them until they are so forwarded. At present, therefore, the voyages to which the Act does not apply are more numerous than those to which it does.

2. Again, the Act, as it stands at present, is, if strictly construed, inapplicable to the conditions under which emigration from India is usually conducted. Section 3 of the Act, following section 53 of the English Passengers Act, 1855, runs as follows:—" If any passenger * * * find himself within any colonial or foreign port or place other than that at which *he may have contracted to land," &c.* But as a rule, emigrants from India do not themselves contract with the owners or charterers of the vessels in which they emigrate. In all cases falling under the Indian Emigration Act VII of 1871 (or which may fall under the Indian Emigration Act XXI of 1883, when that Act is brought into force) the contract is made by a recruiter for the colony importing labour, under the supervision of the Protector of Emigrants. Emigrants despatched in this way are therefore technically excluded from the provisions of Act II of 1860. A similar difficulty appears to have arisen in England, and to have been met by an amendment of the law. Section 12 of the English Passengers Act Amendment Act, 1863 (26 & 27 Vic., cap. 51), repeals section 53 of the English Passengers Act, 1855, and section 15 of the former Act substitutes for the words " other than that at which he may have contracted to land " the words " other than that for which the ship was originally bound, or at which he or the Emigration Commissioners, or any public officer, or other person on his behalf, may have contracted that he should land".

3. These two defects in the Act came to notice in connection with the following occurrence. In the end of April last, the steamer *Laleham*, carrying emigrants from Calcutta to Dutch Guiana, grounded off Ceylon, and was compelled to land her passengers at Trincomalee. The *Laleham* returned to Calcutta, where she was examined by the Engineer-Surveyor to the port, and reported " unseaworthy and unfit to proceed to sea without serious danger to human life". The Agents of the *Laleham* at first proposed to substitute another vessel, but subsequently declined to do so, offering merely to have the *Laleham* repaired at Calcutta, and to fulfil her charter-party by re-embarking the coolies at Trincomalee and taking them on to Surinam.

The Advocate General of Bengal, on being consulted, was of opinion that no action could be taken under Act II of 1860, and that the matter would be governed by the charter-party. Surinam, he said, being in Dutch Guiana, is not a place to which Act II of 1860 applies. He thought further that the English Passengers Act Amendment Act, 1863, would be construed strictly, and according to such construction he did not think that the words of section 3 of Act II of 1860 would cover the break-down in a voyage to which that Act applied, in any case other than that in which the passenger had himself contracted.

Under these circumstances legislation seems necessary in order to bring Act II of 1860 into conformity with the present system of emigration and the English Passengers Act Amendment Act, 1863.

The present Bill has accordingly been prepared. It repeals and re-enacts Act II of 1860 with the necessary amendments. Section 3 of the present Bill declares the subsequent provisions of the Bill (being parts of the English Passenger Act, 1855, as amended by the Passengers Act Amendment Act, 1863) to be applicable to all voyages to certain specified colonies and places, which are, in fact, the colonies and places to which under the existing law emigration is now lawful or is likely to be legalized; and in sections 5 and 6 the amendments made by the English Passengers Act Amendment Act, 1863, in sections 53 and 54 of the English Passengers Act, 1855 (which formed sections 3 and 4 of Act II of 1860) are incorporated with some slight modifications so as to adapt them to this country.

The 5th December, 1884. C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.



SUPPLEMENT TO

The Gazette of India.

No. 51.} CALCUTTA, SATURDAY, DECEMBER 20, 1884.

OFFICIAL PAPERS.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

REPORT OF SPECIAL CHOLERA COMMISSION.

No. 830, dated Calcutta, the 9th December 1884.

From—Surgeon-General J. M. CUNINGHAM, M.D., Sanitary Commissioner with the Government of India,

To—The Secretary to the Government of India, Home Department.

In continuation of my letter No. 810 of the 27th ultimo, I have the honor to submit, for the information of the Government, the accompanying communication from Dr. Klein, and to suggest that it also may be published in the Supplement to the *Gazette of India* for general information.

2. The fact that comma-bacilli have been found in tanks without any case of cholera having occurred among the large number of people using them is an observation of much interest and importance in regard to the relation of comma-bacilli to cholera. The observation has a special interest and importance moreover from the circumstance that one of the tanks in question is the *same tank* as that in which Dr. Koch found comma-bacilli and so hastily concluded that the outbreak of cholera which took place about that time among persons using this tank had been caused by the comma-bacilli it contained.

Dated Calcutta, the 3rd December 1884.

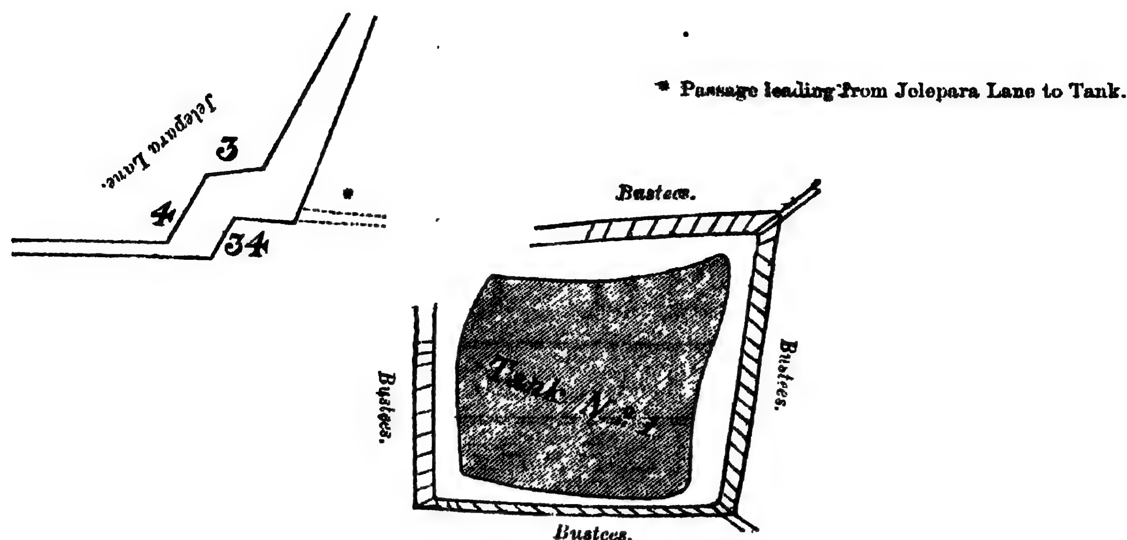
From—Dr. E. KLEIN,

To—The Sanitary Commissioner with the Government of India.

In addition to the short memorandum signed by myself and Dr. Gibbs, which we had the honor to submit to you some days ago, I append here some interesting notes with regard to the relation of comma-bacilli in tank-water to cholera in Calcutta, which were collected in conjunction with Dr. D. D. Cunningham.

A

An outbreak of cholera occurred between 14th and 16th November in three houses in Jelepara lane, in Calcutta. The houses are marked in the subjoined plan as No. 34, No. 3, and No. 4.



In No. 34 occurred three; in No. 3, two; and in No. 4, three cases. Those of No. 34 were the first.

The only condition common to all these houses is this, that in front of them is an opening of the sewer passing under the street.

A passage marked * on the plan leads at some distance to a large tank, No. 1, around which is a number of bustees. The people of those bustees use, as is generally the case, this tank for all kinds of purposes, cess-pools, washing of clothes, utensils, and drinking.

The above three houses Nos. 3, 4, and 34, of Jelepara lane, are inhabited by well-to-do people and they have in their houses a good and pure water-supply of their own, and their inhabitants never come near the tank at all. The water of this tank is very dirty and contains undoubted comma-bacilli, exactly alike those found in choleraic evacuations. Although a large number of the natives living in the bustees surrounding this tank constantly use and drink of this water, no case of cholera has occurred amongst them.

As you are aware from Dr. Koch's official reports to his government, this gentleman visited during his stay in Calcutta (February 13th and 20th, 1884) bustees in Sahib Bagan, amongst the inhabitants of which there occurred, between January 21st and April 27th of this year, a severe outbreak of cholera. These bustees are located around a tank, which for convenience sake may be here called No. 2. There are about two hundred families living around this tank and, as is usually the case, they utilise this water for washing, bathing, cleaning, and drinking purposes. In this water Dr. Koch found the comma-bacilli and he quite arbitrarily concluded that they caused that outbreak of cholera.

I visited this tank lately and found in its water undoubted comma-bacilli; there has occurred, during the whole of November 1884, one single case of cholera, although about two hundred families use the water.

Close to this tank there is another tank, No. 3, and around this live also about two hundred families. As in the former case, the people here around tank No. 3 use the water for all purposes including drinking purposes. The water of this tank is dirty and a sample taken close to the shore revealed undoubted comma-bacilli. There has not occurred a single case of cholera in these bustees during the whole of this year.

It is worth stating that there is a communication between tank No. 3 and tank No. 2, there being a slight flow from the former into the latter. Tank No. 2 receives water from the ice-factory close by.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

MUSEUMS AND EXHIBITIONS.

[To be substituted for the Resolution of the same No. and date.]

Circular No. $\frac{126 \text{ Ex.}}{3\text{C.}-37}$.

Extract from the Proceedings of the Government of India, in the Revenue and Agricultural Department (Museums and Exhibitions),—under date Simla, the 5th November 1884.

READ—

List of raw products collected for the Calcutta International Exhibition of 1883-84, compiled by Babu T. N. Mukharji, Officer in charge of the Exhibition Branch, Revenue and Agricultural Department.

RESOLUTION.

AT the request of the Government of Bengal, the Government of India in the Revenue and Agricultural Department undertook to form a collection of the economic products of India for the Calcutta International Exhibition of 1883-84, and the list read in the preamble shows the character and scope of the collection, and the extent to which it may be held to represent the raw resources of the country. The Government of India desires to record its appreciation of the help afforded to it by the officers and private gentlemen named in the appended list, without whose cordial co-operation it would have been impossible in the very limited time allowed to have accomplished the work with any measure of success. More particularly the Government of India would desire to acknowledge the services of the following gentlemen :—

(1) Forest officers of Madras, Bengal, Burma, Assam, and the Central Provinces.

(2) F. Duthie, Esq., Superintendent, Botanical Gardens, Saharanpur.

(3) J. B. Fuller, Esq., Director of the Agricultural Department, Central Provinces.

(4) Babu Lachman Prosad Barman, Superintendent, Government Farm, Cawnpore.

(5) Babu Amba Datt Joshi, of Almora.

(6) Babu Mahendra Nath Battacharjya, M.A., B.L., Deputy Magistrate and Deputy Collector of Bogra.

(7) Dr. Mudin Sharif of Madras.

(8) J. Murray, Esq., Curator, Municipal Museum, Karachi.

(9) Dr. MacDonald, Curator, Victoria and Albert Museum, Bombay.

(10) Babu Ajodhya Prosad, Deputy Magistrate and Deputy Collector, Shahjehanpur.

(11) Major D. G. Pitcher, Assistant Director of the Department of Agriculture, N.-W. Provinces and Oudh.

ORDER.—Ordered that a copy of this Resolution be printed and distributed to the Local Governments and Administrations noted in the margin, and be published in the *Gazette of India* for general information.

Madras.	Punjab.
Bombay.	Central Provinces.
Bengal.	British Burmah.
North-Western Provinces and Oudh.	Assam.

Ordered also, that a copy of this Resolution be forwarded to the Foreign Department for communication to the Agent, Governor General, Rajputana.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

Comparative Statement of the Net Indian Sea and Land Customs Revenue (excluding Salt Revenue) for the first eight months of the official year 1884-85, and of the thirteen preceding years.

(In Thousands of Rupees.)

[illegible]AR.	For the Eight Months, April to November.																									Year.
	Bengal.				Bombay.				Sindh.				Madras.				British Burma.				Total British India.					
	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports	On Exports	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors.	On other Imports.	On Exports.	Total Revenue.	On Imports of Liquors	On other Imports.	Total Import Revenue.	Export Revenue.	Total Revenue.	
2	6,71	49,00	13,13	68,84	4,79	29,86	2,58	37,23	86	86	1,17	2,89	2,29	8,15	9,00	19,44	1,06	2,79	12,17	16,02	15,71	90,66	1,06,37	38,05	1,44,42	1871-72.
3	8,38	48,46	14,63	71,47	3,52	28,03	2,21	33,76	73	81	1,49	3,03	2,59	7,85	7,18	17,62	1,98	3,15	21,34	26,47	17,20	88,30	1,05,50	46,85	1,52,35	1872-73.
4	6,78	46,47	10,59	63,84	4,18	29,42	2,19	35,79	78	67	77	2,22	2,37	8,96	8,74	20,07	2,16	3,04	15,87	21,07	16,27	88,56	1,04,83	38,16	1,42,99	1873-74.
5	7,61	52,61	8,00	68,22	4,21	30,06	2,43	36,70	75	48	87	2,10	2,20	9,16	8,66	20,02	2,66	4,42	10,80	17,88	17,43	96,73	1,14,16	30,76	1,44,92	1874-75.
6	8,18	50,73	9,06	67,97	4,41	25,82	3,56	33,79	83	67	95	2,45	2,79	9,55	8,18	20,52	2,49	3,23	18,80	24,52	18,70	90,00	1,08,70	40,55	1,49,25	1875-76.
7	8,39	44,31	8,51	61,21	5,42	26,64	68	32,74	1,01	50	16	1,67	3,54	8,21	5,48	17,23	2,87	3,49	13,45	19,81	21,23	83,15	1,04,38	28,28	1,32,66	1876-77.
8	9,55	54,56	10,34	74,45	5,64	31,43	62	37,69	1,34	60	27	2,21	3,56	5,60	1,38	10,54	3,21	4,00	9,93	17,14	23,30	96,19	1,19,49	22,54	1,42,03	1877-78.
9	8,67	45,10	9,11	62,88	5,62	29,17	1,37	36,16	1,26	39	16	1,81	3,72	6,20	2,95	12,87	4,60	4,48	15,09	24,17	23,87	85,34	1,09,21	28,68	1,37,89	1878-79.
0	7,83	42,20	5,93	55,96	6,15	24,13	1,17	31,45	2,06	49	14	2,69	3,39	6,18	4,53	14,10	4,42	4,14	17,75	26,31	23,85	77,14	1,00,99	29,52	1,30,51	1879-80.
1	8,54	40,52	7,27	56,33	5,61	35,12	1,26	41,99	3,09	75	15	3,99	3,31	7,17	5,52	16,00	3,12	5,24	21,19	29,55	23,67	88,80	1,12,47	35,39	1,47,86	1880-81.
2	8,55	37,49	9,88	55,92	6,65	30,82	1,01	38,48	2,56	91	22	3,69	3,21	6,61	3,49	13,31	4,54	5,14	24,53	34,21	25,51	80,97	1,06,48	39,13	1,45,61	1881-82
3	9,28	5	10,02	19,35	6,57	-1,05*	92	6,44	2,27	3	38	2,68	3,59	2	2,65	6,26	5,23	5	29,32	34,60	26,94	—90*	26,04	43,29	69,33	1882-83.
4	9,28	17	11,48	20,93	7,10	30	89	8,29	2,42	2	33	2,77	3,35	8	3,48	6,91	5,18	11	21,42	26,71	27,33	68	28,01	37,60	65,61	1883-84.
5	7,88	22	6,54	14,64	6,83	29	1,16	8,28	2,56	4	35	2,95	3,09	2	3,66	6,77	5,12	7	15,59	20,78	25,48	64	26,12	27,30	53,42	1884-85.

* The amount refunded is greater than the duty collected.

[Dep]artment of Finance and Commerce,
Statistical Branch;
Calcutta, 17th December 1884.

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

IRRIGATION OPERATIONS IN BENGAL FOR THE OFFICIAL YEAR 1884-85.

Areas leased for irrigation up to the end of September 1884.

Circle.	District.	Canal.	Estimated full discharge.	Average discharge in month.	Discharge utilised.	Approximate area of land irrigated during the year up to the end of the month.	Approximate area of land under irrigation up to the same date last year.	Details of Areas Leased. Five years. All crops.	Five years. Khurreef	Annual Leases. Khurreef.	Rubbee.	Sugar-cane.	Bhadoi	Hot weather.	Total.	Grand Total.	Rainfall, 1884-85. During month	Up to end of month.	Rainfall, 1883-84. During month.	Up to end of month.	Remarks.
			C. ft.	C. ft.	C. ft.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	Acr.	In.	In.	In.	In.	
Orissa	Cuttack	Kendrapara	1,269	505·34	466·89	22,762	4,595	...	21,192	20	2,609	52	..	..	2,681	23,873					
		Gobri	372·82	83·85	10·44	345	...	...	...	..	..	..	..	..	...	...					
		Pattamoondee	1,042	333·06	136·21	6,526	524	...	4,939	..	8	..	..	..	8	4,947					
		High Level, Section I.	675	227·06	227·63	10,960	1,042	...	12,144	..	131	1	..	2	134	12,278					
		Taldunda, 1st Reach.	1,342	206	9	2,854	2,404	...	1,176	..	133	17	..	..	150	1,326	9·78	53·08	9·01	52·60	
		Taldunda, 2nd Reach.	566	23	20																
		Marchgong	776	136	70	7,454	2,136	...	8,953	..	..	4	..	..	4	5,957					
	Balasore	High Level, Section II.	727·16	7·40	7·40	1,016	114	...	2,370	..	..	112	..	..	112	2,382					
		High Level, Section III.	727·16	32·71	32·71	5,611	233														
		Total	...	...	...	57,528	11,048	...	50,674	20	2,681	186	..	2	3,089	53,763	..	..	..	..	
	Total of the corresponding period of last year.		...	...	...	...	...	...	14,758	..	1,153	345	..	228	1,726	16,484	..	..	..	..	
South-Western	Midnapore	Midnapore	1,411	519	687	59,032	72,989	...	58,384	..	..	..	..	..	...	58,384	8·35	49·88	4·10	42·25	29 days discharging.
	Howrah	Panchkoorah	622	106	101	4,406	9,844	...	3,404	..	..	..	..	..	...	3,404	6·29	44·56	6·12	49·12	20 days discharging.
		Tidal Reaches, Ranges I and II.	...	...	...	557	211	...	277	..	..	..	..	..	...	277	..	..	..	..	
		Total	...	...	...	63,995	84,044	...	62,069	..	..	..	..	..	...	62,069	..	..	..	..	
	Total of the corresponding period of last year.		...	...	...	...	...	...	83,900	..	..	..	..	..	...	83,900	..	..	..	..	
Sone	Shahabad	Western Main	4,343	2,619	503	15,701	10,199	8,519	...	5,274	..	391	..	..	5,669	14,218	4·41	27·47	4·86	28·04	
		Buxar	1,[illegible]26	5[illegible]	575	56,041	32,583	27,053	...	28,318	..	2,119	38	..	30,475	57,458					
		Arrah	1,690	1,753	1,[illegible]	91,522	73,916	60,391	...	38,471	..	1,442	68	..	39,981	1[illegible],2[illegible]2	5·82	23·76	4·54	29·59	
	Patna and Gya.	Eastern Main	1,466	1,325	1,172	1,453	501	392	...	665	..	3	..	14	582	974	6·43	31·76	2·54	32·25	
		Patna				43,255	23,439	21,436	...	13,500	..	168	28	724	14,418	35,854					
		Total	...	...	...	208,532	140,515	117,731	...	86,082	..	4,151	134	738	91,065	208,786	..	..	..	..	
	Total of the corresponding period of last year.		...	...	...	...	...	87,718	...	51,745	..	3,823	205	7,139	62,912	150,630	..	..	..	..	
		Grand Total	...	...	...	330,055	234,610	117,731	112,743	86,052	2,881	4,337	134	740	94,144	324,619	..	..	..	..	
	Grand Total of the corresponding period of last year.		...	...	...	...	...	87,718	98,658	51,745	1,153	4,168	205	7,367	64,638	251,014	..	..	..	..	

The 27th November 1884.

C. W. ODLING,

Under-Secy. to the Govt. of Bengal, P. W. Dept.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION BRANCH.

IRRIGATION OPERATIONS OF FASL RABI, NORTH-WESTERN PROVINCES, 1884, UP TO 31st OCTOBER 1884.

Canal Division.	Water distributed during October 1884. Depth in canal at regulating gauge in feet. Full supply.	Actual average throughout.	Gross consumption, cubic feet per second. Allotted discharge.	Actual average throughout.	Total area of irrigation during current fasl.	Total area for the corresponding period of last year.
					Acres.	Acres.
Upper Ganges. Northern	10·00	...	850	...	...	2,413
Upper Ganges. Anúpshahr	7·00	...	1,100	...	...	14,123
Upper Ganges. Meerut	8·10	...	850	...	...	12,515
Upper Ganges. Bulandshahr	7·20	...	900	...	...	32,808
Upper Ganges. Aligarh	5·50	...	1,200	...	...	30,119
Total Upper Ganges Canal	...	...	4,900	...	...	91,978
Lower Ganges. Narora	9·00	1·27	1,100	...	...	2,077
Lower Ganges. Mainpuri	7·00	0·7	700	...	...	4,358
Lower Ganges. Cawnpore	...	2·5	1,300	...	...	7,600
Lower Ganges. Etáwah	...	2·7	1,050	464	...	...
Lower Ganges. Bhognipur	6·70	2·3	1,050	9	...	1,298
Total Lower Ganges Canal	...	...	5,200	473	...	15,333
Eastern Jumna Canal	4·70	...	1,300	...	...	6,957
Agra Canal	8·50	...	1,300	...	...	18,207
Rohilkhand	...	...	...	...	...	...
Bijnor	...	...	...	...	...	...
Dún	...	...	...	...	110	1,471
Jhánsi	...	...	...	...	...	74
Hamírpur	...	...	...	...	...	246
Total	...	...	...	...	110	134,266

Zila.	Land irrigated (approximate). Wheat.	Barley.	Gram.	Other food-grains.	Miscellaneous.	Total.	Rainfall. Total from 1st October to end of month.	Average of ten previous years for the same period.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	In.	In.
Sahâranpur	...	...	...	...	...	...	2·7	·5
Muzaffarnagar	...	...	...	...	...	...	1·4	·64
Meerut	...	...	...	...	...	...	1·1	·75
Bulandshahr	...	...	...	...	...	...	.	·67
Aligarh	...	...	...	...	...	...	3·9	·53
Muttra	...	...	...	...	...	...	·3	·89
Agra	...	...	...	...	...	...	3·6	·41
Etah	...	...	...	...	...	...	6·2	·73
Mainpuri	...	...	...	...	...	...	4·5	·59
Fatehgarh	...	...	...	...	...	...	2·2	·79
Etáwah	...	...	...	...	...	...	4·1	·82
Cawnpore	...	...	...	...	...	...	6·5	·61
Delhi	...	...	...	...	...	...	.	·76
Gurgaon	...	...	...	...	...	...	·1	·67
Dehra Dún	45	...	...	...	65	110	1·2	·83
Bijnor	...	...	...	...	...	...	3·0	·45
Tarái	...	...	...	...	...	...	24·4	·83
Pilibhít	...	...	...	...	...	...	6·2	·89
Bareilly	...	...	...	...	...	...	8·3	1·07
Jhánsi	...	...	...	...	...	...	1·2	·5
Hamírpur	...	...	...	...	...	...	3·6	·58
Total	45	...	...	...	65	110	...	...
Total for the same period last year	67,276	12,957	2,035	12,518	39,480	134,266	...	...
Increase	...	...	...	...	...	...	...	...
Decrease	67,231	12,957	2,035	12,518	39,415	134,156	...	...

Remarks.

			Cubic feet per second.
Supply—			
Entering head of Ganges Canal			...
" of Lower Ganges Canal			88
	Total		88
Expended—			
Ganges Canal	...	...	
Lower Ganges Canal	473	473	
Escaped—			
Narora Dn., L. G. C., Main Canal, Nadrai Escape	135		
Mainpuri ditto Bewar Branch Tail	129		
Cawnpore ditto Tail	616		
Etáwah ditto Tail	317		
Bhognipur ditto Tail series Escape	339		
		1,536	
			2,009
Difference		...	1,921
Note.—Drainage water received from the Upper Ganges Canal		595	
Ditto ditto Lower Ganges Canal		1,326	
			1,921

Executive Engineer, Cawnpore Division, Lower Ganges Canal, reports—No irrigation has been effected owing to late and abundant rain.

Executive Engineer, Eastern Jumna Canal, reports—Canal closed the whole month and no demand. The quantities shown irrigated "during month" are really corrections of the previous month's estimates, which were thrown out by the sudden rainfall at the end of the month. The decrease of 24,000 acres as compared with last year is due to the heavy rainfall, 18,000 of it is in "other food grains" and the remainder in rice. Indigo has again increased.

Executive Engineer, Rohilkhand Canals, reports—The rain ended on 4th October with very heavy floods which damaged the rice slightly, cotton, bajra and early-sown gram and linseed. An unusually large area of land is being sown with rice, which is coming on well. No demand for canal water. Most of the canals are closed and only percolation water running. Most of the water shown as entering the division is due to Dhora river.

Northern, Anúpshahr, Meerut, Bulandshahr, Aligarh, Bhognipur, Bijnor, Jhánsi, and Hamírpur returns reported blank.

No remarks from the other divisions.

The following areas were also irrigated for *kharif* in addition to the above during this month:—

Lower Ganges Canal, Narora Division	19,819
Eastern Jumna Canal	93,680
Rohilkhand Canals	31,085
Total	144,584

In addition to the above the following kharif irrigation was also effected:—

Canal.	Sugarcane.	Indigo.	Rice.	Cotton.	Other food grains.	Fodder crops.	Miscellaneous.	Total.
Narora Division, Lower Ganges Canal	618	17,578	10	129	175	19	1,290	19,819
Eastern Jumna Canal	41,064	6,985	29,149	6,121	2,040	4,260	4,061	93,680
Rohilkhand Canals	11,888	...	19,197	...	...	...	...	31,085
Total	53,570	24,563	48,356	6,250	2,215	4,279	5,351	144,584

Note.—The canals being closed, the Traffic Return Ganges Canals is blank.

H. W. CONDUITT,

Offg. Asst. Secy. to Govt., N.-W. P. and Oudh, P. W. D., Irrigation Branch.

Allahabad,

The 15th November 1884.

STATEMENT OF TRAFFIC ON THE AGRA CANAL FOR THE MONTH OF OCTOBER 1884.

Nature of Traffic.	AGRA CANAL. Principal Items of Traffic. Up. Mds.	Up. No.	Down. Mds.	Down. No.	Total Up and Down. Mds.	Total Up and Down. No.
Grains—						
Wheat	...	...	1,700	...	1,700	...
Gram	...	...	700	...	700	...
Rice	...	...	...	...	...	...
Paddy or dhân	...	...	...	...	...	...
Bejhar or mixed grain	...	...	...	...	...	...
Dál—						
Urd	...	...	...	...	...	...
Múng	...	...	...	...	...	...
Árhar	...	...	...	...	...	...
Masúri	...	...	...	...	...	...
Juár	...	...	...	...	...	...
Bajra	...	...	...	...	...	...
Maize or Indian-corn	...	...	...	...	...	...
Barley	...	...	...	...	...	...
TOTAL	...	...	2,400	...	2,400	...
Cotton	...	...	...	...	...	...
Oil-seeds	...	...	...	...	...	...
Salt	...	...	...	...	...	...
Metals	...	...	...	...	...	...
Building materials	...	...	...	...	...	...
Miscellaneous goods	...	...	...	...	...	...
Firewood	...	...	...	...	...	...
Bamboos	...	...	...	...	...	...
Timber—						
Poles and unsquared timber	...	...	...	...	...	...
Karis and squared timber	...	...	...	...	...	...
Logs	...	...	...	...	...	...
Miscellaneous timber	...	...	...	...	...	...
Live-stock	...	...	...	...	...	...
GRAND TOTAL	...	...	2,400	...	2,400	...
TOTAL DURING CORRESPONDING PERIOD OF LAST YEAR	5,900	...	11,550	...	17,450	...
INCREASE	...	...	...	...	...	...
DECREASE	5,900	...	9,150	...	15,050	...

REMARKS.

Particulars.	AGRA CANAL. 1884.	1883.
Tonnage, including weight of timber and bamboos	88	641
Ton mileage	4,340	59,692
Value of goods . . . R	43,751	22,375
Number of passengers	...	...

ALLAHABAD,
The 15th November 1884.

H. W. CONDUITT,
Offg. Asst. Secy. to Govt., N.-W. P. and Oudh,
P. W. D., Irrigation Branch.

GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENTS OF PRICES CURRENT OF FOOD-GRAINS FOR THE 2nd HALF OF OCTOBER AND 1st HALF OF NOVEMBER 1884, PUBLISHED IN PAGES 1634, 1635, 1662, 1663, 1696, AND 1667 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 29th NOVEMBER AND 13th DECEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS. (Each cell: S. C.)

Provinces	Districts	Wheat. Present fortnight	Wheat. Past fortnight	Wheat. Corresponding fortnight of last year	Barley. Present fortnight	Barley. Past fortnight	Barley. Corresponding fortnight of last year	Rice. Best sort. Present fortnight	Rice. Best sort. Past fortnight	Rice. Best sort. Corresponding fortnight of last year	Rice. Common. Present fortnight	Rice. Common. Past fortnight	Rice. Common. Corresponding fortnight of last year
	2nd half of October 1884.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
Rajputana.	Bikanir	15 8	13 4	10 7	...	...	...	3 11	3 11	3 6	6 12	6 12	6 4
	1st half of November 1884.												
Assam.	Sylhet	15 0	14 12	13 6	...	...	...	12 0	9 6	11 4	16 0	[illegible] 8	16 8
	Cáchár	12 8	12 0	9 2	...	...	12 13	8 8	10 0	15 4	11 6	12 4	16 0
	Goálpárá	16 0	16 0	20 0	...	...	...	8 0	8 0	11 4	13 8	10 8	13 4
	Gáro Hills	4 0	4 0	4 0	...	...	...	8 0	6 0	5 0	12 0	12 0	11 0
	Kámrup	15 0	16 0	14 0	...	...	...	9 0	11 0	12 0	15 0	14 0	15 0
	Darrang	13 0	..	...	...	...	...	7 0	7 0	10 0	10 0	9 0	13 0
	Nowgong	..	..	..	...	...	...	8 0	8 0	10 8	13 0	13 0	16 0
	Sibságar	...	...	...	...	...	...	8 0	8 0	8 0	14 0	14 0	18 0
	Lakhimpur	9 0	9 0	9 0	...	...	8 0	8 0	8 0	6 8	11 0	11 12	8 0
	Khási and Jaintiá Hills	...	...	6 10	...	...	...	6 0	...	8 0	8 0	10 0	9 0
	Nágá Hills	...	...	...	...	...	...	4 0	4 6	4 0	8 0	8 0	8 0
Mysore.	Bangalore	10 11	10 8	10 6	11 11	11 11	12 8	9 6	9 2	10 2	10 6	10 0	11 4
	Kolar	...	...	...	10 4	10 0	12 0	12 4	12 0	12 8	13 0	13 0	16 0
	Túmkúr	14 0	14 0	13 8	12 0	12 0	12 0	11 0	11 [illegible]	[illegible] 8	12 0	11 8	14 0
	Mysore	10 8	10 12	10 8	...	...	...	10 4	10 4	11 0	11 0	11 6	13 4
	Shimoga	11 9	12 10	13 10	12 10	14 11	14 11	12 10	12 10	14 11	16 13	15 4	18 14
	Kadur	14 0	14 0	14 0	15 0	15 0	15 0	19 0	19 0	21 0	21 0	21 0	23 0
Rajputana.	Bikanir	14 0	15 8	10 10	...	...	...	3 11	3 11	3 7	6 12	6 12	5 12

Provinces	Districts	Great Millet (Cholum, Jowar), Holcus Sorghum. Present fortnight	Great Millet. Past fortnight	Great Millet. Corresponding fortnight of last year	Bulrush Millet (Cumboo, Bajra), Penicillaria Spicata. Present fortnight	Bulrush Millet. Past fortnight	Bulrush Millet. Corresponding fortnight of last year	Lesser Millets, Rag &c. (Kayaru, Vara gu, Samai, Cheena, Coralon, Moth, Kangnee, &c.), Panicum Miliaceum, Eleusine Coracana, &c. Present fortnight	Lesser Millets. Past fortnight	Lesser Millets. Corresponding fortnight of last year	Gram. Present fortnight	Gram. Past fortnight	Gram. Corresponding fortnight of last year
	2nd half of October 1884.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
Rajputana.	Bikanir	...	..	...	18 4	17 12	16 4	...	...	..	20 8	19 0	17 4
	1st half of November 1884.												
Assam.	Sylhet	...	..	..	..	..	...	.	...	...	16 0	15 0	16 8
	Cáchár	...	...	...	...	...	...	...	..	...	..	15 0	14 4
	Goálpárá	...	..	..	..	..	..	..	..	...	12 0	12 8	14 4
	Gáro Hills	...	.	...		...	...	..	..	..	8 0	8 0	8 0
	Kámrup	.	...	...	.	...	..	..	..	...	..	12 0	12 0
	Darrang	.	...	..	.	...	...	...	..	..		10 0	9 12
	Nowgong	...	...	.	...	...	..	...	.		10 0	10 0	8 0
	Sibságar	...	.	.	...	...	...	...	...	...	..	9 0	11 8
	Lakhimpur	...	...	...	...	...	..	...	...	...	..	12 0	16 0
	Khási and Jaintiá Hills	...	...	...	..	...	...	...	...	...	...	.	...
	Nágá Hills	...	...	...	...	..	...	..	...	...	...	...	2 0
Mysore.	Bangalore	22 14	24 6	20 0	...	...	...	30 4	27 14	35 4	23 14	21 7	31 11
	Kolar	...	...	..	..	...	...	35 8	35 8	44 0	25 0	24 8	32 0
	Túmkúr	...	...	..	..	...	...	38 0	32 0	44 0	26 0	24 0	38 0
	Mysore	...	..	33 4	..	...	...	25 0	25 0	28 12	23 0	23 0	36 0
	Shimoga	32 9	27 5	37 13	..	...	...	35 3	29 15	37 13	23 2	23 2	33 10
	Kadur	...	...	...	...	...	...	40 0	40 0	42 0	26 0	26 0	36 0
Rajputana.	Bikanir	...	..	..	16 4	18 4	18 4	...	...	.	19 8	20 8	17 8

Provinces	Districts	Firewood. Present fortnight	Firewood. Past fortnight	Firewood. Corresponding fortnight of last year	Salt. Wholesale. Present fortnight	Salt. Wholesale. Past fortnight	Salt. Wholesale. Corresponding fortnight of last year	Salt. Retail. Present fortnight	Salt. Retail. Past fortnight	Salt. Retail. Corresponding fortnight of last year
	2nd half of October 1884.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
Rajputana.	Bikanir	.	..	...	...	...	...	11 8	11 8	11 8
	1st half of November 1884.				R a. per maund.	R a.	R a.			
Assam.	Sylhet	108 0	108 0	108 0	...	3 3	3 6	12 0	12 8	11 8
	Cáchár	80 0	80 0	80 0	3 6	3 4	3 8	10 8	12 0	10 10
	Goálpárá	80 0	80 0	80 0	3 6	3 4	3 4	11 0	12 8	13 0
	Gáro Hills	160 0	160 0	160 0	4 8	4 2	5 6	8 0	8 0	6 6
	Kámrup	160 0	200 0	200 0	3 8	3 8	3 8	11 0	11 0	11 0
	Darrang	200 0	160 0	160 0	...	4 4	4 8	9 0	9 0	8 0
	Nowgong	120 0	120 0	120 0	3 12	3 10	4 0	10 0	10 0	9 0
	Sibságar	80 0	80 0	80 0	...	4 4	4 4	9 0	9 0	9 0
	Lakhimpur	160 0	160 0	160 0	4 0	4 0	4 8	10 0	10 0	9 0
	Khási and Jaintiá Hills	100 0	...	...	...	5 0	5 0	8 0	8 0	8 0
	Nágá Hills	120 0	120 0	120 0	...	16 0	16 0	2 8	2 8	2 8
					S. C.	S. C.	S. C.			
Mysore.	Bangalore	96 0	96 0	96 0	12 0	14 4	12 4	11 12	12 0	12 0
	Kolar	156 0	144 0	192 0	12 4	12 4	12 4	12 0	12 0	12 0
	Túmkúr	340 0	340 0	340 0	11 8	11 8	11 8	11 0	11 0	11 0
	Mysore	75 0	75 0	75 0	10 0	10 0	8 12	9 8	9 8	8 8
	Shimoga	480 0	480 0	480 0	10 8	10 8	10 8	10 8	10 8	10 8
	Kadur	64 0	64 0	64 0	..	..	...	11 0	11 0	10 0
Rajputana.	Bikanir	...	...	...	...	...	...	11 8	11 8	11 8

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

RAILWAY TRAFFIC.

No. XXXI OF 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	Receipts for week ending 10th November 1883.		Total mean length open.	Receipts for week ending 8th November 1884.		Total receipts from 1st April to 10th November 1883.		Total receipts from 1st April to 8th November 1884.		Total Increase in 1884-85.	Total Decrease in 1884-85.
			Total.	Per mile open.		Total.	Per mile open.	Total.	Per mile open per week.	Total.	Per mile open per week.		
	Guaranteed.		R	R		R	R	R	R	R	R	R	R
15th Nov. 1884	Oudh and Rohilkhund .	547	96,699	177	594	96,433	162	34,52,682	197	30,55,742	173	. . .	3,96,940
8th ditto .	Sind, Punjab, and Delhi	735	1,86,497	254	706	2,43,110	344	67,28,020	286	63,20,985	271	. . .	4,07,035
15th ditto .	Madras . . .	861	1,04,986	122	861	1,01,771	118	40,78,714	148	42,42,265	154	1,63,551	. . .
15th ditto .	South Indian . .	655	69,063	105	654	49,551	76	24,77,439	118	27,03,533	129	2,26,094	. . .
15th ditto .	Great Indian Peninsula	1,458	5,94,920	408	1,450	6,25,469	431	1,92,53,855	413	1,94,79,918	420	2,26,063	. . .
15th ditto .	Bombay, Baroda, and Central India . .	461	1,87,341	406	461	2,02,769	440	66,37,061	450	68,03,298	461	1,66,237	. . .
	TOTAL .	4,717	12,39,506	263	4,726	13,19,103	279	4,26,27,771	282	4,26,05,741	283	. . .	22,030
	State.												
22nd Nov. 1884	East Indian . .	1,509	9,05,220	600	1,509	8,21,648	544	3,03,38,479	628	2,44,57,611	506	. . .	58,80,868
8th ditto .	Eastern Bengal(a) .	228	1,19,259	523	233	1,30,250	559	31,56,564	433	30,23,500	405	. . .	1,33,064
15th ditto .	Nalhati . . .	27	1,215	45	27	1.242	46	49,683	58	47,705	55	. . .	1,978
15th ditto .	Northern Bengal .	239	53,640	224	249	46,020	185	12,80,318	170	12,51,047	158	. . .	29,271
15th ditto .	Kaunia-Dharla . .	32	3,355	105	37	2,945	80	66,406	65	80,558	72	14,152	. . .
15th ditto .	Tirhoot . . .	166	14,979	90	226	34,724	154	5,19,683	98	7,31,148	111	2,11,465	. . .
15th ditto .	Patna-Gya . . .	57	7,353	129	57	14,481	254	2,76,455	152	3,31,126	182	54,671	. . .
8th ditto .	Cawnpore-Achnera .	138	12,707	92	241	17,925	74	3,35,894	76	5,36,650	70	2,00,756	. . .
22nd ditto .	Dildarnagar-Ghazipur .	12	741	62	12	697	58	27,566	72	29,316	76	1,750	. . .
22nd ditto .	Rajputana-Malwa .	1,117	2,43,815	218	1,120	2,43,070	217	72,07,853	202	68,58,542	192	. . .	3,49,311
22nd ditto .	Rewari-Ferozepur .	89	5,378	60	241	22,710	94	2,42,508	85	4,45,295	89	2.02,787	. . .
15th ditto .	Wardha-Coal . .	45	15,223	338	45	11,832	263	4,13,675	287	3,23,615	225	. . .	90,060
15th ditto .	Nagpur and Chhattisgarh	149	14,661	98	149	18,571	125	7,14,303	150	7,13,258	149	. . .	1,045
15th ditto .	Burma . . .	161	31,065	193	254	44,424	175	8,27,365	161	11,37,399	152	3,10,034	. . .
15th ditto .	Sindia	75	7,724	103	75	7,158	95	1,95,571	81	2,07,124	86	11,553	. . .
15th ditto .	Punjab Northern .	421	59,656	142	447	68,344	153	19,43,224	144	18,77,293	131	. . .	65,931
15th ditto .	Indus Valley . .	660	86,034	130	660	1,58,300	240	43,76,711	207	44,52,614	211	75,903	. . .
8th ditto .	Amritsar-Pathankot .	. . .	. . . .	.	66	4,873	74	. . .	.	1,29,913	68	1,29,913	. . .
	TOTAL .	3,616	6,76,805	187	4,139	8,27,566	200	2,16,33,779	187	2,21,76,103	173	5,42,324	. . .
	Assisted Companies.												
8th Nov. 1884	Bengal Central . .	35	2,384	68	126	12,891	102	68,579	61	2,90,619	73	2,22,040	. . .
8th ditto .	Assam. . . .	40	2,242	56	70	4,949	71	(b)34,261	51	1,27,576	61	93,315	. . .
8th ditto .	Southern Mahratta .	. . .	. . . .	.	214	6,157	29	. . .	. .	1,19,205	31	1,19,205	. . .
8th ditto .	Bengal and North-Western . . .	. . .	. . . .	.	69	2,470	36	. . .	. .	49,057	22	49,057	. . .
	TOTAL .	75	4,626	62	479	26,467	55	1,02,840	57	5,86,457	48	4,83,617	. . .
	Native States.												
15th Nov. 1884	Bhavnagar-Gondal .	193	12,579	65	193	20,940	108	5,67,690	92	7,06,180	114	1,38,490	. . .
15th ditto .	Jodhpur . . .	19	766	40	44	1,760	40	23,490	39	32,729	29	9,239	. . .
15th ditto .	Nizam's . . .	121	15,879	127	121	18,190	150	4,93,911	128	5,92,672	153	98,761	. . .
8th ditto .	Mysore . . .	86	5,388	63	129	6,948	54	1,83,446	66	2,24,272	66	40,826	. . .
15th ditto .	Rajpura-Patiala . .	. . .	. . . .	.	16	(c)259	16	. . .	. .	259	16	259	. . .
	TOTAL .	419	34,112	81	503	48,097	96	12,68,537	95	15,56,112	103	2,87,575	. . .
	GRAND TOTAL .	10,336	28,60,269	277	11,356	30,42,881	268	9,59,71,406	291	9,13,82,024	258	. . .	45,89,382
	GROSS ESTIMATED EXPENSES .	. . .	. . . .	.	. . .	. . . .	.	5,18,34,003	157	4,61,59,129	130	. . .	. . .
	NET RECEIPTS .	. . .	. . . .	.	. . .	. . . .	.	4,41,37,403	134	4,52,22,895	128	10,85,492	. . .

(a) Excludes share of the earnings of the Bengal Central Railway, but includes the receipts of the late Calcutta and South-Eastern state Railway.

(b) Total receipts from 10th July to 10th November 1883.

(c) Total receipts from 1st to 8th November 1884.

FORT WILLIAM,
The 11th December 1884.

FRED. FIREBRACE, *Major, R.E.,*
Under-Secretary.

No. XXXII of 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest return received.	Railways.	Total mean length open.	Receipts for week ending 17th November 1883. Total.	Per mile open.	Total mean length open.	Receipts for week ending 15th November 1884. Total.	Per mile open.	Total receipts from 1st April to 17th November 1883. Total.	Per mile open per week.	Total receipts from 1st April to 15th November 1884. Total.	Per mile open per week.	Total increase in 1884-85.	Total decrease in 1884-85.
	Guaranteed.		R	R		R	R	R	R	R	R	R	R
22nd Nov. 1884	Oudh and Rohilkhand	547	1,10,576	202	534	92,355	155	35,63,258	197	31,48,445	172	...	4,14,813
22nd ditto	Sindh, Punjab, and Delhi	735	2,13,374	290	706	2,56,202	363	69,41,394	284	65,77,187	274	.	3,64,207
22nd ditto	Madras	861	1,19,481	139	861	1,14,057	132	41,98,195	148	43,58,713	153	1,60,518	...
22nd ditto	South Indian	655	69,672	106	654	46,152	71	25,47,111	118	27,50,735	127	2,03,624	...
22nd ditto	Great Indian Peninsula	1,458	6,16,268	423	1,451	6,67,089	460	1,99,00,123	414	2,01,51,767	421	2,51,644	...
22nd ditto	Bombay, Baroda, and Central India	461	2,14,783	466	461	2,04,810	444	68,51,843	450	70,09,959	461	1,58,116	...
	TOTAL	4,717	13,74,154	291	4,727	13,80,665	292	4,40,01,924	282	4,39,96,806	283	...	5,118
	State.												
22nd Nov. 1884	East Indian	1,509	9,21,751	611	1,509	8,25,264	547	3,12,60,230	628	2,52,82,875	508	...	59,77,355
22nd ditto	Eastern Bengal (a)	228	1,05,895	464	233	1,11,875	480	32,62,459	434	31,35,375	408	...	1,27,084
22nd ditto	Nalhati	27	1,193	44	27	1,360	50	50,876	57	49,082	55	...	1,794
22nd ditto	Northern Bengal	239	50,830	212	249	45,650	183	13,31,148	171	12,99,004	159	...	32,144
22nd ditto	Kaunia-Dharla	32	2,981	93	37	3,713	101	69,387	66	82,379	71	12,992	...
22nd ditto	Tirhoot	166	18,236	110	226	26,095	115	5,37,919	98	7,57,132	102	2,19,213	...
22nd ditto	Patna-Gya	57	11,661	204	57	10,937	192	2,88,116	153	3,42,063	182	53,947	...
8th ditto	Cawnpore-Achnera	..	...	...	...	(b)	...	(c)3,35,894	76	(d)5,36,650	70	2,00,756	...
22nd ditto	Dildarnagar-Ghazipur	12	841	70	12	774	64	28,410	72	30,090	76	1,680	...
22nd ditto	Rajputana-Malwa	1,117	2,44,998	219	1,120	2,11,030	188	74,52,851	202	70,87,822	192	...	3,65,029
22nd ditto	Rewari-Ferozepur	89	5,551	62	241	21,090	88	2,48,059	84	4,70,412	90	2,22,353	...
22nd ditto	Wardha Coal	45	10,956	243	45	14,007	311	4,25,152	286	3,37,586	227	..	87,566
22nd ditto	Nagpur and Chhattisgarh	149	16,403	110	149	19,720	132	7,17,917	146	7,36,060	150	18,143	..
22nd ditto	Burma	161	30,540	190	254	36,511	144	8,57,905	161	11,73,910	152	3,16,005	...
22nd ditto	Sindia	75	6,354	85	75	7,144	95	2,01,925	81	2,14,268	87	12,343	...
22nd ditto	Punjab Northern	421	51,640	123	447	66,575	149	19,94,864	144	19,58,739	133	...	36,125
22nd ditto	Indus Valley	660	1,12,393	170	660	1,77,000	268	44,81,472	206	46,32,853	213	1,51,381	...
22nd ditto	Amritsar-Pathankot	...	...	...	66	4,161	63		...	1,34,074	67	1,31,074	...
	TOTAL	(e)3,[illegible]	6,70,175	193	(f)3,[illegible]	7,57,672	194	2,22,84,354	194	2,29,77,499	185	6,93,145	...
	Assisted Companies.												
22nd Nov. 1884	Bengal Central	35	2,801	80	126	8,090	64	71,380	62	2,98,709	72	2,27,329	...
22nd ditto	Assam	40	1,930	48	70	6,253	89	(g)36,191	52	1,33,829	62	97,638	...
22nd ditto	Southern Mahratta	...	...	...	214	11,182	52	...	...	1,30,387	33	1,30,387	...
22nd ditto	Bengal and North-Western	..	...	...	69	7,190	104	...	...	56,247	24	56,247	...
	TOTAL	75	4,731	63	479	32,715	68	1,07,571	58	6,19,172	49	5,11,601	...
	Native States.												
22nd Nov. 1884	Bhavnagar Gondal	193	13,168	68	193	23,640	122	5,80,858	91	7,30,473	115	1,49,615	...
22nd ditto	Jodhpore	19	700	37	44	1,610	37	24,190	39	34,739	30	10,549	...
22nd ditto	Nizam's	121	15,581	129	121	17,034	141	5,09,488	128	6,08,487	152	98,999	...
22nd ditto	Mysore	86	4,871	57	129	7,834	61	1,88,317	66	2,32,106	66	43,789	...
22nd ditto	Rajpura-Patiala	...	...		16	354	22	...	...	(h) 613	19	613	...
	TOTAL	419	34,320	82	503	50,472	100	13,02,853	94	16,06,418	103	3,03,565	...
	GRAND TOTAL	(e)10,[illegible]	30,05,431	295	(f)11,116	30,46,788	274	9,89,56,932	295	9,41,82,770	264	...	44,74,162
	GROSS ESTIMATED EXPENSES	...	...	...	...	...	...	5,34,16,331	159	4,78,64,539	134	...	...
	NET RECEIPTS	...	...		...	...	...	4,55,40,601	136	4,66,18,231	130	10,77,630	...

(a) Excludes share of the earnings of the Bengal Central Railway, but includes the receipts of the late Calcutta and South-Eastern State Railway.
(b) Return not received.
(c) Total receipts from 1st April to 10th November 1883.
(d) Total receipts from 1st April to 8th November 1884.
(e) Exclusive of the mileage of the Cawnpore-Achnera Railway (138).
(f) Exclusive of the mileage of the Cawnpore-Achnera Railway (241).
(g) Total receipts from 16th July to 17th November 1883.
(h) Total receipts from 1st to 15th November 1884.

FORT WILLIAM,
The 18th December 1884.

FRED. FIREBRACE, *Major, R.E.,*
Under-Secretary.

No. XXXIII of 1884-85.

APPROXIMATE STATEMENT OF GROSS RECEIPTS AND EXPENSES OF INDIAN RAILWAYS.

Latest Return received.	Railways.	Total mean length open.	Receipts for week ending 24th November 1883. Total.	Per mile open.	Total mean length open.	Receipts for week ending 22nd November 1884. Total.	Per mile open.	Total Receipts from 1st April to 24th November 1883. Total.	Per mile open per week	Total Receipts from 1st April to 22nd November 1884 Total.	Per mile open per week	Total Increase in 1884-85.	Total Decrease 1884-85.
			R	R		R	R	R	R	R	R	R	R
	Guaranteed.												
29th Nov. 1884	Oudh and Rohilkhund	547	1,11,557	204	594	1,00,298	169	36,74,815	198	32,48,627	172	...	4,26,188
22nd ditto	Sind, Punjab and Delhi	735	1,90,637	272	706	2,70,359	383	71,41,031	283	68,36,816	276	...	3,04,215
22nd ditto	Madras	861	1,23,224	143	861	1,24,027	144	43,21,419	148	44,89,014	153	1,67,595	...
22nd ditto	South Indian	655	71,150	109	654	55,564	85	26,18,261	118	28,07,670	126	1,89,409	...
29th ditto	Great Indian Peninsula	1,458	7,31,716	502	1,497	7,00,281	468	2,06,31,839	416	2,08,60,006	423	2,28,167	...
22nd ditto	Bombay, Baroda and Central India	461	2,12,610	461	461	1,87,691	407	70,61,453	451	72,76,476	460	1,12,023	...
	TOTAL	4,717	14,49,894	307	4,772	14,38,220	301	4,51,51,8[illegible]8	283	4,54,48,639	284	...	3,179
	States.												
29th Nov. 1884	East Indian	1,509	9,76,305	647	1,509	8,82,421	585	3,21,67,501	627	2,61,65,296	510	..	60,02,205
22nd ditto	Eastern Bengal(*a*)	228	1,00,777	442	233	1,14,057	490	33,63,236	434	32,49,432	410	...	1,13,804
29th ditto	Nalhati	27	1,171	43	27	1,476	55	52,047	57	50,583	55	..	1,464
29th ditto	Northern Bengal	239	51,790	217	249	45,040	8[illegible]	13,82,938	177	13,43,808	159	...	39,130
29th ditto	Kaunia-Dharla	32	2,781	87	37	3,084	83	72,168	66	87,974	74	15,806	...
29th ditto	Tirhoot	193	16,990	88	226	28,105	124	5,54,909	85	7,84,534	112	2,29,625	...
29th ditto	Patna-Gya	57	8,035	141	57	8,684	152	2,96,727	153	3,50,747	181	54,020	...
15th ditto	Cawnpore-Achnera	...	...	...	...	...(*b*)	...	3,50,061	75	(*d*)5,56,632	68	2,06,571	...
29th ditto	Dildarnagar-Ghazipur	12	752	63	12	820	68	29,164	71	30,910	76	1,746	...
29th ditto	Rajputana-Malwa	1,117	2,49,660	224	1,120	2,25,260	201	77,02,511	203	73,12,716	192	...	3,89,795
29th ditto	Rewari-Ferozepur	89	4,836	54	241	25,050	104	2,52,895	81	4,96,267	92	2,43,372	...
29th ditto	Wardha-Coal	45	23,333	518	45	13,780	306	4,48,412	293	3,52,533	230	...	95,879
29th ditto	Nagpur and Chattisgarh	149	17,813	120	149	21,892	147	7,36,340	145	7,57,525	150	21,185	...
22nd ditto	Burma	161	31,113	193	254	33,860	133	8,89,018	162	12,07,770	151	3,18,752	...
29th ditto	Sindia	75	7,867	105	75	8,170	109	2,09,673	82	2,22,438	87	12,765	...
22nd ditto	Punjab Northern	421	56,132	134	447	74,898	168	20,51,296	143	20,33,637	134	...	17,659
22nd ditto	Indus Valley	660	1,24,175	188	660	1,77,600	269	46,02,281	205	48,22,588	215	2,20,307	...
22nd ditto	Amritsar-Pathankot	...	...	...	66	4,581	69	...	...	1,38,449	68	1,38,449	...
	TOTAL	3,505*e*	6,97,555	199	3,898*f*	7,86,360	202	2,29,93,676	196	2,37,98,543	186	8,04,867	...
	Assisted Companies.												
22nd Nov. 1884	Bengal Central	35	2,574	71	126	8,721	69	73,954	62	3,07,430	72	2,33,476	...
22nd ditto	Assam	40	1,573	39	70	4,738	68	(*g*)37,763	53	1,38,567	63	1,00,804	..
22nd ditto	Southern Mahratta	...	...	...	211	9,065	42	...	...	1,39,452	34	1,39,452	...
22nd ditto	Bengal and North-Western	...	...	...	69	2,530	37	...	...	58,7[illegible]7	25	58,777	...
	TOTAL	75	4,147	55	479	25,054	52	1,11,717	59	6,44,226	50	5,32,509	
	Native States.												
29th Nov. 1884	Bhavnagar-Gondal	193	17,445	90	193	19,370	100	5,98,303	91	7,50,077	114	1,51,774	...
29th ditto	Jodhpur	19	1,107	58	41	1,490	31	25,297	39	36,229	30	10,932	...
22nd ditto	Nizam's	121	18,007	149	121	16,900	140	5,27,495	128	6,25,182	152	97,687	...
22nd ditto	Mysore	86	6,812	79	129	6,801	53	1,95,129	67	2,38,907	66	43,778	...
22nd ditto	Rajpura-Patiala	...	...	...	16	458	29	...	...	(*h*)1,071	22	1,071	
	TOTAL	419	43,371	104	503	45,[illegible]19	89	13,16,224	94	16,51,466	103	3,05,242	...
	GRAND TOTAL	(*e*) 10,225	31,71,272	310	(*f*) 11,162	31,77,074	285	10,20,70,936	295	9,77,08,170	265	...	43,62,766
	GROSS ESTIMATED EXPENSES	...	...	...	...	...	.	5,50,66,754	159	4,96,38,509	135	...	...
	NET RECEIPTS	...	...	...	...	...	...	4,70,04,182	136	4,80,69,661	130	10,65,479	...

(*a*) Excludes share of the earnings of the Bengal Central Railway, but includes the receipts of the late Calcutta and South Eastern State Railway.
(*b*) Return not received.
(*c*) Total receipts from 1st April to 17th November 1883.
(*d*) Ditto ditto 15th " 1884.
(*e*) Exclusive of the mileage of the Cawnpore-Achnera Railway (138).
(*f*) Ditto ditto ditto (241).
(*g*) Total receipts from 16th July to 24th November 1883.
(*h*) Ditto 1st to 22nd " 1884.

FORT WILLIAM,
The 18th December 1884.

FRED. FIREBRACE, *Major, R.E.,*
Under Secretary.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 17th DECEMBER 1884.

GENERAL REMARKS.—Rain has fallen only in a few districts in the Madras Presidency.

Harvesting continues in Madras and the standing crops promise well, except in Bellary where the want of rain is still much felt.

In Mysore the crops are in good condition and the prospects of the season are fair. In Coorg paddy is ready for harvest; coffee is being picked but the yield is short.

In Bombay the *kharif* harvest is well in hand; the prospects of the *rabi* are generally good throughout the Presidency, though in parts of some districts more rain would benefit the crop.

In the Berars, Hyderabad, Central India, and Rajputana prospects are favourable. *Rabi* sowings have been nearly completed in the Punjab, and the crops are doing well, though more rain is wanted in one or two districts.

In the North-Western Provinces and Oudh the crops are flourishing and the weather is favourable.

In the Central Provinces prospects are favourable, but more rain would do good to the *rabi*.

Rabi sowings have been almost completed in Bengal, and the crops are generally promising. Harvesting of *amun* paddy and cutting of sugarcane continue.

In Burma the rice crop is being reaped and a good outturn is expected in all districts. In Assam prospects are generally good.

The public health is generally good, but cholera is reported from parts of Madras and Bengal.

Prices are generally stationary.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—(17th Dec.)		
Bellary	. . . . .	Standing crops, dry and wet, withering from want of rain; harvest paddy, dry grains and pulse yield below average; cholera in one taluka.
Kurnool	. . . . .	Standing crops good, except in one division and in parts of three talukas, where they are withering for want of rain; harvest early cereals; outturn below average.
Ganjam	. . . . .	Harvest paddy and *ragi* outturn average in one taluka, and poor in another; small-pox, cholera and cattle-disease prevalent.
Kistna	. . . . .	Standing crops generally good; harvest wet paddy outturn above average, dry paddy about average; river 2·45 feet over anicut; small-pox, fever and cattle-disease exist; 2 deaths from cholera.
Chingleput (Madras)	Average ·15	Standing crops good in two talukas, elsewhere somewhat damaged by the late heavy rains and floods; harvest paddy yield half the average; small-pox and cattle-disease prevalent; 43 deaths from cholera.
Coimbatore	" ·19	More rain wanted for dry crops; standing crops generally good; harvest wet and dry crops outturn paddy average, dry grains below average; fever in three talukas; 168 deaths from cholera.
Tanjore	" 3·36	Standing crops good, except in parts damaged by the late floods, in the coast talukas harvest paddy outturn below average; cholera increasing; 288 deaths.
Madura	" ·87	Prospects continue fair; 61 deaths from cholera.
Malabar	. . . . .	Standing crops good; small-pox slight; fever in two talukas; 11 deaths from cholera.
Travancore	·21	Standing crops paddy good; small-pox, fever and cholera exist.
		General Remarks.—General prospects fair; no improvement in Bellary and Anantapur.
Bombay—(17th Dec.)		
Karachi	. . . . .	River at Kotri on 10th, 6 feet against 4 feet 11 inches last year; cholera in four talukas; cases remaining in Karachi 7, in Jati 6, in Ghorabari 4, and in Shahbander 2; fever in all talukas; cattle-disease in two talukas; loss of 135 buffaloes and 86 cows and bullocks in Shahbander; small-pox in 9 villages in districts; 4 fresh cases, 1 death, 15 remaining sick; prices, wheat, red rice and *bajri* in Karachi 26, 28 and 48; in Kotri 32, 36 and 40, in Ghorabari 22, 36 and 36, and in Mirpur Batoro 25, 46 and 40 lbs. per rupee respectively.
Hyderabad	. . . . .	*Rabi* prospects good; autumnal fever general; small-pox in 2, measles in 1, and cattle-disease in three talukas; wheat 32, *jowari* 46, *bajri* 42, red rice 26 and white rice 20 lbs. per rupee.
Ahmedabad	. . . . .	Standing crops healthy; fever in some talukas; wheat 31 and *bajri* 32 lbs. per rupee.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bombay—*contd.*		
Baroda	.....	Fever still continues; sugarcane pressing commenced in Navsari division; opium sowing continues in Kadi division; prices, *bajri* 27 and rice 21 lbs. per rupee.
Surat	.....	Standing crops healthy; fever in some talukas; *jowari* 35, and *nagli* 43 lbs. per rupee.
Násik	.....	*Rabi* crops good; public health generally good; wheat 40, *bajri* 36 and rice 21 lbs. per rupee.
Colaba (Bombay)	.....	Average abnormal; temperature 1° cool; vapour in air defective; abnormal wind generally from north-east.
Poona	.....	*Rabi* crops good, except in Indapur and Purandhar; cattle-disease in some villages in Khed; slight small-pox in Purandhar; *bajri* 32 and *jowari* 36 lbs. per rupee; in Poona, *bajri* 32 and *jowari* 35 lbs. per rupee.
Ahmednagar	.....	*Rabi* crops withering for want of moisture in Karjat, Nagar, Nevasa, Seogaon, Rahuri and Shrigonda; fever and cough in Sheogaon; rats and cattle-disease in Kopargaon; *bajri* maximum 46 lbs. per rupee in Jamkhed minimum 32 lbs in Karjat; *jowari* maximum 60 lbs. in Akola, minimum 31 lbs. in Karjat.
Sholapore	*Nil*	*Rabi* crops withering in all talukas except Barsi; fodder scarce in Madha and Karmala and insufficiency of well-water in Madha, Pandharpur and Sangola talukas; cholera in Pandharpur, 9 cases, 4 fatal; *jowari* 31 lbs. 31 tolas and *bajri* 32 lbs. 14 tolas per rupee.
Dharwar	.....	Reaping of early *jowari* in progress; harvesting of rice commenced; late crops withering in Navalgund, Mundargi and Ron for want of sufficient moisture; exotic cotton blighted in 3 talukas; scarcity of fodder in Navalgund and Ron and of drinking-water in Nargund Petha; in Ron taluka emigration of people and cattle commenced; rice 22 to 32 and *jowari* 26 to 49 lbs. per rupee.
Kanara	.....	Common rice in Karwar and in district 15 seers per rupee; sowing second crop commenced on coast; fever in Honavar, Siddapur, Sirsi and Yellapur talukas; small-pox, 3 deaths in Sirsi and 2 in Supa taluka; weather fair and cold.
Rajkot	.....	General health good; weather cool; fever still prevalent; small-pox at Jafrabad; *bajri* 37 and *jowari* 52 lbs. per rupee.
		General Remarks.—Kharif harvest in all districts, except Kaladgi, Belgaum, Dharwar and Shikarpur; *rabi* crops withering in parts of Poona, Sholapur, Ahmednagar, Belgaum, Dharwar and Kaladgi; scarcity of fodder in parts of Sholapur, Belgaum, Khaladgi and Dharwar; cotton suffering from blight in 3 talukas of Dharwar; cholera and cattle-disease in parts of eight and small-pox in parts of eleven districts.
Bengal—(Dec. 9th)		
Chittagong	*Nil*	Weather seasonable; prospects of crops good; outturn of *amun* paddy is estimated at twelve annas; prices of food-grains stationary; cholera still reported.
Dacca	"	*Amun* and *roachia* paddy are being harvested; prospects of crops good; cutting of sugarcane continues; pulses are being sown; *boro* paddy is being transplanted; some cases of cholera are reported from parts of the district.
24-Pergunnahs	"	Prospects of paddy and sugarcane continue to be satisfactory and the yield of the former is above the average; harvesting of *amun* paddy is going on; winter crops are doing well; price of common rice varies from 11½ to 17½ seers per rupee; public health is generally good, though cases of fever and cholera are reported from Diamond Harbour and Bassirhat; the state of river is as usual in this season.
Moorshedabad	"	Weather bright, cool, and occasionally cloudy; *amun* paddy is still being harvested; *rabi* crops good everywhere, though some damage is being done by insects; price of rice is from 14 to 17 seers per rupee; public health good; cholera is gradually disappearing.
Rajshahye	"	Weather cloudy and warmer; cutting of *amun* paddy continues and prospects of outturn generally fairly favourable; *rabi* crops are promising; price of rice improving; public health fair.
Burdwan	.	Harvesting of *amun* paddy continues; the outturn is not good; *rabi* crops are doing well; price of common rice varies from 14 to 18 seers per rupee; public health generally fair.
Rungpore	"	Weather seasonable; *amun* paddy is being cut; winter crops good; prices of food-grains stationary; fever is prevalent.
Bhagulpore	"	Harvesting of paddy going on; 11 annas outturn expected in the south. and 12 annas in the north; *rabi* crops are promising, but some injury has been done by blight; new rice is selling at 16 seers 6 chattacks per rupee.
Purneah	"	Prospects of *rabi* crops good: *aghani* paddy nearly a full crop in the north but in the south it is from six annas to *nil*; sowing of *rabi* nearly finished; harvesting of *aghani* paddy has begun; common rice 16 seers per rupee; much fever.
Patna	"	Reaping of paddy and *jowar* is going on; *rabi* crops are growing well; *rahur* and mustard look well; poppy is growing well; public health good.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—*contd.*		
Durbhanga . . .	*Nil*	Harvesting of paddy going on; *rabi* crops continue flourishing; prices of food grains stationary; public health good.
Hazaribagh . .	„	Weather very cold; harvesting of paddy continues; *rabi* crops are generally promising; poppy doing well in places which are sufficiently watered; coarse rice selling at from 13 to 17 seers per rupee; small-pox continues in the interior; otherwise general health good.
Cuttack . . .	„	Weather cool; *sarad* paddy on lowlands is being reaped with favourable outturn; *rabi* crops in ear; price of rice almost stationary; public health generally good.
Gya	. . . . .	Prospects of opium crop continue excellent; seasonable weather and the heavy dews at night are very beneficial to the crop.
Shahabad . .	. . . . .	Poppy plants are looking healthy.
Mozufferpore . .	. . . . .	Prospects of poppy crop are generally favourable; slight injury by grass-hoppers is reported.
Sarun	. . . . .	Weather is favourable for the poppy crop, prospects of which are excellent.
Chumparun . . .	. . . . .	Young poppy plants are looking healthy; weeding in progress, and prospects continue favourable.
Monghyr . . .	. . . . .	Prospects of poppy crop continue favourable and the young plants look vigorous and healthy.
		General Remarks.—No rain fell in any of the districts of the province; sowing of *rabi* crops is almost completed; they are generally promising and are coming into ear; harvesting of *aman* paddy continues; new rice is coming into the market and the price is consequently falling; sugarcane-cutting continues; cholera is prevailing in many districts of Bengal proper and in all districts of Orissa; of the Behar districts Purneah is the only one in which cholera has appeared; fever also prevails in several districts of the province and small-pox in Monghyr and Hazaribagh.
N.-W. Provinces and Oudh— (Dec. 18th)		
Benares (Dec. 16th)	No rain .	Outturn of sugarcane good; prospects of *rabi* crops good; opium officer reports poppy plants coming on excellently; prospects very encouraging; no sickness; bazar well supplied; prices falling.
Gorakhpur („ 15th)	No rain .	*Rabi* and poppy everywhere sown promising; prices steady; health good.
Fyzabad („ 16th)	No rain .	Weather fine, west wind; irrigation for *rabi* crops going on; poppy thriving well; public health good; prices steady.
Lucknow („ 15th)	. . . .	Weather fine; irrigation going on; both *rabi* and poppy crops very healthy; health of people good; slight cattle-disease reported in tahsil Lucknow; markets well supplied; prices stationary.
Rai Barelli („ „)	*Nil*	Weather clear and cold; *rabi* crops look well, and are being irrigated; general health good; supplies plentiful; prices steady.
Partabgarh („ 16th)	. . . .	Reports generally continue very satisfactory, but in parts of Patti tahsil the Mahun insect has attacked the *sarson*.
Allahabad („ „)	. . . .	Weather cold and seasonable; crops flourishing; prospects excellent; public health good; prices low with tendency to fall still further.
Cawnpur („ 15th)	. . . .	Weather cold; *rabi* being irrigated; prospects good; poppy sowings completed; seed has germinated well and in parts the young plants are well above ground; owing to canal water not being obtainable, engagements in canal-irrigated villages cannot be completed; fever and ague diminishing; some mouth-disease in two parganas; prices firm.
Ballia („ 15th)	*Nil*	Weather normal; crops promising; public health good; condition of market and cattle satisfactory.
Banda („ 17th)	„	Weather clear; *kharif* crops being threshed; *rabi* prospects excellent; no distress.
Farakhabad („ „)	„	*Rabi* sowings completed and doing well; sickness decreasing.
Sitapur . („ 16th)	„	Weather seasonable; prospects favourable; poppy crops healthy; general health good.
Bareilly . („ 15th)	„	Crops doing well; market easy; health of men and animals good.
Kumaon . („ 15th)	„	Weather normal; cholera has disappeared in the Bhabar, three or four cases reported in Dwara; cattle-disease continues; *rabi* growing; prices stationary.
Agra . („ 16th)	No rain . .	*Rabi* being irrigated; poppy prospects promising; general health good; prices steady.
Jhansi . („ „)	„ . .	Weather seasonable; *rabi* crops thriving; supplies abundant; prices stationary; health good.
Meerut . („ 15th)	. . . .	Condition of people, cattle, and crops good; supplies sufficient; prices steady.
		General Remarks.—Weather fine; all crops flourishing; prices steady.
Punjab— (Dec. 17th)		
Delhi (Dec. 16th)	. . . .	Health fair; *rabi* sowings germinating; prices almost stationary.
Hissar . .	. . . .	Fever still prevalent; *kharif* harvested; outturn above average; *rabi* prospects fair; prices slightly falling.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Punjab—*contd.*		
Umballa (Dec. 16th)	. . . .	*Rabi* crops thriving; but rain is wanted; prospects favourable; fever decreasing; prices stationary.
Jullundur („ „)	. . . .	Rain much wanted; health and prospects good; prices stationary.
Amritsar („ „)	. . . .	Health and crops good; prices of wheat and *bajra* rising; prices of other food grain stationary.
Siálkot („ „)	. . . .	Health and *rabi* prospects good; prices falling.
Ferozepore („ „)	. . . .	Health good; *kharif* crops being cut and *rabi* sown; prices steady.
Lahore („ „)	. . . .	Health and *rabi* prospects good; prices steady.
Rawalpindi („ „)	. . . .	Health good; prices nearly stationary.
Mooltan („ „)	. . . .	Health fair; *rabi* sowings nearly completed; prices steady.
Dera Ismail Khan. („ „)	. . . .	Health and prospects good.
Peshawar („ „)	. . . .	Health good; rain wanted; prices falling. *General Remarks.*—Rain wanted. Fever is still prevalent in the Hissar and Umballa districts, but elsewhere the health of the province is generally good; *rabi* nearly sown; prospects good.
Central Provinces— (Dec. 17th)		
Nagpur . . .	. . . .	Weather clear and cold; *rabi* continues to do well; cattle-disease in two tahsils; prices steady.
Jubbulpore . . .	. . . .	Weather clear and cold; reaping of *kharif* nearly finished; *rabi* sowings in progress; prospects health good; prices stationary.
Saugor (Dec. 16th)	. . . .	Weather cold; *rabi* sowings completed and crops thriving; cotton-picking continues; health good; prices steady.
Seoni	. . . .	Weather very cold; threshing of rice in progress; fever and cattle-disease prevalent; prices stationary.
Hoshangabad . .	. . . .	Weather very cold; prospects of crops fair; rain wanted to improve *rabi*; cotton-picking commenced a second time; fever prevalent; prices stationary.
Khandwa . . .	. . . .	Weather clear; *kharif* reaping continues; prospectsh ealth good; prices stationary.
Raipur . . .	. . . .	Weather clear and cool; rain much wanted for *rabi*; cotton-picking commenced; threshing rice and kodo begun; health good; cattle-disease prevalent; prices stationary.
Sambalpur . (Dec. 13th)	. . . .	Weather cold; prospects unchanged; reaping of rice continues; cattle-disease disappearing; trade brisk; common rice 31½ seers per rupee. *General Remarks.*—Weather cold; prospects continue favourable; some rain would improve *rabi*; fever and cattle-disease in places; prices steady.
British Burma— (Dec. 17th)		
Akyab (Dec. 13th)	*Nil*	Cholera almost disappeared; reaping progressing; total 197·07 inches.
Bassein („ „)	„	Slight cholera; total 109·82 inches.
Rangoon („ „)	„	Health good, total 89·39 inches.
Amherst (Moulmein). („ „)	„	Several cases of cholera; reaping progressing; total 182·56 inches.
Tavoy („ „)	„	Slight cholera and small-pox; about ⅓ of crops reaped; outturn very good; total 165·72 inches.
Pegu („ „)	„	Reaping progressing; total 112·31 inches.
Henzada („ „)	„	Slight cholera in one township; reaping progressing; crops promise well; total 91·24 inches.
Prome („ „)	„	Slight cholera in town and some cattle-disease; crops in good condition; slight damage in 1 township from insufficient rain; total 42·49 inches.
Toungoo („ „)	„	Slight small-pox in 1 village; total 74·59 inches.
Thayetmayo („ „)	„	Reaping continues; harvest prospects fair; total 33·47 inches. *General Remarks.*—Some cholera and small-pox here and there, otherwise public health good; health of cattle generally good; reaping in progress; prospect of good outturn in all districts.
Assam— (Dec. 17th)		
Gauhati . . .	No rain during the week ending 16th inst.	Weather seasonable; mornings and nights cool; harvesting of *sali* crops in progress; mustard doing well; public health fair.
Sylhet . . .	*Nil*	Prospects of all crops good; cholera and small-pox still prevalent in the district.
Cachar . . .	„	Weather cold; reaping of *sali* crops progressing; common rice 17¾ seers per rupee; 11 deaths from cholera reported from Hailakandi.
Dibrugarh . . .	„	Weather cold; *sali dhan* being reaped; outturn moderate.
Mysore and Coorg— (Dec. 17th)		
Bangalore } Mysore } . . .	. . . .	Crops in good condition; *ragi* harvested in some places; prospects of season fair; public health good; prices stationary; general prospects fair.
Mercara . . .	. . . .	Paddy crops ripe for the sickle; coffee crops being picked; yield short, but trees promise well for next year; prices stationary.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Berar & Hyderabad— (Dec. 17th)		
Amraoti	. . . . .	Weather cool and clear; cotton-picking continues; crops in good condition; wheat 22, *jowari* 26 seers per rupee.
Akola	. . . . .	Cotton-picking and *kharif* reaping continue; *rabi* crops doing well.
Hyderabad	No rain during week	*Abi* rice continues to be reaped; land is being ploughed for *tabi* sowings; *rabi* crops prospering; no sickness; prices, wheat 14, coarse rice 13¼, white *juar* 18¼, yellow *juar* 23½, and *tur* 18½ seers per halli sicca rupee.
Central India States— (Dec. 17th)		
Indore	. . . . .	Weather cold; sky slightly clouded; health and agricultural prospects good.
Morar (Gwalior) . .	. . . . .	Health and prospects good; weather seasonable.
Sutna	. . . . .	Health good.
Neemuch	. . . . .	Weather seasonable; opium and other *rabi* crops thriving; health good.
Goona	. . . . .	Weather cold and seasonable; health and prospects good.
Sehore	. . . . .	Weather clear; prospects of crops and health good.
Nowgong	. . . . .	The *kharif* harvest is being reaped; health fair; prices steady; weather clear.
Rajputana—		
Abu . . (Dec. 17th)	. . . . .	Weather cold and seasonable.
Sirohi . („ 7th)	. . . . .	Health and prospects good; sufficient supply of water in wells; weather fine and seasonable.
Marwar . („ 12th)	. . . . .	City tanks almost full; health good; prices stationary.
Harowti . („ 16th)	. . . . .	Weather clear and cold; health good.
Jhallawar . („ 12th)	. . . . .	Weather seasonable; health and prospects good.
Ajmere . („ 16th)	. . . . .	Prospects good; fever still prevalent.
Jeypore . („ „)	. . . . .	Prospects favourable; prices steady; health good.
Ulwur („ „)	. . . . .	Weather cold and seasonable; health good; prices steady.
Nepal—(Dec. 11th)		
Khatmandu . .	*Nil*	Weather good; prospects fair.

T. W. HOLDERNESS,

Offg. Secy. to the Govt. of India.

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CALCUTTA, SATURDAY, DECEMBER 27, 1884.

☞ Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART II.

Notifications by High Court, Comptroller General, &c.

GAZETTE OF INDIA.

NOTICE.

The 25th October 1884.

From the 22nd November next, till further notice, the complete *Gazette of India* will be published at Calcutta. After the 15th November, all Notifications and other matter intended for publication in the *Gazette* should be addressed to the Publisher, 166, Dhurrumtollah Street, Calcutta.

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Parts IV and V of the *Gazette of India*, containing the Acts and Bills of the Legislative Council, may be subscribed for separately from the other Parts of the Gazette. The annual subscription for the two Parts is R5 per annum, payable in advance. When sent by post, R2-8 per annum additional will be charged for postage.

By an order of Government, all subscriptions must be paid *in advance*.

Applications for the supply of the *Gazette* on the *public service* should be addressed to the Home Department.

Complaints regarding non-receipt of any number of the *Gazette* should be forwarded within a week after the day on which it is due.

E. J. DEAN,

Publisher, Gazette of India.

CALCUTTA UNIVERSITY.

NOTICE.

The University Examinations in Arts, Law and Medicine of 1885 will be held on the undermentioned dates:—

Entrance Examination and First Examination in Arts and B. A. Examination on Monday, the 13th April, and following days.

B. L. and the Medical Examinations on Monday, the 2nd March, and following days.

Applications from candidates for admission to the Entrance, First Arts and B. A. Examinations must be lodged with the Registrar on or before the 2nd March.

Applications from candidates for admission to the B. L. and Medical Examinations must be lodged with the Registrar before the 2nd and 16th February, respectively.

All candidates from the same Institution must appear at one and the same place of examination.

By Order of the Vice-Chancellor,

CHARLES H. TAWNEY,

Registrar.

SENATE HOUSE,

The 13th December 1884.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

The following changes in the Regulations and Bye-laws of the University having been sanctioned by the Senate and approved by His Excellency the Governor General in Council, are published for general information.

In the form of application for the Entrance Examination (Calendar 1884-85, page 76), the

words "in my presence" have been added to the certificate to be signed by the Principal or Head Master of the College at which the candidate has been educated, after the words "signed the above application :" and also in the same form under the head of *particulars to be filled in by the candidate* the words "age in years and months" have been substituted for the words "age on the 1st of January next."

In paragraph 1 of the Bye-laws having reference to the Syndicate the word "ten" has been substituted for the word "six" and after the word "proportions" the word "five" has been substituted for the word "three," and after the word "Arts" the word "two" has been substituted for the word "one," and after the word "Law" the word "two" has been substituted for the word "one" (Calendar 1884-85, page 30), so that the paragraph will henceforth run as follows :—

"The Executive Government of the University shall be vested in a Syndicate consisting of the Vice-Chancellor and ten of the Fellows, who shall be elected for one year by the several Faculties in the following proportions :—

Five by the Faculty of Arts.

Two by the Faculty of Law.

Two by the Faculty of Medicine.

One by the Faculty of Engineering."

In paragraph 3 of the Regulations for the Entrance and First Arts Examinations and in paragraph 4 of the Regulations for the B. A. Examination (Calendar 1884-85, pages 33, 35, 39) the words "six weeks" have been substituted for the words "thirty days."

The following changes have been made in the forms of application of female candidates prescribed in Appendix A for the First Arts and B. A. Examinations.

In the form of application prescribed for the First Examination in Arts (Calendar 1884-85, page 88) for the present list of particulars to be filled in by the candidate, the following list has been substituted, *viz.*:—

Particulars to be filled in by the Candidate.

Date of Entrance—

Race (*i. e.*, nation, tribe, &c., &c.)—

Religion—

Where to be examined—

Whether she has appeared at the First Arts Examination of any previous year—

Language in which, besides English, to be examined—

Alternative subject (*Physics or Botany*)—

In the form of application prescribed in Appendix A for the B. A. Examination (Calendar 1884-85, page 89) for the present list of particulars to be filled in by the candidate the following list has been substituted, *viz.*:—

Particulars to be filled in by the candidate.

Date of Entrance—

Date of passing the First Examination in Arts—

Race (*i.e.*, nation, tribe, &c., &c.)—

Religion—

Where to be examined—

Whether she has appeared at the B. A. examination of any previous year—

Whether she takes up the A Course or the B Course—

Subjects in which she desires to be examined.

No.	Pass.	Honours.
1		
2		
3		

N.B.—(1) *It must be definitely shewn whether the candidate takes up the Pass or the Honour Course in each subject by entering it in its appropriate column.*

(2) *It must be definitely stated which alternative subject and which alternative sub-division of each subject the candidate takes up.*

(*Thus* [*A Course*] "3. Second language Latin, *or* 3. History of England, Greece, and Rome; *or* [*B Course*] 3. Physiology and Botany.")

CHARLES H. TAWNEY,
Registrar.

SENATE HOUSE,
The 22nd December 1884.

SURVEY OF INDIA—TRIGONOMETRICAL BRANCH.

NOTIFICATION.

Dehra Dún, the 18th December 1884.

No. 14.—Mr. J. Bond, Officiating Surveyor, 4th Grade, Survey of India, is allowed privilege leave for one month under Section 136, Chapter X of the Civil Leave Code, with effect from the forenoon of 12th January 1885, or such subsequent date as he may be able to avail himself of it.

C. T. HAIG, *Colonel, R.E.,*
Offg. Depy. Surveyor General, in charge Trigonometrical Surveys.

AGENT TO THE GOVERNOR GENERAL FOR CENTRAL INDIA.

NOTIFICATIONS.

Indore Residency, the 19th December 1884.

No. 3858.—Surgeon A. H. C. Dane, M.D., in medical charge Bhopal Battalion and Political Agency, is granted privilege leave for twenty-five days from the 14th January 1885, or such subsequent date as he may avail himself of it.

The 20th December 1884.

No. 3889.—Sahibzada Wahid-ud-din, Attaché to the Agent to the Governor General for Central India, returned from the privilege leave granted to him in this office Notification No. 2892 of the 9th September last, and resumed charge of his duties on the forenoon of the 19th instant.

The unexpired portion of his leave, *viz.*, three days, is hereby cancelled.

No. 3890.—It is hereby notified, under Chapter 18, Rule 14-2, of the Civil Account Code, that Sahibzada Wahid-ud-din, Attaché to the Governor General's Agent in Central India, resumed charge of the Indore Treasury, from Captain C. W. Ravenshaw, 2nd Assistant Agent to the Governor General, on the forenoon of the 19th instant.

By Order,

C. W. RAVENSHAW, *Captain,*

for 1st Asst. Agent to the Govr. Genl. for Central India.

AGENT TO THE GOVERNOR GENERAL FOR RAJPUTANA.

NOTIFICATION.

Abu, the 16th December 1884.

No. 3670 G.—With reference to Military Department Notification No. 596, dated the 7th of November 1884, Major J. H. L Greenfield, 2nd-in-Command, Deoli Irregular Force, is granted privilege leave from the 18th of March to the 15th of June 1884, both days inclusive.

By Order,

W. H. C. WYLLIE,

1st Asst. Agent to the Govr. Genl.

RESIDENT IN MYSORE.

NOTIFICATIONS.

Bangalore, the 19th December 1884.

No. 11.—Whereas by the Foreign Department Notification No. 2252I., dated the 7th August 1883, the Indian Christian Marriage Act, 1872, was with certain modifications declared to apply to the Civil and Military Station of Bangalore so far as regards marriages between persons one of whom is a Native Christian subject of Mysore, and neither of whom is a Christian British subject:

In exercise of the powers conferred by Sections 7 and 9, respectively, of the Act as so declared in force, the Resident in Mysore is pleased (*a*) to appoint the Reverend Benjamin Peters, a Missionary of the Methodist Episcopal Church, to be Marriage Registrar for the territories included in the Civil and Military Station of Bangalore, and (*b*) to license the said Reverend Benjamin Peters to grant certificates of marriage within the said territories between Native Christians, one of whom is a Native Christian subject of Mysore, and neither of whom is a British subject.

No. 12.—Whereas by the Foreign Department Notification No. 2252I., dated the 7th August 1883, the Indian Christian Marriage Act, 1872, was with certain modifications declared to apply to the Civil and Military Station of Bangalore, so far as regards marriages between persons one of whom is a Native Christian subject of Mysore and neither of whom is a Christian British subject:

In exercise of the powers conferred by Section 6 of the Act as so declared in force, the Resident in Mysore is pleased to license the Reverend Benjamin Robinson, the Reverend William W. Holdsworth, and the Reverend T. Luke, Ministers of the Wesleyan Mission, to solemnize marriages within the Civil and Military Station of Bangalore between persons one of whom is a Native Christian subject of Mysore and neither of whom is a Christian British subject.

By Order,

H. WYLIE, *Major,*

Assistant to the Resident.

DIRECTOR GENERAL OF RAILWAYS.

NOTIFICATIONS.—ESTABLISHMENT.

Calcutta, the 19th December 1884.

No. 82.—With reference to Public Works Notification No. 294, dated 11th December 1884, Mr. S. C. G. Wood, Class IV, Superior Revenue Establishment of State Railways, Traffic Department, is posted to the Rajputana-Malwa State Railway.

The 20th December 1884.

No. 83.—With reference to Public Works Department Notification No. 315, dated the 20th December 1884, Mr. C. F. Gilbert, Assistant Engineer, 1st grade, is posted to the Sind-Peshin State Railway, Northern Section.

F. S. STANTON, *Colonel, R.E.,*

Director General of Railways.

Report of a Deserter from the 2nd Battalion, Royal Warwickshire Regiment of Foot, dated at Fort William, this 20th day of December 1884.

Number, Rank, and Name,—No. 554, Private John Barton.
Age,—36 years.
Size,—5 feet 6¾ inches.
Colour of—
Complexion, fresh; Hair, dark brown; Eyes, blue.
Date of Desertion,—15th December 1884.
Place of Desertion,—Fort William, Calcutta.
Date of Enlistment,—25th October 1876.

At what Place Enlisted,—Warwick.
Parish and County in which Born,—St. Martins-le-Grand, London.
Marks,—
Trade,—Musician.
Coat or Jacket,— } Regimental large clothing.
Waistcoat,— }
Breeches or Trowsers,— }
REMARKS,—Limps slightly on his left leg. Toes turned inwards.
Under 9 years' service.

L. B. HOLE, *Lieut.-Colonel,*

Comdg. 2nd Battn., Royal Warwickshire Regt.

Report of a Deserter from the 1st Battalion, Royal Welsh Fusiliers, dated at Dum-Dum, this 19th day of December 1884.

Number, Rank, and Name,—No. 275, Private Thomas Williams.
Age,—21 years 3 months.
Size,—5 feet 5½ inches.
Colour of—
Complexion, fresh; Hair, brown; Eyes, grey.
Date of Desertion,—19th December 1884.
Place of Desertion,—Dum-Dum.
Date of Enlistment,—19th January 1883.

At what Place Enlisted,—Wrexham.
Parish and County in which Born,—Wrexham, Denbighshire.
Marks,—None.
Trade,—Collier
Coat or Jacket,— } Regimentals.
Waistcoat,— }
Breeches or Trowsers— }
REMARKS,—
Under 2 years' service.

C. ELGEE, *Colonel,*

Comdg. 1st Battn., Royal Welsh Fusiliers.

Report of a Deserter from the 1st Battalion, Rifle Brigade, dated at Poona, this 20th day of December 1884.

Number, Rank, and Name,—No. 1838, Private J. Dalby.	At what Place Enlisted,—York.
Age,—About 31 years.	Parish and County in which Born,—Willoughby, Leicester, England.
Size,—5 feet 5 inches.	Marks,—None.
Colour of—Complexion, fresh; Hair, light brown; Eyes, grey.	Trade,—Labourer.
Date of Desertion,—19th December 1884.	Coat or Jacket.—*Nil.*
Place of Desertion,—Poona.	Waistcoat,—*Nil.*
Date of Enlistment,—12th October 1877.	Breeches or Trowsers,—White canvas.*
	REMARKS.—Deserted from Poona Military Prison. Under 7 years' service.

* All clothes marked P. M. P.

G. C. ROUPELL, *Captain,*
Brigade Major.

Report of a Deserter from the D Battery, 2nd Brigade, Royal Artillery, dated at Poona, this 20th day of December 1884.

Number, Rank, and Name,—No. R.A.—11491, Gunner H. Smith.	Parish and County in which Born,—St. Michael's, Leicestershire, England.
Age,—About 28 years.	Marks,—Tattoo marks on left arm below elbow, elongated on outside of left thigh.
Size,—5 feet 8 inches.	Trade,—Labourer.
Colour of—Complexion, light; Hair, brown; Eyes, brown.	Coat or Jacket,—*Nil.*
Date of Desertion,—19th December 1884.	Waistcoat,—*Nil.*
Place of Desertion,—Poona.	Breeches or Trowsers,—White canvas.*
Date of Enlistment,—19th June 1880.	REMARKS,—Deserted from Poona Military Prison.
At what Place Enlisted,—Weedon.	Under 5 years' service.

* All clothes marked P. M. P.

G. C. ROUPELL, *Captain,*
Brigade Major.

Report of a Deserter from the 1st Battalion, Regiment of Royal Welsh Fusiliers, dated at Dum Dum, this 24th day of December 1884.

Number, Rank, and Name,—No. 57, Boy Hugh Jones Ellis.	At what Place Enlisted,—Pembroke Dock, South Wales.
Age,—17 years.	Parish and County in which Born,—Oswestry, Shropshire.
Size,—4 feet 11 inches.	Marks,—None.
Colour of—Complexion, fair; Hair, light brown; Eyes, light grey.	Trade,—None.
Date of Desertion,—8th December 1884.	Coat or Jacket,— Waistcoat,— Breeches or Trowsers,— } Regimentals.
Place of Desertion,—Dum Dum.	REMARKS,—
Date of Enlistment,—4th January 1882.	Under 3 years' service.

C. ELGEE, *Colonel,*
Comdg. 1st Battn., R. W. Fusrs.

TREASURE TROVE.

It is hereby notified, under Section 5 of the Indian Treasure Trove Act (VI of 1878), that on the 27th day of October 1884, treasure, consisting of the undermentioned articles valued at R5-4 was found hidden in a quarry land now being worked by the Cuddapah and Nellore State Railway in the village of Elnjamir in the Kalabasti Zemindari, North Arcot District:—

Description of Property.	*Estimated Value.* R	a.	p.
1. Round flat-topped soap-stone box	0	4	0
2. Two gold ornaments worn by females	2	8	0
3. Two bent gold rings worn by females	2	8	0
TOTAL .	5	4	0

All persons claiming the said treasure, or any part thereof, are hereby required to appear personally or by agent before the Collector of North Arcot, at his Office, on the 2nd day of March 1885, in order to the matter being enquired into and determined according to the provisions of the Act.

H. STOKES,
Collector.

NORTH ARCOT COLLECTOR'S OFFICE,
CHITTOOR,
The 16th December 1884.

TREASURE TROVE.

Notice is hereby given under Section 5 of the Indian Treasure Trove Act (VI of 1878), that, on the 20th September 1884, images and a bell as below, valued at R750, were discovered by P. Rama Naicken, when clearing the foundations of the Savundera Narayana Perumal Pagoda in the village of Patraperumbadur, in the Trivellore Taluq, Chingleput District, in the Presidency of Madras:—

Vaikuntavasar, with pedestal.
Kothandaramaswami, with pedestal.
Seethaparattyamman.
Lukshmana Perumal.
Hunumunthar.
Krishnaswami, with brackets.
Incarnation of Serpent (Seshavathar).
Srinivasar, with brackets, small.
Srinivasar, large.
Srinivasar, small.
Varathar.
Sakkarathazhvar.
Veera Ragavaswamiar, with brackets.
Adikesavar.
Selvar.
Bracket.
Cracked bell.

All persons claiming the abovementioned treasure are hereby required to appear personally or by agent before the undersigned at Saidapet on the 1st May 1885.

J. F. PRICE,
Collector.

CHINGLEPUT DISTRICT COLLECTOR'S OFFICE,
SAIDAPET,
The 15th December 1884.

STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and, outstanding in the Books of the Bank of Bengal on the 15th December 1884.

PARTICULARS.	3½ PER CENT. TRANSFER LOAN OF 1853-54.	4 PER CENT. LOANS: Of 1832-33.	Of 1835-36.	Of 1842-43.	Of 1854-55.	Transfer of 1865.	Reduced 4 per cent. Loan of 1879.	TOTAL.	4½ PER CENT. LOANS: Of 1870.	Of 1878.	TRANSFER LOAN OF 1879, 4½ PER CENT. PORTION.	TOTAL.	TRANSFER LOAN OF 1879, SEVEN SHILLINGS PER CENT. PORTION.	5 PER CENT. LOAN OF 1856-57.	GRAND TOTAL.
Balance of 30th November 1884	54,100	13,40,266	27,90,100	2,33,05,300	98,85,200	2,96,77,137	2,41,37,100	9,11,35,103	45,75,200	94,90,300	10,21,31,400	11,61,96,900	1,24,000	32,700	20,75,42,803
Add—															
Amount enfaced at Madras between 1st and 15th December 1884	...	...	...	...	...	3,000	1,000	4,000	...	...	14,000	14,000	...	...	18,000
Amount enfaced at Bombay between 1st and 15th December 1884	...	...	13,500	58,500	7,000	54,500	19,000	1,52,500	11,000	6,500	28,100	45,500	...	...	1,98,100
Amount enfaced at Calcutta between 1st and 15th December 1884	...	53,440	15,300	1,71,100	29,000	2,17,700	...	4,86,540	...	1,000	12,500	13,500	...	...	5,00,040
	54,100	13,93,706	28,18,900	2,35,34,900	99,21,200	2,99,52,337	2,41,57,100	9,17,78,143	45,86,200	94,97,800	10,21,86,000	11,62,70,000	1,24,000	32,700	20,82,58,943
Deduct—															
Amount written off in the London Registers	...	...	500	2,09,200	52,400	1,79,200	52,900	4,94,200	...	...	82,500	82,500	...	...	5,76,700
Balance on 15th December 1884	54,100	13,93,706	28,18,400	2,33,25,700	98,68,800	2,97,73,137	2,41,04,200	9,12,83,943	45,86,200	94,97,800	10,21,03,500	11,61,87,500	1,24,000	32,700	20,76,82,243

NOTE.—From 9th June 1867 to 15th Oct. 1884, enfaced from India 5,054 lakhs; re-transferred from London 4,328 lakhs.
„ 16th Oct. 1884 to 31st „ „ „ „ 4 „ „ „ 3 „
„ 1st Nov. „ to 15th Nov. „ „ „ 5 „ „ „ 10 „
„ 16th „ „ to 30th „ „ „ „ 9 „ „ „ 13 „
„ 1st Dec. „ to 15th Dec. „ „ „ 7 „ „ „ 5 „

5,079 lakhs. 4,359 lakhs.
4,359 „
Balance against India . 720 lakhs.

PUBLIC DEBT OFFICE,
BANK OF BENGAL;
Calcutta, the 17th December 1884.

R. HARDIE,
[Secre]tary and Treasurer.

Statement of the Affairs of the Bank of Bengal for the week ending 20th December 18 84

LIABILITIES.	R	a.	p.	R	a.	p.
Capital paid-up				2,00,00,000	0	0
Reserve Fund				41,59,271	4	4
Public Deposits at Head Office	84,70,673	10	11	1,64,67,591	0	11
Public Deposits at Branches	79,96,917	6	0			
Other Deposits at Head Office and Branches				2,96,66,192	6	11
Bank Post Bills, &c.				2,51,211	11	2
Sundries				16,63,040	15	4
RUPEES				7,22,07,307	6	8

ASSETS.	R	a.	p.	R	a.	p.
Government Securities				62,06,328	0	0
Other authorized Investments				37,31,055	0	0
Loans on Government and other authorized Securities				93,61,935	8	6
Accounts of Credit on Government and other authorized Securities				90,58,781	2	7
Bills discounted and purchased				1,60,49,366	8	2
Balances with other Banks				5,03,176	5	11
Bullion				27,389	2	5
Dead Stock				11,89,100	10	9
Stamps				7,696	14	0
Sundries				6,64,063	1	10
				4,67,98,892	6	2
Cash and Currency Notes at Head Office	1,04,01,035	3	1	2,54,08,415	0	6
Cash and Currency Notes at Branches	1,50,07,379	13	5			
RUPEES				7,22,07,307	6	8

BANK OF BENGAL,
Calcutta, 23rd December 1884.

J. GORDON,
Chief Acctt. & Depy. Secretary.

By order of the Directors,
R. HARDIE,
Secy. & Treasurer.

Rate for Demand Loans 5 per cent.
Percentage 52·8.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED ON		BALANCE OF BULLION		
		General Treasury.	Currency Department	Under Assay.	Assayed	Held on account of the Currency Department.
1884.	R	R	R	R	R	R
Dec. 15	. . .	1,64,492	1,42,553	4,91,979	1,42,40,778	1,14,99,995
,, 16	. . .	1,63,444	1,288	4,90,754	1,40,42,093	1,18,34,530
,, 17	. . .	1,78,091	. . .	4,90,754	1,38,42,093	1,11,52,805
,, 18	. . .	1,75,098	. . .	4,90,754	1,36,42,093	1,09,73,217
,, 19	. . .	1,76,469	2,54,758	2,51,915	1,37,02,316	1,10,53,369
,, 20	2,189	1,86,390	2,67,585	3,084	1,38,75,642	1,11,36,501

R. V. RIDDELL, *Major, R.E.,*
Mint Master.

CALCUTTA MINT,
The 23rd December 1884.

CURRENCY NOTES.

The following Currency Notes of the Government of India are stated to have been lost, and payment of their value has been claimed by the persons whose names are placed against the numbers. Any other person having these Notes in his possession, or claiming a right to them, is warned to communicate at once with the undersigned :—

Madras Circle.

NOTES WHOLLY LOST OR DESTROYED.

Regr. No.	No. of Notes.	Value.	Name of Claimant.
		R	
36	B 79—47728	100	The Post Master, Vellore.
38	B 78—17788	50	

FORT ST. GEORGE,
The 15th December 1884.

W. T. PIERCY,
Offg. Asst. Accountant Genl.,
In charge of Paper Currency Dept.

GOVERNMENT ENGINEERING COLLEGE, HOWRAH.

An Examination for admission to the Mechanical Apprentice Class will be held at the College, on Monday and Tuesday, the 19th and 20th January 1885.

Candidates must apply in writing to the Principal of the College not later than the 10th January 1885 for permission to appear at the Examination, enclosing a certificate of good conduct and a certificate of age.

For admission to this class, candidates must be between the ages of 15 and 17 years.

The subjects of examination are :—

Arithmetic (the whole.)
Algebra (to Simple Equations.)
Euclid (Books I and II.)
English (Grammar and Composition.)

Every applicant, before admission to the College, will be examined by the College Surgeon as to his physical strength, fitness for manual labour, and eyesight. If this officer's report is unsatisfactory, the applicant will not be admitted.

Further particulars will be supplied on application to the Principal of the College.

A. W. CROFT,
Director of Public Instruction.

CALCUTTA,
The 9th December 1884.

NOTICE.

Tenders are invited for the lease, for three years, of the Manihari Lime Hill belonging to Government, near the banks of the Ganges, opposite to East Indian Railway Station Sahebgunge. The tenders will be received up to the 2 th of February 1885. The Collector of Purneah will not be bound to accept the highest or any bid.

A. WEEKES,
Collector.

COLLECTOR'S OFFICE,
PURNEAH,
The 15th December 1884.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 19th December 1884.

From the 1st January 1885, money orders will be issued in India for payment in any of the following British Colonies and possessions :—

Newfoundland.
Bermuda.
Falkland Islands.

South and West Africa:
Cape Colony.
Gambia.
Gold Coast.
Lagos.
Natal.
St. Helena.
Seychelles.
Sierra Leone.

West Indies:
Antigua.
Bahamas.
Barbadoes.
British Guiana.
Dominica.
Grenada.
Honduras (British.)
Jamaica.
Montserrat.
Nevis.
St. Kitts.
St. Lucia.
St. Vincent.
Tobago.
Trinidad.
Turk's Islands.

Cyprus.
North Borneo.

2. The conditions under which money orders for payment in any of the above-named Colonies or possessions will be issued are the same as those laid down in the *Indian Postal Guide* for money orders payable in the United Kingdom. The amount of each order may not exceed £10.

3. The rates of commission payable by remitters in India on money orders drawn upon any of the countries or the places named will be the same as on money orders drawn upon the United Kingdom, *viz.* :—

	R	a.
On sums not exceeding £ 2 Sterling . . .	0	4
" " exceeding £ 2, but not exceeding £ 5 .	0	8
" " " " 5 " " " " 7 .	0	12
" " " " 7 " " " " 10 .	1	0

4. In addition to the above rates, a further commission will be deducted from the amount of the orders by the London Post Office before payment is made in any of the countries or places named. This further commission, which is charged for the service of forwarding the money orders, will be at the following rates :—

On orders not exceeding £ 2 Sterling in value 3*d*.
On orders exceeding £ 2, but not exceeding £5 in value . . . . 6*d*.
On orders exceeding £ 5 but not exceeding £ 7 in value . . . . 9*d*.
On orders exceeding £ 7 but not exceeding £ 10 in value . . . . 1 *shilling*.

A similar deduction will be made by the London Post Office from the value of money orders that may be received for payment in India from any of the Colonies or places referred to.

5. With effect from the same date, the rate of commission chargeable upon money orders drawn on the United States of America will be reduced from 2 per cent., the rate now in force, to the rates mentioned above, and the exchange of money orders with the United States will be assimilated in all respects to that with the countries and places enumerated in the first para. of this Notice.

A. U. FANSHAWE,
Offg. Director General of the Post Office of India.

Unclaimed Letters held in the Calcutta General Post Office on 23rd December 1884.

Cameron, Geo.
Cooke, H J.
Death, W. E.
DeLima, J. M.
Denry, G. M.
Farrend, J.
French, F. E.
Hadow, Col. F. E.
Harman, R. J.
Haydock, W.
Hein & Co.
Hesolton, Miss A.
Hewett, G. B.
Hodding, G. H.
Hudson, Miss E.
Lasnyo, Antonio.
Linde, F.
Lucas, W. H.
Macdonald & Co., Geo.
Meares, Charles.
Montgomery, James.
Perkins, S. D.
Razar & Co., W.
Standinger, Jul.
Spittellor, Adolf.
Thayer, Charles W.
Thornton, J.
Vinall, J. N.
Warden, C J. H.
Williams, Gwalkins.
Wyatt, Alexander G.

Letters marked "Care of Post Office."

Adda, Henry.
Allen, Alex.
Amoss, Thomas.
"Bota."
Betts, D.
Boileau, Captain H.
Bott, Fred.
Brigg, E. A.
Caurey, Captain.
Clark, Thomas.
Carlisle, J. T.
Chancellor, Miss.
Chapman, Frank.
Clayton, L.
Clift, Mrs. H. W.
Cooling, Mr.
Cooke, G. H.
Cowan, Andrew.
DeLa Grange, Baron Louis.
Faerstermann, Ignatz.
Fergus, J. S.
Gill, F. N. G.
Golding, Herbert.
Grimes, H. R.
Grün, Otto.
H M. W.
Harcourt, W. H.
Hordern, Mrs Peter.
Huddleston, John E. Leslie.
Hull, W.
Jackson, Major.
Jones, Evan.
King, W.
Lampard, Henry.
Lasasso, A.
Lawless, Hiram.
Lee, Miss C.
Lewis, H.
Lhomme, H.
Lopez, E.
Lubbach, J. B.
Luddy, Miss Lilly.
Macdonald, Mrs. J.
Matson, E.
Maxwell, Willwood.
Meij, H.
Morris, Pierce M.
Murgatroyd, C. A.
"Naim."
Owen, L. C.
Pate, Fred.
Pavice, C.
Philips, F. A.
Peyllas, Michel G.
Q. R.
"Rex."
Rooks, Mrs. A. H.
Richardson, H.
Ryder, Harry.
Settle, J. W.
Spitzy, Mrs. Berthe.
Stagg, J. E.
"Stanhope."
Stern, Edward.
Taylor, Miss Emma.
Thompson, James.
Thrussell, A.
Towers, Miss Rosa.
Tighe, James.
Trafford, H. R.
Vincent, C. E. Howard.
Watt, Dr. George.
Wilson, Theos.
Young, W.

Registered Letters.

Ferefourd, Duglass.
Fraser, Hugh.
Ryan, J. W.
Schapera, D.
Thibaud, Thomy.

E HUTTON,
Presidency Postmaster, Calcutta.

Unclaimed Letters held in the Barrackpore Post Office on the 22nd December 1884.

Biswas, Bosomoy.
Cuppage, W. A., Lieut.
Dalrimple, W. M.
Das, Kunjo Behari.
Denne, Dr. W.
D'Souza, A.
Fagan, H. R.
Ghose, Kally Dass.
Ibrahim & Co., H. M.
Kennedy, Major J. J.
Kennedy, Miss E L.
Norris, Mrs.
Oehme, F. S.
Russell, Dr.
Russell, Sergt. J.
Rutleg, Miss.
Shepherd, Major.
Walker, P. G.

A. P. GHOSAL,
Postmaster, Barrackpore.

The 27th December 1884.

SEA AND FOREIGN MAILS.

Foreign Mails for	Date of closing at Calcutta.	Per Steamer
	1884.	
Madras and Ceylon	27th Dec.	P. & O. Str. *Nepaul.*
Foreign Mails *viâ* Bombay	30th "	From Bombay *
Do. Book Post and Pattern Packets	29th "	From Bombay.
Rangoon and Moulmein	31st "	Str. *Malda.*
Chittagong, Akyab, Kyouk Phyoo, Sandoway, and Rangoon	31st "	St. *Coconada.*
	1885.	
Madras, Ceylon, Batavia, Singapore, and China	2nd Jan.	French Str. *Tibre.*

* Also for Cape Colonies through United Kingdom; also *viâ* Aden for Zanzibar, Lamoo, Mombaza, Kilwakivinjee, Lindi, Mozambique, Delagoa Bay, and Cape Colonies can be forwarded.

N.B.—The letter-box will close at 7 P.M. precisely, after which hour, foreign letters, fully prepaid and bearing an extra postage-stamp of four (4) annas on each cover, will be received up to 7-30 P. M.

E. HUTTON,
Presidency Post Master.

METEOROLOGICAL PUBLICATIONS FOR SALE.

At the Meteorological Office, No. 5, Russell Street; also at Messrs. Thacker, Spink & Co., or at Messrs. Brown & Co., at the prices specified below:—

	R	a.	p.
Report on the Meteorology of India in 1875, 4to, 89 pages text, 297 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1876, 4to, 97 pages text, 340 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1877, 4to, 193 pages text, 375 pages tables, 3 charts	8	0	0
Report on the Meteorology of India in 1882, 4to, 152 pages text, 298 pages tables, 8 charts	8	0	0
Indian Meteorological Memoirs, Vol. I, Part I, 4to, 118 pages, 9 plates	2	8	0
Indian Meteorological Memoirs, Vol. I, Part II, 4to, 63 pages, 4 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part III, 4to, 86 pages, 2 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part IV, 4to, 62 pages, 8 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part V, 4to, 57 pages, 10 plates	1	8	0
Indian Meteorological Memoirs, Vol. I, Part VI, 4to, 62 pages	1	8	0
Indian Meteorological Memoirs, Vol. II, Part I, 4to, 78 pages, 9 plates	1	8	0
Indian Meteorological Memoirs, Vol. II, Part II, 4to, 69 pages, 9 plates	1	8	0
Indian Meteorological Memoirs, Vol. II, Part III, 4to, 68 pages, 3 plates	1	8	0
Report on the Vizagapatam and Backergunge Cyclones, October 1876, 4to, 87 pages, 4 plates	2	0	0
Report on the Madras Cyclone of May 1877, 4to, 117 pages text, 97 pages tables, 5 plates	2	8	0
Rainfall Chart of India showing the average annual distribution of rainfall (in colors)	0	8	0
Rainfall Map of India (in two sheets, scale 64 miles to the inch), showing the annual distribution of rainfall (in colors)	3	0	0
Register of Original Observations of six stations in India for 1879, corrected and reduced	2	8	0
Register of Original Observations of six stations in India for 1880, corrected and reduced	2	8	0
Register of Original Observations of six stations in India for 1881, corrected and reduced	2	8	0
Register of Original Observations of six stations in India for 1882, corrected and reduced	2	8	0
Register of Original Observations of six stations in India for 1883, corrected and reduced	2	8	0
The Indian Meteorologist's Vade Mecum, Part I [Instructions to Observers]	3	0	0
The Indian Meteorologist's Vade Mecum, Part II [The Meteorology of India]	5	0	0
Tables for the Reduction of Meteorological Observations in India	2	0	0

HENRY F. BLANFORD,
Meteorological Reporter to the Government of India.

THE INDIAN LAW REPORTS.

PUBLISHED UNDER AUTHORITY.

The Indian Law Reports, published under the authority of the Governor General in Council, appear in monthly parts, published as soon as possible after the first of each month, at Calcutta, Madras, Bombay, and Allahabad, and comprise four series,—one for the Calcutta High Court, a second for the Madras High Court, a third for the Bombay High Court, and a fourth for the Allahabad High Court. The cases heard by the Privy Council on appeal from each High Court are reported in the series for that High Court. Cases heard by the Privy Council on appeal from Provinces in India not subject to any High Court are reported in the Calcutta Series.

The Calcutta Series is distributed by the Bengal Secretariat; the copies for subscribers registered by Messrs. Thacker, Spink & Co. are distributed by that firm; and the Madras, Bombay and Allahabad Series are distributed direct from Madras, Bombay, and Allahabad respectively.

In supersession of previous advertisements, on and from the 1st January, 1885, the terms of subscription and sale will be as follows:—

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„ Curator of Government Books, North-Western Provinces and Oudh.
„ Superintendent of Government Printing, Bengal.

Orders and subscriptions for 1885 should be at once remitted.

NOTICE.

Indian Law Reports.

Advertisements will be received for publication on the wrappers of the Indian Law Reports, Calcutta Series, by the Calcutta Central Press Company, "Limited," 5—1, Council House Street, at the following rates, payable in advance:—

	One page.	Half page.	Quarter page.
For one issue	R 15	R10	R 6
„ three issues	„ 40	„ 25	„ 14
„ six „	„ 70	„ 40	„ 25
„ twelve „	„ 110	„ 70	„ 45

At these rates the advertisers will have the option of changing their advertisements in each issue.

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A few sets of the Bengal Law Reports (Volumes 1 to 15) are available at Messrs. Thacker, Spink & Co., Calcutta, at R375 a set

Complete set . . . . „ 20 0 „ 22 8

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FOR SALE BY THE

Superintendent of Govt. Printing, India,

166, DHURRUMTOLLA STREET, CALCUTTA.

NOTICE.—Books required for private use only can be purchased. Applications should be accompanied by a remittance, unless it is wished that the books should be sent by value-payable post, in which case, besides the ordinary postage, an additional charge will be made for registration and commission.

Books required for the public service should be obtained through Local Governments.

The amounts within parenthesis are for packing and postage.

FINANCIAL DEPARTMENT.

Codes of the Financial Department: Pension, Leave, and Pay and Acting Allowance. Super royal 8vo, boards. R3-8 (6a.)

*** *Lists of corrections to the above are supplied for R2 per annum.*

Travelling Allowance Code (Civil). Revised edition, 1883. Royal 8vo, boards. R1 (2a.)

*** *Lists of corrections to the above are supplied for R1 per annum.*

Civil Account Code, Vol I. Third edition, corrected to 1st June 1883. Super royal 8vo, boards. R2 (6a.)

*** *Lists of corrections to the above are supplied at 2a. for each issue.*

Financial Statements bound in one Volume, from 1860-61 to 1873-74. Super royal 8vo, cloth. R4 (12a.)

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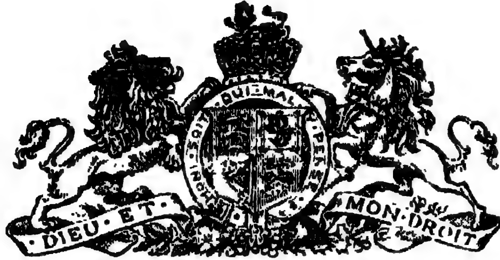
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The Gazette of India.

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PART III.

Advertisements and Notices by Private Individuals and Corporations.

NOTICE.

IN THE GOODS OF KANNYLOLL SEAL, LATE OF No. 60, COLOOTOLLAH STREET, IN THE TOWN OF CALCUTTA, ZEMINDAR, DECEASED.

Probate of the last Will and Testament of the abovenamed deceased was on the 11th day of December 1884 granted by the High Court of Judicature at Fort William in Bengal, in its Testamentary and Intestate Jurisdiction, to Lollmohun Mullick, Sreemutty Kadumbiney Dossee, Bonomally Mullick, Nundololl Mullick, James Meik, and Neelmadhub Moitry, all of Calcutta, the Executors therein named and appointed.

All parties having claims against the Estate of the said deceased are requested to send in particulars thereof to Mr. James Meik, at No. 60, Colootollah Street, aforesaid, to whom all parties who are indebted to the said Estate are requested to make payments of their debts without delay.

A. ST. JOHN CARRUTHERS,
Solicitor.

10, GOVERNMENT PLACE EAST,
The 18th December 1884.

PROMISSORY NOTES.

Lost

The lower half of the Government Promissory Note No. 185916 of the 4 per cent. loan of 1865, for R1,000, originally standing in the name of the Comptroller General, and last endorsed to Jugulkishore Lall and Rashbihari Lall, the proprietors, by whom it was never endorsed to any other person, and application is about to be made for the issue of a duplicate in favor of the proprietor.

JUGULKISHORE LAL,
Gya.



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PART IV.

Acts of the Governor General's Council assented to by the Governor General.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second publication.]

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th December, 1884, and is hereby promulgated for general information:—

ACT No. XXI OF 1884.

An Act to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883.

WHEREAS it is expedient to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, in manner hereinafter appearing; It is hereby enacted as follows:—

1877.
of 1883.

1. The Straits Settlements Emigration Act, 1877, is repealed.

New section substituted for section 102 of Act XXI of 1883.

2. For section 102 of the Indian Emigration Act, 1883, the following section shall be substituted:—

Power for Governor General in Council to exempt emigration to Native States adjoining the Straits Settlements from Act.

"102. On and from such a date as the Governor General in Council may, by notification in the *Gazette of India*, fix in this behalf, a Native of India who departs by sea out of British India under an agreement to labour for hire in any protected Native State adjoining the Straits Settlements to which the notification refers shall not be deemed to emigrate within the meaning of this Act."

D. FITZPATRICK,
Secretary to the Government of India.



The Gazette of India.

PUBLISHED BY AUTHORITY.

CALCUTTA, SATURDAY, DECEMBER 27, 1884.

☞ **Separate paging is given to this Part in order that it may be filed as a separate compilation.**

PART V.

Bills introduced into the Council of the Governor General for making Laws and Regulations, or published under Rule 22.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th December, 1884, and was referred to a Select Committee:—

No. 18 OF 1884.

A Bill to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend the Excise Act, 1881, and the Bengal Excise Act, 1878.

WHEREAS it is expedient to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend section 7 of the Excise Act, 1881, and section 18 of the Bengal Excise Act, 1878; It is hereby enacted as follows:—

1882. [XI] of 1881. [Beng.] Act [VII of] 1878.

Repeal of part of section 6 of Act XI of 1882.

1882.

1. The part of section 6 of the Indian Tariff Act, 1882, beginning with the words "And whereas," down to and including the words "been paid," is repealed.

Amendment of section 7 of Act XXII of 1881.

XXII of 188[1]

2. For clause (*a*) of section 7 of the Excise Act, 1881, the following clause shall be substituted:—

"(*a*) such duty as the Local Government may from time to time fix in respect of such spirit has been paid."

Amendment of section 18 of Bengal Act VII of 1878.

Beng. Act VII of 1878

3. In section 18 of the Bengal Excise Act, 1878, for the words "at the rate leviable under any Tariff Act for the time being in force" the words "at such rate as the Local Government may from time to time fix in respect of such spirituous liquor" shall be substituted; but nothing in this section shall affect any Act passed after this Act comes into force by the Lieutenant-Governor of Bengal in Council.

Saving of duties already fixed under section 6 of Act XI of 1882.

XI of 1882.

XXII of 1881 Beng. Act VII of 1878.

4. The duty now fixed by the Local Government under section 6 of the Indian Tariff Act, 1882, as leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, shall, in places in which the Excise Act, 1881, or the Bengal Excise Act, 1878, is in force, be deemed to be the duty fixed by the Local Government under sections 7 and 18 of those Acts, as amended by this Act, respectively.

STATEMENT OF OBJECTS AND REASONS.

THE Government of Madras recently submitted a draft Bill to consolidate and amend the Abkari law of the Presidency of Madras, for sanction to its introduction in the local Legislative Council, and, on examination of its provisions, it was found that two clauses of one of its sections, imposing a duty on liquor, were, as applied to spirit, *ultra vires* of the local legislature, as the mode of fixing the excise duty on spirit is determined by section 6 of the Indian Tariff Act, 1882. It was also feared that the penultimate clause of the latter section, by keeping in force, under the authority of the Governor General's Legislative Council, an unexplored mass of law existing on the 10th March, 1882, might render other provisions of that Bill *ultra vires*.

This in itself would make it necessary that legislation should be resorted to in the Council, of the Governor General in order to prevent the Madras Bill from being declared invalid; and as

moreover, section 6 of the Tariff Act must seriously hamper any local legislature contemplating legislation like that proposed by the Madras Government, it is proposed to repeal that section, leaving it to the Local Governments to deal with the mode of fixing the duties of excise on spirit, under the other enactments locally in force, subject, so far as any discretion is allowed to them by those enactments, to the general executive control of the Government of India.

The present Bill has accordingly been prepared. It first repeals section 6 of the Tariff Act except the last clause amending section 1 of Act XVI of 1863, which Act is still in force. It then amends section 7 of the Excise Act, 1881, and section 18 of the Bengal Excise Act, 1878, which at present contain references to the provisions of section 6 of the Tariff Act, by omitting these references and conferring on the Local Governments concerned power to fix the duty payable in respect of country spirit. Lastly, in order to prevent any question being raised as to the effect of the repeal of section 6 of the Tariff Act, the Bill declares that duties already fixed by the Local Government under section 6 of the Tariff Act shall be deemed to be duties fixed by the Local Government under sections 7 and 18 of the Excise Act, 1881, and the Bengal Excise Act, 1878, as amended by this Act, respectively.

The 13th December 1884. A. COLVIN.

D. FITZPATRICK,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

[Second Publication.]

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th December, 1884, and was referred to a Select Committee :—

No. 19 OF 1884.

A Bill to amend the law relating to the carriage of passengers by sea.

WHEREAS by section 99 of an Act of the Imperial Parliament called "the Passengers Act, 1855," it is enacted that "it shall be lawful for the Governor General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act or any part thereof shall apply to the carriage of passengers upon any voyage, from any ports or places within the territories of British India, to be specified in such Act or Acts, to any other places whatsoever, to be also specified in such Act or Acts;" and it is thereby also enacted that "on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified. The provisions of such Indian Act shall be enforced in all Her Majesty's possessions in like manner as the provisions of this Act may be enforced;"

And whereas certain parts of the said Act of Parliament were by Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) made applicable to the carriage of passengers upon certain specified voyages;

And whereas by an Act of the Imperial Parliament called "the Passengers Act Amendment Act, 1863," certain parts of the Passengers Act, 1855, which were so made applicable have been amended, and it is provided that the said Acts of the Imperial Parliament shall be construed together as one Act;

And whereas it is expedient that the amendments so made in the Passengers Act, 1855, should also be made in the parts of that Act so made applicable, and it is also expedient to apply those parts so amended to the carriage of passengers upon certain voyages not specified in Act II of 1860;

It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Indian Sea Passengers Act, 1885 : and [New.]

(*2*) It shall come into force on the first day of March, 1885. [New.]

Repeal of Act II of 1860.

2. On and from the day on which this Act comes into force, Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) shall be repealed. [New.]

Certain provisions of the Statutes made applicable to specified voyages from India.

3. The provisions contained in sections 4, 5 and 6 of this Act, and the schedule hereto annexed (being parts of the Passengers Act, 1855, as amended by the Passengers Act Amendment Act, 1863), are declared applicable to the carriage of passengers upon the following voyages, namely :— [Act II of 1860 s. 1, Act VII of 1871, ss. 23 and 24.] [New.] 18 & 19 Vic., c. 119. 26 & 27 Vic., c. 51.

(*a*) Voyages from the ports of Calcutta, Madras and Bombay to the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, Nevis and Fiji; [New.]

(*b*) Voyages from the ports of Calcutta, Madras and Bombay to the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana; [New.]

(*c*) Voyages from the ports of Calcutta, Madras and Bombay to the Netherlands colony of Dutch Guiana; [New.]

(*d*) Voyages from the ports of Calcutta, Madras and Bombay to the Danish colony of St. Croix; [New.]

(*e*) Voyages under the Native Passenger Ships Act, 1876, from Calcutta Madras, Bombay, Karáchí, Rangoon and other ports in British India to the Straits Settlements, to the protected Native States adjoining the Straits Settlements, to Australia, and to ports in the Red Sea or Persian Gulf. VIII of 1876

[Act II of 1860, s. 2.]

Governors or Consuls may pay expenses of passengers taken off passenger-ship.

4. If the passengers upon any such voyage as is specified in the last preceding section are taken off from the ship carrying such passengers, or are picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they shall be conveyed is in any of Her Majesty's colonial possessions, for the Governor of such colony, or for any person authorized by him for the purpose, or, if in any foreign country, for Her Majesty's Consular officer, at such port or place therein, to defray all or any part of the expenses thereby incurred.

[Act II of 1860, s. 3, 26 & 27 Vic., c. 51, New.]

Governors or Consuls may send on passengers, if the master of the ship fail to do so.

5. If any passenger of any such passenger-ship as aforesaid, without any neglect or default of his own, finds himself within any colonial or foreign port, or place other than that for which the ship was originally bound, or at which he, or the Emigration Agent, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful for the Governor of the colony, or for any person authorized by him for the purpose or for Her Majesty's Consular officer at the foreign port or place, as the case may be, to forward the passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of such passenger, gives to the Governor or Consular officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter the passenger to his original destination, and unless the master accordingly forwards or carries him on within that period.

[Act II of 1860, s. 4, 26 & 27 Vic., c. 51, s. 16.]

Expenses incurred under sections 4 and 5 to be a Crown debt.

6. (*1*) All expenses incurred under the last two preceding sections, or either of them, by or by the authority of a Governor or Consular officer, or other person as therein respectively mentioned, including the cost of maintaining the passengers until forwarded to their destination, and of all necessary bedding, provisions and stores, shall become a debt to Her Majesty and Her successors from the owner, charterer and master of the ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts.

[New.]

(*2*) A certificate in the form given in the Schedule hereto annexed, or as near thereto as the circumstances of the case will admit, purporting to be under the hand of any such Governor or Consular officer (as the case may be), stating the total amount of the expenses, shall, in any suit or other proceeding for the recovery of the debt, be received in evidence without proof of the handwriting or of the official character of the Governor or Consular officer, and shall be deemed sufficient evidence of the amount of the expenses, and that the same were duly incurred;

[New.]

nor shall it be necessary to adduce on behalf of Her Majesty any other evidence in support of the claim, but judgment shall pass for the Crown, with costs of suit, unless the defendant specially pleads and duly proves that the certificate is false or fraudulent, or specially pleads and duly proves any facts showing that the expenses were not duly incurred:

Provided, nevertheless, that in no case shall any larger sum be recovered on account of the expenses than a sum equal to twice the total amount of passage-money received or due to and recoverable by or on account of the owner, charterer or master of the passenger-ship or any of them from or on account of the whole number of passengers who may have embarked in the ship; which total amount of passage-money shall be proved by the defendant if he will have the advantage of this limitation of the debt: but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be entitled to the return of their passage-money, or to any compensation for loss of passage.

THE SCHEDULE.

[26 & 27 Vic., cap. 51, Sched.] [New.]

Form of Governor's or Consul's Certificate of expenditure in the case of Passengers shipwrecked &c.

(*See section 6.*)

(*a*). *N. B.*—1. If more passengers were rescued than forwarded, or if bedding, &c., was not supplied, alter the certificate to suit the facts of the case.

(*b*). *N. B.*—2. State generally the nature of the disaster and where it occurred. But if the passengers were only left behind without any default of their own, state the fact accordingly.

I hereby certify that acting under, and in conformity with, the provisions of the Indian Sea Passengers Act, 1885, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions and stores (*a*), and in forwarding to their destination • passengers who were proceeding from to in the passenger-ship which was wrecked at sea, &c. (*b*).

And I further certify, for the purposes of the sixth section of the said Indian Sea Passengers Act, 1885, that the total amount of such expenses is , and that such expenses were duly incurred by me under the said Act.

Given under my hand this day of , 18 .

Governor of &c., (or, as the case may be), *Her Britannic Majesty's Consul at* .

STATEMENT OF OBJECTS AND REASONS.

ACT II of 1860 declares certain parts (namely, sections 52, 53 and 54) of the English Passengers Act, 1855 (18 & 19 Vic., cap. 119) to be applicable to the carriage of passengers upon voyages from the ports of Calcutta, Madras and Bombay to the colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia and Grenada, and from ports in British India to ports in the Red Sea or Persian Gulf. The colonies mentioned were the places to which emigration was then lawful. Since 1860, emigration to the colonies of Fiji, Natal, Réunion, St. Croix, Guadeloupe, Martinique, Dutch Guiana, St. Vincent, Nevis and St. Kitts has been sanctioned. With respect, however, to voyages to places not specified in Act II of 1860, that

Act gives no power to any authority to recover expenses incurred in forwarding shipwrecked passengers to their destination and in maintaining them until they are so forwarded. At present, therefore, the voyages to which the Act does not apply are more numerous than those to which it does.

2. Again, the Act, as it stands at present, is, if strictly construed, inapplicable to the conditions under which emigration from India is usually conducted. Section 3 of the Act, following section 53 of the English Passengers Act, 1855, runs as follows:—"If any passenger * * * find himself within any colonial or foreign port or place other than that at which *he may have contracted to land," &c.* But as a rule, emigrants from India do not themselves contract with the owners or charterers of the vessels in which they emigrate. In all cases falling under the Indian Emigration Act VII of 1871 (or which may fall under the Indian Emigration Act XXI of 1883, when that Act is brought into force) the contract is made by a recruiter for the colony importing labour, under the supervision of the Protector of Emigrants. Emigrants despatched in this way are therefore technically excluded from the provisions of Act II of 1860. A similar difficulty appears to have arisen in England, and to have been met by an amendment of the law. Section 12 of the English Passengers Act Amendment Act, 1863 (26 & 27 Vic., cap. 51), repeals section 53 of the English Passengers Act, 1855, and section 15 of the former Act substitutes for the words "other than that at which he may have contracted to land" the words "other than that for which the ship was originally bound, or at which he or the Emigration Commissioners, or any public officer, or other person on his behalf, may have contracted that he should land".

3. These two defects in the Act came to notice in connection with the following occurrence. In the end of April last, the steamer *Laleham*, carrying emigrants from Calcutta to Dutch Guiana, grounded off Ceylon, and was compelled to land her passengers at Trincomalee. The *Laleham* returned to Calcutta, where she was examined by the Engineer-Surveyor to the port, and reported "unseaworthy and unfit to proceed to sea without serious danger to human life". The Agents of the *Laleham* at first proposed to substitute another vessel, but subsequently declined to do so, offering merely to have the *Laleham* repaired at Calcutta, and to fulfil her charter-party by re-embarking the coolies at Trincomalee and taking them on to Surinam.

The Advocate General of Bengal, on being consulted, was of opinion that no action could be taken under Act II of 1860, and that the matter would be governed by the charter-party. Surinam, he said, being in Dutch Guiana, is not a place to which Act II of 1860 applies. He thought further that the English Passengers Act Amendment Act, 1863, would be construed strictly, and according to such construction he did not think that the words of section 3 of Act II of 1860 would cover the break-down in a voyage to which that Act applied, in any case other than that in which the passenger had himself contracted.

Under these circumstances legislation seems necessary in order to bring Act II of 1860 into conformity with the present system of emigration and the English Passengers Act Amendment Act, 1863.

The present Bill has accordingly been prepared. It repeals and re-enacts Act II of 1860 with the necessary amendments. Section 3 of the present Bill declares the subsequent provisions of the Bill (being parts of the English Passenger Act, 1855, as amended by the Passengers Act Amendment Act, 1863) to be applicable to all voyages to certain specified colonies and places, which are, in fact, the colonies and places to which under the existing law emigration is now lawful or is likely to be legalized; and in sections 5 and 6 the amendments made by the English Passengers Act Amendment Act, 1863, in sections 53 and 54 of the English Passengers Act, 1855 (which formed sections 3 and 4 of Act II of 1860) are incorporated with some slight modifications so as to adapt them to this country.

The 5th December, 1884. C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.



SUPPLEMENT TO

The Gazette of India.

No. 52.] CALCUTTA, SATURDAY, DECEMBER 27, 1884.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE OF INDIA will be published from time to time, containing such Official Papers and information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

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GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

REPORTS ON THE STATE OF THE SEASON AND PROSPECTS OF THE CROPS FOR THE WEEK ENDING THE 24th DECEMBER 1884.

GENERAL REMARKS.—Rain has fallen in places in the Bombay Presidency, in Mysore, and Coorg, in the Berars, and in the Central Provinces and in the Central India and Rajputana States. In Madras there has been heavy rain in the southern districts, especially in Chingleput, and considerable damage has been caused to crops and houses.

Harvesting continues in Madras. More rain is wanted in Bellary and Kurnool, where the crops are withering. In Mysore prospects are fair; a good rice crop is being cut in Coorg; coffee-picking is progressing, but the crop is deficient; a heavy fall in the price of cardamoms has been disastrous to the ryots.

Agricultural prospects continue favourable throughout the Central India and Rajputana States. In Hyderabad the rice harvest and ploughing for the *rabi* are still in progress; cotton is being picked in the Berars, and the standing crops are in good condition. More rain is wanted in parts of some districts in the Bombay and Madras Presidencies, where the crops are withering, elsewhere the condition of the crops is generally good.

In the Punjab the *rabi* sowings have been completed and prospects are good. In the North-Western Provinces and Oudh the *rabi* crops are flourishing and prospects are very favourable.

In the Central Provinces the rain of the past week has been beneficial to the crops and prospects have improved. In Bengal the *amun* paddy harvest will be below the average; the prospects of the *rabi* are promising. The reaping of the *sali* crop continues in Assam and prospects are good. The rice harvest continues in Burma and a good outturn is expected throughout the Province.

The public health is generally good, though in Coimbatore the mortality from cholera continues high.

Prices are almost stationary with local fluctuations.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—(Dec. 24th)		
Ganjam	. . . . .	Smallpox, cholera, and cattle disease prevalent.
Kistna	Average ·05	Standing crops generally good; harvest paddy, outturn about average; *ragi* half average; river 2·45 feet over anicut; smallpox, fever, and cattle-disease exist; 5 deaths from cholera.
Bellary	" ·03	Standing crops, dry and wet, withering from want of rain; harvest paddy and dry grains, yield below average.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Madras—*contd.*		
Kurnool . . .	Average ·06	Standing crops good, except in one division and in parts of 3 talukas where they are withering for want of rain; harvest cereals, outturn below average.
Chingleput . . .	" 11·20	Standing crops considerably damaged by excessive rain and floods; smallpox and cattle-disease prevalent; 50 deaths from cholera.
Coimbatore . . .	" 1·27	Standing crops generally good, but damaged by insects in parts; harvest wet and dry crops, outturn, paddy average and rest below average; 583 deaths from cholera.
Malabar . . .	" ·26	Standing crops fair; smallpox slight; fever in 2 talukas; 16 deaths from cholera.
Tanjore . Madura . Travancore .	. . . . .	Reports not received owing to telegraphic communications being cut off by heavy rain and floods.
		General Remarks.—Some rain in Anantapur; prospects in Bellary not improved; considerable damage to crops and houses in southern districts, especially Chingleput, from heavy rain and floods.
Bombay—(Dec. 24th)		
Karachi . . .	*Nil*	River at Kotri on 20th 5 feet 7 inches against 4 feet 2 inches last year; *rabi* prospects good; autumnal fever general; cattle-disease in Ghorabari and Sakro, loss of 332 buffaloes and 141 cows and bullocks; small-pox in 6 villages in the district; 2 fresh cases, no deaths, 9 remaining sick; cholera cases remaining in Karachi 5, in Jati 3, in Shahbander 2, and in Sehwan 3; prices—wheat, red rice, and *bajri* in Karachi 26, 28, and 40, in Sehwan 36, 44, and 38, in Ghorabari 22, 36, and 36, and in Jati 26, 34, and 42 lbs. per rupee respectively.
Hyderabad . . .	. . . . .	*Rabi* prospects good; autumnal fever general; small-pox in 2, measles in 1, and cattle-disease in 3 talukas; prices of grain steady.
Ahmedabad . . .	. . . . .	Standing crops healthy; fever in Gogo, Viramgaum, and Parantij; wheat 31 and *bajri* 33 lbs. per rupee.
Baroda . . .	. . . . .	Crops in good condition; *rabi* and opium sowing in progress in Kadi division; prices—*bajri* 32 and rice 24 lbs. per rupee.
Surat	·30	Total rainfall 40·33 inches; weather cloudy; *jowari* and cotton crops will be slightly injured by this rain in some places; other crops healthy; fever in 5 talukas; *jowari* 35 lbs. and *nagli* 45 lbs. per rupee.
Násik	Rain throughout the district; maximum 2·55 at Baglan and minimum ·15 in Dindori.	*Rabi* crops in good condition; public health generally good; wheat 40, *bajri* 34, and rice 21 lbs. per rupee.
Colaba (Bombay) .	Rain on 21st and 22nd. Total of week 1·14 inches.	Total rainfall to date 75·44 inches, being 4·63 inches above average; abnormal temperature 1° warm from 17th to 20th, fell to 6° cool by the 22nd, and was 3° cool on 23rd; vapour in air excessive from 19th to 23rd; abnormal wind from east-south-east on 22nd; lightning on 19th; thunder and lightning from 20th to 22nd.
Poona . . .	Showers in 7 talukas, none at Bhimthadi, maximum quantity in Poona ·61 minimum ·05 in Indapur.	Weather cloudy; *rabi* crops good, except in parts of Indapur, Sirur, and Bhimthadi, in which early rain is much needed; slight smallpox in Saswad; *bajri* 32 and *jowari* 36 lbs. per rupee; in Poona, *bajri* 32 and *jowari* 35 lbs. per rupee.
Ahmednagar . .	Rain general, maximum ·76 at Nagar.	*Rabi* damaged in Nagar, Shrigonda, Sheogaon and Rahuri; rates in Kopargaon, *bajri* 36 to 42 and *jowari* 36 to 48 lbs. per rupee.
Sholapore . . .	In Sholapur ·04 and in Sangola ·7.	*Rabi* crops withering in all talukas except Barsi; fodder scarce in Madha and Kurmala, and insufficiency of well water in Madha, Pandharpur and Sangola talukas; *jowari* 31 lbs. 27 tolas and *bajri* 32 lbs. 1 tola per rupee.
Dharwar . . .	In Navalgund ·20, in Ranibennur ·18, in Kod ·05 and in Dharwar ·02.	Weather cloudy; reaping of early *jowari* and harvesting of rice in progress; late crops withering in Dharwar, Navalgund, Gadag, Karajgi and Ron for want of sufficient moisture; cotton blighted in 3 talukas; scarcity of fodder in Navalgund, Karajgi, and Ron; that of drinking water in Nargund Petha and Bankapur taluka; in Ron taluka people are migrating with their cattle; rice 22 to 32 and *jowari* 32 to 44 lbs. per rupee.
Kanara . . .	. . . . .	Common rice in Karwar 14 seers per rupee; district average 14½ seers; sowing second crop continues on coast; rice harvest almost completed above Ghats; preparing ground for second crop in Supa and Mundgod Petha; small-pox, one death each in Sirsi taluka and Mundgod Petha, and 5 in Supa Petha; cholera, 37 deaths out of 60 cases in Haliyal taluka; weather cloudy and cold.
Rajkot . . .	·04	General health good; weather cold and cloudy; smallpox at Jafarabad; fever prevailing in some talukas; *bajri* 38 and *jowari* 35 lbs. per rupee.
		General Remarks.—Rain in parts of several districts, more wanted in parts of Sholapur, Dharwar, Kaladgi, and Belgaum, where crops are withering and scarcity of fodder and drinking water prevails; standing crops slightly injured by rain in parts of Thana, Khandesh, Surat, and Ahmednagar; cholera and cattle-disease in parts of six districts, smallpox in parts of ten, and fever in parts of 15 districts.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
Bengal—(Dec. 9th)		
Chittagong . . .	*Nil*	Weather fair and cold; prospects of crops good; harvesting of *amun* paddy continues with about a 12-anna outturn; prices of food-grains somewhat low; cholera continues.
Dacca	"	Harvesting of *amun* paddy nearly completed, outturn good; sugar-cane is being cut; sowing of pulses and *boro* paddy continues; prospects of crops good; public health good.
24-Pergunnahs . .	"	Prospects of crops favourable; harvesting of *amun* paddy going on everywhere with an outturn over the average; *rabi* crops are doing well; public health generally good; cases of cholera are reported from the Diamond Harbour and Bussirhat sub-divisions; state of river is as usual at this season.
Moorshedabad . .	"	Weather seasonable most part of the week, cloudy and warm again at the close; reaping of *amun* paddy still continues, the outturn on an average for the district will not be far short of an 8-anna crop; all *rabi* crops are doing well, except *kalaie* which has been damaged to some extent by caterpillars; some light rain is wanted for these crops; common rice selling at from 14 seers in the Lalbagh to 19 seers in the Jungipore sub-division; public health good, except in the Nawada thana, where cholera prevails.
Rajshahye . . .	"	Weather seasonable; cutting of *amun* paddy continues; *rabi* crops generally promising; public health fair.
Burdwan . . .	"	Harvesting of *amun* paddy continues, the outturn for the whole district will not be more than a quarter of an average crop; *rabi* crops promise well.
Rungpore . . .	"	Weather seasonable; harvesting of *amun* paddy still continues, outturn short; sugarcane, mustard and other *rabi* crops are doing well; prices of food-grains stationary; fever is abating.
Bhagulpore . . .	"	Paddy is being reaped; prospects of standing crops good; new rice is selling at 16 seers and 6 chittacks per rupee.
Purneah . . .	"	*Rabi* crops are doing fairly well; *aghani* paddy is being harvested; common rice 16 seers per rupee; fever is abating.
Patna . . .	"	Reaping of paddy and *jowar* continues; *rabi* crops look well; poppy crop is growing well; public health good.
Durbhanga . . .	"	Weather cloudy; harvesting of paddy going on; *rabi* crops coming on well, but rain wanted in some places; prices of food-grains stationary; public health good.
Hazaribagh . .	"	Weather cold and cloudy; paddy is still being harvested in some places; prospects of *rabi* and poppy crops generally promising, but the latter in places where facility for irrigation does not exist, is suffering; prices of food-grains stationary; smallpox still reported from certain places.
Cuttack . . .	"	Weather cloudy and cold; reaping of *sarad* crop in progress everywhere with favourable outturn; state of *rabi* crops good; price of rice falling; public health generally good.
Gya	. . . . .	Opium crop very good in the Thetha circle up to 20th, and in Gya up to 16th instant; water-supply in Nawada scarce; wells are being dug.
Shahabad . . .	. . . . .	Poppy crop is promising and is well advanced for the season.
Mozufferpore . .	. . . . .	Prospects of poppy crop continue favourable.
Sarun	. . . . .	Prospects of poppy crop continue favourable.
Chumparun . . .	. . . . .	Condition of poppy crop excellent, young plants looking very healthy.
Monghyr . . .	. . . . .	Poppy plants coming on well; prospects encouraging.
		General Remarks.—There has been no rain in any of the districts of the province except in Dinagepore where the fall was ·05; harvesting of *amun* paddy still continues, the general outturn will be below the average; *rabi* crops are coming on well; the price of rice has fallen in some districts owing to supply of new rice which is coming into the market; sporadic cases of cholera are reported in a considerable number of districts in Bengal proper, otherwise general health good.
N.-W. Provinces and Oudh— (Dec. 24th)		
Benares (Dec. 23rd)	*Nil*	Sugarcane cut, outturn good; *rabi* and opium doing well; poppy flowering in places; prices falling; no sickness.
Gorakhpur (" 22nd)	"	Weather somewhat cloudy; crops including opium promise well; general health good; prices stationary.
Fyzabad (" 23rd)	"	Weather cold and seasonable; crops flourishing; prospect excellent; poppy promising; public health good.
Lucknow (" 22nd)	"	Weather cold; west wind; clouds often at night; poppy and *rabi* crops being irrigated; sugarcane doing well; condition both of men and cattle good; markets well supplied; prices slightly falling.
Rai Barelli (" ")	"	Weather seasonable, but occasionally cloudy; irrigation of the crops in progress; prospects and general health good; supplies sufficient; prices steady.
Partabgarh (" 23rd)	"	Prospects favourable; weather cloudy; poppy crop flourishing; health good.
Allahabad (" ")	"	Clouds gathering; a shower would be very useful for *rabi* crops prospects excellent; health good; prices falling.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
N.-W. P. & Oudh *contd.*		
Cawnpur (Dec. 22nd)	*Nil*	Weather continues cold; *rabi* crops being irrigated from 2 parganahs; it is reported that in unirrigated tracts some injury has been done to crops by white-ants; poppy has germinated well and the young plants are strong and healthy; owing to canal water not being obtainable engagements in canal irrigated villages cannot be completed; health of people on the whole good; very little sickness reported; mouth-disease of a fatal type has appeared in 2 parganahs, the mortality being heaviest among sheep and goats; prices firm.
Ballia („ 22nd)	„	Weather clear; *rabi* crops are thriving and look well; health good; markets well supplied; condition of cattle satisfactory.
Farakhabad („ 23rd)	„	Health of people improving; crop reports favourable; canal water deficient.
Sitapur („ „)	„	Weather cloudy and wind inclined to be easterly; rain hoped for; cultivators engaged in irrigation and prospects continue favourable.
Bareilly („ 22nd)	„	Weather cloudy; crops doing well; prices slightly fallen; health of men and cattle good.
Kumaon („ „)	„	Weather sometimes cloudy; no cases of cholera in the interior since in the Bhabar it has almost disappeared; cattle-disease continues; prices stationary.
Agra („ 23rd)	Slight rain to-day at Sadr and apparently general.	Irrigation going on; crops very promising; general health good; prices steady.
Jhansi („ „)	*Nil*	Weather cloudy; *rabi* crops looking well; prices stationary; health of people and cattle good.
Meerut („ 22nd)	No rain.	Weather cloudy; winter rains wanted and expected; irrigation in progress; cane being pressed; condition of men, cattle, and crops excellent; prices falling slightly.
		General Remarks.—Weather cold and seasonable; crops flourishing and prospects good; poppy has germinated well.
Punjab— (Dec. 24th)		
Delhi (Dec. 23rd)	. . . . .	Health fair; *rabi* crops thriving; prices almost stationary.
Hissar	. . . . .	Fever decreasing; *rabi* prospects fair; prices nearly stationary.
Jullundur	. . . . .	Rain wanted; health and *rabi* crops good; prices steady.
Siálkot	. . . . .	Health and crop prospects good; prices falling.
Ferozepore	. . . . .	Health good; *kharif* crops gathered and *rabi* sown; prices fluctuating.
Lahore	. . . . .	Health good; crops fair; prices steady.
Rawalpindi	. . . . .	Health and *rabi* crops good; prices fluctuating.
Mooltan	. . . . .	Health fair; *rabi* crops flourishing; prices nearly stationary.
Dera Ismail Khan	. . . . .	Health and prospects good.
		General Remarks.—No rain; health generally good; fever decreasing in the Hissar district; *rabi* sowings completed; prospects good.
Central Provinces— (Dec. 24th)		
Nagpur	1·8	Prospects improved by recent rain; fever and cattle-disease in places; prices stationary.
Jubbulpore	·18	Weather cloudy; rain beneficial to *rabi*; reaping of *kharif* finished; outturn of rice good; *rabi* prospects good; health good; wheat 28 and rice 16 seers per rupee.
Saugor (Dec. 23rd)	Slight rain	Weather cloudy; crops progressing favourably; cotton-picking continues; health good; prices easier.
Seoni	·61	Weather cloudy; rain much wanted; threshing of *kharif* progressing; fever and cattle-disease prevalent; prices—wheat stationary, rice slightly fallen.
Hoshangabad	·33	Weather cloudy and rainy; prospects of crops fair; cotton-picking continues; health good; prices stationary.
Khandwa	·75	Weather cloudy; *juar, tur,* and cotton damaged; 15 cases of cattle-disease in Khandwa tahsil; prices steady.
Raipur (Dec. 23rd)	Heavy rain	Weather still cloudy; rain beneficial to *rabi*; cattle-disease prevalent; rice 25 and wheat 34 seers per rupee.
		General Remarks.—Weather cloudy; recent rain has been beneficial; health generally good; prices steady.
British Burma— (Dec. 24th)		
Akyab (Dec. 20th)	*Nil*	Slight cholera; reaping progressing; total rainfall 197·07.
Bassein („ „)	„	Slight cholera in town and district and slight smallpox in 1 circle, also a few cases of cattle-disease; reaping almost completed; grain excellent; total rainfall 109·82.
Rangoon („ „)	„	Health good; total rainfall 89·39.
Amherst (Moulmein) („ „)	„	Slight cholera; reaping progressing; total rainfall 102·56.
Tavoy („ „)	„	Slight cholera; reaping and harvesting progressing rapidly; total rainfall 165·72.
Pegu („ „)	„	Reaping continues; total rainfall 112·31.
Henzada („ „)	„	Slight cholera; crops promise well; reaping progressing; total rainfall 91·24.

Presidency or Province and District.	Rainfall for week preceding.	State of agricultural prospects.
British Burma—*contd.*		
Prome (Dec. 20th)	*Nil*	Slight cholera in town; crops in good condition; reaping progressing; total rainfall 42·49.
Toungoo („ „)	„	Health good; reaping commenced; total rainfall 74·59.
Thayetmyo („ „)	„	Reaping nearly completed; total rainfall 33·473.
		General Remarks.—Some cholera here and there, otherwise public health good; health of cattle also good; harvesting progressing; prospects of good outturn in all districts.
Assam— (Dec. 24th)		
Gauhati (Dec. 23rd)	*Nil*	Weather seasonable; mornings and nights cool; harvest of *sali* crop continues; public health good.
Sylhet	„	State and prospects of crops as reported last week; cholera and small-pox still prevalent.
Cachar	„	Weather cold; reaping of *sali* crops continues; common rice 17¾ seers per rupee; 17 deaths from cholera reported from Hailakandi.
Dibrugarh . . .	„	Weather cold; *sali dhan* being reaped, outturn moderate; public health good.
Mysore and Coorg— (Dec. 24th)		
Bangalore . . } Mysore . . . }	Some rain has fallen throughout the Province; slight showers in Tumkur district.	Prospects reported fair, and health good.
Mercara	·17	Weather has been cloudy with a few light showers; a good rice crop is being cut; the picking of coffee is progressing slowly; crops deficient; carriage and labour abundant; ryots have suffered loss from the heavy fall which has taken place in the price of cardamoms.
Berar & Hyderabad—		
Amraoti (Dec. 24th)	1·80	Weather cloudy; cotton-picking continues; crops in good condition; wheat 22, and *jowari* 26 seers per rupee.
Akola . . .	. . . . .	Cotton-picking and *kharif* reaping continue; *rabi* crops thriving.
Hyderabad (Dec. 23rd)	*Nil*	Rice harvest continues to be reaped; land being ploughed for *rabi* sowing; *rabi* crops prospering, but fear exists of present cloudy weather damaging them; general health good; prices—wheat 14, coarse rice 13, white *juar* 18, yellow *juar* 23, and *tur* 18 seers per *halli sicca* rupee.
Central India States— (Dec. 24th)		
Indore	·68	Weather cloudy; health good; agricultural prospects excellent.
Morar (Gwalior) . .	. . . . .	Health and prospects good; weather cloudy.
Sutna	. . . . .	Weather cloudy; health good.
Neemuch	A few drops of rain	Weather cold and somewhat cloudy; crops thriving; health good.
Goona	. . . . .	Weather cold and seasonable; health and prospects good.
Agar	Some showers of rain	Weather cloudy; health and prospects good.
Sehore	. . . . .	Weather clear; prospects of crops and health good.
Nowgong	. . . . .	Prospects good; weather cold; health good.
Manpur	. . . . .	Prospects and health good; weather cloudy.
Rajputana—		
Abu . . (Dec. 24th)	·08	Weather cold and cloudy.
Sirohi . („ 14th)	*Nil*	Health and prospects good; cold increasing.
Marwar . („ 19th)	. . . . .	Health good; *rabi* crops in good condition; cold increasing; prices stationary.
Harowti . („ 22nd)	. . . . .	Weather cloudy and windy; health good.
Ajmere . („ 23rd)	·01	Fever slight; prospects excellent; cold daily increasing.
Ulwar . („ „)	. . . . .	Weather cold and cloudy; health good; crop prospects favourable.

T. W. HOLDERNESS,
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GOVERNMENT OF INDIA.

DEPARTMENT OF FINANCE AND COMMERCE.

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF NOVEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

(Each cell gives S. Ch.)

Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*. Present fortnight.	Bulrush Millet. Past fortnight.	Bulrush Millet. Corresponding fortnight of 1883.
Ganjam	9 10	11 13	8 13	...	...	...	13 13	14 2	17 0	14 11	15 2	17 14	...	...	...	...	...	...
Vizagapatam	17 0	16 0	10 8	...	...	...	10 2	10 2	12 5	12 5	12 5	13 10	...	...	23 13	29 11	29 11	23 13
Godavery	16 3	15 5	9 14	...	...	...	11 14	10 14	12 14	15 0	15 0	15 0	25 0	23 0	19 3	...	...	...
Kistna	15 3	15 3	9 13	...	...	...	13 8	13 0	13 0	14 2	13 10	14 2	21 13	21 13	21 5	...	...	...
Nellore	16 3	16 3	10 5	...	...	...	13 14	12 14	13 14	15 0	16 0	14 8	22 10	22 2	22 2	21 11	24 6	...
Cuddapah	14 0	14 0	14 0	...	...	...	12 6	12 6	12 6	14 2	14 2	13 5	20 8	20 8	33 3	23 14	23 14	38 5
Anantapur	11 8	11 8	13 6	...	...	...	11 13	11 13	11 13	13 0	13 0	13 0	23 11	22 11	35 0	23 10	22 10	30 3
Bellary	16 5	15 6	16 5	...	...	...	11 13	11 13	12 5	13 0	13 0	13 8	23 11	24 11	46 5	21 10	19 11	32 0
Kurnool	13 5	13 5	11 2	...	...	...	11 11	11 11	11 0	12 2	12 2	11 13	26 0	28 13	37 0	22 8	25 0	35 0
Madras	10 10	10 10	10 10	...	...	...	12 0	12 0	13 8	13 3	13 3	15 2	23 0	23 0	23 0	25 11	26 6	29 0
Chingleput	...	...	...	...	...	...	11 10	12 0	14 3	12 13	13 10	15 2	...	...	...	22 6	23 2	22 6
North Arcot	9 5	9 5	9 11	...	...	...	13 2	13 2	14 0	16 0	16 0	16 5	...	...	32 13	...	...	29 11
South Arcot	7 13	7 13	10 2	...	...	...	11 5	11 5	15 8	12 3	12 3	17 2	...	...	...	24 10	23 14	32 5
Tanjore	8 13	9 3	11 0	...	...	...	10 6	10 0	16 10	13 13	14 10	20 0	25 6	26 3	41 5	27 8	31 14	43 8
Trichinopoly	8 3	9 3	9 3	...	...	...	10 13	10 13	15 2	11 10	11 10	15 14	19 10	21 0	32 3	26 11	25 6	35 10
Madura	9 0	8 10	11 11	...	...	...	10 14	10 14	13 5	11 13	11 6	15 3	22 11	22 11	37 5	23 8	23 8	35 5
Tinnevelly	9 14	9 14	9 3	...	...	...	10 11	10 11	14 5	11 10	11 10	16 13	18 5	18 6	...	19 2	19 3	...
Coimbatore	10 11	10 11	13 2	...	...	...	13 8	13 8	14 6	13 10	14 8	15 6	20 14	20 14	27 13	...	...	31 13
Nilgiris	8 8	8 8	9 14	...	...	...	8 13	9 10	9 8	10 0	10 6	10 6	17 11	18 8	22 5	15 6	16 13	31 11
Salem	9 5	10 3	12 11	...	...	...	12 2	12 2	15 0	12 13	12 3	16 0	23 11	23 11	36 6	23 0	23 0	29 8
South Canara	10 5	10 5	9 8	...	...	...	8 11	8 11	9 11	13 8	13 11	14 3	...	...	...	...	...	...
Malabar	9 0	9 6	8 10	...	...	...	13 0	13 6	13 0	13 13	14 3	13 13	...	...	...	...	...	...
Bombay	11 10	11 10	10 6	19 2	20 3	17 0	7 12	7 15	7 8	10 12	11 2	11 11	17 0	17 14	19 2	12 10	13 4	15 15
Ahmedabad	16 0	16 8	13 8	24 0	24 0	20 0	6 8	6 8	7 0	11 0	10 8	12 0	20 0	24 0	17 0	21 8	20 0	15 8
Kaira	14 0	13 14	11 7	29 0	26 10	16 0	9 11	10 0	9 11	13 5	13 5	12 13	22 13	22 14	...	18 13	19 0	16 0
Surat	14 10	14 10	11 2	12 8	12 8	12 4	7 5	7 5	7 6	8 3	8 3	8 4	14 3	14 3	19 4	13 10	13 10	14 3
Broach	12 0	12 0	12 2	...	...	...	9 12	9 12	9 12	12 12	12 12	12 12	16 0	16 0	16 0	14 12	14 14	13 14
Tanna (Salsette)	11 9	11 7	10 5	...	...	...	9 0	8 0	7 0	10 9	9 4	8 0	13 13	12 14	18 10	16 10	12 13	14 6
Colába (Alibág)	8 0	8 0	8 8	...	...	...	6 0	6 0	7 8	10 8	10 8	12 8	...	...	...	...	...	...
Khandesh (Dhulia)	21 12	21 12	16 10	...	...	...	7 4	7 4	7 9	11 0	11 0	12 10	23 8	23 8	20 4	20 12	20 12	16 1
Násik	20 3	17 0	17 0	...	...	...	...	6 0	7 7	...	10 6	12 0	...	...	21 0	...	14 8	16 5
Ahmednagar	17 11	18 1	14 12	...	...	...	8 11	8 5	8 13	10 10	10 8	11 3	21 0	20 6	25 0	18 1	17 12	17 10
Poona	14 15	13 13	12 10	9 4	9 4	9 4	8 9	8 9	9 13	9 13	9 13	11 0	16 11	16 11	23 15	14 15	14 15	17 4
Sholápur	15 10	14 15	14 8	...	...	...	10 7	10 7	10 7	11 5	11 5	11 5	15 15	16 6	27 10	17 15	18 6	23 14
Kaládgi (Bagalkot)	16 0	19 8	19 0	10 8	11 0	16 8	7 8	7 8	6 8	10 8	10 14	11 8	17 0	21 0	33 8	17 0	20 14	30 0
Satara	13 6	12 11	15 11	...	...	...	8 3	8 3	9 9	10 0	10 0	11 7	15 5	13 5	19 13	14 14	12 15	18 3
Belgaum	15 8	15 0	17 6	10 8	10 15	12 8	12 2	12 8	12 8	13 2	13 8	13 0	15 4	17 0	20 10	16 5	17 0	18 14
Dharwar (Hubli)	19 0	19 0	21 0	...	...	...	12 0	12 0	13 0	13 0	13 0	16 0	20 0	21 0	28 0	17 0	19 0	24 0
Ratnágiri	10 9	9 14	9 14	...	...	...	9 4	9 4	8 9	11 5	9 14	14 13	15 10	16 14	18 3	14 14	9 13	14 11
Kanara (Karwar)	9 0	9 0	9 0	...	...	...	7 0	7 0	8 0	11 8	11 0	11 0	16 0	16 0	16 0	...	13 0	...
Pánch Mahals (Godhra)	13 5	13 5	10 8	...	...	...	10 0	10 0	11 6	11 6	11 6	13 5	26 10	20 10	20 0	16 13	16 13	14 8
Aden	7 0	7 0	7 0	...	...	...	5 10	5 10	6 3	6 3	6 3	7 0	9 5	9 5	12 7	7 8	7 8	11 8
Asirgarh	19 0	19 0	13 12	...	...	...	11 0	11 0	11 12	14 0	14 0	14 4	24 0	24 0	19 7	28 0	28 0	17 12
Baroda	12 13	13 6	10 8	16 5	17 8	11 11	7 9	7 9	8 8	9 8	10 8	11 11	17 8	17 8	17 8	15 12	16 5	17 9
Disa	18 8	18 12	12 15	...	...	...	6 10	6 10	6 14	8 2	8 2	9 0	20 4	22 8	16 0	22 4	23 2	16 0
Nimach	25 0	24 0	19 0	44 0	42 0	33 0	9 0	9 0	9 4	11 0	10 0	10 0	35 0	35 0	30 0	22 0	20 0	20 0
Nasirabad	22 0	21 1	18 13½	30 10½	29 11½	25 0	6 0	6 0	6 0	7 0	7 0	7 0	27 0	27 0	23 0	22 0	22 0	19 0
Rajkot	20 0	20 0	15 9	...	...	...	6 6	6 6	6 8	8 0	8 0	9 0	25 8	26 8	17 4	19 0	19 0	15 4
Upper Sindh Frontier	14 8	14 8	13 12	20 0	20 0	22 12	10 0	10 0	10 0	11 4	11 4	13 4	24 8	24 8	32 0	24 8	24 8	23 12
Karachi	14 10	14 10	13 4	19 0	20 0	22 0	8 8	8 0	9 4	13 12	14 0	15 0	19 0	19 0	22 0	17 0	16 0	15 0
Haidarabad (Nakur)	17 0	16 0	14 0	25 0	26 0	24 0	11 8	12 0	11 0	14 0	15 0	14 8	26 0	26 0	23 0	22 0	25 0	20 0
Shikarpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Sukkur	16 0	15 0	15 0	24 0	31 0	25 8	11 0	11 0	10 8	15 0	15 0	15 8	24 0	25 0	28 8	23 0	27 0	20 8
Thar & Parkar (Umarkot)	16 0	16 0	12 0	...	...	...	...	...	...	13 4	13 4	12 8	...	...	...	20 0	19 0	17 8
Western Districts.																		
Burdwan	16 0	15 8	15 0	28 0	28 0	22 8	11 8	11 8	14 2	16 0	16 0	19 8	...	...	...	...	...	...
Bancoorah	15 0	15 8	15 0	16 0	17 0	14 0	14 12	14 8	13 0	16 12	16 0	17 8	...	...	...	...	...	...
Beerbhoom	16 8	16 8	15 0	...	...	...	14 0	12 8	13 8	16 0	14 0	15 0	...	...	...	...	...	...
Midnapore	12 0	12 0	16 0	20 0	20 0	15 0	14 0	13 0	11 0	16 0	16 0	16 0	...	...	...	...	...	...
Hooghly	16 0	16 0	13 8	...	...	...	9 0	8 0	8 0	13 0	13 0	13 0	...	...	...	...	...	...
Howrah	15 0	15 0	13 8	...	...	...	11 0	11 0	12 8	13 4	13 4	14 8	...	...	...	...	...	...

Districts.	Lesser Millets, Bari, &c. (Kavaru, Varagu, Sawee, Cheena, Coraloo, Murhwa, Kudoo), *Panicum Miliaceum*, &c. Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.
Ganjam	29 5	29 5	35 3	26 10	26 10	26 10	215 13	215 13	215 13	...	...	...	13 13	13 13	13 13
Vizagapatam	[illegible] 5	26 5	24 3	35 2	35 2	46 13	93 5	93 5	93 5	14 0	13 14	14 10	12 14	11 11	14 5
Godavery	[illegible] 14	32 13	30 14	33 10	29 6	52 0	194 6	194 6	194 6	14 10	14 10	14 10	14 10	14 10	14 10
Kistna	[illegible] 6	28 6	27 3	29 2	29 2	30 13	145 13	145 13	145 13	15 11	15 11	15 11	14 10	14 10	15 3
Nellore	[illegible] 0	25 8	24 10	18 14	22 0	25 3	93 5	93 5	93 5	14 13	13 13	14 13	14 13	13 13	14 13
Cuddapah	[illegible] 0	30 0	33 0	24 14	24 14	37 0	194 6	194 6	194 6	17 2	17 2	17 2	17 2	17 2	16 10
Anantapur	[illegible] 3	27 3	38 13	30 8	28 0	44 13	...	...	...	14 14	14 14	14 5	14 5	14 5	14 5
Bellary	[illegible] 3	26 3	38 13	23 8	22 6	39 3	94 13	94 13	94 13	15 3	15 3	15 13	14 14	14 14	15 8
Kurnool	...	...	...	27 0	28 8	32 8	139 0	138 13	139 0	14 6	14 13	14 13	14 0	14 6	14 6
Madras	28 6	28 6	28 6	25 0	24 10	26 2	71 11	77 13	85 0	16 14	15 13	16 14	16 6	15 0	16 8
Chingleput	27 6	27 6	27 6	23 6	22 10	25 11	92 5	92 5	92 5	17 6	17 6	17 5	17 0	17 0	17 0
North Arcot	34 3	34 3	34 3	28 10	23 10	28 10	140 0	140 0	140 0	15 6	15 6	15 6	14 5	14 5	14 13
South Arcot	25 6	25 6	34 3	23 13	22 14	27 6	218 13	218 13	201 11	18 6	15 5	19 5	18 0	14 6	18 6
Tanjore	26 6	28 11	40 0	21 0	21 14	28 0	170 2	170 2	194 6	15 3	15 10	15 3	14 5	15 3	14 11
Trichinopoly	27 8	26 3	36 11	28 5	23 5	30 13	97 3	97 3	97 3	17 0	17 0	17 0	16 3	16 3	16 3
Madura	24 13	24 13	43 6	24 14	24 8	32 0	106 14	111 13	77 13	14 8	15 6	16 13	14 0	15 0	16 6
Tinnevelly	21 2	21 2	...	26 0	26 0	26 6	70 0	70 0	70 0	17 13	17 13	18 5	17 6	17 6	17 13
Coimbatore	25 6	24 10	31 3	29 6	30 6	35 2	97 3	97 3	131 3	15 2	15 2	15 2	14 10	14 10	14 11
Nilgiris	18 11	18 0	20 3	19 2	19 2	24 2	161 13	161 13	161 13	13 0	13 0	13 0	12 0	12 0	12 0
Salem	29 2	29 14	34 3	31 8	32 8	34 8	151 10	151 10	151 10	18 0	18 0	17 8	16 14	16 14	16 14
South Canara	22 14	22 14	24 10	20 3	20 8	24 3	126 6	126 6	109 5	15 5	15 5	16 6	14 5	14 5	15 5
Malabar	20 13	20 13	21 14	25 3	25 3	26 14	121 8	121 8	121 8	15 5	15 5	15 5	14 6	14 6	14 6
Bombay	12 10	12 0	11 8	18 2	17 13	15 15	68 3	68 0	62 6	14 6	14 5	16 12	14 6	14 5	14 6
Ahmedabad	22 0	...	20 0	16 0	16 0	18 0	80 0	80 0	80 0	16 8	16 8	16 8	16 0	16 0	16 0
Kaira	...	...	...	13 5	13 0	16 13	80 0	80 0	80 0	...	...	...	16 0	16 0	16 0
Surat	...	...	...	14 14	14 14	14 0	80 0	80 0	80 0	13 10	13 10	13 9	13 10	13 10	13 9
Broach	...	13 5	25 11	12 8	12 8	12 10	106 0	106 0	106 0	14 8¾	14 8¾	14 8¾	14 8¾	14 8¾	14 8½
Tanna (Salsette)	...	...	...	13 0	15 10	14 0	70 0	70 0	78 0	15 3	13 3	15 12	13 5	13 5	14 0
Colába (Alibág)	...	...	...	14 0	14 0	12 0	120 0	120 0	120 0	14 0	11 8	13 0	13 8	11 0	12 8
Khandesh (Dhulia)	[illegible] 0	20 11	25 4	21 8	21 8	16 0	80 0	140 0	140 0	12 4	12 4	14 0	12 0	12 0	13 11
Násik	...	...	...	24 10	21 0	15 4	128 0	128 0	128 0	...	15 10	12 14	...	15 8	12 11
Ahmednagar	[illegible] 6	15 6	15 6	24 15	21 7	19 2¼	88 12	84 2	73 0	14 11	14 8	13 10½	14 7	14 4	13 7
Poona	...	...	...	20 9	19 9	17 4	68 0	68 0	68 0	14 6	14 6	14 3	14 2	14 2	13 15
Sholápur	...	...	...	21 14	21 14	20 1	80 0	80 0	71 1	13 8	13 8	13 8	13 4	13 4	13 4
Kaládgi (Bagalkot)	...	...	...	17 0	20 8	18 0	100 0	100 0	100 0	12 8	13 0	10 11	12 0	12 8	10 0
Satara	[illegible] 8	21 0	25 13	19 8	18 3	16 14	116 8	116 8	145 10	14 9	13 13	13 13	13 3	13 2	13 2
Belgaum	[illegible] 0	24 0	31 0	16 8	18 8	16 15	60 0	60 0	65 0	13 0	12 0	15 8	12 8	11 8	15 0
Dharwar (Hubli)	[illegible] 7	14 11	21 2	17 0	17 0	16 0	80 0	80 0	80 0	8 12	8 12	8 6	8 0	8 0	8 0
Ratnágiri	[illegible] 0	20 0	16 0	17 8	17 8	14 0	90 0	90 0	150 0	12 15	12 5	13 12	12 15	11 10	13 9
Kanara (Karwar)	[illegible] 0	20 0	20 0	14 0	14 0	12 8	213 5	213 5	213 5	14 0	13 8	14 0	13 0	12 8	13 0
Pánch Mahals (Godhra)	...	...	...	22 13	22 13	20 0	160 0	160 0	200 0	16 0	16 0	16 0	15 4	15 4	15 4
Aden	...	...	...	9 5	9 5	9 5	65 5	65 5	65 5	...	...	...	32 0	32 0	32 0
Asirgarh	[illegible] 13	19 13	17 8	22 14	23 0	16 8	150 0	150 0	160 0	12 0	12 0	12 4	12 0	12 0	12 4
Baroda	...	...	...	13 7	14 0	14 0	80 0	80 0	80 0	14 9	14 1	14 10	14 0	14 0	14 7
Disa	...	...	...	15 12	15 4	14 8	137 8	137 8	137 8	13 8	13 8	12 8	13 0	13 0	12 0
Nimach	...	...	...	28 0	27 0	28 0	180 0	160 0	160 0	...	...	...	14 0	14 0	13 8
Nasirabad	...	...	...	27 0	27 0	27 0	80 0	80 0	90 0	16 14	16 14	16 0½	15 14	15 14	15 [illegible]
Rajkot	60 0	60 0	50 0	20 8	20 0	14 4	60 0	60 0	60 0	48 0	48 0	45 0	32 0	32 0	30 0
Upper Sindh Frontier	11 0	11 0	10 0	20 0	20 4	22 12	200 0	200 0	200 0	*13 11	*12 11	*12 12½	12 10*	12 10*	13 12*
Karachi	25 0	25 0	24 0	20 0	19 0	18 0	80 0	85 0	95 0	17 11	17 11	17 11	17 0	17 0	17 0
Haidarabad (Nakur)	...	...	...	17 0	18 0	20 0	320 0	320 0	320 0	14 8	14 8	14 8	14 0	14 0	13 0
Shikarpur	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
Sukkur	...	...	...	23 0	22 0	19 8	120 0	120 0	120 0	14 0	14 0	13 8	13 0	13 0	13 0
Thar and Parkar (Umarkot)	...	...	...	...	...	...	100 0	100 0	112 0	14 12	14 2	14 12	14 12	14 12	14 12
Western Districts.										Prices per maund of 40 seers. R. a. p.	R. a. p.	R. a. p.			
Burdwan	...	...	...	18 0	20 0	18 6	120 0	120 0	120 0	2 14 8	2 14 8	3 0 4	13 0a	13 0	12 15
Bancoorah	...	...	...	18 0	17 12	16 0	240 0	240 0	280 0	3 1 6	3 2 6	3 3 6	13 0b	12 12	12 0
Beerbhoom	...	...	...	16 0	16 0	16 0	160 0	160 0	160 0	3 2 6	3 2 6	3 0 0	12 0c	12 0	12 0
Midnapore	...	...	...	16 0	16 0	16 0	155 0	155 0	155 0	3 0 0	3 0 0	2 14 0	12 12d	12 12	12 8
Hooghly	...	...	...	16 0	16 0	16 8	120 0	120 0	120 0	2 14 0	2 14 0	2 14 0	13 9e	13 9	13 9
Howrah	...	...	...	17 8	17 8	17 0	80 0	80 0	80 0	3 0 0	3 0 0	3 0 0	13 0	13 0	13 0

a In the sub-divisions the retail prices of salt per rupee were:—Cuina 14 seers, Cutwa 13-8 seers, and Raneegunge 13-12 seers.
b In the interior the retail price of salt ranged from 12 to 16 seers per rupee.
c In the interior the retail price of salt ranged from 11-8 to 13-8 seers per rupee.
d In the sub-divisions the retail prices of salt per rupee were:—Ghattal 14-4 seers, Contai 13-8 seers.
e In the sub-divisions the retail prices of salt per rupee were:—Serampore 13-4 seers and Jehanabad 13-8 seers.

* In common use.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Districts.	Wheat. Present fortnight.	Wheat. Past fortnight.	Wheat. Corresponding fortnight of 1883.	Barley. Present fortnight.	Barley. Past fortnight.	Barley. Corresponding fortnight of 1883.	Rice (best sort). Present fortnight.	Rice (best sort). Past fortnight.	Rice (best sort). Corresponding fortnight of 1883.	Rice (common). Present fortnight.	Rice (common). Past fortnight.	Rice (common). Corresponding fortnight of 1883.	Great Millet (Cholum, Jowar), *Holcus Sorghum*. Present fortnight.	Great Millet. Past fortnight.	Great Millet. Corresponding fortnight of 1883.	Bajrah Millet (Cumboo, Bajra), *Panicillaria Spicata*. Present fortnight.	Bajrah Millet. Past fortnight.	Bajrah Millet. Corresponding fortnight of 1883.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
Central Districts.																		
Calcutta	17 10	17 10	15 5	20 0	20 0	18 13	8 0	8 6	7 5	10 8	10 8	14 9	11 7	11 7	20 10	11 8	11 8	20 0
24-Pergunnahs	16 0	14 8	13 5	20 0	17 8	16 0	8 0	8 8	8 0	...	16 0	16 0	...	...	...	...	...	18 9
Nuddea	17 4	17 4	14 8	21 5¼	21 5¼	24 10	11 2	10 10¼	12 5	12 5	11 6	13 14	...	...	...	...	...	...
Khoolna	...	...	...	...	...	...	13 0	13 0	13 0	16 0	14 0	14 0	...	...	...	...	...	...
Jessore	13 8	14 0	12 4	...	...	...	11 0	11 0	12 4	16 0	14 0	16 0	...	...	...	...	...	...
Moorshedabad	18 0	18 0	17 0	...	...	...	10 0	10 0	12 0	14 0	14 0	16 0	...	...	...	...	...	...
Dinagepore	15 12	15 8	16 0	16 0	16 0	13 5	10 13	10 12	13 0	13 4	13 0	16 0	...	...	...	...	...	...
Rajshahye	16 14	16 8 to 17 8	15 12	21 0	21 0	30 0	8 0 to 10 12	10 8	12 0	12 6	12 12	13 8 to 14 0	...	...	...	...	...	...
Rungpore	13 0	13 0	10 0	...	...	...	7 0	7 0	8 10	11 0	11 0	12 0	...	...	...	...	...	...
Bogra	13 8	15 0	15 0	...	...	...	9 12	9 0	9 12	12 12	12 0	16 8	...	...	...	...	...	...
Pubna	18 12	18 12	18 12	...	...	...	8 4	8 4	7 8	14 4	15 0	14 4	...	...	...	...	...	...
Darjeeling	10 0	10 0	7 0	9 0	...	7 0	5 0	5 0	5 0	11 0	10 0	10 0	...	...	...	...	...	...
Jalpáiguri	10 0	10 0	10 0	...	20 0	20 0	10 0	10 0	9 0	12 0	12 0	14 0	...	...	...	...	...	...
Eastern Districts.																		
Dacca	18 0	18 0	15 8	16 0	16 0	15 8	11 0	11 0	14 4	14 0	13 0	17 0	...	...	...	...	...	...
Furreedpore	20 0	20 0	22 0	34 0	34 0	30 0	11 0	11 0	12 8	12 0	12 0	16 0	...	...	...	...	...	...
Backergunge	...	...	...	...	...	...	12 12	11 8	13 0	14 12	13 0	16 0	...	...	...	...	...	...
Mymensing	13 4	13 4	12 8	...	...	...	10 4	10 0	10 0	12 8	12 4	13 8	...	...	...	...	...	...
Chittagong	15 0	15 0	11 0	...	...	...	13 0	13 0	13 0	16 0	16 0	18 0	...	...	...	...	...	...
Noakholly	...	...	...	...	...	...	13 0	13 0	16 0	14 0	14 0	18 0	...	...	...	...	...	...
Tipperah	12 0	14 8	13 0	...	...	...	12 8	12 8	15 4	19 14	13 10	18 8	...	...	...	...	...	...
Chittagong Hill Tracts	...	...	...	...	...	...	11 0	10 10	12 4	12 0	11 13	13 14	...	...	...	...	...	...
Hill Tipperah	12 0	12 0	10 0	...	...	...	12 0	12 0	14 0	18 0	[illegible]	16 0	...	...	...	...	...	...
Behar.																		
Patna	24 0	20 8	20 0	32 0	20 15	29 0	10 8	9 12	13 0	[illegible]	16 3	14 0	...	...	...	...	...	...
Gya	17 12	17 12	17 0	22 0	18 0	21 0	8 12	8 4	10 8	[illegible]	13 0	13 8	...	...	...	...	...	...
Shahabad	18 0 to 19 0	18 0 to 19 0	17 0	22 0	21 0	28 8	8 0 to 9 0	8 0	10 0	12 0 to 1[illegible] 0	12 0	13 8	23 0	...	24 0	...	...	24 0
Durbhunga	18 12	18 12	15 0	22 0	19 12	22 0	11 0 to 15 6	9 10	11 8	13 4 to 17 10	12 6	14 0	...	...	...	...	...	...
Mozufferpore	18 0	17 0	18 0	26 0	26 0	25 0	11 0	11 0	10 0	16 0	16 0	14 0	...	...	...	...	...	...
Sarun	20 8	20 0	16 0	23 0	25 0	22 0	8 0	8 0	9 0	16 8	13 0	13 0	35 0	27 0	21 0	...	...	...
Chumparun	16 8	16 0	18 0	...	...	31 0	12 0	12 0	10 0	18 0	17 0	14 0	...	...	...	...	...	...
Monghyr	23 1	19 15	17 13	22 0	18 14	21 0	10 8	10 8	10 8	14 12	12 1	12 9	...	...	...	...	...	...
Bhágalpur	19 9	19 9	15 2	20 3	20 3	24 0	10 11	10 11	11 15	13 14	13 14	13 14	...	...	...	...	...	...
Purneah	16 0	18 0	14 0	...	...	...	12 0	12 0	14 0	16 0	14 0	16 0	...	...	...	...	...	...
Maldah	20 0	19 8	18 0	...	...	...	10 12	10 0	12 0	12 4	12 0	13 0	...	...	...	...	...	...
Sonthal Pergunnahs	16 0	15 0	13 0	...	...	...	12 0	11 0	12 0	15 0	15 0	16 0	...	...	...	...	...	...
Orissa.																		
Cuttack	21 0	21 0	14 7	...	...	...	13 2	13 2	13 2	18 6*	17 1	21 0	...	...	...	...	...	...
Pooree	15 12	14 7	9 3	...	...	...	11 13	11 13	14 7	19 0	15 12	19 11	...	...	...	...	...	...
Balasore	15 0	18 0	14 0	11 0	11 0	...	13 0	13 0	11 0	24 0	21 8	21 0	...	...	...	...	...	...
CHOTA NAGPORE.																		
South-Western Frontier Agency.																		
Hazáribágh	15 0	15 8	15 0	...	15 0	...	12 0	11 8	9 0	18 0	17 0	14 0	...	...	...	...	...	...
Lohardugga	14 0	15 0	14 0	...	...	16 0	16 0	16 0	14 0	21 0	20 0	18 0	...	...	...	...	...	...
Singbhoom	18 0	18 0	16 0	20 0	20 0	24 0	20 0	20 0	22 0	24 0	24 0	28 0	...	...	...	...	...	...
Maunbhoom	13 8	13 0	13 0	14 0	...	...	...	15 0	14 0	22 0	21 0	21 8	...	...	...	...	...	...

* In the interior the retail price of rice, common, ranged from 17 seers 1 chittack to 26-4 seers per rupee.
f In the sub-divisions the retail prices of salt per rupee were :—Baraset and Busirhat 13 seers, Barrackpore 12-12 seers, and Dum-Dum 13 seers.
g In the sub-divisions the retail prices of salt per rupee were :—Kooshtea 13 seers, Meherpore 12 seers, Choodanga 12-12 seers, and Ranaghat 12-14 seers.
h In the sub-divisions the retail price of salt per rupee was—Satkhira 11 seers, and Bagirhat 11 seers.
i In the sub-divisions the retail prices of salt per rupee were :—Jhenidah 12 seers, Magurah 10-12 seers, Narail 12 seers, and Bongong 13 seers.
j In the sub-divisions the retail prices of salt per rupee were :—Lalbagh 11 seers, Jungypore and Kandi 12 seers.
k The retail price of salt at Raigunge was 11-8 seers and at Nitpore 10 seers per rupee.
l In the sub-divisions of Nattore and Nowgong the retail price of salt was 12 seers per rupee.
m In the sub-divisions the retail prices of salt per rupee were :—Nilphamari 12 seers Gaibanda and Kurigram 13 seers.
n In the sub division of Serajgunge the retail price of salt was 12-12 seers per rupee.
o The retail price of salt at Kurseong was 8 seers, and at Siliguri 11 seers per rupee.
p The retail price of salt at Fallacotta in the Alipur sub-division was 10 seers per rupee.
q In the sub-divisions the retail prices of salt per rupee were :—Moonshigunge 10-10 seers, and Naraingunge 14 seers.
r In the sub-divisions the retail prices of salt per rupee were :—Goalundo 13 seers and Madaripore 12 seers.
s In the sub-divisions the retail prices of salt per rupee were :—Patuakhali 10-10 seers, and Perozepore 11 seers.
t In the sub-divisions the retail prices of salt per rupee were :—Kishoregunge 10-10 seers, Attia 12 seers, and Jamalpore 11-4 seers.

Districts.	Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nuglee, *Panicum Miliaceum*, &c.) Present fortnight.	Lesser Millets. Past fortnight.	Lesser Millets. Corresponding fortnight of 1883.	Gram. Present fortnight.	Gram. Past fortnight.	Gram. Corresponding fortnight of 1883.	Firewood. Present fortnight.	Firewood. Past fortnight.	Firewood. Corresponding fortnight of 1883.	Salt. Wholesale prices per maund of 40 seers. Present fortnight.	Salt. Wholesale. Past fortnight.	Salt. Wholesale. Corresponding fortnight of 1883.	Salt. Retail. Present fortnight.	Salt. Retail. Past fortnight.	Salt. Retail. Corresponding fortnight of 1883.
	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	R a. p.	R a. p.	R a. p.	S. Ch.	S. Ch.	S. Ch.
Central Districts.															
Calcutta	...	...	...	19 11	19 11	14 0	100 0	100 0	90 0	2 12 0	2 12 0	2 12 0	12 13	12 13	13 5
24-Pergunnahs	...	...	...	20 0	17 8	16 0	100 0	90 0	80 0	3 0 0	3 0 0	3 5 0	12 13f	12 13	12 4
Nuddea	...	...	...	21 5¼	21 5¼	17 12	...	...	...	3 0 0	3 0 0	3 0 0	11 10½g	11 10½	11 10
Khoolna	...	...	...	16 0	16 0	16 0	200 0	200 0	200 0	3 2 0	3 2 0	3 4 0	12 0h	13 0	10 8
Jessore	...	...	...	16 0	16 0	16 0	120 0	120 0	120 0	3 2 0	3 2 0	3 10 0	14 12i	14 12	10 12
Moorshedabad	...	...	...	20 0	20 0	18 0	120 0	120 0	120 0	3 1 3	3 1 3	...	12 0j	12 0	12 0
Dinagepore	...	...	...	14 0	14 0	14 8	160 0	160 0	180 0	3 4 0	3 4 0	3 6 0	12 0k	12 0	11 8
Rajshahye	...	...	...	17 4 to 19 4	20 0	18 0	240 0	240 0	280 0	3 0 0	3 0 0	3 2 6	12 12l	12 12	12 0
Rungpore	...	...	...	9 12	9 12	15 0	93 0	93 0	110 0	3 8 0	4 0 0	...	10 0m	10 0	13 5
Bogra	...	...	...	15 0	15 0	12 0	90 0	80 0	67 8	3 5 4	3 5 4	3 2 8	12 0	12 0	12 0
Pubna	...	...	...	17 0	17 4	15 12	200 0	200 0	200 0	3 1 0	3 1 0	3 2 0	12 6n	12 6	12 4
Darjeeling	14 0	13 0	13 0	8 0	8 0	9 0	160 0	160 0	128 0	4 4 0	4 4 0	4 8 0	8 0o	8 0	8 0
Jalpáiguri	...	...	...	14 0	16 0	13 0	128 0	128 0	128 0	3 4 0	3 4 0	3 4 0	12 4p	12 4	12 4
Eastern Districts.															
Dacca	...	...	...	18 0	18 0	18 8	80 0	80 0	97 0	3 0 0	3 0 0	3 1 0	13 0q	13 0	12 12
Furreedpore	...	...	...	16 0	16 0	20 0	120 0	120 0	120 0	3 2 0	3 2 0	3 5 0	12 0r	12 0	12 0
Backergunge	...	...	...	16 4	16 0	16 0	120 0	120 0	120 0	3 2 0	3 2 0	2 11 0	13 0s	13 0	13 0
Mymensingh	...	...	...	15 0	15 4	16 0	...	...	...	3 3 0	3 3 0	3 3 0	12 8t	12 8	12 8
Chittagong	...	...	...	13 0	15 0	13 0	120 0	120 0	40 0	2 14 0	3 8 0	3 4 0	13 0u	11 0	11 0
Noakholly	...	...	...	11 0	11 0	12 0	...	...	...	3 6 0	3 6 0	3 6 0	10 0v	10 0	10 0
Tipperah	...	...	...	15 10	15 10	18 0	...	...	...	3 3 0	3 4 0	3 5 0	12 0w	12 0	12 0
Chittagong Hill Tracts	...	...	...	...	...	...	320 0	320 0	320 0	4 8 0	4 8 0	...	8 0	8 0	8 0
Hill Tipperah	...	...	...	14 0	14 0	14 0	...	...	...	3 4 0	3 4 0	3 4 0	11 0	11 0	11 0
Behar.															
Patna	...	...	...	27 0	21 0	25 0	100 0	114 0	130 0	3 0 0	3 0 0	3 0 0	12 0	12 0	11 0
Gya	...	...	...	22 0	20 0	19 0	200 0	200 0	160 0	3 5 0	3 5 0	3 5 0	11 0x	11 0	11 0
Shahabad	...	...	...	22 0	20 0	19 0 to 20 0	140 0	140 0	120 0	3 1 0	3 1 0	3 1 0	12 8y	12 4	12 8
Durbhunga	27 8	28 0	24 0	20 15	21 4	19 8	176 0	198 0	160 0	3 6 0	3 3 6	3 1 6	12 15z	13 3	12 6
Mozufferpore	...	...	...	20 0	20 0	21 0	140 0	140 0	140 0	3 4 0	3 4 0	3 4 0	12 0z1	12 0	12 0
Sarun	20 0	24 0	27 0	22 0	21 0	20 0	160 0	160 0	160 0	3 2 9	3 2 0	3 5 0	12 4z2	13 0	11 0
Chumparun	...	...	...	17 0	17 0	23 0	...	...	...	3 4 0	3 4 0	3 6 0	12 0z3	12 0	11 8
Monghyr	...	...	...	25 2	23 1	19 15	126 0	126 0	126 0	2 13 0	2 14 6	3 2 5	13 1z4	13 2	12 1
Bhágalpur	...	...	...	22 11	21 7	20 13	164 0	164 0	151 8	2 14 0	3 0 0	3 0 0	12 10z5	12 10	12 10
Purneah	...	...	...	17 0	17 0	16 0	160 0	160 0	160 0	...	3 10 0	3 12 0	... z6	10 12	11 0
Maldah	...	...	...	16 0	16 0	18 0	160 0	190 0	160 0	3 4 0	3 4 0	3 4 0	12 0	12 0	12 0
Sonthal Pergunnahs	...	...	...	17 0	16 0	16 0	200 0	200 0	200 0	3 5 6	3 8 0	3 2 0	11 8	11 0	11 12
Orissa.															
Cuttack	15 12	15 12	15 12	23 10	22 5	21 0	80 0	80 0	80 0	2 12 0	2 12 0	2 12 0	14 0	14 0	14 0
Pooree	...	...	...	17 1	17 2	17 1	100 0	100 0	100 0	2 8 0	2 7 0	2 12 0	14 7z7	16 0	13 3
Balasore	...	...	...	15 0	16 0	14 0	120 0	120 0	160 0	3 6 0	3 6 0	4 0 0	10 13z8	11 0	9 0
CHOTA NAGPORE.															
South-Western Frontier Agency.															
Hazáribágh	27 0	27 0	24 0	17 8	17 0	18 0	240 0	240 0	240 0	3 7 3	3 7 [illegible]	3 9 0	10 0z9	10 0	10 8
Lohardugga	40 0	44 0	32 0	16 0	15 0	14 0	120 0	120 0	100 0	3 6 0	3 10 0	3 10 0	11 0	10 0	10 0
Singbhoom	...	...	...	12 0	12 0	20 0	160 0	160 0	160 0	4 0 0	4 0 0	4 0 0	9 0	9 0	8 0
Maunbhoom	...	...	...	17 0	17 0	15 0	240 0	240 0	120 0	3 4 0	3 3 0	3 8 0	11 10z10	11 10	10 12

u The retail price of salt at Cox's Bazar was 10 seers per rupee.
v In the interior the retail price of salt ranged from 9 to 12 4 seers per rupee.
w In the sub-divisions the retail prices of salt per rupee were : Brahmanbariah 13 seers, and Chandpore 12 8 seers.
x The retail price of salt in the Aurangabad sub-division was 11 seers per rupee.
y In the sub-divisions the retail prices of salt per rupee were :— Baxar and Sasseram 12 seers, and Bhabhuah 11 seers.
z In the sub-division of Tajpore the retail price of salt was 11-8 seers per rupee.
z1 In the interior the retail price of salt ranged from 10 to 12-8 seers per rupee.
z2 In the sub-divisions the retail prices of salt per rupee were :—Sewan 12-8 seers and Gopalgunge 12 seers.
z3 In the interior the retail price of salt ranged from 10 to 13 seers per rupee.
z4 In the sub-divisions the retail prices of salt per rupee were :—Begusarai 11 seers and Jamui 11-8 seers.
z5 In the sub-divisions the retail prices of salt per rupee were :—Banka 11 seers, Madhupura 10-8 seers, and Soopole 10 seers.
z6 In the sub-divisions the retail prices of salt per rupee were :—Kissengunge 10 seers, and at Raniganje in the Arrareah sub-division 11 seers.
z7 The retail price of salt at Khoorda was 14 seers per rupee.
z8 The retail price of salt at Bhadrack was 8 seers per rupee.
z9 The retail price of salt at Chatra was 11 seers and at Kharrackdiha 12 seers per rupee.
z10 The retail price of salt at Ragunathpore was 12 seers, and at Burra Bazar 11 seers per rupee.

QUANTITIES PER RU[PEE] … FOR THE 2ND HALF OF NOVEMBER 1884—*continued.*

… SEERS OF 80 TOLAHS.

Provinces	Districts	Wheat: Present fortnight	Wheat: Past fortnight	Wheat: Corresponding fortnight of 1883	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar), *Holcus Sorghum*: Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bulrush Millet (Camboo, Bajra), *Penicillaria Spicata*: Present fortnight	Bulrush Millet: Past fortnight	Bulrush Millet: Corresponding fortnight
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
ASSAM	Sylhet																		
	Cachar																		
	Goálpará																		
	Gáro Hills																		
	Kámrúp																		
	Darrang	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Nowgong																		
	Sibságar																		
	Lakhimpur																		
	Khásí & Jaintiá Hills																		
	Nága Hills																		
N.-W. PROVINCES	Dehra Dún	18 8	18 8	18 0	23 0	23 0	26 0	6 8	6 8	6 8	10 0	10 0	10 8	26 0	26 0	26 0	22 0	22 0	23
	Saháranpur	22 8½	23 1¼	19 5½	25 13	25 13	23 10½	8 9½	8 9½	7 8½	11 13	11 13	11 13	26 14	26 14	26 14	26 14	26 14	23 1
	Muzaffarnagar	24 6	23 2	18 2	33 0	33 0	33 0	6 9	6 9	6 9	15 14	14 5	12 2	26 6	26 6	26 6	26 6	26 6	24
	Meerut	23 0	22 0	17 8	26 0	26 8	20 0	6 8	6 8	6 8	12 0	12 0	13 0	26 0	26 0	27 0	26 0	24 0	20
	Bulandshahr	24 4	24 8	19 0	32 0	32 0	27 0	7 0	7 0	6 0	11 0	9 11	10 0	33 8	32 0	27 0	30 8	28 0	23
	Aligarh	20 12	20 8	18 0	30 0	29 0	26 0	7 0	7 0	6 4	11 0	11 0	10 4	28 0	27 0	24 8	29 0	29 0	23
	Kumaun	11 8	11 8	15 0	13 0	13 0	18 0	8 0	8 0	10 0	9 8	9 8	13 0	...	...	...	...	...	...
	Garhwál	12 0	12 0	21 0	17 8	17 8	22 0	7 0	7 0	9 0	11 8	11 8	15 0	...	...	...	...	...	...
	Bijnor	19 11	20 0	19 2	24 3	23 14	28 6	12 6	10 2	11 4	15 12	14 10	12 6	...	...	26 7	23 1	25 5	21 1
	Moradabad	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Budaun	19 12½	19 8	21 4½	27 9½	26 6	30 0	9 9½	9 9½	8 6	19 3	16 12½	15 9½	31 3	30 0	24 12½	28 12½	27 0½	27
	Bareilly	19 6	19 1	19 6	27 8	26 4	25 10	6 4	7 8	7 8	13 12	13 2	14 6	27 8	26 14	28 12	26 14	26 14	25
	Sháhjahánpur	24 0	23 0	21 8	33 0	31 8	35 12	8 0	8 0	8 8	18 0	16 8	18 8	...	...	34 0	32 0	...	29
	Taráí Pergunnahs	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Muttra	20 0	20 0	17 12	28 0	28 0	25 0	7 0	7 0	7 0	13 0	12 0	12 0	30 0	26 0	23 0	26 0	26 0	21
	Agra	19 8	19 8	17 0	29 0	28 0	23 0	5 0	5 0	5 0	11 0	10 0	11 0	31 0	23 0	23 8	27 8	26 0	22
	Farukhabad	22 2	22 0	19 9	31 5	31 5	28 9	5 8	5 8	6 11	15 12½	15 3	13 15	27 4	24 4	28 4	28 1½	27 0	26
	Mainpuri	21 0	21 0	19 0	26 0	26 0	25 0	5 0	5 0	4 0	13 0	9 0	7 0	...	...	24 0	26 0	25 0	23
	Etáwah	22 8	22 8	18 8	23 12	24 0	23 0	6 8	6 0	6 0	14 8	12 8	14 0	29 8	30 0	26 0	29 0	28 8	25
	Etah	22 12	24 0	19 13	27 0	27 8	26 6	7 12	7 0	7 12	12 4	13 0	13 0	34 0	...	22 13	30 0	33 0	22 12
	Jalaun	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Jhánsi	25 0	25 0	22 8	31 0	29 11½	35 4½	8 0	8 0	8 0	15 12½	15 0	13 0	30 12	28 10	33 0	26 12	22 0	27 0
	Lalitpur	26 12	26 8	24 0	36 0	36 0	40 0	9 0	9 0	8 0	12 0	12 0	12 0	37 0	37 0	36 0	28 0	26 0	29 0
	Cawnpore	24 8	24 0	19 8	34 0	33 0	29 0	9 0	9 0	9 0	15 0	13 8	14 0	33 0	30 0	30 0	34 0	31 0	28 0
	Fatehpur	20 12	20 8	16 14	28 4	27 0	26 0	9 8	9 0	10 4	16 8	16 0	16 0	...	...	30 0	29 0	...	26 4
	Bánda	24 0	23 0	24 0	25 0	25 0	35 0	8 0	8 0	8 0	13 0	12 0	15 0	34 0	32 0	45 0	30 0	30 0	34 0
	Allahabad	19 8	19 4	17 0	26 8	25 0	29 8	8 8	8 0	8 12	16 0	15 8	14 8	32 12	27 0	29 8	30 0	24 0	27 8
	Hamírpur	23 3	23 1	20 10	...	22 8	...	8 0	9 0	10 8	14 10	15 0	13 8	33 12	28 2	32 10	30 6	30 6	28 10
	Jaunpur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Gorakhpur	20 11	20 11	18 0	26 1¼	25 8	23 13	14 13	13 8	10 13	18 7	17 1½	14 5½	25 3	27 0	23 13	28 13	33 6½	...
	Basti	21 6	20 3	17 8	23 0	23 0	23 0	9 8	9 10	10 0	13 0	12 10	15 0	...	...	...	...	...	...
	Azamgarh	19 8	19 3	16 4	25 1	24 6	21 0	10 5	10 5	10 5	12 8	12 8	14 4	29 8	29 8	25 1	20 10	20 10	20 10
	Mirzapur	19 0	18 0	16 0	24 0	23 0	25 0	9 0	8 0	9 0	15 0	13 0	12 0	27 0	26 0	26 0	25 0	24 0	22 0
	Benares	20 10	19 0	16 13	25 0	23 14	23 5	9 8	8 15	9 8	17 1	15 11½	14 6	26 0	25 0	23 14	24 2	23 14	25 0
	Ghazipur	19 5	19 5	17 1	24 7	23 13	21 14	6 7	6 7	7 11	12 14	12 4	12 4	32 8	27 8	23 3	23 3	21 14	19 5
	Balia	19 8	19 8	16 12	23 2	23 2	20 0	10 4	10 4	7 12	15 8	11 8	12 14	27 8	27 0	19 4	25 12	20 12	...
	Philibhít } Almora }	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
OUDH	Sultánpur	22 0	22 0	20 0	28 0	28 0	29 0	11 0	11 0	11 0	20 0	20 0	16 0	32 0	32 0	29 0	32 0	30 0	29 0
	Partábgarh	22 13	22 1	22 8	34 5	34 0	30 13	18 5	18 5	16 2	20 11	20 13	18 0	37 12	35 0	32 14	34 5	33 8	29 2
	Fyzabad	21 12	21 8	18 0	28 8	27 0	26 0	10 0	10 4	10 0	17 0	17 0	15 4	30 0	30 0	25 8	26 0	...	24 0
	Kheri	25 0	24 8	22 4	33 0	31 0	34 0	7 0	7 0	7 0	21 0	20 0	15 0	46 0	46 0	40 6	...	...	36 0
	Lucknow	23 4	23 4	19 2	30 12	30 0	29 1½	6 0	6 0	6 0	15 8	15 4	14 12	27 0	27 0	29 0	32 0	30 0	28 12
	Bára Banki	22 8	22 8	18 8	29 0	29 0	28 0	7 0	6 0	8 0	15 0	13 0	15 0	28 0	35 0	31 0	28 0	32 0	28 0
	Bahraich	21 0	20 0	21 8	23 0	24 0	40 0	13 0	13 0	16 0	18 0	15 0	17 0	41 0	42 0	40 0	34 0	...	22 0
	Rai Bareli	21 0	23 12	19 4	29 8	29 8	27 12	...	...	...	19 0	18 0	...	40 0	...	32 0	10 0	32 0	30 0
	Sitapur	27 0	25 11	22 4	31 0	33 0	37 8	8 0	8 0	8 0	21 0	20 0	17 12	39 8	34 0	32 0	39 0	33 10	32 0
	Gonda	23 0	22 12	20 13	23 12	24 14	35 0	14 12	14 4	12 4	16 0	17 8	15 8	...	...	...	27 8	28 12	27 0
	Unáo	23 8	22 8	18 0	30 0	28 0	26 0	8 0	8 0	10 0	16 0	16 0	16 0	32 0	25 0	22 0	32 0	28 0	28 0
	Hardui	24 0	23 12	18 12	32 8	31 8	30 15	6 0	6 0	5 10	12 5	11 5	11 4	...	...	...	32 8	32 8	28 2
PUNJAB	Gujránwála	34 0	30 0	23 0	50 0	48 0	40 0	...	...	...	17 0	15 0	14 0	40 0	40 0	32 0	26 0	26 0	28
	Lahore	26 0	27 0	23 0	43 0	43 0	40 0	...	...	...	12 0	10 0	12 0	39 0	39 0	38 0	26 0	26 0	24
	Ferozepore	25 0	25 0	22 0	40 0	40 0	36 0	...	...	...	12 0	12 0	12 0	34 0	34 0	37 0	27 0	...	...
	Hissar	19 0	19 0	20 0	27 0	26 0	30 0	...	...	...	10 0	10 0	9 0	30 0	27 0	28 0	26 0	23 0	21
	Rohtak	23 0	22 0	20 0	28 0	26 0	26 0	...	...	...	10 0	10 0	8 0	34 0	34 0	24 0	29 0	29 0	20
	Gurgaon	22 0	22 0	20 0	35 0	32 0	27 0	...	...	...	10 0	10 0	10 0	35 0	34 0	24 0	35 0	33 0	21
	Delhi	22 0	22 0	19 0	30 0	28 0	26 0	...	...	...	14 0	13 0	12 0	25 0	25 0	26 0	21 0	21 0	21
	Karnál	23 0	23 0	20 0	28 0	28 0	28 0	...	...	...	13 0	13 0	12 0	25 0	25 0	24 0	25 0	20 0	20
	Umballa	26 0	25 0	22 0	26 0	28 0	24 0	...	...	...	14 0	14 0	12 0	40 0	40 0	28 0	24 0	20 0	18
	Ludhiana	28 0	28 0	24 0	34 0	34 0	33 0	...	...	...	11 0	11 0	11 0	36 0	36 0	34 0	27 0	25 0	25
	Simla	16 0	15 0	17 0	21 0	21 0	...	...	...	...	9 0	9 0	...	18 0	18 0	...	15 0	...	...

Provinces	Districts	Millets, Ragi, (Kavaru, Voragu, Sawee, Cheena, Coraloo, Murkwa, Nuglee), *Panicum Miliaceum*, &c.: Present fortnight	Millets: Past fortnight	Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883
		S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.	S. Ch.
ASSAM	Sylhet															
	Cachar															
	Goálpará															
	Gáro Hills															
	Kámrúp	...	...	...	...	...	...	...	...	...	...	...	No return received			
	Darrang															
	Nowgong															
	Sibságar															
	Lakhimpur															
	Khásí & Jaintiá Hills															
	Nága Hills															
N.-W. PROVINCES	Dehra Dún	...	...	...	25 0	21 0	23 0	160 0	160 0	160 0	11 8	11 8	11 0	11 0	11 0	10 8
	Saháranpur	...	...	...	26 14	26 14	25 4	107 8	107 8	129 0	13 2½	13 2¼	13 2½	12 14½	12 14½	12 14½
	Muzaffarnagar	...	...	...	27 8	27 8	24 6	132 0	132 0	92 0	12 6	12 2	12 10	11 10	11 8	11 12
	Meerut	...	...	...	26 0	25 0	24 0	100 0	100 0	100 0	13 8	13 8	12 8	13 0	13 0	12 0
	Bulandshahr	...	...	...	26 0	24 8	22 8	130 0	120 0	120 0	13 0	13 4	12 0	...	...	...
	Aligarh	...	...	...	25 0	24 0	25 0	100 0	100 0	120 0	14 0	14 0	12 4	12 8	12 8	11 12
	Kumaun	...	...	...	10 0	10 0	14 0	200 0	200 0	160 0	8 0	8 0	9 0	7 0	7 0	8 0
	Garhwál	...	...	...	8 0	8 0	9 0	280 0	280 0	280 0	7 8	7 8	9 0	6 4	6 4	8 8
	Bijnor	...	...	...	22 8	23 10	23 10	115 0	115 0	135 0	...	...	...	11 13	12 6	11 8
	Moradabad	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Budaun	...	...	...	19 3	19 12½	25 3	192 0	192 0	192 0	12 9½	12 0	11 11	12 0	11 6	11 6
	Bareilly	...	...	...	21 14	21 4	23 12	125 0	112 8	150 0	12 13	13 7	12 3	12 8	13 2	11 14
	Sháhjahánpur	...	...	...	21 8	21 8	25 4	160 0	150 0	160 0	13 8	13 8	13 0	12 0	12 0	11 0
	Taráí Pergunnahs	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Muttra	...	...	...	22 0	22 0	23 0	100 0	100 0	120 0	14 8	14 8	13 0	14 0	14 0	12 8
	Agra	...	...	...	22 0	22 0	23 8	100 0	100 0	100 0	14 8	14 8	13 8	14 0	14 0	13 0
	Farukhabad	...	...	...	21 10	24 12	25 13	90 0	95 0	156 8	13 8	14 5	12 7	13 0	12 15	11 12
	Mainpuri	...	...	...	19 0	19 0	24 12	120 0	120 0	160 0	13 0	13 0	11 8	12 0	12 0	11 0
	Etáwah	...	...	...	24 8	25 0	26 0	80 0	80 0	100 0	14 0	14 0	12 0	13 8	13 8	11 0
	Etah	...	...	...	22 0	21 8	23 14	132 0	160 0	162 0	13 0	13 0	12 7	12 8	12 0	11 15
	Jalaun	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Jhánsi	...	...	...	27 4½	24 13	31 8	200 0	200 0	200 0	12 0	11 12	12 0	11 0	10 12	11 0
	Lalitpur	...	...	...	30 8	27 8	38 0	160 0	160 0	175 0	12 0	11 8	12 0	11 8	11 0	11 8
	Cawnpore	...	...	...	26 8	27 0	29 0	110 0	120 0	150 0	16 0	16 0	13 8	14 0	14 0	13 0
	Fatehpur	...	...	...	26 8	24 8	27 4	160 0	160 0	200 0	11 8	11 8	11 0	11 4	11 4	10 12
	Bánda	...	...	...	34 0	32 0	45 0	160 0	160 0	160 0	13 0	13 0	12 0	12 0	12 0	11 12
	Allahabad	...	...	...	28 0	27 0	29 0	115 0	100 0	120 0	12 0	12 0	12 0	11 0	11 0	11 0
	Hamírpur	...	...	...	32 10	32 0	32 10	140 0	140 0	140 0	11 4	10 10	12 0	10 0	10 0	11 8
	Jaunpur	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
	Gorakhpur	...	...	...	18 14	18 14	22 15	160 0	160 0	160 0	10 13	11 0	10 9½	10 9½	10 13	10 6½
	Basti	...	...	...	17 8	17 0	24 0	160 0	160 0	160 0	9 8	10 0	8 8	9 0	9 8	8 0
	Azamgarh	...	...	...	20 10	18 8	23 8	177 8	177 8	147 8	11 13	11 13	10 8	11 2	11 2	9 14
	Mirzapur	...	...	...	24 0	24 0	25 0	100 0	100 0	100 0	11 0	11 0	11 0	9 0	8 0	8 0
	Benares	...	...	...	23 14	23 5	23 14	100 0	90 0	100 0	10 11	10 11	10 11	...	...	...
	Ghazipur	...	...	...	23 3	23 8	23 8	128 12	128 12	128 12	11 9	11 9	11 9	10 5	10 5	10 5
	Balia	...	...	...	23 12	23 2	18 0	120 0	120 0	80 0	11 12	11 12	11 8	11 8	11 8	11 8
	Philibhít } Almora }	...	...	...	...	...	...	...	...	...	...	...	...	No return received		
OUDH	Sultánpur	...	...	...	24 0	23 0	30 0	160 0	160 0	160 0	12 12	12 12	12 4	12 8	12 8	12 0
	Partábgarh	...	...	...	22 11	21 8	22 8	180 0	180 0	186 10	12 0	12 0	11 0	10 13	10 13	10 8
	Fyzabad	...	...	...	22 0	23 0	25 8	120 0	120 0	120 0	11 12	11 12	11 8	11 4	11 4	11 0
	Kheri	...	...	...	25 0	25 0	29 0	140 0	140 0	120 0	11 0	11 0	11 0	10 0	10 0	10 8
	Lucknow	...	...	...	23 12	23 12	24 13¼	110 0	110 0	115 0	11 8	11 8	11 2½	11 0	11 0	10 12
	Bára Banki	...	...	...	24 0	24 0	27 0	160 0	120 0	140 0	12 0	12 0	12 0	11 0	11 0	11 0
	Bahraich	...	...	...	23 0	23 0	34 0	180 0	160 0	200 0	...	...	...	11 0	11 0	11 0
	Rai Bareli	...	...	...	26 0	26 0	27 0	200 0	200 0	160 0	...	...	...	12 0	11 8	11 0
	Sitapur	...	...	...	27 0	27 0	30 4	160 0	160 0	160 0	11 12	11 8	12 0	11 8	11 0	11 8
	Gonda	...	...	...	20 8	21 4	30 8	200 0	200 0	200 0	12 4	12 4	11 8	12 0	12 0	11 4
	Unáo	...	...	...	25 8	25 8	26 0	160 0	160 0	160 0	...	...	...	11 0	11 0	11 0
	Hardui	...	...	...	24 8	24 8	25 8	160 0	160 0	200 0	11 0	11 0	9 14	7 8	7 8	7 8
PUNJAB	Gujránwála	...	...	...	40 0	38 0	35 0	90 0	90 0	95 0	15 4	15 4	15 4	15 0	15 0	15 0
	Lahore	...	...	...	41 0	39 0	36 0	90 0	90 0	80 0	15 0	15 0	15 0	14 0	14 0	14 0
	Ferozepore	...	...	...	41 0	39 0	35 0	90 0	90 0	100 0	14 0	14 0	13 4	13 8	13 8	13 0
	Hissar	...	...	...	30 0	29 0	30 0	120 0	120 0	120 0	12 0	11 8	13 0	11 8	11 0	12 8
	Rohtak	...	...	...	27 0	27 0	25 0	80 0	100 0	80 0	12 8	12 8	12 0	11 0	11 0	11 8
	Gurgaon	...	...	...	28 0	28 0	22 0	110 0	110 0	130 0	12 0	12 0	12 0	12 0	12 0	12 0
	Delhi	...	...	...	26 0	26 0	23 0	60 0	60 0	80 0	13 0	13 0	12 8	12 0	12 0	11 8
	Karnál	...	...	...	27 0	26 0	26 0	160 0	160 0	140 0	11 12	11 0	12 4	11 8	10 8	8 12
	Umballa	...	...	...	32 0	31 0	30 0	140 0	140 0	150 0	13 12	13 12	13 15	13 0	13 0	13 12
	Ludhiana	...	...	...	35 0	34 0	32 0	100 0	100 0	100 0	15 8	15 0	14 0	15 0	14 8	14 0
	[Simla]	...	...	...	18 0	19 0	22 0	80 0	80 0	80 0	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF NOVEMBER 1884—continued.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

(Values in S. Ch.)

Province	Districts	Wheat: Present fortnight	Wheat: Past fortnight	Wheat: Corresponding fortnight of 1883	Barley: Present fortnight	Barley: Past fortnight	Barley: Corresponding fortnight of 1883	Rice (best sort): Present fortnight	Rice (best sort): Past fortnight	Rice (best sort): Corresponding fortnight of 1883	Rice (common): Present fortnight	Rice (common): Past fortnight	Rice (common): Corresponding fortnight of 1883	Great Millet (Cholum, Jowar), *Holcus Sorghum*: Present fortnight	Great Millet: Past fortnight	Great Millet: Corresponding fortnight of 1883	Bajrah Millet (Cumbu, Sajji), *Penicillaria Spicata*: Present fortnight	Bajrah: Past fortnight	Bajrah: Corresponding fortnight of 1883
Punjab—continued	Kángra	20 0	20 0	24 0	29 0	29 0	30 0	...	...	...	15 0	15 0	15 0	...	...	...	...	...	
	Jullundur	29 0	29 0	22 0	40 0	36 0	30 0	...	...	...	8 0	8 0	6 0	40 0	42 0	34 0	30 0	32 0	22
	Hoshiárpur	30 0	30 0	22 0	36 0	36 0	28 0	...	...	...	12 0	12 0	12 0	38 0	37 0	28 0	24 0	24 0	20
	Gurdáspur	32 0	32 0	25 0	40 0	40 0	24 0	...	...	...	16 0	16 0	14 0	32 0	32 0	30 0	14 0	14 0	14
	Amritsar	28 0	28 0	23 0	40 0	40 0	36 0	...	...	...	14 0	14 0	13 0	39 0	42 0	36 0	28 0	28 0	30
	Siálkot	31 0	31 0	24 0	52 0	52 0	40 0	...	...	...	14 0	14 0	13 0	14 0	44 0	36 0	39 0	39 0	36
	Gujrát	32 0	33 0	26 0	53 0	51 0	40 0	...	...	...	12 0	12 0	12 0	50 0	50 0	42 0	46 0	46 0	42
	Jhelum	30 0	29 0	25 0	48 0	48 0	35 0	...	...	...	12 0	12 0	12 0	37 0	37 0	34 0	39 0	40 0	35
	Ráwalpindi	33 0	31 0	27 0	60 0	54 0	44 0	...	...	...	12 0	12 0	16 0	60 0	60 0	50 0	50 0	56 0	44
	Shahpúr	29 0	29 0	27 0	37 0	37 0	42 0	...	...	...	12 0	12 0	15 0	40 0	40 0	38 0	40 0	40 0	27
	Jhang	21 0	22 0	21 0	34 0	36 0	32 0	...	...	...	10 0	11 0	9 0	32 0	32 0	28 0	28 0	28 0	32
	Montgomery	22 0	22 0	19 0	32 0	32 0	28 0	...	...	...	9 0	9 0	6 0	...	...	...	...	...	
	Mooltan	19 0	19 0	16 0	28 0	28 0	28 0	...	...	...	10 0	10 0	10 0	28 0	28 0	25 0	24 0	24 0	25
	Muzaffargarh	21 0	21 0	19 0	26 0	26 0	28 0	...	...	...	6 0	6 0	5 0	23 0	23 0	25 0	23 0	23 0	25
	Dera Ghází Khán	20 0	20 0	18 0	29 0	28 0	29 0	...	...	...	11 0	11 0	9 0	32 0	32 0	33 0	29 0	31 0	25
	Dera Ismail Khán	27 0	27 0	21 0	39 0	37 0	31 0	...	...	...	9 0	9 0	8 0	39 0	36 0	31 0	32 0	33 0	29
	Bannu	38 0	38 0	26 0	59 0	56 0	33 0	...	...	...	10 0	9 0	9 0	55 0	50 0	45 0	44 0	45 0	31
	Kohát	31 0	31 0	20 0	69 0	69 0	33 0	...	...	...	14 0	14 0	12 0	...	...	...	55 0	55 0	32
	Peshάwár	30 0	32 0	22 0	59 0	59 0	32 0	...	...	...	14 0	14 0	12 0	50 0	50 0	40 0	40 0	40 0	24
	Hazára	34 0	33 0	25 0	46 0	46 0	42 0	...	...	...	12 0	12 0	14 0	...	...	...	34 0	32 0	36
Central Provinces	Saugor	26 8	26 0	25 0	...	...	...	12 0	12 0	11 0	13 0	13 0	12 0	...	...	33 0	...	...	
	Damoh	34 8	32 0	28 0	...	...	...	16 0	16 0	12 8	16 8	17 0	13 8	...	...	...	...	...	
	Jubbulpore	26 0	25 8	22 8	22 0	21 0	23 8	13 0	12 0	10 0	17 0	15 0	14 0	29 0	21 0	30 0	19 0	18 0	19
	Mandla	35 0	35 0	26 0	...	...	...	15 0	16 0	14 0	23 8	18 0	18 5	...	...	...	...	...	
	Seoni	30 0	27 8	22 0	...	...	...	13 8	13 8	13 0	20 0	19 8	20 0	...	...	...	...	...	
	Narsinghpur	22 0	22 0	19 0	...	...	...	9 8	9 8	9 8	13 8	13 8	12 8	...	...	...	...	...	
	Hoshangabad	22 8	20 4	16 9	...	...	...	5 10	5 1	4 0	11 4	11 4	10 11	...	...	...	...	...	
	Nimár	24 12	24 12	17 8	...	...	...	11 9	11 9	12 9	14 14	14 14	15 15	24 6	30 0	18 12	32 0	32 0	20
	Betúl	28 0	28 0	18 0	...	...	...	14 0	13 0	12 8	15 0	14 0	14 0	30 0	30 0	19 8	...	...	
	*Chhindwára	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Wardha	27 0	27 0	24 0	...	...	...	9 0	9 0	9 0	12 0	12 0	12 0	27 0	27 0	27 0	...	...	
	Nágpur	26 0	26 0	22 4	...	...	...	9 12	9 12	9 12	14 12	14 12	16 0	29 12	29 12	31 12	...	...	
	Chánda	27 0	27 0	21 4	...	...	...	...	...	...	17 12	17 8	17 0	26 8	26 8	41 4	...	...	
	Bhandára	27 0	26 12	21 8	...	...	...	10 8	10 8	10 8	17 8	17 8	20 0	25 4	24 4	35 0	...	...	
	Bálaghát	25 0	24 0	20 0	...	...	...	15 0	15 0	20 0	24 0	24 0	27 0	...	...	...	...	...	
	Raipur	34 0	36 0	28 4	...	...	...	14 0	15 0	13 4	22 0	24 0	27 8	...	...	...	...	...	
	Bilάspur	48 13	48 13	27 8	...	...	...	26 2	26 2	23 12	36 8	36 8	34 0	...	...	...	...	...	
	Sambalpur	23 4	28 0	16 8	...	...	...	24 8	24 8	24 8	28 0	28 0	28 0	...	...	...	...	...	
British Burma	*Arakan Division.*																		
	Akyab	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Northern Arakan																		
	Kyoukpyoo																		
	Sandoway																		
	Pegu Division.																		
	Rangoon Town																		
	Pegu																		
	Tharrawaddy																		
	Prome																		
	Irrawaddy Division.																		
	Bassein																		
	Henzada																		
	Thonegwa																		
	Thayetmyo																		
	Tenasserim Division.																		
	Moulmein Town & Amherst																		
	Tavoy																		
	Mergui																		
	Toungoo																		
	Shwaygyin																		
	Salween																		
Hyderabad Assigned Districts	Secunderabad	15 2	15 2	16 5	...	...	...	8 4	8 4	8 4	11 11	11 8	11 11	17 12	17 12	23 0	...	...	[illegible]
	Bolarum	16 2	16 2	17 1	...	...	...	9 0	9 0	8 6	11 0	11 0	10 4	20 4	18 15	28 15	...	...	
	Chuddergbat	12 0	12 0	14 8	...	...	...	7 12	7 8	8 0	9 8	9 8	10 0	18 0	18 0	25 0	18 0	20 0	[illegible]
	Amráoti	24 12	24 6	18 0	11 0	...	9 0	7 5	7 0	8 0	10 0	10 9	10 0	27 8	27 12	28 0	17 8	17 0	[illegible]
	Akola	26 0	25 0	17 0	...	...	...	8 0	8 0	7 0	11 0	11 0	13 0	26 0	28 0	26 0	21 0	23 0	[illegible]
	Ellichpur	22 8	22 0	18 0	6 4	6 4	9 0	8 0	8 2	8 0	11 0	11 0	10 0	27 0	25 0	26 0	17 12	16 0	16
	Buldána	28 0	28 0	19 0	...	...	...	...	...	...	12 0	12 0	11 0	27 0	26 0	23 0	24 0	24 0	[illegible]
	Wún	24 0	23 0	18 0	...	...	...	9 0	7 0	8 0	14 0	11 8	11 8	29 4	28 0	29 4	...	...	
	Básim	28 0	32 0	25 0	...	...	...	8 8	6 0	6 6	11 5	13 0	14 0	35 0	40 0	32 0	...	...	

Lesser Millets, Ragi, &c. (Kavaru, Veragu, Sawee, Cheena, Coraloo, Murhwa, Nugloe), *Panicum Miliaceum, &c.*: Present fortnight	Lesser Millets: Past fortnight	Lesser Millets: Corresponding fortnight of 1883	Gram: Present fortnight	Gram: Past fortnight	Gram: Corresponding fortnight of 1883	Firewood: Present fortnight	Firewood: Past fortnight	Firewood: Corresponding fortnight of 1883	Salt, Wholesale: Present fortnight	Salt, Wholesale: Past fortnight	Salt, Wholesale: Corresponding fortnight of 1883	Salt, Retail: Present fortnight	Salt, Retail: Past fortnight	Salt, Retail: Corresponding fortnight of 1883	Districts
...	...	...	24 0	24 0	21 0	120 0	120 0	140 0	11 8	11 8	11 8	11 0	11 0	11 0	Kángra
...	...	...	36 0	35 0	31 0	100 0	100 0	110 0	15 0	15 0	14 8	14 8	14 8	14 0	Jullundur
...	...	...	34 0	31 0	30 0	110 0	110 0	110 0	14 0	14 0	14 0	13 12	13 12	13 12	Hoshiárpur
...	...	...	36 0	32 0	32 0	120 0	120 0	120 0	14 8	14 0	13 4	14 0	13 0	13 0	Gurdáspur
...	...	...	40 0	40 0	36 0	80 0	90 0	80 0	15 8	15 10	15 6	15 0	15 0	15 0	Amritsar
...	...	...	34 0	34 0	34 0	110 0	110 0	120 0	16 0	16 0	15 8	15 8	15 8	15 0	Siálkot
...	...	...	33 0	34 0	31 0	100 0	100 0	100 0	*	*	*	16 0	16 0	15 8	Gujrát
...	...	...	33 0	34 0	31 0	120 0	120 0	120 0	16 8	16 8	16 0	16 0	16 0	15 0	Jhelum
...	...	...	42 0	42 0	36 0	100 0	83 0	85 0	15 8	15 10	15 8	15 6	15 6	15 4	Ráwalpindi
...	...	...	36 0	36 0	41 0	240 0	240 0	320 0	17 0	17 0	17 0	16 0	16 0	16 0	Shahpúr
...	...	...	29 0	31 0	28 0	200 0	200 0	200 0	15 4	14 8	15 0	14 8	14 0	14 8	Jhang
...	...	...	35 0	35 0	32 0	200 0	200 0	200 0	13 0	13 0	12 0	12 0	12 0	11 0	Montgomery
...	...	...	27 0	27 0	26 0	100 0	100 0	90 0	15 0	15 0	14 8	14 8	14 0	14 0	Mooltan
...	...	...	25 0	25 0	23 0	120 0	120 0	100 0	*	*	*	13 0	13 0	13 8	Muzaffargarh
...	...	...	26 0	26 0	21 0	125 0	125 0	100 0	28 12	28 12	28 12	27 8	27 8	27 8	Dera Ghάzi Khán
...	...	...	37 0	35 0	27 0	125 0	125 0	125 0	47 8	47 8	52 8	45 0	45 0	50 0	Dera Ismail Khán
...	...	...	54 0	50 0	30 0	80 0	80 0	80 0	80 0	80 0	80 0	60 0	60 0	60 0	Bannu
...	...	...	33 0	33 0	28 0	102 0	102 0	102 0	61 3	61 3	68 14	...	58 11	63 12	Kohát
...	...	...	37 0	37 0	29 0	109 0	109 0	96 0	45 8	45 8	43 9	44 0	44 0	42 0	Peshάwár
...	...	...	28 0	28 0	26 0	80 0	110 0	80 0	...	...	...	12 0	12 0	12 0	Házára
...	...	...	26 4	23 8	31 0	140 0	140 0	140 0	9 12	9 8	9 12	9 8	9 4	9 8	Saugor
...	...	...	20 0	27 0	39 0	200 0	200 0	200 0	10 12	10 8	10 8	10 4	10 0	10 4	Damoh
...	...	...	30 0	29 0	28 0	120 0	120 0	100 0	11 12	11 12	11 10	11 4	11 4	11 4	Jubbulpore
80 0	80 0	25 0	42 0	42 0	40 0	256 0	256 0	256 0	...	...	...	10 0	10 0	9 8	Mandla
...	...	...	35 0	34 0	23 0	220 0	220 0	220 0	11 0	11 8	11 4	10 12	11 0	11 0	Seoni
...	...	...	33 0	33 0	24 8	140 0	140 0	140 0	11 0	11 0	11 0	10 8	10 8	10 8	Narsinghpur
...	...	...	28 2	29 4	22 5	140 0	140 0	160 0	11 14	11 14	11 12	11 0	11 0	11 0	Hoshangabad
...	...	...	27 10	27 10	20 4	160 0	160 0	160 0	13 13	13 13	13 13	13 0	13 0	13 0	Nimár
19 8	19 8	16 8	26 0	26 0	18 0	320 0	320 0	320 0	11 0	10 8	10 8	10 8	10 0	10 0	Betúl
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Chhindwára
...	...	...	22 0	22 0	18 0	155 0	155 0	159 0	12 8	12 8	12 0	12 0	12 0	11 0	Wardha
...	...	...	...	...	...	120 0	120 0	120 0	12 0	12 0	12 0	11 12	11 12	11 12	Nágpur
...	...	...	27 8	27 8	19 8	360 0	360 0	360 0	...	...	...	11 0	11 0	10 8	Chánda
...	...	...	24 8	22 8	21 0	220 0	180 0	120 0	11 4	11 4	11 8	11 0	10 12	11 0	Bhandάra
...	...	...	28 0	25 0	25 0	275 0	275 0	275 0	11 0	11 0	10 8	10 8	10 8	10 0	Bálaghát
...	...	...	20 0	21 0	26 8	64 0	64 0	64 0	10 8	10 8	9 12	10 0	10 0	9 8	Raipur
120 0	100 0	123 4	36 8	36 0	29 12	120 0	120 0	120 0	...	...	...	8 0	9 0	9 0	Bilάspur
...	...	...	21 0	19 8	13 0	125 0	125 0	120 0	11 0	11 0	11 0	10 0	10 0	10 0	Sambalpur
															Arakan Division.
...	...	...	...	...	...	...	...	...	...	...	...	No return received			Akyab
															Northern Arakan
															Kyoukpyoo
															Sandoway
															Pegu Division.
															Rangoon Town
															Pegu
															Tharrawaddy
															Prome
															Irrawaddy Division.
															Bassein
															Henzada
															Thonegwa
															Thayetmyo
															Tenasserim Division.
															Moulmein Town & Amherst
															Tavoy
															Mergui
															Toungoo
															Shwaygyin
															Salween
...	...	29 9	18 4	17 12	16 12	125 0	135 0	125 0	10 13	10 14	10 14	10 4	10 6	10 6	Secunderabad
...	...	...	18 15	18 15	16 14	116 14	116 14	116 14	...	...	...	10 12	10 12	10 12	Bolarum
...	...	...	19 0	18 0	17 8	80 0	80 0	80 0	...	...	...	9 12	9 12	9 8	Chuddergbat
...	...	...	24 0	21 12	15 0	...	...	64 0	12 8	12 8	12 8	12 0	12 0	12 0	Amráoti
...	...	...	24 0	22 0	16 0	64 0	64 0	64 0	12 0	11 0	10 0	11 0	11 0	10 0	Akola
...	...	...	19 12	17 12	13 0	128 0	128 0	64 0	...	...	...	11 0	11 0	11 0	Ellichpur
...	...	...	24 0	24 0	16 0	...	...	...	...	...	...	11 0	10 0	11 0	Buldάna
...	...	...	27 4	23 0	15 0	250 0	200 0	200 0	...	...	...	11 8	11 0	10 0	Wún
...	...	...	23 11	25 0	18 0	83 0	64 0	64 0	10 13	10 8	10 8	10 3	10 0	9 8	Básim

PRICES CURRENT OF FOOD-GRAINS THROUGHOUT INDIA FOR THE 2nd HALF OF NOVEMBER 1884—concluded.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

(Values given as S. Ch.)

Districts.	Wheat.			Barley.			Rice (best sort).			Rice (common).			Great Millet (Chojum, Jowar), *Holcus Sorgum.*			Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata.*		
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past Fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.
Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	No return received			...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Coorg	9 13	9 14	8 9	10 8	10 1	9 8	11 9	11 7	14 5	16 12	15 15	20 9	...	...	...	...	...	...
Jeypore	19 0	18 0	16 0	28 0	27 0	26 0	6 0	6 0	6 0	7 8	7 4	8 8	24 0	22 0	24 0	25 0	22 0	21 0
Kishengurh	19 0	19 0	18 0	26 12	26 12	24 0	9 0	9 0	8 0	10 0	10 0	10 0	22 4	22 4	24 0	23 4	23 4	18 8
Kerrowlee	20 0	20 0	18 12	32 8	27 8	26 14	13 8	13 12	10 0	16 12	15 10	10 10	32 8	27 8	26 4	31 4	25 0	21 4
Ulwur	20 1	19 8	18 0	28 1	27 11	23 1	6 12	6 12	8 10	11 8	11 8	10 8	30 6	27 12	22 0	28 6	28 9	18 10
Bhurtpore (City)	18 6	19 8	17 3	28 12	30 0	22 15	7 2	7 6	7 12	7 6	7 10	9 6	28 8	32 8	22 7	30 0	29 4	20 7
Ajmere	18 8	18 0	16 0	28 0	27 0	24 0	3 0	3 0	5 0	8 0	8 0	8 0	25 0	25 0	20 0	19 0	19 0	18 0
Deoli Cantonment	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Erinpura	20 11	21 1	17 0	28 1	28 12	25 8	...	...	...	7 11	7 10	7 8	21 0	21 0	20 0	20 18	20 5	19 1
Sirohee	17 0	17 8	13 8	25 0	25 0	25 0	6 4	6 8	6 8	7 0	7 8	8 0	18 0	18 0	14 0	19 8	19 8	18 0
Abu	16 0	16 0	12 14	20 8	20 8	20 0	6 0	6 0	6 8	7 8	7 8	7 14	...	...	...	17 0	16 4	15 0
Anadra	18 0	18 0	14 0	23 8	23 8	23 0	6 8	6 4	7 0	8 0	8 0	8 8	...	...	...	19 0	18 8	17 0
Bálmere	16 4	16 0	15 0	...	...	...	5 10	5 8	6 0	9 12	9 8	8 8	...	...	...	36 0	35 8	28 0
Jeysalmere	13 10	13 10	12 14	...	...	...	10 8	10 4	10 0	13 10	12 6	12 15	22 6	22 6	24 0	19 10	21 10	16 2
Hilly Tracts of Meywar	20 0	20 0	18 0	21 0	22 0	23 0	...	...	...	15 0	14 0	15 0	...	...	...	...	...	...
Meywar (Oodeypore)	25 0	24 9¾	15 10	37 8	36 7¼	23 7	8 15½	8 3¼	7 13	...	...	...	...	...	...	...	...	...
Bánswára (Meywar Agency)	30 0	28 12	18 12	...	...	...	10 0	10 0	11 4	18 12	18 12	17 8	...	...	...	...	...	...
Partábgarh (")	26 14	25 2	17 0	...	...	...	10 0	10 0	10 0	12 13	12 15	12 13	...	...	...	...	...	...
Marwar (Jodhpore)	18 8	18 0	16 4	25 0	25 0	21 4	5 0	5 0	6 4	7 12	7 12	7 8	22 0	22 0	20 0	20 0	20 0	17 8
Bikaneer	15 8	14 0	11 0	...	...	...	3 11	3 11	3 8	6 12	6 12	6 0	...	...	...	16 8	16 4	16 8
Boondee	31 0	30 12	24 8	60 0	60 0	40 0	6 8	7 0	9 8	7 0	7 8	10 0	54 8	55 0	38 12	...	...	...
Kotah	31 0	31 0	25 0	40 0	40 0	25 0	6 8	7 0	8 0	7 0	7 8	11 0	47 8	47 8	35 0	18 0	18 0	16 0
Tonk	23 8	23 6	21 0	37 0	36 8	30 8	6 8	7 0	6 6	9 0	8 0	8 8	40 4	39 4	30 12	32 4	30 0	23 8
Jhallawar	28 0	26 12	19 14	43 14	43 14	20 0	...	...	...	11 13	11 13	8 14	45 8	42 11	32 4¼	22 13	17 0	15 13
Shahpoora	24 1	24 0	20 2	28 8	37 8	29 4	7 12	7 12	11 0	10 0	9 12	14 4	32 6	28 12	24 0	20 0	20 0	20 0
Dholpur	18 3	18 2	16 9	30 2	28 4	22 4	9 0	9 0	10 2	10 2	10 2	11 4	36 1	36 1	23 6	31 6	35 0	20 9
Indore	21 8	21 8	16 8	...	...	...	9 3	9 3	9 3	10 0	10 0	10 14	28 3	28 3	22 11	21 0	22 0	18 7
Gwalior	20 8	18 10	17 6	20 9	19 10	24 0	7 5	7 5	7 5	9 0	8 13	9 2	25 9	23 13	23 11	25 5	22 15	19 8
Goona	30 0	30 0	27 0	21 0	21 0	20 0	8 0	8 0	9 0	9 0	9 0	10 0	45 0	45 0	40 0	20 0	20 0	22 0
Baghelkhand (Sutna)	26 0	25 0	26 0	40 0	40 0	42 0	8 0	8 0	7 0	20 0	20 0	17 8	35 0	...	30 0	23 0	18 0	30 0

Districts.	Lesser Millets, Kuri, &c. (Kavara, Verara, Sawee, Cheena, Coraloo, Murhwa, Nuglee), Panicum Miliaceum, &c.			Gram.			Firewood.			Salt. Wholesale.			Salt. Retail.		
	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.	Present fortnight.	Past fortnight.	Corresponding fortnight of 1883.
Bangalore, Kolar, Túmkúr, Mysore, Shimoga, Kadur	...	...	...	...	...	...	...	...	...	...	...	No	return	received.	
Coorg	17 7	26 7	28 4	23 6	21 4	28 12	110 0	110 0	110 0	11 1	11 2	10 5	9 15	9 15	9 10
Jeypore	...	...	...	23 0	24 0	23 0	...	...	...	16 0	16 4	15 0	15 12	16 0	14 12
Kishengurh	...	...	...	25 8	25 8	26 0	...	...	...	...	...	...	16 0	16 0	15 12
Kerrowlee	...	...	...	28 12	25 0	28 2	...	...	...	14 8	14 4	14 4	14 0	14 4	14 0
Ulwur	...	...	...	29 0	26 6	29 0	...	...	...	16 4	16 4	15 7	15 8	15 8	14 12
Bhurtpore (City)	...	...	...	22 14	23 8	22 7	...	...	...	12 4	12 4	12 4	12 0	12 0	12 0
Ajmere	...	...	...	24 8	24 0	25 0	80 0	80 0	80 0	17 0	17 0	17 0	15 0	15 0	15 0
Deoli Cantonment	...	...	...	...	...	...	...	...	...	13 8	13 4	14 0	...	...	...
										R a. p	R a. p. per md.	R a. p			
Erinpura	...	...	...	22 1	22 0	20 10	190 0	190 0	160 0	3 0 4	3 0 4	3 0 3	13 0	13 0	13 0
Sirohee	...	...	...	19 0	21 0	16 0	210 0	210 0	160 0	2 12 0	2 12 0	3 0 0	13 5	13 5	12 5
Abu	...	...	...	18 0	17 12	16 4	160 0	160 0	160 0	3 1 6	3 1 6	3 4 0	13 0	13 0	12 0
Anadra	...	...	...	20 0	20 0	18 8	...	...	...	2 15 0	2 15 0	3 0 0	13 8	13 8	13 4
Bálmere	...	...	...	13 8	13 0	15 0	290 0	280 0	300 0	2 3 3	2 3 3	2 5 0	18 4	18 4	17 0
Jeysalmere	...	...	...	17 10	18 6	20 0	...	...	...	1 9 0	1 9 0	1 9 0	22 0	...	...
Hilly Tracts of Meywar	...	...	...	20 0	20 0	20 0	*	†	‡	4 0 0	4 0 0	3 8 0	10 0	10 0	11 8
										S. Ch.	S. Ch.	S. Ch.			
Meywar (Oodeypore)	...	...	...	25 0	24 3¾	18 5¼	200 0	200 0	200 0	12 9	12 1½	12 8	11 11¼	11 11¼	12 1½
										R a. p.	R a. p. per md.	R a. p.			
Bánswára (Meywar Agency)	...	...	...	37 8	40 0	30 0	...	...	...	3 3 3	...	...	12 8	12 8	11 4
Partábgarh (")	...	...	...	32 0	31 4	21 9	...	...	...	2 5 0	...	...	17 5	17 10	16 4
Marwar (Jodhpore)	...	...	...	23 12	23 12	20 0	90 0	90 0	...	2 6 3	2 5 6	...	16 12	16 12	15 0
										S. Ch.	S. Ch.	S. Ch.			
Bikaneer	...	...	...	20 8	19 8	17 0	...	...	...	...	...	...	11 8	11 8	11 8
Boondee	...	...	...	32 0	42 8	37 0	160 0	160 0	140 0	12 8	11 8	12 8	12 0	11 0	12 4
Kotah	...	...	...	37 0	37 0	32 0	240 0	240 0	240 0	11 8	12 0	13 8	11 0	11 8	13 0
Tonk	...	...	...	30 8	29 12	30 4	80 0	80 0	100 0	14 0	13 8	13 0	13 12	13 4	12 12
Jhallawar	...	...	...	33 8	30 8½	26 2¼	...	...	...	10 12¼	10 3	10 14	10 8	10 0	10 10
Shahpoora	...	...	...	27 0	26 12	25 8	160 0	160 0	160 0	14 8	14 6	14 0	14 4	14 4	13 14
Dholpur	...	...	...	19 6	19 8	23 7	...	...	...	13 8	13 12	13 8	12 10	12 14	12 10
Indore	...	...	...	26 0	25 4	19 3	100 0	100 0	100 0	11 8	11 8	12 0	11 4	11 4	11 6
Gwalior	...	...	...	21 0	18 4	22 12	127 12	127 12	109 8	12 6	12 6	...	11 14	11 14	11 14
Goona	...	...	...	31 0	31 0	36 0	200 0	200 0	200 0	12 4	12 13	12 8	12 0	12 0	12 0
Baghelkhand (Sutna)	...	...	...	31 0	30 0	32 1	160 0	160 0	160 0	11 15	11 15	12 0	11 4	11 12	11 4

* Eight pies per bundle. † Eleven pies per bundle. ‡ Eight pies per bundle.

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

PUBLIC WORKS DEPARTMENT.

IRRIGATION OPERATIONS OF FASL RABI IN THE PUNJAB FOR 1884-85 UP TO 31st OCTOBER 1884.

CANAL DIVISION.	WATER DISTRIBUTED DURING OCTOBER 1884.				NAVIGATION RETURN, CANAL.		LAND IRRIGATED (APPROXIMATE).		RAINFALL.		CHIEF CROPS (APPROXIMATE).		REMARKS.
	Depth in Canal at Regulating Gauge.		Gross Consumption, Cubic Feet per Second.		Principal items of Traffic.								
	Full supply	Actual throughout.	Estimated full supply.	Actual average throughout.	Up.	Down.	Zila.	Acres.	Average.	During month.	Name.	Area in acres.	
Bari Doab Canal. 1st Division	4·9	5·2	3,073·6	1,587	. .	. . .	Gurdáspur	2,535	0·45	. .	Wheat	18,078	On the Bári Doáb Canal there is an increase of 12,338 acres as compared with the corresponding period of the previous year.
2nd Division, Main Branch, Lower	4·6	3·8		1,019	. .	. . .	Amritsar	17,680	0·20	2·2	Barley	89	
2nd do., Lahore Branch	3·0	3·3		680	. .	. . .	Lahore	29,553	0·20	0·7	Mixed grains	1,867	
Passed through Escapes	. .	. .	. . .	113	. .	. . .	. . .	. . .	. .	. .	Miscellaneous.	29,734	
TOTAL BARI DOAB CANAL	. .	. .	3,073·6	3,399	. .	. . .	. . .	49,768	. .	. .	. . .	49,768	
Corresponding period of last year	. .	. .	3,073·6	2,958	. .	. . .	. . .	37,430	. .	. .	. . .	37,430	
Western Jumna Canal. Karnál Division	4·33	0·65	2,546	—756	. .	. . .	Umballa	. . .	0·41	7·27	Wheat	78	On the Western Jumna Canal there is a decrease of 7,992 acres as compared with the corresponding period of the preceding year which is due to the heavy rainfall during the month
Delhi do.	5·70	2·27		45	. .	. . .	Karnál	. . .	0·91	5·48	Barley	. .	
Hánsi do.	9·00	6·05		524	. .	. . .	Delhi	. . .	4·70	. .	Mixed grains	198	
Do. Bulla Head	8·80	3·67		158	. .	. . .	Rohtak	83	0·60	1·60	Miscellaneous	254	
Passed through Escapes	. .	. .	. . .	333	. .	. . .	Hissár	432	. .	0·60	. . .	. . .	
							Jínd	. . .	0·20	0·20	. . .	. . .	
							Bíkaner	15	. .	. .	. . .	. . .	
							Kalsia State	. . .	. .	. .	. . .	. . .	
TOTAL WESTERN JUMNA CANAL	. .	. .	2,546	304	. .	. . .	. . .	530	. .	. .	. . .	530	
Corresponding period of last year	. .	. .	2,546	2,930	. .	35,460	. . .	8,522	. .	. .	. . .	8,522	
Sirhind Canal. Main Line	6·3	3·15	3,000	880	. .	. . .	Ludhiána	361	0·32	0·5	Wheat	1,352	
Abohar Branch	5·2	3·38	1,030	404	. .	. . .	Ferozepore	1,526	0·03	0·3	Barley	13	
Bhattinda do.	4·9	0·3	880	6	. .	. . .	Sirsa	546	0·03	0·2	Mixed grains	86	
Feeders	6·3	2·33	1,090	207	. .	. . .	Faridkot State	922	. .	. .	Miscellaneous.	1,939	
British Escapes	. .	. .	. . .	263	. .	. . .	Nábha State	35	. .	. .	. . .	. . .	
TOTAL SIRHIND CANAL	. .	. .	. . .	880	. .	. . .	. . .	3,390	. .	. .	. . .	3,390	
Corresponding period of last year	. .	. .	. . .	. . .	. .	. . .	. . .	. . .	. .	. .	. . .	. . .	
Inundation Canals. Upper Sutlej Division	. .	. .	. . .	. . .	. .	. . .	Lahore	14,270	. .	. .	Detail not obtainable for want of establishment.	. . .	On the Inundation Canals the increase of 64,351 acres is due to there being a better supply in the rivers and canals than in the corresponding period of the previous year.
Lower Sutlej and Chenab Division	. .	. .	. . .	. . .	. .	. . .	Montgomery	33,710	0·08	1·65		. . .	
Indus Canals Division	. .	. .	. . .	. . .	. .	. . .	Mooltan	156,330	. .	. .		. . .	
Muzaffargarh Canals Division	. .	. .	. . .	. . .	. .	. . .	Dera Ghází Khan	46,550	0·06	. .		. . .	
							Muzaffargarh	185,940	. .	. .		. . .	
TOTAL INUNDATION CANALS	. .	. .	. . .	. . .	. .	. . .	. . .	436,800	. .	. .	. . .	436,800	
Corresponding period of last year	. .	. .	. . .	. . .	. .	. . .	. . .	372,449	. .	. .	. . .	372,449	
PERENNIAL CANALS, GRAND TOTAL	. .	. .	. . .	. . .	. .	. . .	. . .	53,683	. .	. .	. . .	53,688	
Do. corresponding period of last year	. .	. .	. . .	. . .	. .	. . .	. . .	45,952	. .	. .	. . .	45,952	

DEPARTMENT OF FINANCE AND COMMERCE.

SUPPLEMENT TO THE STATEMENT OF PRICES CURRENT OF FOOD-GRAINS FOR THE 1st HALF OF NOVEMBER 1884, PUBLISHED IN PAGES 1666, AND 1667 OF THE SUPPLEMENT TO THE "GAZETTE OF INDIA," DATED 13th DECEMBER 1884.

QUANTITIES PER RUPEE IN SEERS OF 80 TOLAHS.

Provinces.	Districts.	Wheat.			Barley.			Rice.					
								Best sort.			Common.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
RAJPOOTANA.	Jhallawar	26 11½	27 0	18 13	43 14	43 14	20 0	...	...	...	11 11	11 9	8 9

Provinces.	Districts.	Great Millet (Cholum, Jowar), *Holcus Sorghum*.			Bulrush Millet (Cumboo, Bajra), *Penicillaria Spicata*.			Lesser Millets, Ragi, &c. (Kavaru, Varagoo, Sawee, Cheena Coraloo, Murhwa, Nuglee, &c.), *Panicum Miliaceum*, *Eleusine Coracana*, &c.			Gram.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
RAJPOOTANA.	Jhallawar	42 11	42 11	31 12	17 8	17 8	17 1	...	...	...	29 9½	29 6½	24 1

Provinces.	Districts.	Firewood.			Salt.					
					Wholesale.			Retail.		
		Present fortnight.	Past fortnight.	Corresponding fortnight of last year.	Present fortnight.	Past fortnight.	Corresponding fortnight of last year	Present fortnight.	Past fortnight.	Corresponding fortnight of last year.
		S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.	S. C.
RAJPOOTANA.	Jhallawar	...	...	...	10 3½	10 3½	10 7½	10 0	10 0	10 4

DEPARTMENT OF FINANCE AND COMMERCE,
(*Statistical Branch.*)

D. M. BARBOUR,
Secretary to the Government of India.

GOVERNMENT OF INDIA.

REVENUE AND AGRICULTURAL DEPARTMENT.

ABSTRACT SHOWING THE RESULT OF EMIGRATION FROM THE PORT OF CALCUTTA DURING THE MONTH OF OCTOBER 1884.

No. 1.—As to Age and Sex.

	Trinidad.				Surinam.				Total.		Grand Total.
	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	Total.	Proportion of women to men.	Males.	Females.	
Under 2 years	16	14	30	45·04 women to every 100 men.	8	16	24	45·80 women to every 100 men.	24	30	54
From 2 to 10 years	34	25	59		14	13	27		48	38	86
„ 10 to 20 „	98	35	133		83	24	107		181	59	240
„ 20 to 30 „	240	104	344		242	104	346		482	208	690
„ 30 to 40 „	21	7	28		21	12	33		42	19	61
„ 40 to 50 „	4	1	5		1	...	1		5	1	6
Above 50 „	...		...		...	...	...		...	...	...
Grand Total	413	186	599	...	369	169	538	...	782	355	1,137

No. 2.—As to Places whence Emigrants came to Calcutta for embarkation.

	Trinidad Males	Trinidad Females	Trinidad Total	Proportion	Surinam Males	Surinam Females	Surinam Total	Proportion	Total Males	Total Females	Grand Total
Orissa	4	...	4	...	...	...	...	...	4	...	4
Western Bengal	12	6	18	...	17	13	30	...	29	19	48
Central ditto	4	2	6	...	6	11	17	...	10	13	23
Eastern ditto	1	...	1	...	1	...	1	...	2	...	2
Behar	222	115	337	...	92	32	124	...	314	147	461
N.-W. Provinces	128	47	175	...	173	94	267	...	301	141	442
Oudh	33	15	48	...	54	11	65	...	87	26	113
Central India	2	...	2	...	11	4	15	...	13	4	17
Punjab	4	...	4	...	10	4	14	...	14	4	18
Nepal	1	...	1	...	4	...	4	...	5	...	5
Mixed, Madras and Bombay, &c.	2	1	3	...	1	...	1	...	3	1	4
Grand Total	413	186	599	...	369	169	538	...	782	355	1,137

No. 3.—As to Caste and Religion.

	Trinidad Males	Trinidad Females	Trinidad Total	Proportion	Surinam Males	Surinam Females	Surinam Total	Proportion	Total Males	Total Females	Grand Total
Brahmins, high caste	62	11	73	...	68	27	95	...	130	38	168
Hindus { Agriculturists	89	28	117	...	74	16	90	...	163	44	207
Hindus { Artisans	63	30	93	...	75	24	99	...	138	54	192
Hindus { Low castes	140	76	216	...	107	63	170	...	247	139	386
Musulmans	59	41	100	...	45	39	84	...	104	80	184
Christians	...	...	...	...	...	...	...	...	...	...	...
Grand Total	413	186	599	...	369	169	538	...	782	355	1,137

Memo.	M.	F.	Total.
1. Hindus	678	275	953
2. Musulmans	104	80	184
3. Christians	...	...	...
Total	782	355	1,137

C. S. BAYLEY,

Offg. under-Secretary to the Government of India.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ABSTRACT OF THE PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA, ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND REGULATIONS UNDER THE PROVISIONS OF THE ACT OF PARLIAMENT 24 & 25 VIC., CAP. 67.

The Council met at Government House, on Friday, the 19th December, 1884.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.P., G.C.B., G.C.M.G., P.C., F.R.S., D.C.L., G.M.S.I., G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of Bengal, C.S.I., C.I.E.
His Excellency the Commander-in-Chief, G.C.B., C.I.E.
The Hon'ble J. Gibbs, C.S.I., C.I.E.
Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.
The Hon'ble C. P. Ilbert, C.I.E.
The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.
The Hon'ble T. C. Hope, C.S.I., C.I.E.
The Hon'ble Sir A. Colvin, K.C.M.G.
The Hon'ble J. W. Quinton.
The Hon'ble T. M. Gibbon, C.I.E.
The Hon'ble R. Miller.
The Hon'ble Amír Alí.
The Hon'ble W. W. Hunter, LL.D., C.S.I., C.I.E.
The Hon'ble H. J. Reynolds.
The Hon'ble Peári Mohan Mukerji.
The Hon'ble H. St. A. Goodrich.

In opening the Proceedings at the Council, His Excellency the PRESIDENT made the following remarks:—

"YOUR HONOUR AND GENTLEMEN:—I cannot take my seat for the first time at this Council Board without desiring to express to you the extreme satisfaction which I feel in being associated with so many distinguished persons in the government of this great dependency. I feel that for a very long time I must be little more than a learner in regard to the details of many of those important questions which will come up before us from time to time. But it makes me happy to think that I shall have for my colleagues and advisers men so thoroughly acquainted as yourselves with everything that is connected with the administration of India, and in whom both Her Majesty's Government and the general public possess such confidence. I only hope that I, on my side, will be able to do what is incumbent upon me for expediting the public business to your satisfaction."

CARRIAGE OF PASSENGERS BY SEA BILL.

The Hon'ble MR. ILBERT introduced the Bill to amend the law relating to the carriage of passengers by sea, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Reynolds, Miller and Goodrich and the Mover.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Fort St. George Gazette*, the *Bombay Government Gazette*, the *Calcutta Gazette* and the *British Burma Gazette* in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

TARIFF ACT, 1882, EXCISE ACT, 1881, AND BENGAL EXCISE ACT, 1878, AMENDMENT BILL.

The Hon'ble SIR A. COLVIN introduced the Bill to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend the Excise Act, 1881, and the Bengal Excise Act, 1878, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Gibbs and Ilbert, Rao Saheb Vishvanath Narayan Mandlik, the Hon'ble Mr. Goodrich and the Mover.

The Motion was put and agreed to.

The Hon'ble SIR A. COLVIN also moved that the Bill and Statement of Objects and Reasons be published in the local official Gazettes in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

STRAITS SETTLEMENTS EMIGRATION ACT, 1877, REPEAL BILL.

The Hon'ble SIR STEUART BAYLEY moved that the Bill to repeal the Straits Settlements Emigration Act, 1877, and to amend the Indian Emigration Act, 1883, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble SIR STEUART BAYLEY also moved that the Bill be passed. He said:—

"When I obtained leave in October last to introduce the Bill that is now before the Council, I explained at some length the historical aspect of the case, and the reasons which led the Government of India to think that the time had come for repealing Act V of 1877, and leaving emigration from Madras to the Straits Settlements perfectly uncontrolled on the Madras side, while relying on the protection to be afforded by the Straits Government to the emigrant after his arrival. I need not go over this ground again; it will be sufficient to repeat that the Act refers solely to Madras; that emigration has been free over the rest of India since 1872, but practically, except from Madras, there has been little or no emigration to the Straits; that the Act itself was a compromise between the free emigration which the Straits authorities desired and the general system of State emigration which obtains with other colonies; that there was a conflict of law between this Act and the Straits legislation, the latter providing for the recovery of advances made to the emigrant before leaving India, while the former declared all contracts for the recovery of such advances to be null and void; and that as a matter of fact the Act had been a failure, for it appeared that of the total number of Natives of India emigrating to the Straits less than a quarter were registered and protected under this Act, while the other three-quarters went over nominally as free passengers, though to a great extent assisted by advances from the labour-contractors.

"I explained that when Act V is repealed the only restriction on emigration on this side of the water will be that emigrants will be registered by the Emigration Officer, and a complete nominal roll prepared by him will be conveyed by the commanders to the Straits authorities, and that the emigrant will make his contract after arrival at the Straits before the Emigration authorities of that Government: I added that the protection provided for in the Ordinance framed by the Straits Government appeared to us and to the Madras Government to afford sufficient protection and was framed to a great extent on the lines of our own protective legislation.

"That Ordinance has now been passed into law by the Straits legislature, and the Government of the settlement are urgent in asking us to lose no time in repealing the Act of 1877.

"I may mention that the Ordinance did not pass into law unopposed in the local legislature. There are certain provisions in the Ordinance which were considered to interfere unduly with the liberty of the subject, and which were not only opposed in the legislature but have been made the subject of remonstrance to the Government of Madras. The object of these provisions is to pre-

vent the free emigration to the Straits being made a cloak for the purpose of evading our law by means of transhipping emigrants from the Straits to other places, such as the Dutch Settlements, with which we have no convention, and to which emigration from India would be illegal, and where the Indian coolie would be unprotected.

"It was clearly incumbent on the Straits Government to prevent this, and they have loyally carried out the obligation, though at the cost of some difficulty in passing their Ordinance, and the Government of India are bound to express their gratitude for the consideration herein shown to their wishes.

"The Bill now before the Council is, as I said before, exceedingly simple in its provisions. It has been circulated to all the Local Governments and Administrations. The Madras Government have expressed themselves fully satisfied with it, and the other Governments, with one exception, have also approved it, Sir Charles Aitchison from the Punjab expressing an emphatic approval of the principle of freeing emigration from all restrictions before departure, and trusting to protection after arrival. There is, however, one exception. From the Government of Bengal have come certain objections, but the letter explaining those objections (Paper No. 10 to the Bill) is, as will presently be seen, written under a misapprehension. The misapprehension, I ought to explain, is probably due to some correspondence with the Revenue Department, which took place in April last, before the action to be taken was finally settled with the Madras Government, and in which His Honour the Lieutenant-Governor was consulted as to the expediency of extending to Bengal certain regulations which the Straits Government proposed as sufficient, in conjunction with their own Ordinance, for regulating emigration from Madras. None the less the letter is written under a misapprehension. The Government of India do not, as supposed by the Government of Bengal, propose substituting any legislation for Act V of 1877, much less do they propose to apply such legislation to Bengal, and the only executive control which they propose to exercise is to cause the nominal roll, which is already required by the Native Passenger Ships Act, to be prepared by the Emigration Officer and to be delivered by the commander of the vessel to the authorities of the Straits.

"This of course touches only the form of the objection. The substance of the objection is to the fact of our recognising in any way the system of recovering advances which is provided for in the Straits Ordinance. Now, this system is one which we do not recognise, as the Government of Bengal rightly observe, in our dealings with emigration to other colonies. It is undesirable that in colonies where at the best the Indian emigrant is not only a stranger in a strange land, but very helpless in the hands of the employer-class, that he should start under the burthen of a load of debt; and in these colonies the supply of Indian emigrants has been such an urgent necessity for the welfare of the colony that we have been able to insist on a different system being adopted. That system is that the coolie before leaving India enters into a contract not with a particular employer but with the Colonial Government through their agent here. The Colonial Government pay all his expenses from the moment of his recruitment up to the time of his arrival at the colony from the general revenues, and we look to them to carry out the terms of the agreement as against any subsequent employer. In other words, these advances are made in those cases not by the individual employer but by the Colonial Government. Of course, in the long run these advances have to come out of the coolies' wages in some shape or another. It may take the shape of a lower rate of pay, or, as in Assam, of a longer indenture, than would otherwise be insisted on; but we may be assured that in some shape or another the colony recoups its expenditure from the labour fund ultimately, though by the method adopted the first payment comes out of the pocket either of the tax-payers in general or of a special class. The case of the Straits, however, is different, and it is different in two ways. In the first place, owing to other sources of labour-supply being open to them, the Indian element is not of such urgent importance to the colony as to justify their maintaining a system of State immigration out of the general revenues, and they have always steadily refused to do so; on the other hand, a system of free emigration has been going on between the Madras Coast and the Straits ever since the beginning of the century, and the settlers from Madras

form a strong and important element in the community, quite capable of looking after themselves and protecting their countrymen. In other words, we have neither the only lever wherewith we could move the Straits Government to adopt the colonial system, nor is there the same necessity for it there as elsewhere. As I have already observed, Act V of 1877 was intended to stop the system of emigration under advances by rendering the recovery of such advances illegal. The result has been that four-fifths of the emigration to the Straits have evaded the restrictions of the law, and have gone on unregistered and unprotected as well as unhampered by that Act. It is in consequence of the entire failure of the Act in this respect that we have now before us, with the full acceptance of the Madras Government, the proposal to repeal the Act and to rely on protection in the colony rather than on restriction at the place of departure.

"So much for Madras; now what is the position of Bengal in regard to this question? Since 1872 there has been no legal restriction whatever on emigration from Bengal to the Straits. Act XIV of 1872 empowered the Government to exempt by notification the Straits Settlements from all its provisions, and in June of that year a notification to this effect was accordingly issued. If any emigration has taken place between Bengal and the Straits during the past fourteen years, it has been perfectly free, and there has been no interference with the power of the Straits Courts to order the recovery of advances. There has been a legal power to rescind that notification, but no one has ever asked that it should be rescinded; and why? The real reason is to be found in the simple fact that there has practically been no emigration from Bengal to the Straits. Of course, such a system may hereafter grow up, but at present, so far as I can learn, there are no signs of it. Under the Act which was passed last year, but which has not yet come into force, for regulating emigration to the colonies, the Straits Settlements are expressly excluded in the definition; in other words, no restriction is placed on emigration to those Settlements, but the Act gives power to the Government to extend the provisions of Act V of 1877 to other parts of India. At that time it was uncertain whether the Madras Act would be amended or repealed, but, as was explained at the time, there was no intention whatever of extending the Act as it stood to other parts of India. In any case fresh legislation would have had to be resorted to if it were desired to control emigration from Bengal to the Straits. The repeal, then, of Act V of 1877 leaves the position *quoad* Bengal exactly where it was, and the objections of His Honour are really of a theoretical rather than of a practical nature. The question he asks is, in effect, 'If there were emigration from Bengal, would it be right to regulate it on the same lines as those on which emigration from Madras is regulated?' I think for our present purpose it is scarcely necessary that I should try and find an answer to this question. I may, however, venture to assure the Lieutenant-Governor on the part of the Government of India that we recognise a distinction between the circumstances which surround a Madras coolie at the Straits and those which would surround a Bengali coolie, and if emigration between Bengal and the Straits should receive an important development it will be open to him to propose a stricter method of regulating it, and that any measure which he proposes will receive the fullest consideration.

"Before leaving off I may explain exactly what the recognition of the system of advances amounts to. The immigrant comes under contract after arrival at the Straits before the Indian Immigration Agent. He is specially warned (section 27 of the Ordinance) that no contract unless so made is valid. Section 13 provides that this officer shall, before entering in the contract-deed the amount advanced, satisfy himself that it has really been paid in full to or on account of the emigrant. Then section 42 limits the entire amount which can be recovered to 12 dollars, and the instalments in which it can be recovered to one dollar a month. The minimum wages are 3·60 dollars a month, so that the deduction cannot be more than about 25 per cent. on a man's average earnings for a year. This completes all I need say on the subject; and apologising for the length at which I have occupied your attention,—a course which my respect for the objections offered by so high an authority as the Lieutenant-Governor of Bengal seemed to render incumbent on me,—I have only to express my hope

that the Bill may be passed, and that the system of free emigration, which has already been extended to Burma, may prove successful in the Straits."

His Honour THE LIEUTENANT-GOVERNOR said :—" My Lord, before your Excellency puts to the Council the question that this Bill be passed, I would ask to be allowed to make a few observations with reference to the remarks which have fallen from my hon'ble friend in charge of the Bill; and more especially from the fact that I find that I am referred to as the one solitary exception among many great authorities who have taken no objection to the proposals of the Government of India. I may say at once that I do not now intend to raise any question as to whether this Bill should or should not be passed, or to delay in any manner the carrying of the Motion which is to be put to the Council. The Act which it is proposed to repeal is an Act of this legislature passed in the year 1877, and, as Sir Steuart Bayley has said, applies exclusively to the Presidency of Madras. As that Act has now become obsolete from circumstances which have made its retention on the Statute-book clearly not necessary, it does not concern the Bengal Government whether it remains on the Statute-book or whether it be repealed. The fact is that emigration from the Madras Presidency to the Straits Settlements has been going on, I believe, from the commencement of the present century. A large Madras population is, therefore, collected in the Straits Settlements for the purpose of labour, and all attempts which have been made by the Government of India to restrict that emigration to the same system under which emigration generally is carried on to the colonies have been found abortive. I find from the papers that since 1877, while only 4,500 emigrants have passed out from Madras to the Straits Settlements under the operation of the Act, not less than 25,000 have gone outside of it. The reasons for this, amongst others, are, I believe, that there are two French ports within the limits of the Madras Presidency, and whatever attempts the Government might make to control and supervise emigration from Madras are frustrated, where objections are taken to those restrictions, by coolies being taken from our own districts to ports of embarkation in French territories; and then they are absolutely beyond the control of either the Government of Madras or the Government of India. The necessity, therefore, for a repeal of the law became obvious from the fact that free and unrestricted emigration was going on from Madras to the Straits Settlements, and as far as the mere repeal of the Act I have nothing to say. But it is in the circumstances which are connected with the repeal of the law and which have reference rather to the executive arrangements which the Government of India have made with the Straits Settlements that the matter deserves attention. When the question was referred to me as Lieutenant-Governor of Bengal, whether I had any objection on my part to the extension of similar arrangements as had been concluded between Madras and the Straits to this part of India, I thought it my duty to take exception to the Ordinance of the Straits Settlements which relates to the regulation of emigration to that colony. Under the operation of the general Emigration Act which was recently passed, it is known to the Council that the greatest strictness is enforced as regards all circumstances connected with the recruitment, registration and deportation of labourers going from any part of India to the colonies. We insist upon the certificate of the recruiter being produced in the recruitment district, and the registration of those who intend to emigrate before the local authorities of that district. We regulate their being brought down to Calcutta to emigration-depôts in this city; we insist as a primary condition that there shall be no kind of advances made to the coolie, that he fully understands his contract before he leaves the country, and that he leaves it unshackled by any debts. These general conditions under which emigration is directed are the outcome of a great many years of consideration, discussion and experience. Nothing has been so strongly insisted upon in my recollection of the subject when I was connected with the Government of India than that no system of advances should be tolerated. When, therefore, it was put before me that emigration from Bengal to the Straits might be allowed on the open system under which advances were permissible, I thought I was bound to take the exception which my former experience of the subject justified me in taking. The obvious reasons as regards these objections are, that, in

the first place, we have now some thirteen colonies competing in the labour-markets in Bengal for coolies to emigrate to their respective colonies, and they all work under a system which does not recognise the two provisions to which I have referred. Now, if the recruiter from the Straits Settlements is to arrive in Bengal authorised to recruit, and free from all those conditions as to registration and other restrictions which the general law imposes, and is to go into the interior of the country with money to induce labourers to accompany him, not only would he probably succeed from the fact that the people of Bengal are very credulous, and are ready to take money from everybody who offers it to them, completely indifferent as to the circumstances or conditions under which they take it, but he would be enabled to take away labourers, ignorant of the terms of their contracts and bound by a load of debt which may be increased by claims for clothing, food and other things after their arrival at their destination. The Bengali emigrant would thus be in a very unsatisfactory position. Then, again, if the Straits Settlements recruiter is empowered to advance money, he is very favourably circumstanced as compared with recruiters for other colonies; and it would come to pass, I have no doubt, in a very short time, that, if we allow this system to arise in Bengal with regard to the Straits Settlements, we shall find the Emigration Agents in Calcutta, for Mauritius, the West Indies and different places claiming to be placed in the same condition as the favourably constituted Straits Settlements recruiter; and I don't know how we should be able to resist their claim. Therefore, I am sure the practice would grow; and, as the system has been condemned as a bad and a mischievous one, I felt, when I was asked whether the proposal was applicable to Bengal, that I was bound to oppose it as one which it was not desirable to encourage in this Presidency. There are other objections, to one of which my hon'ble friend has already alluded, namely, that a coolie going from Bengal is going among a strange population; and if the Straits Settlements authorities understand that under the arrangements recently made with them, they are at liberty also to come to Bengal and carry out a procedure which may be quite right and reasonable with regard to the Madras Presidency, from the fact that emigration from Madras has been going on for half a century or more, we are absolutely without any kind of protection, and may ultimately see a system grow up which is altogether objectionable. Therefore, I am very glad to receive the assurance, which my hon'ble friend now gives me, that, if such a state of things should arise, I should have a right to appeal to the Government of India to afford me that legislative protection as regards emigration from Bengal to the Straits Settlements which is necessary to make it consistent with the general principles which govern emigration to the Colonies."

The Hon'ble MR. ILBERT said :—"I understand the law and facts of the matter to be shortly these. At present there is no law regulating emigration from Bengal to the Straits Settlements, and no emigration to which such a law, if it existed, would apply. There is a law regulating emigration from Madras to the Straits, and there is on our Statute-book a provision enabling the Government by executive order to apply that Act to other parts of India, including Bengal. As I was in charge of the measure which contained the provision giving that power, perhaps I might be allowed to remind the Council of the reasons I then gave for its insertion. I then said :—

'The Indian emigration to that colony takes place, I believe, exclusively from the Madras Presidency, and is at present regulated by a special Act (V of 1877) which applies only to that Presidency. We are now engaged in negotiations with the Government of the Straits Settlements, which will, I hope, before long enable us to repeal this Act and to make emigration to that colony entirely free. But in the meantime, and as a temporary measure, we have thought it expedient to take power to extend the Act to other parts of British India, in case it should be found necessary to regulate emigration from Calcutta to the Straits. I do not in the least anticipate that the Act will be found necessary, because I believe that no such emigration takes place, or is likely to take place.'

"We are now in a position, with the full approval of the Straits Settlements Government and the Government of Madras, to repeal the Madras Act, and as to Bengal I feel sure the Council will be of opinion that our proper

urse is to wait until the necessity for legislation has been shown to exist, nd then to adopt such measures for regulating emigration and protecting nigrants as the actual facts may show to be necessary."

The Motion was put and agreed to.

BURMA STEAM-BOILERS AND PRIME-MOVERS ACT, 1882, AMENDMENT BILL.

The Hon'ble MR. ILBERT presented the Report of the Select Committee n the Bill to amend the Burma Steam-boilers and Prime-movers Act, 1882.

The Council adjourned to Friday, the 2nd January, 1885.

FORT WILLIAM;
The 26th December, 1884.

D. FITZPATRICK,
Secretary to the Government of India,
Legislative Department.

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